

LEGISLATIVE ASSEMBLY

Wednesday 14 November 2012

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

The Speaker read the Prayer and acknowledgement of country.

BAIL AMENDMENT (ENFORCEMENT CONDITIONS) BILL 2012

ROAD TRANSPORT (GENERAL) AMENDMENT (PRIVATE CAR PARKS) BILL 2012

Bills received from the Legislative Council, introduced and read a first time.

Second readings set down as orders of the day for a later hour.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) BILL 2012

Second Reading

Debate resumed from 23 October 2012.

Mr PAUL LYNCH (Liverpool) [10.12 a.m.]: I lead for the Opposition on the Electronic Conveyancing (Adoption of National Law) Bill 2012, although I note that the member for Maroubra is the relevant shadow Minister. The Opposition does not oppose this bill and I think it is fair to say that for some time it has had a broad degree of support across the community and on a bipartisan basis for its concepts. However, there are some arguments about the implementation of some of the detail to which I will advert shortly. The object of the bill is to enact the Electronic Conveyancing National Law, which is set out as an appendix to the bill. The national law forms the basis for a national scheme for the electronic lodgement and processing of conveyancing transactions. The object of the national law is to promote efficiency throughout Australia in property conveyancing by providing a common legal framework that:

- (a) enables documents in electronic form to be lodged and processed under the land titles legislation of each participating jurisdiction ... but
- (b) does not derogate from the fundamental principles of the Torrens system of land title as incorporated in the land titles legislation of each participating jurisdiction, such as indefeasibility of title.

Certainly those of us who have the slightest acquaintance with conveyancing will know the significance of the Torrens system: it is essential to give certainty to land ownership—and it has been a significant achievement over a very long time in this country—and certainly gives a great deal more certainty than old traditional common law methods of searching out titles. To achieve that object the national law, amongst other things, authorises the registrar in each participating jurisdiction to operate or authorise the operation of an electronic lodgement network, and provides for the making of rules relating to the operation of that electronic lodgement network. The jurisdictions that are proposed to participate in this under the national law are obviously New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory.

National electronic conveyancing is intended as a business solution for the preparation and lodgement of documents with land registries in the various States and the electronic transfer and settlement of real property transactions. The decision to introduce a national system for electronic conveyancing was mandated by the Council of Australian Governments as part of the National Partnership Agreement to Deliver a Seamless

National Economy in 2008. Stakeholder consultation has been conducted nationally on this issue since 2004. In 2009 Clayton Utz undertook extensive stakeholder consultation as part of the development of the legal framework for national electronic conveyancing.

The savings associated with the national electronic conveyancing have been estimated to exceed \$580 million over the next 20 years, according to the Australian Registrars National Electronic Conveyancing Council. In July 2012 a consultation regulation impact statement was distributed nationally and comments were sought. New South Wales has agreed to host the Electronic Conveyancing National Law and this bill fulfils that agreement. One aspect of the bill is that it provides for the digital signature of electronic documents by "subscribers" to the electronic network. Those subscribers will be lending institutions and also solicitors and licensed conveyancers acting on behalf of their clients. Clause 12 of the bill sets out the circumstances when a subscriber will be able to repudiate or deny a digitally signed document that can be done any time prior to settlement of a conveyancing transaction. That provision has attracted some criticism from the Law Society of New South Wales.

The national law also allows the Registrar General to set rules that are to be called "Participation Rules", which will be common to all persons and bodies who wish to avail themselves of the electronic conveyancing system. It is envisaged that these will be set on a nationally consistent basis by the Australian Registrars National Electronic Conveyancing Council. The bill also provides the Registrar General with the powers to monitor the operation of electronic conveyancing and to check compliance with the rules of the system. Earlier I adverted to some of the controversy surrounding the bill as introduced. The Law Society sent to the State Opposition copies of material it has sent to the Minister for Finance and Services, who has carriage of the bill in the Legislative Council. On 18 October 2012 the Law Society wrote to the Minister and noted:

The Law Society has for many years supported the creation of an electronic conveyancing system, anticipating benefits and efficiencies for all participants in the conveyancing process and the community at large ...

The Committee is concerned that the Bill has been introduced in to the New South Wales Parliament while several fundamental issues have not yet been satisfactorily resolved, such as the problematic drafting of the attribution rule, the failure of the Bill to address financial settlement and the definition of "digital signature".

The Committee considers that the current form of the attribution rule, in particular the basis upon which a subscriber can repudiate the subscriber's digital signature as set out in clause 12(4) is confused and unworkable. (The attribution rule is contained in the Appendix to the Bill, *Electronic Conveyancing National Law* at clause 12.)

This issue of attribution is critical in determining whether legal practitioners are being asked to accept uninsurable risks in participating in electronic conveyancing. Until this issue is resolved the Committee is unable to support the Bill.

Further, the letter notes:

The Committee appreciates—

That is the relevant Property Law Committee of the Law Society—

... that the Bill is being introduced to facilitate the proposed rollout of the first release of the electronic platform in the second quarter of 2013.

I think the committee is conceding that it understands why the bill is being introduced. However, it is concerned about the current form of the bill and requests that the introduction of the bill be delayed. Clearly the Government has not adopted that position. I ask for a response from the Minister to those concerns. Certainly as time goes by the Opposition, whilst entirely supportive of the general concept, will be interested to learn how those issues are resolved and whether the complaints of the Law Society can be dealt with. It seems to me clear that everyone is interested in getting the principle up but it seems a little bit difficult if some of the major practitioners in the field think there are some impracticalities with it. I invite a response to those concerns and look forward to monitoring that position as time goes by. The Opposition does not oppose the bill.

Mr MARK SPEAKMAN (Cronulla) [10.19 a.m.]: I support the Electronic Conveyancing (Adoption of National Law) Bill 2012, the object of which is to enact the Electronic Conveyancing National Law. The national law forms the basis for a national scheme for the electronic lodgement and processing of conveyancing transactions. The object of the national law is to promote efficiency throughout Australia in property conveyancing by providing a common legal framework that does two things: firstly, it enables documents in electronic form to be lodged and processed under the land titles legislation of every participating jurisdiction; but, secondly, it does not derogate from the fundamental principles of the Torrens system of land title as incorporated in the land titles legislation of each participating jurisdiction, such as the indefeasibility of title. To

achieve this object, the national law will, among other things, authorise the registrar in each participating jurisdiction to operate or authorise the operation of an electronic lodgement network, and provides for the making of rules relating to the operation of the electronic lodgement network.

On 1 January 2013, the Torrens system of land titles will be 150 years old. Australia is the home of the Torrens system of land titles. That system provides certainty of title to land and relieves people who intend to purchase land from the task of undertaking expensive investigation of the history of land to satisfy themselves of the validity of title. That was formerly the case under what is referred to as old system conveyancing. Conveyancing under the Torrens system is faster, simpler and much cheaper than under the old system. Typically, conveyancing costs on a parcel of Torrens land are less than half the conveyancing fees that would have been charged if the same land were held under the old system. Almost all old system land in New South Wales has now been converted to the Torrens system.

The national law forms a basis of a national scheme for the electronic lodgement and processing of conveyancing transactions in Australia. Once enacted in New South Wales, other participating jurisdictions will either adopt the national law or enact their own corresponding legislation. The Electronic Conveyancing National Law is being introduced on the eve of the 150th anniversary of the introduction of the Torrens system and will provide the most significant advancements to conveyancing in Australia since the introduction of that system. There are potentially very significant efficiency gains to the Australian economy from conveyancing through the national law. Annually in Australia, \$280 billion worth of property transactions are registered and approximately 28 per cent of those are in New South Wales.

To achieve its objectives, the national law authorises the Registrar General to authorise the operation of an electronic lodgement network and provides for the making of rules relating to the operation of that network. The network will be a web-based hub for parties to a conveyancing transaction by which to prepare and lodge documents for registration with the Registrar General. The network also will facilitate the financial settlement of electronic conveyancing transactions, but this aspect of the operation of the network is not mentioned in the national law and is subject to existing regulatory oversight by the Reserve Bank or the Australian Securities Investment Commission. The national law authorises the lodgement and registration of electronic land transactions.

The national law specifically provides that electronic land transactions have the same validity as if they had been conducted on paper. This supplements the Electronics Transactions Act, which is specifically excluded from applying to conveyancing transactions. The national law provides for the digital signing of electronic documents by subscribers to the electronic lodgement network. Subscribers include lending institutions acting on their own behalf and solicitors and licensed conveyancers who are acting on behalf of their clients. It is not economical for every individual to obtain a digital signature certificate for a single transaction, so the national law provides for solicitors and conveyancers to be authorised to digitally sign documents on behalf of their clients and to generally conduct the transaction electronically. This authority will come from a client authorisation that is provided for in the national law. Currently the form of that is being finalised jointly by interested parties and stakeholders.

Clause 12 of subdivision 2 sets out when a subscriber will be able to repudiate or deny a digitally signed document. Clause 12 provides that when a subscriber's digital signature is created for a document the other parties involved in the conveyancing transaction and the Registrar General can rely on that signature and assume that it has been created by the subscriber. It is fundamental to a successful electronic conveyancing system that parties are able to rely on digitally signed electronic documents and are able to assume that a digital signature is correct and has been properly authorised, unless a subscriber establishes otherwise. Clause 12 (4) states that for repudiation of a digital signature to be effective the subscriber must establish that neither they nor an employee, contractor, agent or officer, with authority to create his or her digital signature, digitally signed the document. They must also show that the creation of this digital signature was not enabled by a failure to comply with the participation rules, or a failure to take reasonable care with respect to the security of the digital signing credentials.

The national law provides that it is up to the subscriber to establish the elements of clause 12 (4) to repudiate a digitally signed document, so there is a presumption that a document that has been digitally signed is correct and properly authorised, unless a subscriber establishes otherwise. Clause 12 does not require the subscriber to establish positively the identity of the person who purportedly created their digital signature on the particular document in question. They need only establish that neither they nor an authorised employee or agent signed the document. If prior to settlement a subscriber discovers that their digital signature credentials have

been improperly used to digitally sign or to alter a document, they may, and in fact will be required, to un-sign the document and immediately notify the appropriate authorities, including the certification agency for the digital signature credentials.

The Registrar General is authorised under the national law to approve an operator of an electronic lodgement network, which is an electronic system that enables the preparation and lodgement of electronic conveyancing transactions with the Registrar General. The Registrar General can also set operating requirements that must be met by any operator of an electronic lodgement network. To maintain national consistency across participating jurisdictions, a single set of requirements is being developed for all jurisdictions by the Australian Registrars National Electronic Conveyancing Council. The national law allows the Registrar General to set participation rules that must be complied with by users of electronic conveyancing. The operating requirements and participation rules will be set on a nationally consistent basis by the Australian Registrars National Electronic Conveyancing Council.

The national law provides the Registrar General with important powers to monitor the operation of electronic conveyancing and to check that operators of an electronic lodgement network are complying with the operating requirements, as well as ensuring that subscribers, who are the users of the network, are complying with the participation rules. Clause 20 of the bill gives the Registrar General power to revoke or suspend in certain circumstances an operator's approval to operate a network. Clause 26 allows the Registrar General to exclude from using the network a subscriber who fails to comply with the participation rules. Clause 28 provides extensive rights of appeal against decisions made by the Registrar General. The national law also contains an extensive interpretation schedule to make sure that its provisions are interpreted consistently across the participating jurisdictions.

The Council of Australian Governments has been committed to creating a national electronic conveyancing system. The bill represents a major step being taken towards fulfilment of that commitment. If enacted, this proposed legislation will result in cost savings and efficiency gains for all participants in our conveyancing system. Moreover, the electronic conveyancing system is expected to be more secure than a paper-based system. Risk mitigation arrangements in electronic conveyancing, such as a national verification of identity framework that will be provided in the participation rules, should also reduce property fraud and the overall exposure to liability of stakeholders in conveyancing. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [10.28 a.m.]: I support the Electronic Conveyancing (Adoption of National Law) Bill 2012, which gives effect to a commitment that was made in 2008 by the Council of Australian Governments to create and implement a national electronic conveyancing system in Australia. The bill gives effect to that commitment by providing the legislative basis for the creation of a national system of electronic conveyancing for use across Australia. Conveyancing is the legal process of dealing with interests in land, such as transferring, leasing and mortgaging those interests. Australia has a paper-based conveyancing process that is based on the benefits of the Torrens title system, which is one of the best title systems in the world. I say it is paper-based even though participants are able to use computer systems to generate forms because those forms must be printed, signed and taken to a physical meeting between the parties where documents and cheques are exchanged in order to settle a transaction. Those documents are then manually lodged with the Land Registry.

While this system works very well, the introduction of electronic conveyancing will streamline the process and allow significant cost savings for parties. One of the most complained about aspects of the current system is the time spent on the telephone trying to arrange a mutually satisfactory time and place for everyone to meet, exchange documents and settle the transaction. Parties also need to allow time to travel and find each other in often crowded settlement rooms at the appointed time. As many as 30 per cent of settlement meetings have to be rearranged because documents or cheques are unacceptable or parties are unavailable at the last minute. All of these matters add significant cost and time to the process of completing a conveyancing transaction. That will all change with the introduction of this bill.

The bill introduces the electronic conveyancing national law in New South Wales as the first step in providing a national common legal framework for electronic conveyancing. In this context, the term "electronic conveyancing" refers to the ability to prepare and lodge real property transactions and associated documents for registration electronically rather than manually and for those documents to be in electronic form rather than paper form. This will end all those frustrating phone calls and running from settlement to settlement to ensure that the day's transactions are completed and people can move into their new homes and realise the great

Australian dream. This will put an end to the fear that a settlement might fall over at the eleventh hour leaving people frustrated and stranded, with their belongings packed into removal trucks, because they cannot take possession of the key to move into their new homes.

Electronic conveyancing will allow all parties to work cooperatively within a shared electronic workspace with unprecedented visibility of the documents that will give effect to the transaction. Having documentation prepared and available electronically will allow land registries to provide new compliance products to parties in a conveyancing transaction. This will give them a high level of assurance that the documents are acceptable for lodgement at the Land Registry. Electronic lodgement is not a novel idea. A number of other jurisdictions, including New Zealand, Canada, Ireland and Scotland, use electronic conveyancing systems. The United Kingdom also has a type of electronic lodgement for the discharge of mortgage.

The system proposed in Australia has a high level of transparency for parties and uniquely includes a facility to settle the financial aspects of the transaction in addition to the preparation and lodgement of documents. It will be a true electronic conveyancing system rather than just a system of electronically lodging documents with the Land Registry. This has the potential for much greater savings to the conveyancing industry. The electronic conveyancing national law will allow much greater conveyancing efficiencies than are possible in the current cumbersome and inefficient manual conveyancing process. This is essential given the value and importance of conveyancing to the Australian economy. Conveyancing is a \$280 billion per annum business nationally and comprises about 26 per cent of Australia's gross domestic product.

The use of electronic conveyancing will not be mandatory. People will be given the option to continue to use the current paper-based conveyancing system or to use the new national electronic system and take advantage of the cost savings that will provide. Nor will the introduction of electronic conveyancing change the fundamental principles of the Torrens system which make it so secure for landowners, such as, indefeasibility and the State guarantee of title. The bill facilitates a system of national electronic conveyancing by authorising the registrar in each participating jurisdiction to operate or to authorise an entity known as an "operator" to operate an electronic lodgement network. A network is a web-based hub where the system's users, called "subscribers", can electronically complete and lodge documents for registration. It also provides for the making of rules regarding the provision and operation of the network and the operation of an operator, known as "operating requirements", and for rules about the use of the network, known as "participation rules".

The bill contains an important provision aimed at giving people involved in a conveyancing transaction and the Registrar General confidence in the authenticity of a digital signature by allowing them to rely on a digital signature on a document unless it has been repudiated. Repudiation of a digitally signed document can occur only in accordance with the provisions of the law, although before a transaction is settled the parties can unsign a digital signature at any time. The limits on the ability for a subscriber to repudiate a digital signature are no more onerous than the limits on repudiating a signature affixed to a paper document. For this reason, professional indemnity policies should cover any liability imposed on solicitors and conveyancers under electronic conveyancing arrangements in the same way they are presently covered.

This common-sense bill introduces a process to make it so much easier for Australians to realise the great Australian dream. When the O'Farrell Government won office in March 2011 it talked extensively about introducing systems, processes and common-sense policies to make it a pleasure for the people of New South Wales to do business, whether with the Government or, in this instance, in relation to conveyancing. The Electronic Conveyancing (Adoption of National Law) Bill follows on from that commitment and it also gives effect to the commitment made in 2012 by the Council of Australian Governments to create and implement a national conveyancing system. Any measure that makes it easier for Australians to own their own home is a good thing. I am pleased to support this bill and the introduction of the national system of electronic conveyancing that it will make possible. I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) [10.37 a.m.]: I too support the Electronic Conveyancing (Adoption of National Law) Bill 2012. I congratulate the Minister for Finance and Services in the other place on introducing the bill. The New South Wales Torrens title system is one of the best land titling systems in the world. Appropriately, this legislation will become law on the eve of its 150th anniversary. The national law forms the basis of a national scheme for the electronic lodgement and processing of transactions in Australia. This will promote greater efficiency in conveyancing in Australia by providing a proper legal framework to facilitate the preparation, lodgement and processing of documents in an electronic format. In Australia each year some \$280 billion is spent in property transactions, making it a significant sector in our national economy, and approximately 28 per cent of those transactions are in New South Wales.

The National Electronic Conveyancing Scheme is the overarching authority under which provisions of this bill will operate. It aims to deliver a truly national e-conveyancing system, with a single point of entry operating in each jurisdiction. In March 2008 the Council of Australian Governments [COAG] committed to the development of the scheme. Subsequently, the Queensland and Victorian governments have set in motion provisions to accelerate the development of electronic conveyancing legislation. New South Wales is now introducing legislation to allow it to participate in this State. This legislation has been drawn up after lengthy consultation with key stakeholders, including the Law Council of Australia, and has also been overseen by the prominent law firm Clayton Utz.

The proposals covered in section 12 are probably the most important measures in the bill. This section covers provisions regarding the creation of a digital signature. Legislation relating to a national electronic conveyancing system must include provisions dealing with how a signature may be digitally applied to a document so that the signature stands up in law. The Registrar General must be able to accept that the signature is valid and has been created by the subscriber. As our society moves further into the digital world, electronic signing will become an automatic part of the legal process. Therefore, we need to get this legislation right. Both the New South Wales Law Society and the Law Council of Australia have expressed concern that a subscriber can repudiate the subscriber's digital signature. They claim it would make the process unworkable. For the purpose of security in electronic conveyancing, the bill provides that only registered users, known as subscribers, will be able to participate in national electronic conveyancing. Subscribers will be financial institutions acting on their own behalf or solicitors and licensed conveyancers acting on behalf of their clients.

The proposed legislation contains strict provisions to deal with the authenticity of a digital signature. Subscribers will be given responsibility for completing property transactions and associated documents on behalf of their clients. When electronic conveyancing becomes a reality, all relevant documents will be signed by subscribers on behalf of their clients using an electronic signature. Once this process has been completed, funds will be transferred electronically. Documents will then be lodged with the Land Registry and will be given the same status as a paper document under the Torrens title system. This will save a lot of time and allow for a more streamlined system of changes to property ownership. It also will allow for significant costs reductions for people involved in property deals because the time taken to complete conveyancing by electronic means will be far less than by parties nominating a time and place and meeting to sign off on the relevant documentation. The fundamental principles of the Torrens system have worked well up until now and that will not change with this new arrangement. Indeed, the overall security of transactions will be improved. I support electronic conveyancing as a worthwhile measure, and I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [10.42 a.m.]: I speak in support of the Electronic Conveyancing (Adoption of National Law) Bill 2012, the object of which is to enact the Electronic Conveyancing National Law. The national law forms the basis for a national scheme for the electronic lodgement and processing of conveyancing transactions. The object of the national law is to promote efficiency throughout Australia in property conveyancing by providing a common legal framework that, one, enables documents in electronic form to be lodged and processed under the land titles legislation of each participating jurisdiction and, two, does not derogate from the fundamental principles of the Torrens system of land title as incorporated in land title legislation of each participating jurisdiction, such as, the indefeasibility of title.

In order to achieve this object, the national law, amongst other things, authorises the registrar in each participating jurisdiction to operate or authorise the operation of an electronic lodgement network and provides for the making of rules relating to the operation of the electronic lodgement network. The national law is set out as an appendix to this bill. The jurisdictions proposed to be participating jurisdictions under the national law are New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory. In addition to applying the national law as a law of the State, the bill contains application provisions that provide for the meaning of various terms used in the national law and for the application of other laws of the State in relation to the national law.

The Electronic Conveyancing (Adoption of National Law) Bill 2012 will enact the Electronic Conveyancing National Law as a law of New South Wales. This issue was examined by the Legislation Review Committee, of which I am chair. The committee commented on the conferral of power to the national law, but as it was an annexure to the New South Wales bill and not incorporated in the entirety of the bill we did not make a referral to Parliament. The national law facilitates a reform to the practice of conveyancing in New South Wales by allowing for the electronic lodgement and processing of conveyancing transactions in accordance with the Council of Australian Governments national partnership agreement. This legislation has

been in the pipeline for a long time. Many legal firms, particularly in regional New South Wales, have been looking forward to the adoption of electronic conveyancing to streamline the conveyancing process and make it easier and cheaper for people in regional New South Wales.

The Australian Registrar's National Electronic Conveyancing Council, a council of all the Australian registrars general, or their equivalent, that was established by intergovernmental agreement to oversee the implementation of national electronic conveyancing, has been consulting with key stakeholders, including the Law Council of Australia, since the end of March this year. Initially the draft attribution rule was much stronger than it is at present and was based upon the recommendation of a national consultation program. The original attribution rule was directly based on the recommendations in the report, after extensive consultation with key stakeholders in conveyancing and with widespread agreement that a strong attribution rule was essential for electronic conveyancing. After representations by the Law Council of Australia and a number of other stakeholders, the registrars general agreed on a compromise that softened the proposed attribution rule for the benefit of solicitors and licensed conveyancers participating in electronic conveyancing.

At the time the Law Council of Australia indicated that it was in agreement with the proposed compromise, subject to seeing the wording in the legislation. It appears that to some degree the current position of the Law Council of Australia is based on concern that the way in which Parliamentary Counsel has drafted the proposal may not give effect to its understanding of the compromise. While the Law Council of Australia still has reservations, the registrars have consulted with representatives of the professional insurers from around the country on the legal framework in general and changes to the Electronic Conveyancing National Law and the attribution rule in particular. The insurers sought a number of minor amendments, most of which have been accommodated. They have not raised any issues with the redrafted attribution rule. Similarly, consultation with the Australian Institute of Conveyancers has disclosed no further issues with the amended attribution rule.

Many may ask what exactly is an electronic lodgement network? An electronic lodgement network is an electronic hub provided by an operator independent of the land registries that facilitates the preparation and digital signing of electronic real property transactions, the settlement of transactions and the lodgement of relevant documents with the Registrar General for registration. The Electronic Conveyancing National Law allows the Registrar General to approve a party to operate an electronic lodgement network and to set operating requirements, including eligibility requirements for an operator. Those operating requirements will be set nationally by all of the registrars general from Australian jurisdictions sitting together as the Australian Registrar's National Electronic Conveyancing Council, which was formed by an intergovernmental agreement and charged with implementing electronic conveyancing in a nationally consistent manner.

Purchasers of property in New South Wales know that when they purchase a property they receive a certificate of title. In the old days a certificate of title was a large document setting out the history of a lot from when it was a Crown grant. In more modern times, the document is A4 size. Property purchasers do not receive the certificate of title if they have borrowed money from a bank; the bank keeps the certificate of title until the mortgage has been paid off. What will happen to those certificates of title under this new legislation? When electronic conveyancing commences in New South Wales, the major financial institutions that hold a registered first mortgage will be able to request the Registrar General to cancel the paper certificate of title and replace it with an electronic version. The categories of those entitled to request cancellation of a certificate of title may be expanded in the future. When a financial institution holds a mortgage over a land parcel and has elected not to have a certificate of title issued, that institution will be able to lodge an electronic consent document instead of producing the certificate of title, as is the case at present.

For other parties dealing with land, the certificate of title needs to be produced to the subscriber acting for them who will authenticate the certificate of title using the certificate authentication code and then retain the old certificate as part of the evidence of the case. Unless there is a mortgage and the mortgagee has elected not to have a certificate of title issued, the Registrar General will then issue a new edition of the title with updated particulars, as is the case at present. Land and Property Information will shortly be releasing a document setting out in detail how certificates of title will be handled in New South Wales under the new electronic conveyancing system. Some of the issues that people may be concerned about—in particular, what will happen to the piece of paper, where will it be held, who will hold it and what will become of the titles system—have been addressed in the document. It will allay concerns that proper measures have been put in place. As I said earlier, all in all, this new system will be of great benefit particularly for people in regional New South Wales when dealing with property. I commend the bill to the House.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [10.51 a.m.]: It is a pleasure to speak on the Electronic Conveyancing (Adoption of National Law) Bill 2012. As a lawyer who holds a practising

certificate and spent time working as a certified lawyer in a city law firm, delivering documents around the city and helping to facilitate property transactions, I have some understanding of the practical difficulties associated with the rather archaic system that we currently have which facilitates property transactions across the State and nationally. As mentioned by my colleagues, those of us who have bought and sold property know how difficult it can be. The purchase of property is an emotional decision and it involves large amounts of money. When people go through a property transaction, they realise that the old system is archaic. The system has not moved into the twenty-first century in terms of certifying by way of electronic facility. It is fitting on what is, I understand, the 150th anniversary of the Torrens land title system for us to be introducing such a reform. It is time for this reform.

Let me reflect on the importance of this reform. At the fundamental base of our democratic system are property rights for individuals. That distinguishes our modern democratic economies from undemocratic economies. The certainty of transfer of title between citizens in a democratic economy and system of government is also important. I commend this bill not only for bringing the system of transfer and certainty of title into the twenty-first century but also because New South Wales is taking the lead to ensure that national reform takes place and that there is harmonisation in the way we bring the conveyance of property into a new realm of electronic transactions.

It is with that backdrop that I welcome this opportunity to speak on the bill. This reform is significant. We are committed to the introduction of a national electronic conveyancing system in accordance with the Council of Australian Governments' principles set out in the National Partnership Agreement to Deliver a Seamless National Economy. In a sign of our commitment to this important reform, New South Wales has agreed to host the Electronic Conveyancing National Law. It is only fitting that we do so. Indeed, this bill fulfils that national commitment. If I may be so bold as to say that the Government is introducing legislation such as this to ensure that some of the Council of Australian Governments' principles are brought into being through our State. New South Wales is the host State for several pieces of legislation that are bringing harmonisation across the States and Territories to important matters of government that affect the citizens of New South Wales and Australia.

It is our commitment not to be obstructive and to facilitate national harmonisation of different reforms. At the heart of this is the fact that this side of politics is about giving people better ways to deal with matters in their lives and better ways of getting on with the job. In this case, it is a better way of conveying property between one another with certainty as to authenticity and a more modern way of facilitating those transactions. On 26 March 2008 the Council of Australian Governments agreed to include electronic conveyancing as one of the nine areas of reform in the regulatory work program. As I said, we will streamline the processes for settling property transactions through the establishment of a national system. Indeed, it is time we did so.

The system will cover the settlement of property transactions, the electronic lodgement of instruments with State and Territory land registries and the finalisation of real property duty and tax obligations, which are the lifeblood of the economy and often the way in which businesses are built and sustained in New South Wales. It will promote efficiency throughout Australia in property conveyancing. It will provide a common legal framework that will enable documents to be prepared, lodged and processed in an electronic form. The possible improvements to efficiency in conveyancing through national laws are significant to the New South Wales economy, indeed, to the national economy. More than \$280 billion worth of property transactions are registered annually. To give an indication of the importance of those transactions to New South Wales, we facilitate about a quarter of those transactions each year.

Once the legislation is passed in New South Wales, the other jurisdictions participating in the national electronic conveyancing system will either adopt the national law or enact corresponding legislation. I hope that any corresponding legislation will not differ much from the national model. The concept of national models is that they are national provisions. At times other States and Territories have changed the provisions to meet their circumstances. Such action strikes at the heart of national harmonisation of laws. I hope the other States will enact the national law in a form that matches that in New South Wales so that the purpose of harmonisation is met in all the States and Territories.

Commendably, New South Wales has one of the best land title systems in the world. The titles office in New South Wales has provided advice to a number of countries that are seeking to establish property transaction systems and have looked to us as the exemplary model. I commend the work that is done in this State by the department that supports those transactions. Significantly, 1 January 2013 is the 150th anniversary of the Torrens title system of land titles. One of the great benefits of the Torrens system is that it makes conveyancing

faster, simpler and cheaper than it was under the old system. The conveyancing costs on a parcel of Torrens land are usually half the conveyancing fees that would be charged if the same land was held under the old system. Almost all the old system land in New South Wales has now been converted to Torrens title.

It is entirely fitting that the electronic conveyancing national law is being introduced on the eve of the 150th anniversary of the introduction of this system. The legislation will provide what I consider to be the most significant advancement in conveyancing in Australia and in New South Wales since the introduction of the Torrens system. I am keen to put on the record that this bill does not in any way take away from the fundamental principles of our Torrens system, such as the indefeasibility of title and some other principles of that system which have facilitated the ready transfer and conveyance of property between individuals and companies in this State. In order to achieve its objectives, the national law authorises the Registrar General to authorise the operation of an electronic lodgement network [ELN] and also provides for the making of rules relating to the operation of that network.

The network will be a web-based hub for all parties to a conveyancing transaction to electronically prepare and lodge documents for register with the Registrar General—affectionately known as the RG by those of us who have been involved in property conveyancing. A web-based hub is not uncommon in other areas of business and commerce. The web-based network will also facilitate the financial settlement of electronic conveyancing transactions. This aspect of the operation of the network is not mentioned in the national law, as those who have read the bill will see, as it is still subject to existing regulatory oversight by the Reserve Bank or the Australian Securities and Investments Commission.

The national law authorises the lodgement and registration of electronic land transactions and, importantly, specifically provides that electronic land transactions will have the same validity as if they had been conducted on paper. This necessary part of the new national law acts as a supplement to the provisions of the Electronic Transactions Act, which specifically excluded conveyancing transactions from its application. The national law also provides for the digital signing of electronic documents by subscribers to the electronic lodgement network. The bill contains some provisions that protect consumers and those who provide the authority for digital signing on their behalf to authorised individuals. The bill contains some protections to allow the retraction of that authorisation. I draw the House's attention to other protections in the bill.

The purpose of the bill is the hallmark of a democratic system of government. It facilitates the conveyance of property and easy transfer of property rights in the modern economy in New South Wales and nationally. It is the lifeblood of business and families. Some of the most important transactions we engage in or are involved with as individuals and members of the community involve the conveyance and transfer or sale of property. I have personal experience in the conveyancing area—albeit before becoming a banking lawyer—that gave me some insight into how the system could be improved and modernised, which is the purpose of this bill. I commend the Electronic Conveyancing (Adoption of National Law) Bill 2012 to the House. I support its application and hasten the other States to enact this national law with as little change as possible to the principles agreed by the Council of Australian Governments.

Mr RICHARD AMERY (Mount Druitt) [11.01 a.m.]: As indicated, the Opposition supports the Electronic Conveyancing (Adoption of National Law) Bill 2012. It certainly creates no conflict between the political parties. The overview of the bill states:

The object of this Bill is to enact the Electronic Conveyancing National Law ...

The Council of Australian Governments determined that the electronic lodgement process of conveyancing in the exchange of property should occur in every State and Territory of this country. We should all support that process. Previous speakers pointed out that this year marks the 150th anniversary of the Torrens title system—something that all members of this House, past and present, should be proud of. The Australian Torrens title system is the envy of the world. Following the fall of the Soviet Union I recall reading an article that said that that country had started to introduce private treaty and ownership of land and, together with other former communist countries of Eastern Europe, had turned to this country to learn how to establish a system of land title and property exchange et cetera. We should be proud that more often than not the rest of the world looks to Australia, particularly New South Wales, to adopt conveyancing principles.

For many years the Land Titles Office carried out its daily work while also transferring records from many decades under the old systems title to the Torrens system. I believe that transfer is almost complete. The Minister for Tourism, Major Events, Hospitality and Racing, who is at the table, will recall being in this Parliament during a major public debate not only about conveyancing but also about who should do

conveyancing. In the 1990s non-solicitor conveyancers waged a campaign to get legislative support to allow them to do conveyancing in competition with the legal profession. Members of this House at that time will recall the President of the Law Society, John Marsden, treading the corridors of this place together with Dale Turner, who was representing non-solicitor conveyancers. Quite a substantial debate was had about the word "conveyancing". I was shadow Minister for consumer affairs at that time and championed the conveyancers' cause.

We criticised the changes that Minister Peter Collins got through Parliament because conveyancers were still being policed by the Law Society. The election of the Carr Government in 1995 corrected this and transferred the oversight inspection of non-solicitor conveyancers to the Department of Fair Trading with, of course, a different Minister having responsibility. It has been pleasing to see the evolution of conveyancing and the operations of the various conveyancing organisations over the past 20-odd years. This bill proposes electronic conveyancing or transfer regarding property. The member for Murray-Darling queried whether I would take a philosophical position against the use of technology and electronic transfer. I assure him that that is not the case. Importantly, the bill puts in place consumer protections for electronic property transfer because there is no hard copy to be witnessed by a conveyancing lawyer, agent or whomever. As electronic conveyancing continues to evolve over the years it is important to examine the abuses and problems that arise and correct them whether by legislation or administrative change within the various jurisdictions that will police conveyancing in this State and this country.

I take this opportunity to congratulate the non-solicitor conveyancers who are now part of the landscape on how they have evolved as respectable entities within the conveyancing system, providing low-cost conveyancing in competition with the legal profession. Their establishment in this State, and I believe in most Australian States, has resulted in conveyancing costs falling dramatically. Solicitors who still do the large amount of conveyancing have had to immediately reduce costs and fees for home purchasers and vendors. Overall, that marketplace competition has resulted in lower costs to consumers by introducing a national law component not only in electronic property transfers but also to how conveyancing is policed across the State. Conveyancers are now represented by a national association rather than by isolated bodies in each State. This bill means that the system of electronic transfer of property will not be exclusive to one State. Purchasers of land interstate—in Sydney, Perth, Hobart or Brisbane—will be able to use an electronic process that is governed by a single set of laws worked up by all governments and agencies around the country. I support the bill.

Mr TONY ISSA (Granville) [11.09 a.m.]: I commend the Electronic Conveyancing (Adoption of National Law) Bill 2012. This bill will generally revolutionise the Torrens system and conveyancing by introducing a web-based system to replace the current, and often unreliable, paper system. It will also charter a single system for all jurisdictions in Australia. The system will be used by conveyancers, solicitors and financial institutions on behalf of their clients to conduct electronic financial property settlements and/or the electronic lodgement and registration of conveyancing transactions.

This streamlined registration process will make home purchases more affordable for most Australians. The introduction of a single conveyancing system is a major step towards delivering a seamless national economy. The initiative provides a common legal framework that enables documents to be prepared, lodged and processed in an electronic form. This will promote the provision of efficient and faster conveyancing services by solicitors and licensed conveyancers. Property transactions registered annually in Australia amount to \$280 billion and 28 per cent of those transactions occur in New South Wales. There will be significant advantages for the New South Wales economy with the passing of this bill.

The national electronic conveyancing system will assist industry participants in more efficiently completing conveyancing and mortgage financing transactions. It will provide an electronic environment to collect transaction information and have it checked and verified for completeness and compliance; prepare instruments and reports to register changes in property ownership and interests; settle financial transactions, including payment of duties and taxes; comply with the tax and duty requirements of revenue offices; and lodge instruments with land registries and receive confirmation of their lodgement and registration. There are security measures in place to ensure the online system is safe for users and their clients. Proposed section 12 acts as the protective mechanism for any incorrect or fraudulent use of digital signatures.

Electronic lodgements will have the same validity as those conducted on paper, ensuring security and reliability for the other party involved in the transaction. Parties must be able to assume that a digital signature is correct for the electronic system to be successful and that is the very reason why there is a presumption in favour of signing. The digital signature credentials must comply with the Australian Government's gatekeeper

public key infrastructure framework, which is regulated by the Australian Government Information Management Office. The digital signature framework is therefore part of a well-established, tested and proven security system. Importantly, as with the paper system, not just anyone can digitally sign documents. The digital signature must be established as that of a practising solicitor or licensed conveyancer under the Legal Profession Act.

The digital signature is no different from a physical signature. In the majority of cases solicitors and licensed conveyancers sign on behalf of clients based on a retainer. Any fraudulent behaviour is addressed by way of the retainer, as occurs under the current system. This will translate to lower fees for lodgement and perhaps lower fees charged by solicitors and conveyancers. There is also no need for travel to settlement. As with the paper system, there are limited opportunities to repudiate a signature after settlement. The security and protection of all parties involved in a transaction has been a major consideration in drafting the legislation. It must be shown that the signature was created by someone with authority and was not the result of a failure by the authorised signer to take reasonable care in respect of the security of the credentials or failure to comply with any rules and regulations put in place by the Registrar General.

There will be ongoing monitoring of the system in order to ensure the maintenance of confidence in it, and that participants and operations continue to improve. Compliance is of the utmost priority. If there is cause to believe there is a lack of compliance on the part of users the Registrar General has the power to revoke or suspend an operator's approval to use a digital signature or effectively to use the network at all, thereby preventing further harm to clients. It is exciting that New South Wales is leading the way and introducing a bill that has been the subject of national consultation. Subsequent to adoption in New South Wales, the legislation will be introduced in all other jurisdictions in Australia. This bill fulfils New South Wales' obligations to the Council of Australian Governments to create a national electronic conveyancing system. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [11.16 a.m.]: I speak in debate on the Electronic Conveyancing (Adoption of National Law) Bill 2012. Land ownership in Australia is probably the most significant and expensive commitment of a person's life. Ownership of land is what any Australian works towards. After a healthy family and friends, we next would choose to own our homes and land. It is said that it is the Australian dream to own property, and one that we can proudly say often comes true in the lucky country. My electorate of Camden has a population of 70,000, which will increase to nearly 300,000 in the next few decades. Of the new estates in my electorate, Oran Park currently has 7,000 housing blocks approved, Gregory Hills has 3,000 housing blocks approved, Harrington Grove has a couple of thousand blocks approved, Elderslie, Spring Farms and Kirkham have 3,000 to 4,000 housing blocks to be developed and East Leppington has approximately 3,000 housing blocks within my electorate and upwards of 20,000 housing blocks in the Liverpool electorate. They are some of the precincts being developed in my area.

It is evident that this bill has the potential to have an extremely positive impact on new residents in Camden. It also has the potential to impact positively on current residents should they choose to move within the electorate. That seems to happen a lot in the Camden electorate—people move from estate to estate when downsizing later in life or upsizing when the kids come along. This bill has the ability to impact positively on existing residents of the Camden electorate as well as the hundreds of thousands of new residents who will settle in the area over the next two to three decades. Moving away from the old system to the Torrens system of land titles has proven successful. It establishes the validity of the land title prior to purchase. It was an improvement on a good system and now we are moving to yet another better and more efficient way of reaching the common goal of successful legal property transactions.

This bill will enact the electronic conveyancing national law. A common legal framework will be provided across Australia in property conveyancing without taking away from the fundamental principles of the Torrens system of titles legislation and its participating jurisdiction. Documents will now be able to be lodged and processed under the land titles legislation of each participating jurisdiction. It is projected by the analysis undertaken by KPMG on behalf of the Department of Finance and Services that this system could save \$170 on average per transaction. This is a real dollar saving and would be very well received by the majority of purchasers. It is preferable that that money be in the pockets of purchasers rather than in the pockets of solicitors and or spent elsewhere. When purchasing house and land there will be always expenses and for that reason alone this system will be well received.

The Registrar General will be authorised to receive electronic documents by electronic lodgement and to register documents electronically with the same effect as if they were registered as paper documents. The

Registrar General will now be able to authorise one or more persons to operate an electronic lodgement network. The Registrar General will be able to set conditions for access to and use of the electronic lodgement network. The Registrar General will also be able to conduct an examination of compliance with any conditions for access to and use of an electronic lodgement network. The bill provides that the Registrar General has no liability either as a result of the conduct or failure to conduct an examination of compliance provided he acts in good faith.

With people these days saying how time poor they are and in view of the lengthy process involved in signing documentation for a property settlement, people may now enter into an improved form of client authorisation and enable their conveyancer or solicitor to digitally sign electronic documents on their behalf, lodge electronic documents with the Registrar General, authorise any financial settlement involved in the transaction and do anything else necessary to complete the transaction electronically. A national system of electronic conveyancing will be beneficial to all who use it; indeed, it is quite surprising in this day and age that the current system is so old-fashioned. The physical requirement to be present at a settlement or present signed documents at the Land Titles Office for registration after settlement will no longer apply. Efficiency—which is what clients in a property transaction expect and, more importantly need—will now be possible. Time is often of the essence and now people have the option to choose this way of settling a property transaction.

Other members have touched on and explained clearly the inner workings of an electronic signature, so I will not labour the point. The conveyancing and property industries play a huge role in New South Wales. Our society deserves this option, as do our conveyancers. I look forward to seeing the system implemented and the introduction of a more streamlined way of completing a property settlement. It is a positive that the national law will come into force in Victoria in March next year, followed by New South Wales in July the same year. The remaining States and Territories will join in after that time. The adoption of the national law will lead to a truly national system. It will offer an efficient option to conveyancing across the board and is a commonsense approach. It is appropriate that the good Minister for Fair Trading, the Hon. Anthony Roberts, is in the Chamber because when I speak of efficiency and commonsense approaches I could be talking about the Fair Trading portfolio. Yesterday in question time the Minister answered a question extremely well. There was a little frivolity and humour, which was well received by the Chamber. I give credit where it is due: He is an extremely hardworking Minister.

Mr George Souris: How long is this going to go?

Mr CHRIS PATTERSON: I have another minute. On that point, I was thinking of referring to the Minister for Tourism, Major Events, Hospitality and Racing—and what is your other portfolio, Minister?

Mr George Souris: The Arts.

Mr CHRIS PATTERSON: Yes. The Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts is also extremely hardworking. Only someone of his experience could have so many portfolios under his belt. The Ministers and their staff are extremely hardworking and I am proud to play—I say this with humility—a minor part in this Government. It is wonderful to have them as chiefs. I commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [11.26 a.m.], on behalf of Mr Mike Baird, in reply: It gives me great pleasure to close debate on the Electronic Conveyancing (Adoption of National Law) Bill 2012. I thank members representing the electorates of Liverpool, Cronulla, Tamworth, Drummoyne, Myall Lakes, Vacluse, Mount Druitt and Granville and the irrepressible member for Camden for their contributions to this debate. The bill has one clear purpose: to create a national system of electronic conveyancing in Australia. The issues raised by the member for Liverpool have been well canvassed and addressed in the many speeches in support of the bill by Government members.

The only additional point I make is in relation to digital signing. The Law Society has asked that the detailed definitions included in the model participation rules also be included in the national law. The definitions in the law are deliberately high level so that electronic conveyancing is not locked into one particular digital signing technology. This is based on the recommendation of the Parliamentary Counsel's committee that was responsible for drafting the national law. The enactment of the Electronic Conveyancing (Adoption of National Law) Bill 2012 will lay the foundation for the implementation of a uniform legislative and business environment for conveyancing across the country.

The system will enable end-to-end processing of electronic real property transactions by facilitating the electronic preparation, lodgement and processing of documents under the land titles legislation of each participating jurisdiction. By making possible end-to-end processing of electronic conveyancing documents, streamlining the conveyancing process generally and minimising cross-jurisdictional differences, the bill will allow significant cost savings and benefits to the electronic conveyancing industry. However, the fundamental principles of the Torrens system, such as indefeasibility, will continue to apply and the overall security of electronic transactions should be increased. The Electronic Conveyancing National Law is a very worthwhile measure that should be supported by all. I thank all members for their consideration of the bill, and I commend it to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Ray Williams, on behalf of Mr Mike Baird, agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Council without amendment.

PROPERTY, STOCK AND BUSINESS AGENTS AMENDMENT BILL 2012

Bill introduced on motion by Mr Anthony Roberts, read a first time and printed.

Second Reading

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [11.30 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Property, Stock and Business Agents Amendment Bill 2012. This bill is part of the Government's continued response to reducing red tape for small businesses in New South Wales. It follows a statutory review of the Property, Stock and Business Agents Act 2002 in 2007 and 2008. The review found that, while the Act was working well to achieve its objectives, a number of improvements could be made, particularly with a view to clarifying parts of the legislation and removing red tape for agents. The Property, Stock and Business Agents Amendment Bill 2012 aims to remove red tape while ensuring at the same time that consumer protection is not compromised.

The legislative amendments contained in the bill will clarify the legislation and reduce complexity for real estate agents, particularly in relation to their handling of trust accounts. Appropriate consumer protection safeguards will be retained and compliance costs reduced. This bill has been subject to considerable stakeholder consultation, with an exposure draft bill publicly released on 30 August 2012 for four weeks. I am pleased to report that the amendments contained in the bill received strong support from the majority of key stakeholders, including the Real Estate Institute of New South Wales, the Estate Agents Co-operative Limited, the Australian Livestock and Property Agents Association, the Australian Resident Accommodation Managers Association, and the Institute of Chartered Accountants in Australia. I now turn to the provisions of the bill.

Reform in the bill in relation to the handling of unclaimed trust money will assist consumers who will now have a one-stop shop for identifying and claiming their unclaimed trust money in New South Wales through the Office of State Revenue. A number of the amendments will enable compliance and investigative resources to be better targeted towards areas of highest risk. This bill makes good on this Government's commitment to reduce red tape and allow small businesses to operate efficiently. The bill amends the Property, Stock and Business Agents Act to give a court or tribunal the ability to allow commission or expenses to be paid to a real estate agent if the court or tribunal determines that a breach of the agency agreement requirements in the regulations is only minor. However, before any payment is authorised, the court or tribunal must first be satisfied no loss has been suffered by the consumer as a result of the breach, and that failure to make such an order to do so would be unjust.

For example, the regulations require a consumer warning to be placed in a certain position in the agency agreement. If the warning is placed anywhere else in the agreement the consumer can refuse to pay any commission or expenses to the real estate agent for work the agent has performed in good faith—often worth thousands of dollars. This amendment addresses an anomaly where the court or tribunal does not have any discretion to award commission or expenses to an agent for work that has been performed properly in good faith if the agency agreement has a minor inconsequential error. This amendment provides a workable balance between the needs of the consumer and the real estate agent, while providing appropriate safeguards. The bill broadens the qualifications of auditors who conduct annual audits of real estate agents' trust accounts. The amendment allows for the broadening of qualifications for auditors to include audit companies and members of professional accounting bodies such as CPA Australia and the Institute of Chartered Accountants, so long as a Certificate of Public Practice is held with one or more of these bodies.

This amendment will provide particular relief for those agents in rural and regional areas of New South Wales who have found it difficult to engage a person to audit their trust accounts. This amendment will reduce red tape by reducing the need for agents to seek exemptions from NSW Fair Trading due to their inability to find an auditor in their area. It will free up Fair Trading compliance resources from considering exemption applications and allow them to focus on addressing compliance issues on the ground. The regulatory burden placed on agents caused by the general lack of auditors, particularly in rural and regional areas of the State, will be substantively reduced. The amendments proposed in this bill go even further towards freeing up real estate agents in this State.

The bill abolishes the current requirement for a licensee to lodge a separate statutory declaration with Fair Trading if the licensee did not hold or receive trust money during the audit year. This amendment will free up the majority of employed licensees who do not operate a trust account from this time-consuming task. The bill further clarifies that licensees who held or received trust money during the financial year will only be required to lodge an audit report with Fair Trading if it is qualified in any way by the auditor. However, licensees will be required to keep a copy of all audit reports for a period of three years so that they can be inspected by Fair Trading if required. The reports must be kept on business premises to allow for ease of inspection.

The bill defines the term "qualified audit report" for the purposes of the amendment. Consistent with the current definition under the Act, a report is qualified if the auditor discovers that any breach of the Act or the regulations has been committed, that there is any discrepancy in the trust account, or that the records or documents concerned are not kept in such a manner as to enable them to be audited properly. These amendments will remove red tape for real estate agents, who presently have to meet tight administrative deadlines for submission of audit reports to Fair Trading. To ensure compliance with the new requirement regarding submission of qualified audit reports, both the licensee and the auditor will be required to submit a copy of the report to Fair Trading.

To further support these amendments, the bill also gives the Commissioner for Fair Trading the power to order random audits of trust accounts. This amendment will provide additional compliance powers for inspectors so the Government can safeguard protections for trust accounts and consumers; it will also allow Fair Trading to conduct concentrated targeted audit compliance inspection programs when required. The bill creates, for the first time, an offence provision under the Act for an auditor failing to notify Fair Trading of any discrepancy relating to the trust account to which an audit relates or that the records or documents are not kept in a manner enabling them to be audited properly. This amendment corrects an anomaly in the present legislation that has an offence provision for an agent failing to notify Fair Trading of such discrepancies, but not for the auditor, whose primary responsibility was the annual auditing of the trust account records.

The bill will require licensees to notify the Commissioner for Fair Trading in writing formally each time they open or close a trust account at an authorised deposit-taking institution—for example, a bank or a building society. These amendments will ensure that Fair Trading has better records of all trust accounts operated by agents and that it can check the records it receives from the financial institutions. This will also ensure that financial institutions have remitted the appropriate interest amounts from the trust accounts to the Statutory Interest Account, which is administered under the Act. This is important, as the funds accrued in the Statutory Interest Account are used for funding compliance efforts and other essential tasks associated with administering this legislation. The amendments seek to formalise an informal procedure that has been used by many real estate agents over many years, and the new procedures will be taken up readily by licensees.

As I mentioned on earlier, the bill amends the Property, Stock and Business Agents Act so that unclaimed trust money will now be dealt with by the NSW Office of State Revenue under the Unclaimed

Money Act 1995. The bill makes consequential amendments to that Act to enable this to be achieved. The amendments bring the handling of unclaimed trust money into line with how unclaimed money held by other enterprises in New South Wales is dealt with by the NSW Office of State Revenue. Consumers will be able to search the dedicated website of the Office of State Revenue to locate details of unclaimed trust money and will be able to claim it directly from that office. Consumers will have up to six years to lodge claims for the return of any unclaimed money.

It is important to note that this amendment, while cutting red tape and making it easier for consumers to locate their unclaimed trust money, still retains protection for those consumers. The bill retains some current requirements relating to the handling of unclaimed trust money by agents. These requirements include that amounts under \$100, normally not dealt with by the Office of State Revenue, will still be regarded as unclaimed money and agents will be required to lodge the money. Agents will therefore not be able to obtain windfall profits from these amounts, but will still be able to clear their trust accounts of this money. In addition, trust money unclaimed for more than two years will still be regarded as unclaimed money for the purposes of the legislation.

To further cut red tape for licensees, the lodgement period for the unclaimed money declaration will be changed from the calendar year to the financial year, which will enable licensees to fulfil all of their financial reporting responsibilities at the same time. In addition, licensees will now be able to lodge the unclaimed money in their accounts at the same time they lodge their declaration, which will remove the worry and administrative burden from them. Finally, the bill clarifies the present position in the Act that holders of certificates of registration under the Act can conduct stock auctions under the immediate and direct supervision of the holder of an appropriate stock and station agent's licence who need not be their employer.

The Act presently requires a certificate of registration holder to conduct stock auctions under the immediate supervision of their employer, the licensee in charge of their office. This is not always practical in a large office given the other pressing responsibilities of the licensee in charge. The amendment clarifies that a certificate holder employed by a stock and station agent can conduct stock auctions under the immediate supervision of a licensee who need not be their licensee in charge or their employer. However, the supervising licensee must have their licence endorsed as a stock auctioneer. This amendment will ensure that certificate holders will be able to obtain much-needed experience in this most demanding of fields, while ensuring at the same time that consumers are protected through proper supervision of their conduct.

This amendment is supported by the Australian Livestock and Property Agents Association. Importantly, the majority of the bill will commence on assent, meaning that licensees can gain the benefits outlined in the bill as soon as the Act commences. Fair Trading will work with the Office of State Revenue to ensure a smooth transition to the new unclaimed monies provisions, and will provide further advice to industry on the practical impacts of this change. This is important amending legislation. I commend the bill to the House.

Debated adjourned on motion by Ms Tania Mihailuk and set down as an order of the day for a future day.

BAIL AMENDMENT (ENFORCEMENT CONDITIONS) BILL 2012

Second Reading

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [11.41 a.m.]: I move:

That this bill be now read a second time.

As this bill was introduced in the other place on 24 October 2012 and is in the same form, the second reading speech appears at pages 16261 to 16262 in the *Hansard* for that day. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [11.42 a.m.]: I lead for the Opposition on the Bail Amendment (Enforcement Conditions) Bill 2012. The Opposition does not oppose the bill, although we think it can be improved and for that reason we moved amendments in the other place. The object of the bill is to amend the Bail Act to empower a court when allowing bail to a person to impose what is called an enforcement condition. This is a bail condition that requires an accused person while on bail to comply with specified kinds of directions given by police officers to monitor or enforce compliance with another bail condition. As the

explanatory note in the bill sets out as an example, an enforcement condition may require a person who is subject to a bail condition requiring that person to refrain from consuming drugs or alcohol while on bail to undergo testing for drugs and alcohol as directed by a police officer.

The genesis of the need for this legislation is the case of *Lawson v Dunlevy* [2012] NSWSC 48. That case dealt with what has become known as "alcohol bail", although its implications were wider than that. Likewise, this bill is concerned with enforcement conditions generally, not just alcohol bail. That is because the *Lawson v Dunlevy* ratio applies to any type of enforcement condition, not just those relating to alcohol. That case involved a person charged with an assault upon his domestic partner occasioning actual bodily harm. Bail was granted on condition *inter alia* that he was "not to consume alcohol for any reason". That of course is not controversial and in an appropriate case is an entirely reasonable condition. Additionally, a condition was imposed that the person was required to "submit to a breath test when requested by a police officer".

It is apparent from the judgement of Justice Garling in *Lawson v Dunlevy* that those two conditions were regularly imposed in western New South Wales by both police and courts. They were imposed as a matter of routine and in what the New South Wales Law Reform Commission and Supreme Court called "in a standard form". This particular case was at the Local Court at Wilcannia. Evidence in the Supreme Court was that these conditions were regularly imposed at Broken Hill, Wentworth, Wilcannia and Balranald courts, and by police at Barrier and Deniliquin local area commands. The second of these conditions—the breath test condition—was challenged in the Supreme Court. The result was Justice Garling ruling that this requirement could not be lawfully imposed as a condition of bail. This applied generally to what the Law Reform Commission referred to as "enforcement conduct directions".

There were a number of reasons as to why this breath test was unlawful. First, the requirement was inconsistent with the purposes for which conditions could be imposed under the legislation. It could not, in the words of the judgement, be imposed for the purpose of "promoting effective law enforcement". The statutory purposes of bail do not include to deter a breach of a condition of bail or to make the detection of a breach more readily established. The purpose of conditions was not generally for deterrence or breach detection. The enforcement condition was also inconsistent with the provisions of the Act that already deal with failure to abide by bail conditions or an agreement as to bail. Additionally, the breath test requirement was "vague and in a legal sense meaningless". It was thus incapable of enforcement. There was no reference in the condition as to what "breath test" meant and no reference at all to legislation. Its very general terms were in stark contrast to the very specific provisions of other relevant legislation.

The final basis for this imposition being held unlawful was that it was "more onerous than required for the plaintiff and thereby contrary to s37 (2) of the Bail Act". Thus it did not mean police had to have a reasonable suspicion that the person concerned had actually consumed alcohol, it did not set out a location or method for testing and it did not specify the number of times the bailed person could be requested to undergo a breath test. Subsequently, the implications of *Lawson v Dunlevy* were considered by the Law Reform Commission in chapter 16 of its report No. 133 entitled "Bail". Among other things, the Law Reform Commission pointed out the potential breadth of the implications of the decision, which extended significantly beyond a breath test requirement.

Another frequently imposed condition is a curfew or residence requirement. The type of condition envisaged here is one requiring the person on bail to present themselves to police at the door of their place of residence when requested to do so by police. Likewise, any condition requiring a person to submit to drug testing when requested by police may well be unlawful as a result of this ruling. Additionally, as the Law Reform Commission also points out, there are implications for any scheme of e-release "since a requirement or direction as to the meaning of an electronic bracelet or any associated direction requiring the bailed person to present himself or herself to a police officer or to respond to a telephone call, in accordance with the requirements that currently attach to home detention orders, could potentially cross over into deterrence and breach detection". That is, *Lawson v Dunlevy* could effectively prevent the scheme of e-release. One of the conclusions of the Law Reform Commission at paragraph 16.25 is of interest. It reads:

We recognise that conduct requirements or directions of the kind discussed above have been imposed by courts, or if imposed by police, have been subject to court review and revocation. This provides a potential safeguard on their imposition, though it would appear that too often such requirements have been imposed as a matter of routine rather than as a result of close consideration of their need in the individual case, and that there have been occasions where curfew monitoring in particular has been excessive or unreasonable.

I should add that because of the disproportionate over-representation of Aboriginal people in court statistics in this country and State and in western New South Wales these considerations are particularly significant for

Aboriginal people and for any attempt to close the gap. The solicitor acting for Mr Lawson has been quoted as saying that breath testing an accused on bail was a measure applied overwhelmingly to Aboriginal people in remote towns who were "regularly harassed by police". Wilcannia police station apparently had a whiteboard with the names of all residents subjected to alcohol bail.

This bill attempts to deal with *Lawson v Dunlevy* and the considerations to which I have referred that were raised in the Law Reform Commission report. This bill specifically allows courts, although not police, to impose bail enforcement conditions. A regime is established in the bill allowing for far more control over such conditions and is seemingly designed to prevent broadbrush, automatic imposition of standard conditions, in significant contrast to the situation that had developed in western New South Wales pre *Lawson v Dunlevy*. The bill requires a more specific consideration of each case.

Enforcement conditions can be imposed requiring compliance with a police direction to monitor or enforce compliance with an underlying bail condition. The enforcement condition must specify the kind of direction that may be given by the police, and the circumstances in which a direction may be given "in a manner that ensures the compliance with the condition is not unduly onerous". The bill further requires that an enforcement condition can be imposed only if the court considers it reasonable and necessary and at the request of the prosecution. The latter provision seems designed to stop the imposition of standard forms as an almost automatic condition. Only time will tell whether that is actually achieved, although it is certainly an improvement on the situation revealed by *Lawson v Dunlevy*.

New section 37 AA (6) provides that police giving directions may do so in the circumstances specified in the enforcement condition or at any other time the officer has a reasonable suspicion that the underlying condition has been breached. There is a provision to allow for the adoption by this legislation of breath and drug testing legislation that already exists. New section 37AA (9) provides that the power to apply enforcement conditions extends to a court and not to an authorised justice exercising the functions of a court. On balance, this bill seems to follow the moderate middle path mapped out in chapter 16 of the Law Reform Commission's report on bail. It allows the continuation of the bail conditions struck down as unlawful by *Lawson v Dunlevy*, but does so in a much more rigorous, specific and targeted way in an attempt to avoid the potential for unduly onerous conditions referred to by the Supreme Court. Much will depend on exactly how the provisions are implemented. In that regard, it is a matter of regret that the Government has not seen fit to implement all of the Law Reform Commission's report, although adopting most of it. Paragraph 16.33 of the report states:

Finally, having regard to the concerns arising out of the consultations and submissions outlined above, in relation to curfew monitoring, and the consequences of the decision in *Lawson v Dunlevy*, we consider it desirable that the Ombudsman give particular attention to the manner in which enforcement conduct directions are applied in practice. In this respect we consider it appropriate that the Ombudsman be consulted in relation to the way in which this aspect of policing should best be monitored within the proper authority and responsibilities of that office.

The failure to pursue that proposal substantively is a weakness in the Government's bill. In my view there is an overwhelming argument in favour of ongoing monitoring by the Ombudsman of these provisions. For that reason the Opposition moved amendments in the other place. The Law Society also has expressed a view on this legislation. The society's primary position is that *Lawson v Dunlevy* is good law, and enforcement conduct directions should be prohibited, although it concedes that they may be necessary if e-bail is introduced. The society's view is that if enforcement conduct directions are introduced, there should be a number of amendments to this bill. The first the society points to is new section 37AA (4), which the society believes should be amended to require the court to be satisfied that exceptional circumstances exist before an enforcement condition can be placed on a bail condition. The Law Society also proposes amendments to new section 37AA (5), which states that enforcement conditions can be ordered only if the request is made by the prosecution. Part of the letter from the Law Society states:

However, if an accused considers that bail is unlikely to be granted, and that agreeing to specific enforcement conditions could persuade the court to grant bail, then the accused should be permitted to make such an application.

The Law Society also proposes—and this was the subject of proposed amendments in the upper House—amendment of new section 37AA (6). Essentially the society argues that paragraph (b) of the provision renders paragraph (a) redundant whenever a police officer forms a reasonable suspicion of a breach. The society's proposal is that paragraph (b) should be deleted and paragraph (a) should be amended so that it is subject to a reasonable suspicion test, such as:

... a police officer may give a direction of a kind specified in the enforcement condition:

- (a) in the circumstances specified in the enforcement condition, where the police officer has a reasonable suspicion that the accused person has contravened the underlying bail condition in connection with which the enforcement condition is imposed.

The society also suggests that the bill should include a provision requiring scrutiny by the Ombudsman and a report within two years of commencement of the legislation, which is a proposal encompassed in Opposition amendments moved in the other place. The Opposition in this place does not oppose the bill.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [11.53 a.m.]: The purpose of the Bail Amendment (Enforcement Conditions) Bill 2012 is to authorise the implementation of measures that are set to ensure bail conditions are met by accused individuals in New South Wales. The Government is committed to ensuring that the NSW Police Force has all the tools necessary to properly enforce the law. Consequently, amendments to the current Bail Act 1978 need to be made. This bill proposes reforms to the Act that will ensure enforcement conditions are made consistent with the purposes for which bail conditions can be imposed. An enforcement condition is a bail order that requires an individual to comply with certain commands issued by the police to ensure proper monitoring and enforcing measures of bail conditions can be undertaken. They are particularly important for high-risk accused persons or multiple offenders

At present, and in light of the recent decision of the Supreme Court in *Lawson v Dunlevy*, enforcement conditions are unlawful. Hence a revision of the Act is required to ensure that our police officers in New South Wales have the appropriate tools to check that court ordered bail conditions are being met. At present, the lack of enforcement conditions is impeding police operations. The amendments proposed in this bill will facilitate an improvement on this. It behoves all members of this House to ensure that our Police Force has appropriate tools. After all, the principal charter of the NSW Police Force is the protection of the wider community of New South Wales.

A recent review of bail laws by the Law Reform Commission recommended consultation and a framework for enforcement conditions, which it referred to as "enforcement conduct directions". The proposed reforms to the bill incorporate information obtained from legal stakeholders and elements of the framework recommended by the Law Reform Commission. They will still provide flexibility to courts when imposing enforcement conditions and for police officers when they are issuing directions pursuant to an enforcement condition. Furthermore, enforcement conditions will be imposed only by the courts. Safeguards, which include matters to be taken into account before an enforcement condition can be imposed such as an accused's criminal history, will ensure they are not imposed in inappropriate cases. Emphasis is to be placed on the fact that enforcement conditions will be targeted at individuals who could further offend or who pose a high risk to the community.

I turn now to the main provisions of the bill. Item [4] of schedule 1 to the bill provides that an enforcement condition may be imposed upon an accused individual to allow for monitoring or enforcing that individual's compliance with bail conditions that had been imposed for an existing purpose. New section 37AA (1) defines an "enforcement condition" as a condition that requires the accused person to comply, while at liberty on bail, with one or more specified types of directions that are given by police officers for the purpose of monitoring or enforcing compliance with an underlying bail condition. New section 37AA (2) defines an "underlying bail condition" as one that is imposed for the purposes referred to in section 37 (1) of the Bail Act.

New section 37AA (3) provides that an enforcement condition must specify the types of directions that may be given to the accused person—for example, to ensure that compliance with the condition is not unnecessarily onerous. This requirement addresses a specific criticism made of the enforcement condition considered in *Lawson v Dunlevy*. New section 37AA (4) states that an enforcement condition may be imposed only if the court considers it reasonable and necessary in the circumstances, having considered the history of the accused, including the accused's criminal history. The court must also consider the likelihood of the accused person committing further offences while on bail and the extent to which compliance with a direction specified in the condition may unreasonably affect persons other than the accused person. This latter consideration addresses stakeholders' concerns about the impact of enforcement conditions on people living with the accused person.

New section 37AA (5) provides that a court may impose an enforcement condition only at the request of the prosecution. This will ensure that enforcement conditions are not imposed when police do not require them. New section 37AA (6) provides that a police officer may give a direction to an accused person in the circumstances specified in the enforcement condition, or at any other time the police officer has a reasonable suspicion that the accused person has contravened the underlying bail condition. This provision authorises police to use a direction similar to an enforcement condition outside those ordered by the court. This is possible only when the reasonable suspicion of a breach has been formed.

These provisions will ensure that the courts can set limits on enforcement conditions, but if a reasonable suspicion is formed police can take action. This approach means that the police can check whether the accused is complying before commencing breach action. It generally provides police with the tools they

currently lack in monitoring and enforcing bail conditions. This is a positive step forward. As I have said a number of times throughout my contribution, we must give police the resources they need to keep the fine people of New South Wales safe. I commend the bill to the House.

Mr RON HOENIG (Heffron) [12.01 p.m.]: The Opposition supports the Bail Amendment (Enforcement Conditions) Bill 2012 as a sensible solution. However, the House should understand what led to its introduction. Magistrates, particularly out west and at Broken Hill, were imposing virtually a standard condition of bail upon usually young Aboriginal offenders not to drink alcohol. As a result, the courts were imposing a difficult burden upon police officers who were seeking to enforce the conditions of consent. As a result of a decision of Justice Garling, a review was conducted by the Law Reform Commission of the Bail Act in order to derive a sensible solution.

The House should understand the purpose of the Bail Act. One has to start with the fundamental concept which seems to have been lost as competing political parties struggle to beat the law and order drum to get some publicity in the metropolitan or tabloid media. The fundamental principle that has existed since the Magna Carta and which is the genesis of this House relates to the presumption of innocence. All people are presumed innocent until they are proven guilty. The mere fact that somebody is charged with an offence does not take away that presumption. If someone makes an allegation, the accused retains the presumption of innocence. If a person is not liked by another person, they retain the presumption and they remain innocent until the prosecution can prove their guilt beyond reasonable doubt. It is only then that they are subject to punishment as the law requires. The purpose of bail is to guarantee the attendance before the court of a person who is charged with a criminal offence. That is its purpose, so the accused can answer the charges or allegations made against them.

The Bail Act has the same objects today that it did when it was enacted. It contains criteria that the court or police have to meet before a person can be released on bail. The first question, under section 32 of the Act, is whether the person will appear. Matters to be taken into consideration under section 32 (1) include the person's community ties. Has the person previously failed to answer bail? What are the circumstances of the offence? Is the offence serious? What is the strength of the prosecution or Crown case? That is a relevant consideration as well under section 32. One has to consider the time a person may have spent in custody, whether the person is hampered in the preparation of their defence, the protection of the person—and there are particular requirements for Aboriginal offenders—as well as the protection and welfare of the community, witnesses, complainants and things of that nature. That is the purpose of the Bail Act. The courts should not lightly take away a person's liberty while charges are pending and have not yet been determined unless the criteria in section 32 have been applied.

These are onerous circumstances we have imposed upon courts. Over a number of years in this State we have imposed upon judicial officers such a burden in deciding cases that they are basically like sausage machines as they try to apply a complex Bail Act. I do not blame either the police or the magistrates out west who are no doubt sitting long hours. So burdened are some of the courts in this State in dealing with people's liberty that their task is extremely difficult. Even in the highest court in the State, the Supreme Court of New South Wales, judges work under oppressive conditions. Magistrates in local courts in the suburbs are sitting until very late in the afternoon or evening endeavouring to implement a complicated Bail Act while dealing with people's liberty. In relation to this bill, I draw the attention of the members to comments made by the Legal Aid Commission of New South Wales in respect of the Law Reform Commission's recommendations. The Legal Aid Commission strongly supports further consultation with stakeholders, stating:

Because of the significant negative impact of the enforcement conduct conditions on vulnerable clients, particularly young and Aboriginal clients ...

The alcohol provision may have been the condition Justice Garling dealt with in Wilson's case, but other directions are given, such as curfew directions. The Legal Aid Commission said that in its experience vulnerable clients with bail curfew conditions have been routinely subject to:

... onerous bail compliance checks, often during the middle of the night and multiple times a week. Rigorous curfew checking can further disrupt a family situation already under stress. Legal Aid knows of cases where the young people have been made homeless as a result of onerous curfew checking by police. For adults too, curfew checking can affect relations with neighbours and landlords.

This bill takes a sensible middle ground, if I can use that expression. The overburdened courts will have to apply particular criteria currently contained in item [5] of schedule 1. New subsection (4) of new section 37AA provides:

An enforcement condition may be imposed only if the court considers it reasonable and necessary in the circumstances, having regard to the following:

- (a) the history of the accused person (including the criminal history and particularly if the accused person has a criminal history involving serious offences or a large number of offences),

- (b) the likelihood or risk of the accused person committing further offences while at liberty on bail,
- (c) the extent to which compliance with the direction of a kind specified in this condition may unreasonably affect persons other than the accused person.

That subsection is presumably designed to address the Legal Aid Commission's concern that I just drew to the attention of the members. New subsection (5) provides that these conditions may be imposed only at the request of the prosecutor in the proceedings. That prevents a judicial officer from imposing the sorts of standard provisions they may impose as a matter of practice in a busy list. It requires the prosecutor to draw the matter to the attention of the court. Pursuant to new subsection (3), an enforcement condition has to specify the kind of directions, the circumstances in which each kind of direction may be given, and the underlying bail condition.

The bill has taken the middle ground in addressing the matters of concern raised by the Legal Aid Commission of New South Wales. This statutory organisation, which is responsible for representing young accused persons, including young Aboriginal offenders, throughout New South Wales in the tiniest of country towns and communities, is aware of the difficulties envisaged with laws of this nature. It is important that the House take note of the experienced solicitors effectively on the government payroll who are spread throughout this State.

Mr STEPHEN BROMHEAD (Myall Lakes) [12.09 p.m.]: I support the Bail Amendment (Enforcement Conditions) Bill 2012. The object of the bill states:

The object of this Bill is to amend the *Bail Act 1978* to enable a court, when granting bail to an accused person, to impose a bail condition (an *enforcement condition*) that requires the accused person to comply, while on bail, with specified kinds of directions that are given by police officers for the purpose of monitoring or enforcing compliance with another bail condition. For example, an enforcement condition may require an accused person, who is subject to another bail condition that requires the accused person to refrain from consuming drugs or alcohol while on bail, to undergo testing for drugs or alcohol as directed by a police officer.

The Hon. Mike Gallacher in the other place in his second reading speech stated that the amendments were:

... being made in response to the recent decision of the Supreme Court in *Lawson v Dunlevy*. In that matter the accused had been granted bail which included a condition that he abstain from alcohol. A further condition had been imposed requiring that the accused submit to a breath test, as directed by police, to check his compliance with the abstinence condition.

On appeal the Supreme Court held that the breath test condition was not lawful under the current conditions of the *Bail Act* as it was inconsistent with the purposes for which bail conditions can be imposed and more onerous than required by the circumstances. Whilst it only considered the particular breath test condition before it, the judgement of the court made it clear that all enforcement conditions are unlawful under the current terms of the Act.

The Minister went on to say:

Enforcement conditions are a particularly useful tool for monitoring and enforcing compliance with bail, particularly for high-risk accused persons. They ensure that police can take steps to verify that an accused is complying with their bail conditions by, for example, directing the accused to present at the front door of their home to check that they are complying with a curfew condition.

As a legal practitioner specialising in criminal law before coming to this place and on many occasions acting as the Legal Aid duty solicitor in a country town, I believe that these curfew and compliance conditions requiring the person to present to the front door when requested by police are good not only for the police and the community but also for the young person because bail may have been refused but for those conditions. Surely it is better for that young person to be able to stay at home subject to a curfew—for example, not to leave the home between the hours of 7.00 p.m. and 7.00 a.m. except in the company of a parent? It is far better for them to be out on bail rather than to have bail refused. Many young people, particularly teenage boys, get in with groups who roam streets at night, inevitably leading to some criminal behaviour. If a young person continually reoffends, which many do, they will have their bail refused.

Defence advocates also requested the inclusion of this condition regarding young persons. When representing a young person I would ask the police, "How about we have a curfew condition to try to ensure that this young person can remain out on bail and be able to go to school, TAFE, work or do whatever he does during the day?" A curfew requires the person to remain at home at night and if the police come to check, that person can present themselves. Experience has shown that when police say, "We want to see Johnny" someone in the house will say, "Oh, he's in bed out the back." Police must have the power to require that person to come to the door because Johnny may not be out the back. Time and again experience has demonstrated that little Johnny is not out the back but out with his mates down the street doing break and enters and other things for which he is in trouble.

This proposal is not about setting up young people or accused to fail. This will help them to stay out of jail on bail in the community and give them a chance. This proposal also gives the magistrate discretion, another tool, another weapon in his armoury to help the young people or accused to help themselves. Additionally, this proposal will provide drug addicts or alcoholics with an opportunity to remain in the community and to get help from their doctor, psychologist, drug and alcohol counsellor and others. This proposal is all about trying to help young offenders while at the same time helping to protect the community and families from ongoing crime. Many times accused persons ask for this option rather than be refused bail. The police would not undertake this onerous task just to set up kids or accused young people to fail or to use it as a stick to belt them. Police have better things to do than to pick on young people or accused.

Each individual case is considered and if the track record is one of continual reoffending the courts will ensure that everyone complies with the bail conditions to protect the young accused person and the community. The Government is committed to ensuring that the New South Wales police have all the tools necessary to properly enforce the law. As I said, this is another option for the defence and the accused. Bail conditions are imposed on accused persons as part of a court order and are expected to be complied with. It is appropriate for police to be able to take steps to check compliance; enforcement conditions will facilitate that check. The bill incorporates safeguards to ensure that enforcement conditions are not opposed in inappropriate cases or to make compliance too onerous. For example, police will not have the power to impose enforcement conditions when the court is making a bail determination. Enforcement conditions will be imposed only by courts.

I repeat, this legislation enables a court to use another option rather than refuse someone bail. The member for Heffron supports this legislation; he said it is a good middle ground. In other words, if we are pleasing everybody, then we have to be doing the right thing. When deciding whether to impose an enforcement condition, the court will be required to have regard to the extent to which compliance with the direction may unreasonably affect persons other than the accused. This consideration addresses stakeholder concerns about the possible impact of complying with enforcement conditions on those persons with whom the accused resides. That is fairly simple. If the family do not want enforcement conditions to apply, perhaps the option is to refuse bail. But that is not what we want. We want to keep people out of custody and on the streets. As the member for Heffron said, they are all innocent and we should do everything we can to ensure that they can be on bail.

Mr Ron Hoenig: It costs a lot of money to lock them up.

Mr STEPHEN BROMHEAD: Money is not the only thing that we look at. Item [5] of schedule 1 to the bill enables a court to impose enforcement conditions when granting bail to an accused person. An enforcement condition is a condition that requires the accused person to comply, while at liberty on bail, with one or more specified kinds of directions that are given by police officers for the purpose of monitoring or enforcing compliance with another bail condition. An enforcement condition is to specify the kinds of directions that may be given to the accused person and the circumstances in which each kind of direction may be given in a manner that ensures the compliance with the condition is not unduly onerous. The provisions in the bill ensure that compliance is not onerous. It is not a case of setting up a person for failure. The bill has been introduced for the benefit of accused persons and to help them to succeed. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [12.19 p.m.]: I support the Bail Amendment (Enforcement Conditions) Bill 2012. The bill inserts in the Bail Act 1978 a new section 37AA, which enables the court to impose and enforce bail conditions. It defines an "enforcement condition" as a condition that requires an accused person while on bail to comply with one or more specified kinds of directions that are given by police officers for the purpose of monitoring or enforcing compliance with an underlying bail condition. Police in the Oxley Local Area Command and the Tamworth electorate will welcome the Bail Amendment (Enforcement Conditions) Bill 2012. Many local police have spoken to me about the frustration of going to the house of an accused person who is on bail to check whether the curfew condition imposed has been complied with. The police knock on the door and a member of the household says that the accused is asleep out the back. The police then have to leave; they are unable to verify whether the accused is at home.

The New South Wales Parliament has its fair share of parliamentarians with legal experience. I have listened with interest to the debate this morning. Accused persons have rights but we should not apologise for imposing conditions on those who break the law and who are granted the liberty of bail. Why should we apologise for giving them the opportunity to go back into the community and spend time with their family and friends while waiting to appear before the courts? Let us not forget the underlying reason why they are on bail: they have broken the law. They may have committed crimes such as robbing an old lady, breaking into a house, carjacking, snatching a bag or fighting at a hotel. These are the fundamental problems that our communities are dealing with and the types of crimes the Government is attempting to prevent.

Our police are working hard to drive down crime. The Government is giving police the tools and resources they need to fight crime. In the Tamworth electorate the Oxley Local Area Command received 22 new probationary constables with 11 of those probationary constables being converted to permanent numbers. As I said, the Government is giving police the necessary resources to fight crime. Why should the Government take away police powers to enforce the law in relation to court orders and bail conditions? The frustration expressed to me by local police is that they catch the crook who then comes before the courts and is granted bail, but the police cannot enforce the bail conditions. Bail conditions may include a curfew, reporting to a police station, abstinence from alcohol and drugs or a urine test. We must remember that these people are on bail for a reason.

The Government is ensuring that the police have the tools and resources, such as this legislation, to drive down crime in our communities. I know that the police in the Oxley Local Area Command will welcome this common-sense bill. Not so long ago this House was presented with a petition signed by more than 10,000 persons—in fact, it contains the signatures of 18,000 residents of the Tamworth electorate—calling for action to combat crime. In that regard, we must ensure that once an offender has been charged, appeared before a court and been granted bail that the bail conditions are adhered to. The overwhelming frustration expressed to me by police is their inability to enforce bail conditions. An accused who has a history of breaking and entering, colluding with gangs and alcohol-induced violence may receive bail on the basis that he or she complies with a curfew condition between 7.00 p.m. and 7.00 a.m. The police must have the power to sight the accused at the residence referred to in the court-imposed conditions.

If the police do not have that power, what is the point of the person being charged at all? If the police cannot verify the court-ordered conditions of bail, that person is free to wander the streets and to be involved in alcohol-related crime, violence and mayhem in our communities. The police, with the support of the Government, are trying to prevent such a situation. The bill provides that enforcement conditions may be imposed if the court considers that they are reasonable and necessary in the circumstances having regard to the history of the accused person and the likelihood that the accused person will commit further offences while at liberty on bail. The bill provides that the conditions may not be onerous.

The member for Heffron said that the conditions should not be onerous or affect family and neighbours. He referred to police driving to an accused person's residence and knocking on the door to check whether the accused is at home. If such a condition is imposed by the courts upon an accused then the police should have the right to check. Some may think that is a little onerous because it disturbs family and neighbours to have a police vehicle roaming their neighbourhood. I believe that is a small price to pay to ensure that those on bail adhere to their bail conditions. Make no mistake, it is a liberty granted to them, given they have allegedly committed an offence. This Government will not apologise for giving our police the powers to make sure that those who have been granted conditional bail adhere to those conditions. Police have been calling for this amendment for some time.

The police in the Oxley Local Area Command will certainly thank the Attorney General for introducing this legislation. The bill provides that an enforcement condition can be imposed only at the request of the prosecution. In some instances, our jails are near capacity. The first option should always be to allow accused persons to remain in the community with their family and to keep them out of the corrective system. In this way, first-time offenders will not be exposed to the prison system. However, we must not forget why they appeared before the courts in the first instance. This is about crime in the community, law and order and giving the police the resources and tools they need to do their job. If the magistrate applies a condition of bail the accused should adhere to that condition. If the conditions of bail are breached the accused should be brought back before the court, have bail refused and then be incarcerated. I commend the bill to the House.

Mr BART BASSETT (Londonderry) [12.29 p.m.]: I support the Bail Amendment (Enforcement Conditions) Bill 2012. At the outset I assure the police in my local area how much their work is appreciated. The electorate of Londonderry has four local area commands: Mount Druitt, St Marys, Penrith and Hawkesbury. It is pleasing to note that whenever those local area commands receive a call for assistance from residents—whether it is a complaint about domestic violence or noise—police always respond. Therefore, whenever police highlight issues that make their jobs difficult, we as members of Parliament must try to make it easier for them to more readily assist our communities. I thank my local area commands for their work. This bill will assist officers in doing an excellent job.

The bill inserts into the Bail Act 1978 a new section 37AA, which enables a court to impose an enforcement condition when granting bail. These reforms are being made in response to a recent decision of the Supreme Court in *Lawson v Dunlevy*. While that decision only considered a particular bail condition relating to

breath testing, the judgement of the court made it clear that all enforcement conditions are unlawful under the current terms of the Bail Act, which is why the legislation needs to be amended. Enforcement conditions are a particularly useful tool for police in monitoring and enforcing compliance with bail. They ensure that police can take steps to verify that accused persons are complying with their bail conditions, for example, by directing them to present at the front door of their home to check that they are complying with a curfew condition.

As outlined by the member for Tamworth, we must ensure that the police and prison systems work effectively and efficiently. It makes no sense to put people in jail when they do not pose a serious danger to the community. By the same token, people allowed out on bail must comply with reasonable bail conditions to ensure that the community is safe while still allowing them to go about their normal work without significant disruption to their families. We should not lose sight of the fact that they did not end up on bail through some unfortunate circumstance. That can happen but generally it is not the case. The accused generally has a case to answer and the Bail Act allows the person to be at large until the court can hear the case.

Members do not necessarily agree with the daily media reports; they accept that reports are not always accurate and sometimes may be a little emotive. However, from listening to the media and talking to the community one gets the sense that it is of the view that the Bail Act is a little lax and that some people—especially repeat offenders—are given bail when it should have been refused. We must close any loopholes in the system. The Government is committed to ensuring that the NSW Police Force has all the tools necessary to enforce the law properly. Bail conditions are imposed on accused persons as part of a court order and it is expected that they will be complied with. It is appropriate that police have the power to take steps to check compliance, and enforcement conditions will facilitate this checking. The bill incorporates safeguards to ensure that enforcement conditions are not imposed inappropriately or in a way that makes compliance too onerous. For example, police will not have the power to impose enforcement conditions when making a bail determination. Enforcement conditions will be imposed only by the court—an impartial body.

Further, when deciding whether to impose an enforcement condition, the court will be required to have regard to the extent to which compliance with the direction may unreasonably affect persons other than the accused. This consideration addresses stakeholder concerns about the impact that complying with enforcement conditions may have on those persons with whom the accused resides. We are talking not necessarily about people who may share a house with the accused but about the impact on families, who should not be unduly affected by somebody being out on bail. We do not want families to distrust the system; loss of faith in the system can create a generational problem. We want family units to remain together and to contribute positively to their community.

This bill inserts new section 37AA into the Bail Act, which outlines the substantive provisions governing enforcement conditions. An enforcement condition is defined as a condition that requires an accused person on bail to comply with one or more specified kinds of directions that are given by police officers for the purpose of monitoring or enforcing compliance with an underlying bail condition. In imposing an enforcement condition the court will specify the kinds of directions that may be given to the accused, such as the underlying bail conditions in connection with which each kind of direction may be given and the circumstances in which each kind of direction may be given. The circumstances must be specified in a manner that ensures that compliance with the condition is not unduly onerous. This takes everything into account—the best interests of the accused and the community—while ensuring that the court and prison systems work well and that society is as safe as humanly possible.

The court will impose an enforcement condition only if it considers it reasonable and necessary in the circumstances having regard to the history of the accused person, including the criminal history, the likelihood or risk of the accused person committing further offences while on bail and the extent to which compliance with a direction of a kind specified in the condition may unreasonably affect persons other than the accused person. Courts will be able to impose an enforcement condition only at the request of the prosecution. This will ensure that enforcement conditions are not imposed in cases where police do not require them.

The bill provides that a police officer may give a direction to an accused person in the circumstances specified in the enforcement condition or at any other time the police officer has a reasonable suspicion that the accused person has contravened the underlying bail condition. This provision authorises police to issue a direction pursuant to an enforcement condition outside the circumstances specified by the court but only if they have formed a reasonable suspicion of a breach of the underlying bail condition. This will ensure that the court can set limits on the enforcement condition but if a reasonable suspicion is formed action can, and should, be taken by the police. This approach means that police can check whether the accused is complying before commencing breach action.

This is good amending legislation. It provides police with the resources and tools they need to do their job effectively and efficiently. Too often we hear that police are trying to do their job but are hindered by legislation that prevents them from doing so or that makes their job more difficult. I congratulate the Attorney General on bringing this bill before the Parliament. This is not an onerous matter; it is about the community and about the accused, family members and people who reside near the accused. The bill seeks to ensure that everybody is treated fairly, that the limited resources of our police and prisons are used as efficiently as possible and that the community feels safe and secure in the knowledge that the law is being upheld. I commend the bill to the House.

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

[Acting-Speaker (Mr John Barilaro) left the chair at 12.40 p.m. The House resumed at 2.15 p.m.]

NATIONAL SES WEEK

The SPEAKER: I thank members for their wonderful display of orange ties and scarves, which signify that today is "Wear Orange Wednesday" to commemorate National SES Week. Congratulations to all the volunteers of the State Emergency Service throughout the State.

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, 1 November 2012

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 at 8.20 a.m. on Thursday, 1 November 2012.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 2012

Message received from the Legislative Council returning the bill with amendments.

Consideration of Legislative Council's amendments set down as an order of the day for a later hour.

QUESTION TIME

[Question time commenced at 2.21 p.m.]

SURF RESCUE EMERGENCY RESPONSE SYSTEM

Mr JOHN ROBERTSON: My question is directed to the Minister for Health. Given that it took more than 35 minutes for the ambulance helicopter to respond after a fisherman was washed off the rocks at Little Bay on Sunday, why was Surf Life Saving New South Wales not contacted immediately so that the Westpac helicopter and local surf lifesavers could be deployed to the site?

Mrs JILLIAN SKINNER: I am grateful for the opportunity to respond to this question from the Leader of the Opposition. The death of the man on Sunday at Maroubra was tragic and I extend my sympathies to his family. That incident will be the subject of a coronial inquest and, accordingly, it would be inappropriate for me to comment further on it. However, I want the Ambulance Service of New South Wales to strengthen its procedures so that any response to a person in the water is immediately designated as a rescue and police will be notified in accordance with the State Rescue Policy.

The Ambulance Service no longer carries out rescue operations, as members opposite would know because they changed the policy. In fact, Surf Life Saving has no contract with the Ambulance Service. Under the State Rescue Policy the police are the designated rescuers although, as is always the case in these matters, the Ambulance Service will dispatch a medical team. I have directed the acting chief executive of the Ambulance Service to raise this matter immediately with the chair of the State Rescue Board to ensure that we

get the protocols right. Let me make it clear that if a person is in difficulty in the water a rescue is required, and rescues are the responsibility of the police. Under the protocol, when the Ambulance Service receives a 000 call from the Telstra call centre the service immediately calls police. The police then dispatch the appropriate rescue team, and that may involve a helicopter or any other suitable response.

The SPEAKER: Order! There will be an opportunity for the Leader of the Opposition and the member for Maroubra to ask further questions of the Minister, who is answering the question.

PRINCES HIGHWAY UPGRADE

Mr GARETH WARD: My question is directed to the Premier. Will the Premier update the House with the latest news on the upgrade of the Princes Highway?

The SPEAKER: Order! It is with pleasure that I call the Premier to answer this question.

Mr BARRY O'FARRELL: I thank the member for Kiama for his question and for his relentless interest and lobbying in relation to this important road in his community. Madam Speaker, I note your keenness to hear this answer because of your interest as the member for South Coast. The Minister for Aging, and Minister for Disability Services, the member for Bega, is no doubt also interested. Last week in Wollongong I was pleased to join the members for the electorates of Kiama, Wollongong and Keira to confirm that the stage two upgrade of the Princes Highway—the Foxground and Berry bypass—will be complete by 2017-18. That completion date is on the proviso that the long-term lease of Port Kembla and Port Botany is successful.

[Interruption]

I hear members opposite, but the operation of Port Kembla will not change as a result of the long-term lease. Boats and trucks will still come and go and people will still be employed. Unlike those opposite, this Government delivers jobs. No doubt we will continue to need to deal with the maritime unions represented at the port. If we unlock the value of that asset and use it to invest in and upgrade other assets it will not only create local jobs and help to grow the economy but it will also deliver the infrastructure that people across this State so desperately need. It is about time that members opposite said yes to at least one of this Government's sensible proposals. Members opposite left us with an infrastructure Mount Everest to climb and it is about time that they supported our efforts to deliver needed services to the people of this State. Trying to get sense out of those opposite is just about as hard as it used to be to become a Minister in the last Government without Eddie Obeid's support.

The stage two upgrade of the Princes Highway is the most significant transport infrastructure project on the South Coast. It will provide two lanes in each direction for an 11.6 kilometre stretch of the highway between Toolijooa Road and Schofields Lane. Last night on WIN Television I saw an animation of what the road might look like. It will be an impressive piece of highway. The animation is available on the Roads and Maritime website for people to view and comment upon. Planning approval for stage two is yet to be granted because the relevant legislation must first be passed by the upper House. Therefore I urge the public and members of Parliament to view the animation on the website and provide feedback on this important project. For the benefit of visitors in the gallery, members opposite do not represent a single regional or rural seat. They are a city rump.

[Interruption]

I said they were a city rump; I did not refer to anyone's backside. The fact is that members in this Chamber who represent country electorates understand that half the nation's road freight and three-quarters of interstate road freight travels on New South Wales roads. The Princes Highway is a key freight route and it is vital that it is brought up to speed to carry the size and volume of trucks that seek to use it. I am pleased to report that stage one of the Government's \$310 million Princes Highway upgrade around Gerringong is going well. It is fully funded and it will be delivered by this Government. It is on track to be completed on time in 2015, weather permitting. The upgrade will provide two lanes each way on a 7.5 kilometre stretch of the highway between Mount Pleasant and Toolijooa Road. The New South Wales Liberals and Nationals are getting on with the job of delivering essential infrastructure that was ignored by Labor for 16 years. The road was the centrepiece of each election in which the former member for Kiama—that good friend of the member for Wollongong—was a candidate. *[Extension of time granted.]*

It is about time the people in the Illawarra and on the South Coast woke up to the trick that Labor played on them over 16 years when those projects were promised time and time again. The infamous former Minister for Roads stood on this very site—

Mr Adrian Piccoli: Which infamous Minister?

Mr BARRY O'FARRELL: Well, One of the infamous former Ministers, Carl Scully, stood on the very spot and said, "We won't build it. The Federal Government should put its money in." Excuse after excuse.

Ms Noreen Hay: Barry, lie after lie.

Mr BARRY O'FARRELL: No, it is not. It is absolutely not a lie because in 2007 a certainly infamous Minister for Road, Eric Roozendaal, promised that the road would have priority. What work was undertaken before the change of government?

Mr Gareth Ward: None.

Mr BARRY O'FARRELL: None. It took a State election and not just the election of the member for Kiama, Mr Gareth Ward, but of course the re-election of a great member for the South Coast to ensure that the projects were delivered. This Government is determined to build infrastructure that was promised repeatedly but not delivered on the South Coast, the North Coast, in western New South Wales, or across this city—the infrastructure that people deserve, the infrastructure that is essential for our economy, the infrastructure that will equip this State for the future.

SURF RESCUE EMERGENCY RESPONSE SYSTEM

Mr MICHAEL DALEY: My question is directed to the Minister for Health. Given her previous answer—firstly, that incidents such as that which occurred at Little Bay on Sunday are the responsibility of the police and, secondly, in her words, that the New South Wales Ambulance Service would immediately notify the police—is it true that having had a 000 call dispatched to it on Sunday, the New South Wales Ambulance Service, which is her department, took 31 minutes to notify the police?

Mrs JILLIAN SKINNER: As I indicated previously, I have no intention of commenting on this particular incident because it is a matter that is before the Coroner. I am very surprised that the member would ask that question, knowing that to be the case.

Mr Michael Daley: It is not before the Coroner.

Mrs JILLIAN SKINNER: I am advised that this matter is before the Coroner.

The SPEAKER: Order! This is not an opportunity for the member for Maroubra to argue with the Minister. The Minister is answering the question.

Mrs JILLIAN SKINNER: As I indicated in my previous answer, the current rescue procedure is that all agencies notify the rescue coordinator at the NSW Police Force using a designated phone line, and that was the response.

Mr Michael Daley: Point of order: My point of order relates to Standing Order 129. The Minister is misleading the House.

The SPEAKER: Order! The member for Maroubra will resume his seat. There is no point of order.

Mr Michael Daley: The New South Wales Ambulance Service has not adopted that procedure—

The SPEAKER: Order! The member for Maroubra will resume his seat. Order! I call the member for Maroubra to order.

[Interruption]

The SPEAKER: Order! The member for Maroubra will resume his seat. Order! I call the member for Maroubra to order for the second time.

[Interruption]

The SPEAKER: Order! I call the member for Maroubra to order for the third time. I asked the member three times to resume his seat. Pursuant to Sessional Order 249A, the member for Maroubra will leave the Chamber until the conclusion of question time for wilful disobedience of an instruction from the Chair.

[Pursuant to sessional order the member for Maroubra left the Chamber at 2.32 p.m.]

Mrs JILLIAN SKINNER: I am very disappointed by the outburst of the member for Maroubra, given the seriousness of the issue we are discussing. As I indicated earlier, I have asked for a strengthening of procedures so that a response to a person in the water is immediately designated a rescue, and that will mean that police will be notified. The protocol when a rescue is required is that the police must be notified. The police make the appropriate call for the rescue vehicle, such as a helicopter or, for a water rescue, a boat, or some other type of vehicle. The New South Wales Ambulance Service will always respond by road or helicopter or some other form of transportation because that brings a medical team to the scene. The New South Wales Ambulance Service will always respond, but in the case of a person in the water, that is clearly a rescue. The protocol that I want to have strengthened will be that the police take charge and call for the most appropriate form of response, such as a boat, a helicopter or some other vehicle.

JOBS ACTION PLAN

Mr CHRIS PATTERSON: My question is directed to the Treasurer, and Minister for Industrial Relations. How is the Government delivering on its commitment for 100,000 new jobs through the Jobs Action Plan?

Mr MIKE BAIRD: I thank the member for Camden for his question. All members of this House are thankful he is not participating in Movember this year. It is great to discuss an issue of substance for this State, and it is great to hear that New South Wales is moving forward under the O'Farrell Government. That is what we are pleased to hear about. It is also great to have a new member for Sydney, and I apologise to him for not acknowledging his presence in the Chamber yesterday. He has not had a chance to hear about Labor's poor record in government. It will be up to Government members to tell him so that he will understand the issues. As I stated previously in relation to economic data, it is very important to examine long-term trends. Unemployment data can be volatile, but the good news for New South Wales is that there has been positive jobs growth throughout the State, and that is continuing. For the past seven months, the New South Wales unemployment rate has been below the national rate.

Dr Andrew McDonald: It is still higher than when we left government.

Mr MIKE BAIRD: Hello, here he comes. During the last five years of the previous Labor Government the State's unemployment rate was 0.4 per cent above the national average. The O'Farrell Government brought down the unemployment rate to below the national unemployment rate. In stark contrast to that, the former Labor Government's unemployment rate was above the national rate. Since the 2011 State election, the O'Farrell-Stoner Government has created 54,300 jobs.

[Interruption]

The SPEAKER: Order! I warn the member for Macquarie Fields that I will not tolerate a repeat of members shouting at a Minister. The Treasurer has the call.

Mr MIKE BAIRD: Last month 8,400 jobs were created across the State, and that is good news. Members will be pleased to know that the New South Wales unemployment rate of 5.2 per cent remains the second-lowest among the States in the nation. The news keeps getting better. To date, the strong labour market is producing benefits. I am sure that the Opposition would have obtained the Westpac report showing that consumer sentiment increased by 14 per cent in the past month and that New South Wales is the highest in the nation. That also is good news. The Jobs Action Plan is beginning to provide incentives that businesses need to create jobs. Of the businesses claiming payroll tax rebates under the plan, half are small businesses, and of the new jobs for which a rebate is sought, 80 per are full time. That reflects a structural change in the State's economy.

In regional areas of the State the top 10 local government areas that are funding payroll tax rebates are represented by great members of this Parliament: Maitland, Lake Macquarie, Orange, the Mid West, Bathurst, Dubbo, Hastings, Singleton, Port Stephens and Goulburn. All the members who represent those areas are doing

a fantastic job. Labor members may be interested to know that under the Jobs Action Plan, of the top 10 areas claiming the rebates outside the central business district, the majority are in western Sydney and include Campbelltown, which is represented by a great member in this House; Fairfield, which is represented by a reasonable member in this House; and Parramatta; Auburn; Liverpool; Bankstown; and Blacktown. Even Blacktown is doing reasonably well, despite its member of Parliament.

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

Mr MIKE BAIRD: In the context of jobs and the Leader of the Opposition it occurs to me that the Government will have to begin a campaign. It is starkly obvious that the member for Heffron, who is a new member and who is now a shadow Minister, has yet to ask a question in this House. Why would that be the case? I note that the Minister for Fair Trading and member for Lane Cove is referring to numbers; we want the numbers to come up. We want the member for Heffron to ask a question. Members opposite should allow him to ask a question.

Mr John Robertson: What about your numbers?

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

Mr MIKE BAIRD: If we look at the past two years, we will see that the unemployment rate across western Sydney has fallen. In Canterbury-Bankstown the unemployment rate has fallen 1.4 per cent over the past two years. In central western Sydney the unemployment rate in the past two years has fallen 2.5 per cent, and in north-western Sydney the unemployment rate has fallen 1.5 per cent. That is more good news coming from the O'Farrell-Stoner Government. There will be difficult times over the next 12 months but what we are seeing under the O'Farrell Government is more jobs and more confidence that we are getting this State moving.

SURF RESCUE EMERGENCY RESPONSE SYSTEM

Mr JOHN ROBERTSON: My question is directed to the Minister for Health. Given that the member for Maroubra raised the issue about coordinating the ambulance and surf life saving response to white-water drownings following a tragic death at Maroubra in January this year, why has the Minister failed to act to rectify the problem?

The SPEAKER: Order! I call the Minister for Health. I remind Opposition members that interjections are disorderly at all times and warn them that I will not tolerate a repeat of the behaviour they displayed during the Minister's previous answer.

Mrs JILLIAN SKINNER: I have answered that question.

LOCAL GOVERNMENT LEGISLATION

Mr CHRIS SPENCE: My question is directed to the Minister for Local Government. What action is the Government taking to ensure that there are appropriate powers to protect ratepayers from dysfunctional councils?

Mr DONALD PAGE: The New South Wales Government is today unveiling new powers to intervene at an early stage to correct dysfunctional councils so that we can better protect the community. Previous governments have, after long periods of dysfunctionality, sacked councils—robbing the community of democracy at this vital level of government. The proposed new laws include the power to order local governments to improve or, if that fails, to suspend councils for up to three months. The proposed legislation is an improvement on existing laws, which allow for the sacking of misbehaving councils only following a lengthy period of dysfunction—often years—and expensive public inquiries and intervention. This lengthy period of dysfunction typically results in long delays in the delivery of council services, which disadvantages the community. It impacts on businesses, residents seeking development applications and other general services.

The proposed new laws are consistent with recommendations given by the Auditor-General in relation to the monitoring of local government. They will give the Minister or the director general the power to protect the interests of the community and will provide a strong deterrent against council misbehaviour and dysfunctionality. The new laws enable the Government to issue an order to improve and, if this is not complied with, the Government will have the capacity to suspend a council for up to three months whilst an interim

administrator sorts out the problems. This will act as a powerful deterrent against council misbehaviour and, if the deterrent fails, will enable the Government to provide a more appropriate response. The proposals are supported by the local government sector and complement proposals to deter poor behaviour by individual councillors in the revised model code of conduct. In fact, the president of the local government managers association has said that the proposals are:

... a tremendous positive step forward in assisting councils to manage and improve performance in a proactive way without having to resort to the big stick approach of dismissing an entire council.

He went on:

This provides a window of opportunity for any dysfunctional behaviour to be addressed in a positive way that can only be of benefit to local communities.

It is clear from recent high-profile dysfunction in a number of councils that the current tools to deter and fix poor performance in councils in a timely manner are inadequate. This is resulting in unnecessary costs to both councils and the State, and poor service delivery for affected local communities, with the effective operation of council business often severely disrupted. While most councils get on with the job of delivering services in an efficient and timely manner, there have been examples in recent memory of councils behaving very badly indeed, including such actions as refusing to attend meetings to deny the opportunity to form a quorum.

In summary, under the proposed new laws the Minister or director general will have stronger powers to gather information from councils to identify dysfunction, new powers to issue an order to improve, new powers to suspend a council for up to three months and more appropriate responses to problems that arise. These powers will complement our new laws governing councillor conduct and tougher penalties for councillors who misbehave. It is my fervent hope that we never have to use these new powers. For the first time in 17 years not a single council in New South Wales is under administration. We want to keep it that way. By intervening early when problems arise, it is anticipated that fewer councils will need to be dismissed. I look forward to bipartisan support for these sensible proposals.

SURF RESCUE EMERGENCY RESPONSE SYSTEM

Mr JOHN ROBERTSON: My question is directed to the Minister for Health. Given her previous answer, what action did she take prior to the tragic drowning on Sunday at Little Bay?

Mrs JILLIAN SKINNER: I am advised by the Ambulance Service that it has developed a protocol. It is not firm enough and I just indicated that I want it strengthened. It developed a protocol prior to the recent incident. Since that incident, I have spoken to the acting chief executive and asked him to strengthen that protocol in discussion with the relevant people involved with rescue response. That is my answer.

HOLMWOOD BUILDERS PTY LTD

Ms MELANIE GIBBONS: My question is directed to the Minister for Fair Trading. What action is the Government taking to assist people impacted by the collapse of Holmwood Builders Pty Ltd?

Mr ANTHONY ROBERTS: I thank the member for Menai for raising this matter and for her strong support for the housing industry. On 13 November 2012 the Government became aware that Holmwood Builders Pty Ltd had been placed in administration. The company also trades under the names of Procorp, Procorp Homes, or Procorp Builders. The New South Wales Government will offer every support to consumers, subcontractors and suppliers affected by the appointment of administrators to the building company. Our response to this collapse has been both swift and decisive. Immediately upon notification of the collapse, Fair Trading initiated a series of measures to protect and assist those affected. A hotline has been established, on 13 32 20, to provide up-to-the-minute information and advice to impacted persons and companies. A dedicated Holmwood Builders page on our website went live overnight to provide updated information as it comes to hand.

We have been in contact with the appointed administrators, Hall Chadwick Chartered Accountants of Sydney, and the insurer, the Home Warranty Insurance Fund. We have also been in contact with industry bodies such as the Housing Industry Association and the Master Builders Association. We are working with all relevant stakeholders to determine as quickly as possible what the situation of the company is and what the best options are for all parties concerned. I am advised that a significant number of homes are currently under construction

by Holmwood Builders. Numbers cannot be confirmed at this stage, but there are believed to be between 80 and 100 dwellings under construction across the Sydney metropolitan, Hunter, South Coast, and southern border regions of New South Wales. All members of the House would agree that this is an unfortunate legacy of the dire straits in which the economy and the home building industry were left by those opposite.

Ms Linda Burney: Come on, Lord Pinstripe.

Mr ANTHONY ROBERTS: Lord Pinstripe? You are the one who looks as though you have just been sorted into Gryffindor House. We are witnessing the tail end of Labor's 16 years of disastrous policies and its failure to support and grow this vital industry. Consumers, subcontractors and suppliers have protection from the impact of this collapse.

The SPEAKER: Order! It is inappropriate for members to make personal comments across the Chamber. The Minister has the call.

Mr ANTHONY ROBERTS: Compare and contrast the decisive action we have taken with the response of those opposite—particularly the member for Canterbury—when Beechwood Homes collapsed. We have not cut and run and deserted consumers in New South Wales. When Beechwood Homes collapsed the then Minister, the member for Canterbury, was in a plane 40,000 feet in the air, sitting in first class, heading for the Cannes film festival. Subcontractors were eating cold cans of baked beans at home and families were living out of their cars. I take a moment to inform the House that a copy of the first-class menu from that flight has fallen into our hands.

Dr Andrew McDonald: Point of order: My point of order is under Standing Order 73. Clearly, the Minister's comments are imputations of improper motives and personal reflections. Additionally, under Standing Order 129 the Minister's answer is clearly irrelevant to the question.

The SPEAKER: Order! I reject both points of order. They are entirely spurious. The Minister has barely begun to stray from his relevant answer.

Mr ANTHONY ROBERTS: When subcontractors were eating cold beans out of cans the then Minister, the member for Canterbury, was enjoying an entree of Thai-style laab salad—

Mr John Robertson: Point of order: With respect, the menu from whatever flight the Minister is referring to is completely irrelevant under Standing Order 129.

The SPEAKER: Order! I am sure the Minister will return to the leave of the question. He has been entirely relevant so far.

Mr ANTHONY ROBERTS: Opposition members brought this upon themselves. The entree was a Thai-style larb salad with squid, fried—

Ms Carmel Tebbutt: Point of order—

The SPEAKER: Order! If this is the same point of order, I have asked the Minister to return to the leave of the question.

Mr ANTHONY ROBERTS: Yes, there was a vegetarian option. [*Extension of time granted.*]

This was all accompanied by a nice little Tattinger '99 champagne.

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

Mr ANTHONY ROBERTS: Consumers, subcontractors and suppliers are protected from the impact of this collapse. New South Wales home warranty insurance provides protection for home owners who have dwellings yet to be completed. Homebuyers should have been given a home warranty insurance certificate by Holmwood Builders shortly after entering into a building contract with the company. That certificate will identify their insurer. Any subcontractor or supplier who believes they are owed money by the company should lodge proof of debt, along with supporting documentation, to the administrator. In 2011 the Housing Industry Association predicted that if the Government did not reverse Labor's abysmal building rate New South Wales

would have a housing shortage of more than 130,000 dwellings by 2016. This Government has recognised the dire straits facing our home building industry and, accordingly, has taken substantial action to address this issue.

The Government's key focus in the Treasurer's budget package was to revive and stimulate our home building and construction industry. Under Landcom's 10,000 lots policy, since July last year the Minister for Planning has delivered more than 2,400 new home sites to the market with another 1,300 to be released in the next six months. This policy will result in a 25 per cent increase in housing production compared with that under Labor. That is what this Government has delivered. In addition, I have made it clear to stakeholders in my portfolio that one of my highest priorities as Minister is to undertake a complex of review of the Home Building Act 1989. This Government will ensure that future home owners have confidence in a stable and growing industry that gives them the opportunity to realise their dream of owning their own home. The O'Farrell-Stoner Government has listened to those crying out for action on home building in New South Wales. Yet again, we have delivered and will continue to do so.

ARMIDALE RURAL REFERRAL HOSPITAL

Mr RICHARD TORBAY: My question is directed to the Deputy Premier. Will the Deputy Premier update the House on the New South Wales Government's commitment to the redevelopment of Armidale Hospital?

Mr ANDREW STONER: I thank the member for Northern Tablelands for his question. What a very good local member he is; what a fine member for New England he will make. The Minister for Health and I have told the House of this Government's enormous commitment to rural and regional health in New South Wales. Indeed, I have told this House that this Minister is the best Minister for Health that regional New South Wales has ever seen. I say that because she has taken the lead role in delivering major upgrades—\$1.73 billion worth of health-related infrastructure projects across regional New South Wales, including at Tamworth, Dubbo, Parkes, Forbes, Wagga Wagga, Port Macquarie and Bega—as well as, of course, in delivering regional cancer centres at Tamworth, the Illawarra and the Central Coast.

Armidale does not miss out. The Minister for Health and I had the pleasure of visiting beautiful Armidale just last week. We inspected the new ambulatory care centre that is underway and which will provide a new model of care that will be an example for hospitals across the State. The Minister for Health announced an extension of funding for that ambulatory care centre, bringing total funding to nearly \$10 million. The good news is that that is not all. While we were in Armidale we also announced a \$10 million commitment for the redevelopment of Armidale hospital.

Dr Andrew McDonald: Great idea—glad we thought of it.

The SPEAKER: Order! The member for Macquarie Fields will cease shouting.

Mr ANDREW STONER: That is a good endorsement from the shadow health Minister. Why did you not fund it when you were in government?

The SPEAKER: Order! Members will cease arguing across the table. I call the member for Macquarie Fields to order.

Mr ANDREW STONER: Those opposite did not because they neglected regional health for 16 long years. The Minister for Health and I have put on the table a \$10 million commitment from this Liberal-Nationals Government contingent on the balance being met by the Federal Government.

[Interruption]

The Leader of the Opposition should not be talking because I know that the faction meetings have started in the Labor Party. That is all those opposite are interested in, not in health.

The SPEAKER: Order! The member for Canterbury will resume her seat.

Mr ANDREW STONER: They are interested only in the internal machinations of the Labor Party.

Mr John Robertson: Point of order: My point of order is under Standing Order 129. The member for Terrigal knows all about factions, supreme courts and the rest of it.

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

Mr John Robertson: I am waiting to hear more stories about this month's issues in his party room.

The SPEAKER: Order! I call the Leader of the Opposition to order. The Leader of the Opposition will resume his seat. Order! I call the Leader of the Opposition to order for the second time. The Deputy Premier has the call and should return to the leave of the question.

Mr ANDREW STONER: Talk about factions is very illustrative of that mob opposite. The Leader of the Opposition got very excited indeed.

The SPEAKER: Order! They are going to be excited if you talk about it.

Mr ANDREW STONER: And there is a lot of excitement right now at the Independent Commission Against Corruption about factions.

The SPEAKER: Order! The member for Drummoyne will cease arguing across the table.

Mr ANDREW STONER: I digress. I return to the real issue of concern to the people of New South Wales—regional health. This Government has worked cooperatively with the Federal Government to jointly deliver a number of key health infrastructure upgrades. We look forward very much to the Commonwealth playing its part to deliver the balance of funding to redevelop Armidale hospital. The current member for New England, Mr Windsor, has been making a lot of noise up there. Remember him? He used to sit in this place. He has been making a lot of noise and criticising this Government and the local member, but now it is time for him to step up to the plate. [*Extension of time granted.*]

The SPEAKER: Order! Stop the clock. Given the number of interjections during the Minister's answer, an additional two minutes certainly is warranted. I will give the Deputy Premier a further two minutes if members on both sides continue arguing across the table and shouting at each other. The member for Northern Tablelands has asked an extremely important question, to which he is entitled to receive a serious answer. The Deputy Premier will be heard in silence. There will be no further discussion about factions or anything else. The Deputy Premier has the call.

Mr ANDREW STONER: This is an important issue and I thank the member for Northern Tablelands for the request for an extension of time. Armidale is a particularly important hub of rural medical excellence. It is home to the University of New England and hosts one of the most renowned schools of rural medicine anywhere in Australia. Therefore it is important to redevelop the hospital and to leverage the advantage the area has as a university centre with a strong rural medical school. It is time to put the politics aside—I am glad the interjections have stopped—and for the State and Federal governments to work together to deliver the redevelopment, which will be good for the people of the Armidale district and the Northern Tablelands but more broadly, its unique status in rural medical training will affect rural and regional medicine across the State. This Government calls on the member for New England to stop playing politics, criticising and being negative about the issue and to secure the Federal funding needed to deliver on the hospital redevelopment in the interest of rural medicine in New South Wales.

BUSHFIRE HAZARD REDUCTION

Mrs ROZA SAGE: My question is directed to the Minister for the Environment. Will the Minister inform the House what is being done to reduce the risk of bushfires in New South Wales?

Ms ROBYN PARKER: I thank the member for Blue Mountains for her question. I know that she is all too aware of the dangers of bushfire. I acknowledge members of the State Emergency Service and note that members look fetching in their orange ties and scarves. The State Emergency Services originated following the floods in the Maitland area, and I acknowledge the work of the State Emergency Service during emergencies around New South Wales. The community may have noticed smoke in their areas over the past few months, which is due to essential hazard reduction burns.

Given the weather conditions over the past few years extensive bush growth required the National Parks and Wildlife Service to do what it could to reduce the bushfire risk. Fire is part of our natural landscape. It is acknowledged that our first Australians used fire as a management technique, and hazard reduction burning is the main prevention technique used in New South Wales. The protection of human life is paramount for this Government and that objective overrides all others. Controlled burning-off is good for the environment because it reduces fuel loads and prevents major fire storms that generate intense heat and do so much damage to plants and animals.

[Interruption]

The member for Canterbury may not be interested in this topic but those of us who live in rural and regional New South Wales are vitally interested in hazard reduction. In the past decade there have been various expert views on how much hazard reduction should be done. The Government is committed to increasing the number and area of hazard reduction burns. This involves over \$62 million in funding over five years and employment of an additional 92 trained firefighters. The Government is continuing to work hard to reduce fuel build-up in targeted areas. In 2011-12 the National Parks and Wildlife Service completed 204 burns covering a total of 47,206 hectares due to the weather conditions and the above average rainfall that fell below the area scheduled for treatment. Despite those conditions, these 2011 results represent more burning on National Parks and Wildlife managed lands than on all other land tenures combined.

National parks are at risk of bushfires, but hazard reduction is being undertaken to mitigate that risk. The new minimum hazard reduction target is 135,000 hectares annually. We have scheduled more than 650 hazard reduction burns in New South Wales for the coming financial year. To date the National Parks and Wildlife Service has completed 64 hazard reduction burns, treating more than 21,000 hectares of parks and reserves. Planning hazard reduction burns is done in a scientific way with an integrated framework that includes all stakeholders. National Parks and Wildlife Service staff are highly trained, and planning is done in accordance with agreed procedures. There is risk to National Parks and Wildlife Service staff, and I do not want to underestimate that risk, but the risk to wildlife, property and lives, as the member for the Blue Mountains knows, is far higher.

Following the Pretty Beach fires I visited the bushfire control centre on the Central Coast to see how effective hazard reduction burns are. I could see from aerial photos that the advancing bushfire was halted by the hazard reduction burn area. The National Parks and Wildlife Service is doing a fantastic job. I take the opportunity to congratulate the staff undertaking high-risk work on hazard reduction. It is reviewed through an independent hazard reduction audit panel, which is currently providing recommendations to the Minister for Police and Emergency Services to enhance the program. The National Parks and Wildlife Service has provided information to the panel to assist it in its deliberations. A discussion paper has been released, and public meetings organised to provide the community with an opportunity to engage with the panel and provide input into the development of recommendations. Madam Speaker, I know you and the member for the Blue Mountains are concerned about bushfires. The National Parks and Wildlife Service is working hard on hazard reduction burns.

The SPEAKER: Order! I understand that 45 minutes is a very long time for some members to sustain their concentration. Members will cease their private conversations. The level of noise during the Minister's answer to a very serious subject in which I am interested was most disconcerting. It is a subject in which all members should be interested. The member for Marrickville has the call and will be heard in silence.

DUCK HUNTING

Ms CARMEL TEBBUTT: My question is directed to the Minister for the Environment, and Minister for Heritage. Will the Minister explain to the House what involvement she has had in negotiations between the Government and the Shooters and Fishers Party concerning duck hunting in New South Wales?

The SPEAKER: Order! The Minister has the call and will be heard in silence.

Ms ROBYN PARKER: I have had no discussions with the Shooters and Fishers Party in relation to duck hunting. Shooting of native ducks for agricultural management purposes to protect crops from damage already occurs on private land. Ducks tend to congregate in large numbers on properties following the sowing of crops, primarily rice and other grains, and feed on newly sown seeds. A game management program

administered by the National Parks and Wildlife Service was instituted under the former Labor Government to allow landholders to legally protect their crops from damage caused by ducks by shooting them or allowing licensed recreational hunters to do so.

The number of ducks allowed to be killed each year under this program is based on best available population estimates that are adjusted annually depending on seasonal conditions such as drought or heavy rainfall. I am advised that so far this year 440 licences have been issued to landholders to cull ducks that are causing damage to crops. I am aware that the Shooters and Fishers Party has introduced a bill that will further amend the Game and Feral Animal Control Act in relation to the hunting of game birds. That bill proposes an extension to the provision of the shooting of native game birds on private lands and it does not propose shooting native game birds on public lands. As with any legislation, the Government will consider the proposals and will respond as the bill progresses through the parliamentary process.

Question time concluded at 3.09 p.m.

NATIONAL SES WEEK

Ministerial Statement

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [3.09 p.m.]: Today is Wear Orange Wednesday. I see so many members of the House, including the member for Wallsend, wearing orange with pride. We are in the middle of the national State Emergency Services week, which celebrates the efforts of 40,000 volunteers across this country including 228 units in New South Wales and 10,000 volunteers. Last Friday I was at Bondi Icebergs in the electorate of the member for Vaucluse, close to the electorate of the member for Coogee, where I was pleased to introduce Commissioner Murray Kear and other representatives of the State Emergency Service, along with other emergency services across the State, to His Royal Highness Prince Charles. I introduced His Royal Highness to remarkable men and women who, in times of crisis and emergency, run towards those emergencies and crises.

In the year in which 70 per cent of the State was under flood and something like 20,000 people were the subject of evacuation orders oversighted by the State's magnificent State Emergency Service, I place on the record the gratitude of this Government and that of the people of New South Wales for their constant efforts. This week we celebrate those who decide to sign up for the State Emergency Service. Whether one represents a city electorate or a country electorate, or has been affected by the floods that ravaged both the south and the north of the State or the storms that come through this city from time to time, people know that when they ring the State Emergency Service they will get a response; they will receive the assistance, care and attention they deserve.

I make it clear that when it comes to those emergency service volunteers who are public servants there is absolutely no proposal under the current application for a new Crown Employees (Public Service Conditions of Employment) Award to remove the current special leave provisions for emergency service volunteers. I say that despite what some on this day, in this week, are seeking to suggest for a service that ought to be beyond politics, a service that the House ought to unite behind and offer our support for.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.11 p.m.]: I, too, congratulate those State Emergency Service volunteers who do such a fantastic job. They have been travelling around the State in their trucks and vans and getting massive support from our local communities who say thank you. Following the massive hailstorms in December 2007 my electorate of Blacktown saw firsthand the fantastic job those volunteers do, placing tarpaulins on many houses and providing people with the support they need in very difficult circumstances. These people volunteer their time during times of crisis, whether flood, fire or storm, to ensure that our streets are cleared, our homes are made safe with tarpaulins and trees are cut down. They do this without any thought for their own safety and sometimes at great cost to them personally. They do it because they have a real sense of community pride.

Today I support these volunteers: They deserve our unwavering and unequivocal support every step of the way. Opposition members wear the orange with great pride not only to say thank you but also to say that we will always act to ensure that those volunteers get the protections and support they deserve; that when they volunteer their time they are given the recognition they deserve, not just today, not just this week, which is the week that we say thank you to the State Emergency Service volunteers, but every day of the week, whether they are out there volunteering, operating in their workplace or spending time with their families. The men and

women who volunteer do so out of a sense of community spirit. They volunteer not to seek any form of recognition, but simply because it is the right thing to do. The right thing to do in this place and everywhere else is to make sure that we provide that support for them and whatever else they might need to enable them to undertake the great and wonderful work they do, not just now but into the future.

BUSINESS OF THE HOUSE

Inaugural Speeches

Motion by Mr Brad Hazzard agreed to:

That the business before the House be interrupted at 5.15 p.m. to permit the presentation of an inaugural speech by the member for Sydney.

AUDITOR-GENERAL'S REPORT

The Clerk, announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Auditor-General's Report for 2012, Volume Six, received 14 November 2012.

PETITIONS

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

Central Coast Palliative Care Services

Petition requesting the implementation of specific steps in the 2012-13 State budget and forward estimates to substantially increase funding, staffing and infrastructure for palliative care services on the Central Coast, received from **Mr Richard Amery**.

Education Funding

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

Wallsend Police Station

Petition requesting funding to reinstate a police station at Wallsend to combat crime in this expanding residential area, received from **Ms Sonia Hornery**.

Pets on Public Transport

Petition requesting that pets be allowed on public transport, received from **Mr Alex Greenwich**.

Walsh Bay Precinct Public Transport

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

Eastern Suburbs Bus Service 311

Petition requesting the retention of the 311 bus service link to Central and Circular Quay and improvements to frequency and reliability, received from **Mr Alex Greenwich**.

Pig-dog Hunting Ban

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

Pet Shops

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

Container Deposit Levy

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

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Princes Highway Upgrade

Mr GARETH WARD (Kiama) [3.17 p.m.]: My motion states that this House supports the O'Farrell Government's commitment to upgrade the Princes Highway and its commitment to the Illawarra Region Innovation and Investment Fund. This motion deserves priority because regional communities in this State deserve priority. When Labor was in office those communities did not receive any priority at all. Did we see the construction of Wagga Wagga hospital, a hospital in Monaro or in Dubbo? Did we see commitments that were realised to the extent that communities on the Pacific Highway wanted to see? On the Princes Highway we saw habitual failure by members opposite. Year after year they would stroll down to the electorate of Kiama—

The SPEAKER: Order! I remind members that interjections are disorderly at all times. Members will be heard in silence.

Mr GARETH WARD: They would make commitment after commitment but, as the member for Monaro reminded me earlier, actions speak louder than words. We need only to look at what this Government is doing to realise that the talk we heard from Labor in government has been matched by action from this Government. We need only to look right across regional New South Wales to see that. As one travels through Gerringong one can see the work that is going on. In fact, this Government and this Premier is making the largest single investment in the history of the Princes Highway.

Ms Noreen Hay: Point of order—

The SPEAKER: Order! I will not countenance a point of order during this debate. I remind members of the sessional orders that were agreed to by both sides regarding the taking of points of order while a member is establishing why his or her motion should be accorded priority and limiting that member to three minutes to establish priority. Stop the clock. I hope the point of order pertains to the general conduct of the House. I will hear the member's point of order, but I am giving her the same warning that I would give any member, regardless of their politics.

Ms Noreen Hay: I am asking for clarification. I understood that this part of the debate was to argue why a member's motion deserves priority.

Mr GARETH WARD: You didn't give it priority when you were in government. Sit down.

The SPEAKER: Order! The member for Kiama will resume his seat. I have been listening to the member for Kiama, and he is arguing priority for his motion.

Ms Noreen Hay: He is arguing the substance of his motion.

The SPEAKER: Order! It is a fine line. Generally speaking, members do stray into the substance of their motion when seeking to establish priority. I will not countenance another point of order, spurious or not. The clock will restart. Again, I remind members about the sessional orders pertaining to these debates, which were agreed to by both sides of this Chamber. The member for Kiama has the call. He will give reasons as to why his motion should be accorded priority, which he has been doing.

Mr GARETH WARD: I am arguing priority. I am sorry that the member for Wollongong does not agree with arguing the substance of this motion, because we heard nothing of substance from the former Labor Government on the Princes Highway. The other issue that comes before this House today for debate is whether or not the Labor Party, if it is ever re-elected to government, will support the Princes Highway, because it did not do so for 16 years. That is why this matter deserves priority today.

The SPEAKER: Order! If the member for Keira continues to interject I will extend the time of the member for Kiama by five minutes, and that will be a serious punishment. The member for Kiama has the call.

Mr GARETH WARD: The other issue that I thought members opposite would not interject on relates to the Illawarra Region Innovation and Investment Fund, which this week has resulted in 500 more sustainable jobs being created across the Illawarra. Let us see if members opposite vote against that in this House today. That fund—which received bipartisan support following debate in this place—was set up to support the priority of the Illawarra region during the downturn in BlueScope. Let us see if Opposition members have the guts to support the Illawarra community. They talked about it when they were in government but never did they deliver. Now is their opportunity to stand in this place and vote to give the Illawarra and the South Coast the priority they deserve.

State Emergency Service Volunteers

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.20 p.m.]: I seek priority to be accorded to my motion, which states:

That this House:

- (1) congratulates the SES and its volunteers on the outstanding work they do during natural disasters and emergencies; and
- (2) condemns the O'Farrell Government for its disgraceful attack on the leave entitlements of SES volunteers, who give their time to protect the community and save lives.

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

Mr JOHN ROBERTSON: I see all those on the other side feigning some sort of thanks to the State Emergency Service [SES] by wearing orange. But wearing an orange tie or an orange scarf does not demonstrate support for those people who volunteer their time to make their community safe. Whilst those members on the other side wear orange and claim that they care about the State Emergency Service, the Government is down in the Industrial Relations Commission seeking to remove work entitlements from those workers who volunteer their time. Whilst Government members wear orange, the test today is how they vote on whether they want to congratulate the State Emergency Service or whether they are happy to go down to a local shed, have their photo taken with State Emergency Service volunteers and have it put in some publication. When it comes to standing up and defending the State Emergency Service and making sure they get treated the way they should be treated, let us see how Government members vote today.

I heard the Premier say what a wonderful job the State Emergency Service volunteers do and how they should have the support they deserve. Let us see if members on the other side support them when it comes to their leave entitlements. Let us see if Government members support them when it comes to the protections they need so that when they volunteer their time they are not sacked by their employers. Members on the other side are happy to stand over there and say thanks, they are happy to have their photo taken with State Emergency Service volunteers and they are happy to pretend that they care, but what they do not do is back up those volunteers.

The SPEAKER: Order! There is too much audible conversation coming from the Government benches.

Mr JOHN ROBERTSON: Members opposite are not prepared to support State Emergency Service volunteers; they are not prepared to show them the respect they deserve by voting to protect their entitlements. What we see on the other side is the ultimate hypocrisy: they are wearing an orange tie or scarf, or they are carry something orange, but when it comes to doing something real and when it comes to doing something substantive they have got no ticker and no spine. The Premier wants to take away the entitlements of State Emergency Service volunteers but, because members opposite have no spine, they will sit there with their heads down and not look anyone in the eye when they vote against this motion. They feign their thanks and they pretend that they care about the State Emergency Service volunteers when in reality there is only one thing they care about and that is making sure that they stay in the good books with the Premier. Government members will not vote to support State Emergency Service volunteers and to protect their entitlements because they just do not care; they do not care enough to stand up and say that it is wrong to attack their entitlements when they volunteer their time and that their jobs should be protected.

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

The House divided.

Ayes, 67

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

Noes, 24

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

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Routine of Business**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.36 p.m.]: I move:

That standing and sessional orders be suspended to:

- (1) Provide for the following routine of business after the conclusion of the motion accorded priority:
 - (a) government business;
 - (b) at 5.15 p.m. presentation of an inaugural speech by the member for Sydney;
 - (c) taking of up to eight private member's statements, at the conclusion of which the Speaker to leave the chair;
 - (d) at 7.00 p.m. the Speaker to resume the chair for the matter of public importance; and
 - (e) the House to adjourn without motion moved at the conclusion of the matter of public importance.
- (2) That from 5.15 p.m. until the rising of the House no divisions or quorums be called.

Before members abandon the Chamber I will indicate the proposal for this afternoon. The House will deal with Government Business. Then the member for Sydney will make his inaugural speech at 5.15 p.m. Thereafter we will bring forward private members' statements, which will take approximately 40 minutes. I anticipate that the House will break for dinner at approximately 6.10 p.m. and resume at 7.00 p.m. when we will deal with the matter of public importance. Members not involved in those matters can make the necessary arrangements.

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

Motion agreed to.

WORLD DIABETES DAY

The DEPUTY-SPEAKER (Mr Thomas George): I acknowledge members who wore blue today in recognition of World Diabetes Day and thank them for taking part.

PRINCES HIGHWAY UPGRADE

Motion Accorded Priority

Mr GARETH WARD (Kiama) [3.38 p.m.]: I move:

That this House supports the Government's commitment to upgrade the Princes Highway and its commitment to the Illawarra Region Innovation and Investment Fund.

Last Thursday the Premier visited the Illawarra yet again and made a momentous announcement. At the Illawarra Regional Leaders Summit the Premier announced that subject to the successful passage of the port lease bills through the Legislative Council, this Government will get on with the job of upgrading the Princes Highway and making the largest single investment we have seen in the history of the Princes Highway. Stage two of the Princes Highway upgrade involves a duplication of the highway from Toolijooa to Schofields Lane at Berry, representing an estimated \$510 million investment in the highway. To date, the Government has committed \$310 million to the Princes Highway with respect to stage one from Mount Pleasant to Toolijooa. That stretch of 7.5 kilometres is one of the most dangerous sections of the road, but leaving stage two incomplete would certainly be a great disappointment to my community.

Over and above all others, the Premier of New South Wales has been incredibly supportive of the need to upgrade the Princes Highway. I have no doubt that the upgrade that is coming to fruition would not have occurred without his support when he was the Leader of the Opposition and now as the Premier of New South Wales. I also acknowledge the members for the electorates of South Coast and Bega, both of whom have been strident advocates for upgrading the Princes Highway. Indeed, when in Opposition the member for Bega went to the extent of seeking a coronial inquest into deaths on the section of the Princes Highway in his electorate. The hard work of the member for South Coast is currently being rewarded with a major upgrade of the Princes Highway at South Nowra, a renowned bottleneck. In my electorate three stages are proposed to be upgraded. The current stage that is underway at present is stage two, which is 11.6 kilometres in length—a very large section of roadway. All of the stages are important. They will save lives.

While this Government is committed to the delivery and upgrade of the Princes Highway, the current Federal Government has not shouldered its share of the burden. I hope that Opposition members who talk about their support of the Princes Highway will call Anthony Albanese and say, "Why is New South Wales not receiving its fair share of funding for upgrades of the Princes Highway?", instead of continually talking down the investment of the O'Farrell Government. My colleagues in The Nationals have done an exceptional job of advocating for the receipt of Federal funding in relation to the Pacific Highway. The Federal Government is seeking a 50:50 funding arrangement for the Pacific Highway, but has not demonstrated a similar level of commitment as far as upgrading the Princes Highway is concerned. Why does the national highway network cease at Gwynneville when there are considerable tourism and employment opportunities in areas farther south? I note that work by Fulton Hogan is currently underway on the project at Gerringong and that the project is being delivered.

I thank the Minister for Roads and Ports, Duncan Gay, for his commitment. He is the best roads Minister that New South Wales has ever had. Today I was delighted to announce in conjunction with the Minister that the environmental assessment for a section of the Berry bypass will be released for public exhibition. However, I emphasise that if Opposition members continue to oppose the lease of ports, this project

may not come to fruition in a timely fashion. I travel along the Princes Highway day after day and see cross after cross on the side of the roadway. I want to do something for my community. I want to make sure that we fix up this road. I contrast that with Opposition members who are interested in only one thing—the satisfaction of union delegates who determine their preselection. The Government is not taking away the port. We are leasing it to make it economically viable, and that is important not only for the Princes Highway upgrades but also for investment.

Ms Noreen Hay: Then why did you lie?

Mr GARETH WARD: The member for Wollongong asks why I lied. The Government never made a commitment in relation to a sale. This is a lease. Opposition members will say it is a sale, but there is a legal difference between a lease and a sale. The Government is proposing to lease, unlike Labor in Government that sold the State lotteries, jails and electricity assets. Labor put the money back into general funds and frittered it away on recurrent expenditure, whereas the O'Farrell Government is investing funds in State assets to generate employment.

The Illawarra Region Innovation and Investment Fund is referred to in the motion. This House should support the 500 sustainable jobs that have been created by this fund. The fund has resulted in approximately \$48.8 million in expenditure as a result of approximately \$17 million in grants that were issued following the collapse of BlueScope Steel. A bipartisan debate took place in this House in relation to that issue. I am proud that on that occasion Illawarra members of this House stood together following the collapse of a major employer in the region. The fund will result in hundreds of jobs being generated. The previous fund generated 472 jobs. I am delighted to bring this matter to the attention of the House. I commend the motion to the House.

Mr RYAN PARK (Keira) [3.42 p.m.]: Members of the Labor Opposition are very big supporters of the Princes Highway. For the sake of *Hansard* and for the information of members, I will rebut the remarks made by the member for Kiama by pointing out that between 1994 and June 2010 the New South Wales Labor Government invested more than \$900 million on the Princes Highway from south of Wollongong to the Victorian border and the Federal Government invested \$62 million. The contention that Labor members either do not know or do not care about the Princes Highway is rubbish. But I will highlight what Labor did not do. We did not hold a gun to the heads of the people of the Illawarra and say, "We must sell a public asset or you won't get these road upgrades." Labor did not do that.

Labor invested \$115 million on upgrading Memorial Drive, \$50 million on the important and historical Sea Cliff Bridge, more than \$108 million on the Oak Flats to Dunmore project and more than \$170 million on the North Kiama bypass. But we did not put a gun to the heads of the people of the Illawarra and say, "You must sell an income-generating asset, otherwise you won't get these projects." Labor did not do that. Labor found the money, invested the money and ensured that the Illawarra region was well resourced with roads. At the same time, Labor maintained an income-generating asset, the local port. That is what Labor did in government. I will not tolerate any Government member lecturing me about the Princes Highway. Labor invested in upgrades to roads in the Illawarra, but we did not do that by holding a gun to the heads of the people who live in the Illawarra about the sale of the region's port and make out that \$100 million is a lot of money.

Mr Gareth Ward: Oh, yes. I'm sure you don't think it is a lot of money.

Mr RYAN PARK: I assume that Government members do not think \$100 million is a lot of money because in the past fortnight they lost \$1 billion. The Liberals and Nationals Coalition would hardly be the political party to deliver a lecture on economic management. In the past fortnight \$1 billion was removed from the Coalition Government's budget. It was not the Labor Opposition that highlighted that information but rather the independent Auditor-General. To be fair, during any discussion about investment in important road projects the question must be asked: Is Labor pleased to see money being invested in upgrades to the Princes Highway? Of course we are. That is why Labor invested just under \$1 billion on the Princes Highway between 1994 and 2010.

It is astonishing that the Coalition Government takes a lot of the credit for work that the previous Government undertook. Labor members will not be lectured by members of a Government that has not laid one ounce of tar on the Princes Highway. Labor continued to deliver major projects, such as the North Kiama bypass, the Oak Flats to Dunmore upgrade, the Memorial Drive upgrade and the upgrade to the Grand Pacific Drive right up to the end of its term in government, and all those projects were delivered without the threat of the sale of a public asset.

Mr LEE EVANS (Heathcote) [3.47 p.m.]: It is time to inject a bit of sense into the argument. The Liberal-Nationals Coalition Government does not just talk the talk. Unlike the previous Government, we walk the walk. I congratulate the member for Kiama on his efforts in regard to the Princes Highway upgrade. They say that the squeaky wheel gets the oil, and the member for Kiama is a great example of that. I also congratulate the best Minister for Roads and Ports this State has ever had, the Hon. Duncan Gay. He is a fantastic Minister. The member for Keira said that we have put a gun to the heads of the people of the Illawarra. I did not realise that Port Kembla was disappearing from the Illawarra region. It is and always will be part of the Illawarra. In 100 years it will still be part of the Illawarra and it is an asset worth investing in.

Ms Noreen Hay: You only go for a photo op.

Mr LEE EVANS: I will go there for a photo op any time because it is a fantastic area.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Wollongong will have her opportunity to make a contribution to the debate. The member for Heathcote will be heard in silence.

Mr LEE EVANS: The motion notes the Government's commitment to the Illawarra Region Innovation and Investment Fund. The second round of the Illawarra Region Innovation and Investment Fund will result in more than 512 full-time jobs in the Illawarra. With grants worth more than \$15 million going to 25 successful applicants, the flow-on effect from the creation of jobs is estimated to provide a \$40 million windfall for the people of the Illawarra. The applicants are mainly small businesses, ranging from bakeries down to small businesses operated by one or two people. Obviously, the employment of an extra person is a great benefit to those businesses and will provide an enormous boost across the Illawarra. But the Government recognises that the benefits cannot be fully realised without ongoing investment in the region's transport infrastructure.

Stage two of the Princes Highway upgrade, the Foxground and Berry bypass, is the most significant transport infrastructure investment on the South Coast. This investment not only will improve safety and traffic flow, it will provide a boost to local businesses with two lanes in each direction for 11.6 kilometres between Toolijooa Road and Schofields Lane. Again, I congratulate the member for Kiama on the work he has done towards this project and I wish him well for future projects. [*Time expired.*]

Ms NOREEN HAY (Wollongong) [3.50 p.m.]: I wish to contribute to the motion moved by the member for Kiama. The member for Keira spoke eloquently about the previous Labor Government's investment in the Princes Highway of almost \$1 billion. In contrast, when preparing its budget, this Government lost \$1 billion. We spent \$1 billion on the Prince Highway. This Government finds an extra \$1 billion and what does it do with it? Absolutely nothing. Government members have been very brave talking about the need to sell the port; they said that Port Kembla is not going anywhere. They may be stupid enough to think that we believe the port is going somewhere; in fact, we believe they should go somewhere. The motion gives credit to the Government for the Illawarra Region Innovation and Investment Fund.

For the record, \$20 million came from the Federal Government, \$5 million from BlueScope Steel, and a measly \$5 million from this Government. On the one hand, the Government loses \$1 billion and thinks that is nothing; on the other, it invests \$5 million in the fund and it wants to take all the credit. As to the dishonesty of this Government, one would think in many cases it is sleight of hand. In this case, it is sleight of mouth. A forum was recently held in Wollongong to discuss the proposed privatisation of Port Kembla. Guess who was not there? The member for Kiama was not there in his pride and glory. The member for Heathcote, who claims to inject sense into the argument, was not there.

All the local members attended except those two, who would turn up to the opening of a sweet paper to take the credit for themselves. Tweedledum and Tweedledumber might behave this way in their first term, but they should stop trying to steal the credit for projects of the previous Government. The people of the Illawarra do not want the Government to privatise the port. Before coming to government they told the public they would not privatise the port. They came to government with a triple-A credit rating provided by the Labor Government. They came to government with a surplus left by the Labor Government and then they lost \$1 billion. They will not acknowledge the good work that has been done by the former Labor Government on the Princes Highway. [*Time expired.*]

Mr GARETH WARD (Kiama) [3.53 p.m.], in reply: Is that the best the member for Wollongong can do? I have seen better from her in the past. She knows the tale of shame that is the habitual inaction of the previous Government on the Princes Highway. If members want to see what I am talking about, they should

take a drive through Gerringong, Berry and Foxground. The member for Wollongong talked about the roads being paved with gold but at the moment they are paved with crosses, the signs of accidents and injuries. One of the reasons I ran for Parliament was to see action taken on this road. If the Opposition is so committed to the Princes Highway, they should contact their Labor colleagues and ask for Federal funds. Although I called on them to do that, they did not indicate that they would. I called on them to ask their Federal colleagues to come to a funding agreement for the Princes Highway similar to that for the Pacific Highway. This is an important issue for my community, and I thought that my regional colleagues would support this action.

I commend any government that invests in the Princes Highway. The Premier has committed the Government, contingent on the lease of the ports, to an \$820 million investment in two projects, both of which need support and action. Today I seek those funds on behalf of my community. I stand proudly with the Premier in the Illawarra, as I did when he was the Leader of the Opposition, in seeking those funds for my community. I was delighted that the Premier made the commitment. For 16 years the former Government failed. Members only need to look out the window of their car as they drive along the Princes Highway to see the work that is taking place.

Members also mentioned the Illawarra Region Innovation and Investment Fund. I am delighted that Pixalux Design Pty Ltd at Albion Park will receive a \$275,000 grant to establish a manufacturing facility for its technology and structural light panels which have many applications, including illuminated shelving, signage and architectural lighting systems. This project will attract an estimated total investment of \$588,665 and will create seven new jobs. I am also extremely pleased that Cammthane Pty Ltd in Albion Park will receive a \$148,500 grant for the enhancement of specialist plastic products. This money will give it the capacity to improve its current systems. The project will attract an estimated total investment of \$297,000 and create three jobs. These are important investments. The Illawarra Region Innovation and Investment Fund was a bipartisan action in this place. When the issue came before Parliament, the Opposition supported the Illawarra Region Innovation and Investment Fund. I ask all members to continue to support the fund because those opposite ignored it when they were in government.

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

Motion agreed to.

FORESTRY BILL 2012

Bill received from the Legislative Council, introduced and read a first time.

Second reading set down as an order of the day for a later hour.

BAIL AMENDMENT (ENFORCEMENT CONDITIONS) BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr CHRIS PATTERSON (Camden) [4.00 p.m.]: I support the Bail Amendment (Enforcement Conditions) Bill 2012. The bill makes an important amendment to the Bail Act 1978. It will ensure that enforcement conditions on a grant of bail have the authorisation to be imposed on accused persons. The proposed amendments are a direct result of the recent decision in the Supreme Court of New South Wales in *Lawson v Dunlevy*. The court's decision was that the breath test bail condition was not lawful under the Bail Act as there was an inconsistency with the purposes for which bail conditions can be imposed. A condition of bail on the particular accused person was to abstain from alcohol. The indirect outcome of the court finding unlawful bail conditions only in *Lawson v Dunlevy* makes it clear that all enforcement conditions are unlawful under the Act. The NSW Police Force has brought to the Government's attention also that the absence of enforcement conditions is negatively impacting on officers' ability to check that accused persons are complying with their bail conditions.

How is a police officer supposed to establish that a person on bail has been complying with a condition to abstain from alcohol without being able to administer a breath test? How is a police officer supposed to check that a person on a curfew condition is obeying that condition without having authority to require the accused to present at the front door of their residence? These requests or requirements are not unreasonable considering

that bail is a conditional freedom prior to a verdict for a person charged with a criminal offence. These means of monitoring are the most practical way of establishing adherence to bail conditions. Camden police do a fantastic job, led by Chief Superintendent Peter Gillham, as do the police led by Superintendent Greg Rolph in the Campbelltown Local Area Command, which takes in part of my electorate, and in the Macquarie Fields Local Area Command, which also forms part of my electorate, led by Superintendent Sean Gersbach.

Only last week, the Camden local area commander and I walked through the local Narellan Town Centre with our new Mayor, Lara Symkowiak, speaking to business owners, staff and shoppers. They all gave positive feedback on the levels and occurrences of crime in the Narellan area and commented on the police presence within our area and the fine job that officers are doing. It was pleasing to learn from Chief Superintendent Gillham that crime figures in the Camden Local Area Command have either remained stable or reduced in all areas, with significant arrests in steal from motor vehicle offences. Chief Superintendent Gillham highlighted the hardworking and genuinely good officers of the Camden Local Area Command. I certainly concur that my local area command has wonderful police. It is always dangerous to single out only two people, but Mark Scambery and Chris Millman are outstanding community liaison officers who do a wonderful job. I compliment them on their years of great service to Camden and the surrounding areas.

This bill is the Government's response to the Law Reform Commission recommendations given the effect that the Supreme Court finding has had and could have on police executing their duties to monitor compliance with bail conditions. This Government wants to support police in their roles and ensure that bail conditions are complied with. This bill ensures flexibility for courts when imposing conditions and for police when issuing directions pursuant to conditions. The bill contains safeguards to ensure that enforcement conditions can be imposed only by the courts. Police will not have the power to impose enforcement conditions in a bail determination. Regard will be given as to whether it would be unreasonable to comply with a direction that may affect people other than the accused. A person's criminal history must be taken into account before an enforcement condition can be imposed. This will make sure that enforcement conditions are imposed for those who could be at risk of reoffending.

The police will develop standard operating procedures for monitoring bail conditions and enforcement conditions in line with the bill's requirements. This means that the best and most experienced people in enforcing and monitoring bail conditions will be driving the formation of these standard operating procedures. This bill is sensible and reasonable, and will give our police the tools to enforce the law. Bail is an important part of our legal system. Certain accused people have the right and liberty to apply for bail, and we must ensure absolutely that bail conditions are monitored and enforced to obtain compliance by those subject to those conditions, knowing that bail conditions no longer are a toothless tiger. I commend this important amending bill to the House.

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [4.07 p.m.]: It gives me great pleasure to support the Bail Amendment (Enforcement Conditions) Bill 2012. As outlined by the member for Camden, the need for this legislation became apparent following the Supreme Court decision in *Lawson v Dunlevy* that deemed bail conditions to be unlawful even though the court made the conditions part and parcel of the bail application. In most cases there are genuine reasons for applying for bail and for its being granted by the court. The Director of Public Prosecutions and the police also have genuine reasons for arguing that particular bail conditions are necessary and must be complied with to stop reoffending. We must appreciate that bail normally is granted because the person before the court has a high likelihood of being convicted but for family or other reasons granting bail saves them from going to jail before the court hearing commences.

There are often lengthy delays before cases get to court, especially in regional New South Wales. This occurs for a variety of reasons. Some people need to be granted bail because they must work to support their family or for other family reasons. That does not mean they can abuse the privilege given by the courts by breaching their bail conditions. This bill gives the prosecution, on behalf of the police, the opportunity to apply for bail conditions that will ensure the safety of everyone involved in the case while at the same time sending a clear message to the offender that the court has given a direction and expects those bail conditions to be complied with.

In regional areas the judicial system is often accused of being far too lenient on many offenders. Mr Deputy-Speaker, you and I often see cases where we are at a loss as to why bail is considered and given by the court. At the end of the day there is the separation of powers: The Parliament makes the laws, the police enforce them and the judiciary decides how the cases are to be heard. This bill will provide an important tool to the police to apply for particular bail conditions. The *Lawson v Dunlevy* case related to the consumption of

alcohol and the ability of the police to breath-test the accused. As a former publican, Mr Deputy-Speaker, you would understand that some people handle alcohol far better than others. If bail conditions are placed on accused persons in relation to restricting the consumption of alcohol those conditions should be complied with.

There was one hell of a mess in Coffs Harbour last weekend when, following the OZTAG competition that occurs each year, there was a brawl in a local hotel. The hotelier of that establishment will probably end up with a strike against his name. That particular publican already has a strike against him—I have raised this matter with the Minister in this House and in the media. On that occasion the hotelier denied an intoxicated person entry to the hotel and was king-hit by a friend of that person. He received medical treatment yet at the end of the day ended up with a strike against his licence simply for complying with the law. The law can be an ass at times, and it has certainly been an ass in the past in relation to bail conditions. I commend the Attorney General for bringing this amending bill to Parliament. This legislation is necessary to enable the police to do their job by providing advice to the courts in relation to particular matters and for the prosecution to apply for bail conditions to protect the community and assist police. I commend the bill to the House.

Mr BRYAN DOYLE (Campbelltown) [4.12 p.m.]: I speak in support of the Bail Amendment (Enforcement Conditions) Bill 2012. As a policeman with some 27 years experience, I know this bill will be welcomed by police officers across New South Wales. I know it will be of great assistance to the wonderful police who serve the communities of Campbelltown—the opal of the south-west—and Macquarie Fields. The purpose of bail is usually threefold: to make sure an offender attends court, to protect the community and to protect individual victims. In the vast majority of cases bail is not required. Most offenders are released on a court attendance notice. But on occasion bail is required and the enforcement of bail conditions is necessary to ensure the protection of the community. That is particularly true of certain types of offences.

The bill requires the officer granting bail to consider the history of the accused. In policing circles it is widely known that some offences have a high recidivism rate. People who break into homes do not do it by chance: Such offenders have a high rate of reoffending, as do those who steal motor cars and commit graffiti offences. Many of these offences are committed at specific times of the night and placing curfew conditions on bail reduces the incidence of offending—it also makes for effective policing. I have always maintained that it is much better to have police officers out in the community rather than waiting for offenders to report to police stations. It is important to have enforceable bail conditions that enable police to get out and maintain the safety of our community. This is a valuable bill. It addresses an issue that will go a long way to helping police enforce bail conditions and keep our community safe. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [4.14 p.m.]: I speak in support of the Bail Amendment (Enforcement Conditions) Bill 2012. No doubt these amendments were prompted by the courts in Broken Hill, where on many occasions the local magistrate made decisions about bail conditions for offenders. Without knowing the circumstances of each individual case or the test case, there is obviously little doubt that the amendments in the bill are much needed. It is important for police to be in a position to enforce bail conditions imposed by the court. The police have been frustrated on many occasions in the past by their lack of power to follow up and ensure that persons are meeting their bail conditions. Most people charged before the court respect the fact that they have been extended the privilege of bail and have the good sense to moderate their behaviour. Unfortunately, that is not the case with recidivists, who treat both the courts and their bail conditions with similar contempt.

There is no doubt this bill will allow police to follow up accused persons who are on bail awaiting court cases to ensure that they are complying with their bail conditions. Domestic violence is a common problem in Broken Hill, and alcohol often plays a large part in that crime. When charges were proffered the magistrate often identified alcohol as a factor and saw the sense in prohibiting that person from drinking alcohol to reduce the risk of a repeat offence. But there are people who have a total disregard for the law and who continue to offend while on bail. This bill will support police and enable them to follow up and ensure that bailed persons are meeting their bail conditions. What happened in the courts in Broken Hill and elsewhere highlighted the need for revision with regard to conditioned bail in order to give police the power to follow up those who are on bail awaiting court dates. I commend the bill to the House.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [4.18 p.m.], in reply: I thank members representing the electorates of Liverpool, Tweed, Heffron, Myall Lakes, Tamworth, Londonderry, Camden, Coffs Harbour, Campbelltown and Murray-Darling for their contributions to the debate. Before concluding I will address particular matters that were raised in debate. Some concerns were expressed in the other place about the fact that the bill allows police to issue a direction to an accused person, pursuant to an enforcement condition, outside the circumstances nominated by the court.

I note that police will be able to issue such a direction only when they have formed a reasonable suspicion of a breach of bail. If police were not permitted to issue directions outside the circumstances nominated by the court it may result in breaches of bail going undetected, even when a reasonable suspicion of a breach is formed. The bill ensures that police can verify properly whether a breach has occurred before commencing breach action. The bill has been structured so as to provide flexibility to courts when imposing enforcement conditions and flexibility for police when issuing directions pursuant to an enforcement condition.

Amendments were proposed in the other place—and referred to here at least by the member for Liverpool—to require the oversight of the Ombudsman in relation to the provisions of the bill. However, the Government does not consider that specific legislative oversight by the Ombudsman is needed in relation to these matters. The amendments incorporate safeguards to ensure that enforcement conditions are targeted at accused persons who present a risk of reoffending on bail and are not imposed in a way that would make compliance unduly onerous.

Reference was made to the Supreme Court case of *Lawson v Dunlevy* in which Justice Garling handed down his decision on 10 February 2012. However, during criticism of certain aspects of the legislation no reference was made to the fact that the facts were not challenged before Justice Garling; they were accepted by both Mr Lawson, the defendant, and the police officer in charge. On 18 June 2011 police officers arrested Mr Lawson for the offence of assault occasioning actual bodily harm contrary to section 59 (1) of the Crimes Act. The victim of the assault was alleged to be Stephanie Hunter, with whom Mr Lawson was living in a domestic relationship. They have five children aged between one year and 10 years. It appears that the magistrate was satisfied that alcohol had contributed to the alleged offence, which is a serious indictable offence.

Sadly, alcohol often contributes to offences of violence, particularly offences of domestic violence. Giving police powers to test a person prohibited from using alcohol during the bail period is intended also to safeguard the alleged victim—often the wife or partner of the person who has been charged. Sadly, over the years I have seen a number of domestic violence cases end up as a homicide because the perpetrator's behaviour worsens, and alcohol is often the contributing factor. Therefore, it is important that police are given this power. The Government notes that under part 8A of the Police Act 1990 the Ombudsman is provided with powers of oversight in relation to the investigation of complaints about the conduct of police officers. These powers would extend to complaints about police enforcement of enforcement conditions and thus there is no need for an amendment.

Further, the Government will ask the Bureau of Crime Statistics and Research to monitor the imposition of enforcement conditions and will consider closely the results of this monitoring to assess the impact of the reforms. Attempts were made in the other place to trivialise the impact of the provision dealing with the Bureau of Crime Statistics and Research, and its monitoring. The bureau plays an important role in assessing crime—the prevalence of crime and the manner in which crime is carried out. New South Wales is the only State to be fortunate enough to have the benefit of those statistics, which are very useful in deciding whether legislation is successful in preventing certain types of antisocial or violent behaviour or whether further laws will be necessary in future. The bill makes important reforms to the Bail Act by providing for the imposition of enforcement conditions on a grant of bail. The availability of these conditions will ensure that police can properly monitor and enforce compliance with bail conditions. These reforms will support the effective administration of justice in New South Wales and make it safer for people in this State to go about their normal business. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Greg Smith agreed to:

That this bill be now read a third time.

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

ROAD TRANSPORT (GENERAL) AMENDMENT (PRIVATE CAR PARKS) BILL 2012**Second Reading**

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [4.26 p.m.]: I move:

That this bill be now read a second time.

I am pleased to inform the House that the Road Transport (General) Amendment (Private Car Parks) Bill 2012 was introduced in the other place on 25 October 2012. It is in the same form and the second reading speech appears at pages 16464 to 16466 of the *Hansard* for that day. I therefore commend the bill to the House.

Mr RYAN PARK (Keira) [4.26 p.m.]: I lead for the Opposition in debate on the Road Transport (General) Amendment (Private Car Parks) Bill 2012. At the outset, I state that the Opposition will support the bill. The Minister for Fair Trading, who is at the table, would be aware that certain car park operators have decided to make it a bit of a sport to elicit large amounts of money from motorists who, in many cases, have innocently parked perhaps where they should not have parked but who are unaware of the implications. I have received a briefing from the Minister's office, which I acknowledge. I acknowledge, too, the work done by my predecessor, the member for Lakemba, on this matter. When I became shadow Minister he raised this issue with me, and I acknowledge his efforts. He explained that the issue was of considerable interest both within his electorate and in the broader community. That is also my experience, and I am sure it is an experience common to many other members.

The legislation will prevent Roads and Maritime Services from being required to hand over the names, addresses and details of people to private car park operators simply so they can recover fees. I do not want to put all car park operators in one basket and say they are all bad people; they are certainly not. However, time and again those in elected office and those closely in touch with the community come across cases of innocent people being stung. Indeed, a constituent of mine was fined for an offence committed four years ago. That is inappropriate. In anyone's book that is not right. We have also seen that the magnitude of the offence is extremely high, and that concerns me also. I have had some feedback from some of the private car park operators and I certainly hope that the Minister has had an opportunity to review this.

I know that the intention of this bill is certainly not to harm in any way those genuine operators of private car parks who do the right thing and who use very clear and easy-to-understand language and barriers so that people understand they are entering a private car park. This bill is about those operators who do not do that and who then use Roads and Maritime Services to, in many cases, track down innocent motorists who have been stung. The shadow Minister for Fair Trading, who is in the House, has outlined the classic case to me of a big sign at the entrance to a car park that says "Two hours free" but very small print on that sign says, "Take a ticket". The person does not take a ticket and the rest is history—that person is up for a \$150, a \$170 fine or whatever the amount of money is.

I put on record my thanks to both the shadow Minister and the Minister for Fair Trading—my understanding is that they have been working fairly cooperatively on this issue—because this issue crosses a number of portfolios. The Minister for Fair Trading has our support for this legislation. We hope it leads to a reduction in the number of innocent people getting caught out. This legislation is not about protecting those who deliberately do the wrong thing and park in areas where it is very clear they should not; it is about ensuring that motorists who are doing something as simple as parking a car do not get caught out simply because signage is misleading, because the areas in which they are parking are not clearly defined or simply because they have been caught by operators who, in very blunt terms, do not do motorists justice at all.

I thank both the Government and the Opposition for the briefings I have had in relation to this bill. As a new shadow Minister I am obviously relying on my colleagues and I acknowledge the member for Lakemba and the member for Bankstown, both of whom gave me significant briefings, as well as the Minister's office. This is an important issue and I hope it leads to a sense of justice within our community. I hope all members do not experience the level of concern that many members in electorates right around New South Wales have experienced when they have had to represent people who have been unfairly stung by this process.

Mr KEVIN ANDERSON (Tamworth) [4.32 p.m.]: I support the Road Transport (General) Amendment (Private Car Parks) Bill 2012. The Tamworth electorate has a number of private car parks and I am sure that their operators do the right thing; therefore, this bill will certainly not affect them. But, given that

Sydney has many, many private car parks, I am sure that the issues highlighted by the member for Keira occur, which is why this bill has been introduced today. The bill seeks to amend road transport legislation to stop Roads and Maritime Services releasing customers' personal information from its registers in certain circumstances, such as when a private car park operator seeks to obtain the name and address of a registered operator of a vehicle under the rules of preliminary discovery as set out in the Uniform Civil Procedures Rules 2005.

The rules of preliminary discovery allow an applicant to ascertain a prospective defendant's identity or whereabouts, after having made reasonable inquiries, for the purposes of commencing legal proceedings against that person, and in reasonable circumstances where that person has done the wrong thing by perhaps breaking the rules or the procedures in place at a particular car park. While the rules of preliminary discovery are there to support an application where there is a real intent to commence legal proceedings, certain private car park operators are relying on these provisions to operate a de facto fine enforcement scheme by posting demands for payment using the names and addresses obtained from the registers of Roads and Maritime Services. This practice has raised a number of concerns, particularly privacy concerns related to the mass release of personal information.

I understand that a single application for the names and addresses of registered operators of vehicles can contain up to 40,000 at a time. I notice the good Minister for Fair Trading is nodding his head. He is doing a great job in relation to the operations of the Consumer, Trader and Tenancy Tribunal and the Office of Fair Trading. I also understand that as at September 2012, Roads and Maritime Services has been ordered to release as many as 150,000 names and addresses to private car park operators, with many more to come if something is not done to address this issue. That is mischievous, at best, on the part of some of those car park operators who are not using this service for its intended purpose. I understand that when a court makes an order directing Roads and Maritime Services to release the details of the registered operator of the vehicle alleged to have committed the breach, the current method for exchanging the data is not ideal.

I am advised that private car park operator will supply Roads and Maritime Services with a list of vehicle registration numbers, which, as I said, can number in the tens of thousands, for which the registered operator's name and address details are requested. In that situation, privacy issues come to the fore. The car park operators typically use this information to then send letters of demand for payment of "liquidated damages" for an alleged breach of the conditions of parking. It is not the intended purpose of the disclosure if the user of that car park has not broken any rules or breached any conditions of that car park. Rather than using the preliminary discovery rules to commence legal proceedings, these car park operators appear to use the rules only to support their business model of posting letters of demand for payment, in the hope that people will simply pay without question. How many times have people experienced a phone scam or a letter scam? If a person receives a letter of demand for payment, the situation is no different.

The person who received the letter of demand would know that they had been in that car park at that particular time and they perhaps know that they have used that car park in accordance with the policies and the procedures of that car park, yet they still receive a letter of demand for payment. Of equal concern is the lack of adequate controls that these car park operators appear to have in relation to the security and use of information once it has been released into their possession. I suspect that members of the New South Wales community—including the Tamworth electorate—would not be happy to know that their personal information supplied to Roads and Maritime Services in good faith can be released to private car park operators in the circumstances I have just outlined. I know I would be pretty cranky if that happened to me. That issue aside, the continued mass release of personal information in this manner has the very real potential to allow a person's name and address that have been suppressed to be inadvertently released. That raises privacy issues.

Government agencies must comply with strict requirements when collecting personal information. Any access that has been granted to the data contained in the registers of Roads and Maritime Services must be in accordance with strict privacy protocols. This Government would not want to compromise that, and that is the reason for this bill. While there is a legal requirement on an applicant that no copy of a document or any information from a document can be used other than for the purpose for which it was obtained, no adequate safeguards are in place to ensure private car park operators are compliant with this requirement.

If a car park operator continues to successfully obtain personal information under preliminary discovery orders for alleged debtors, what is to stop other creditors from pursuing the same path to support their debt recovery processes? The chain will continue and it will snowball once a person's details are released. Identity theft is a major crime and I know that Fair Trading and the Consumer, Trader and Tenancy Tribunal are

ensuring that they stamp it out via every possible avenue. Clearly it will have an adverse impact on the resources of Roads and Maritime Services and, more dangerously, erode the integrity of the agency's database if customers decide not to update their records for fear that their details can be easily released. That is why the amendments proposed by this bill are needed. When members of the community provide their personal details to government agencies they need to be assured that every effort will be made to maintain the security and confidentiality of the information.

The security of their information must not be able to be compromised by an unscrupulous private car park operator who gains that information from Roads and Maritime Services and sends letters of demand for payment to a person who used the car park in a legitimate fashion. Notwithstanding these measures, the Government will continue to consult with private car park operators and other industry stakeholders to ensure that adequate measures are developed to allow car park operators to control the use of their car parks while not compromising the integrity of the personal information held in the registers maintained by Roads and Maritime Services. The Minister for Roads and Ports, the Hon. Duncan Gay, who introduced this bill in the other place, has done an enormous amount of work with the Roads and Traffic Authority and now Roads and Maritime Services to introduce some common sense, integrity, honesty and transparency into government policies and procedures. The Road Transport (General) Amendment (Private Car Parks) Bill 2012 works towards those objectives and I am pleased to commend the bill to the House.

Mr ROBERT FUROLO (Lakemba) [4.41 p.m.]: I am pleased to join with my colleague the shadow Minister for Roads, the member for Keira, and all members of the House to support the Road Transport (General) Amendment (Private Car Parks) Bill 2012. At the outset I acknowledge the agencies and departments that have collaborated to bring this bill to the House: Transport for NSW, Roads and Maritime Services, the Department of Attorney General and Justice, and of course the Minister and his staff. I also acknowledge that this issue has received bipartisan support in this House. I acknowledge and accept the right of car park owners to impose limits and restrictions on the use of their private assets. It is entirely reasonable for a landowner to determine how their land is used, including whether they charge a fee to park on their land and so on. But I am concerned about the manner in which they enforce their rights because it often causes distress, confusion and anxiety to people in our community, in particular to the vulnerable.

As the member for Lakemba I represent a community in which around 50 per cent of the people come from a non-English speaking background. Not only is English not their first language but some of them are also illiterate in their home language and so trying to read the fine print on signs can be quite confusing—especially when the signs are not all that clear. Many of my constituents have expressed concerns about lack of signage and lack of available ticket machines. They have also expressed concern that sometimes a ticket is not available prior to entering the car park; they must park and then find a ticket to install in their cars. These things add to motorists' confusion and make people susceptible to becoming victims of unscrupulous car park operators. The nub of the bill and my main concern is the access to and use of private information held within Roads and Maritime Services for purposes other than originally intended.

The use by private car park operators of motorists' private information held within Roads and Maritime Services to cajole, threaten or scare motorists into paying a fee for a breach of contract is contrary to the purpose for which this private information is allowed to be made available. That is really important. The private information can and should be made available for legitimate discovery reasons as part of pending legal action and not as a means to scare motorists into paying penalties. It is an important point that from time to time people who are in the process of legal action will call upon Roads and Maritime Services to find out the name of the owner of a registered vehicle. That provision should remain. However, unscrupulous car park operators who use this provision of the Act as a way of scamming motorists into paying a penalty for a contract they did not realise they had breached is not the intention of the Act. That is the reason for this bill.

Another issue of concern to me is the manner and appearance of the breach of contract notices. That issue is being considered in Victoria, and to his credit the Minister acknowledged it in his second reading speech. It seems obvious to me and I am sure to most other people that a deliberate act is being undertaken to replicate the appearance of penalty infringement notices that are issued by appropriate authorities. If a motorist sees something under their windscreen which looks like a penalty infringement notice issued by an appropriate authority such as a council officer or a parking ranger they will feel as though it is legitimate and that they are obliged to pay it. That is not the case with breach of contract notices. Deliberately replicating penalty infringement notices adds to the confusion, stress and anxiety felt by many people in our communities. As I said, I understand that this issue is being examined in Victoria. The Minister referred to that during his second reading speech and said that he will monitor developments, and the Opposition welcomes that.

Finally, I acknowledge that some car park operators have been responsive to representations made on behalf of constituents. I am sure I am not the only member in this House who has written to Australian National Car Parks and other car park operators to bring to their attention the issues and concerns of constituents who have received breach of contract notices. I acknowledge that to their credit the companies that I have dealt with on behalf of my constituents have generally provided favourable responses. It is important to put that on the record. Again I acknowledge and support the efforts of the Ministers and their departments. I support the bill.

Ms TANIA MIHAILUK (Bankstown) [4.47 p.m.]: I join with my colleagues the member for Keira and the member for Lakemba to address the Road Transport (General) Amendment (Private Car Parks) Bill 2012. I note at the outset that the New South Wales Opposition will support the bill. I am delighted to have the opportunity to bring the sorry saga of Australian National Car Parks to the attention of the House. It is an ongoing issue that has been the subject of legal dispute. It has involved governments on both a State and Federal level and affected tens of thousands of constituents in New South Wales and throughout Australia. While this bill is welcomed, it fails to address the central issue in dispute. That is, is it or is it not lawful for a private company to issue a fine?

The position I and many members of the public have advocated for is that it should be unlawful. This position has been endorsed by the Victorian Supreme Court, which decided earlier this year in the case of the *Director of Consumer Affairs of Victoria v Parking Patrols Vic Pty Ltd* that the fines issued by the company Australian National Car Parks are unlawful. That is not to say that a private company cannot make a demand for payment in the instances where it is owed money. But, as the member for Lakemba alluded to, there is a distinction between a debt owed to a private company and a fine. Of course it should go without saying that it is government bodies and authorities that should be responsible for issuing fines and not private companies.

That distinction is one of a couple of outstanding issues in this matter. I understand that New South Wales Fair Trading has received a considerable number of complaints and requests for assistance in regard to it. I ask the Minister during his reply to advise the House of the number of complaints and requests for assistance his department has received. My electorate office has received numerous requests for assistance. One of the key developments in this matter and the primary reason for introducing this bill is a court decision that required Roads and Maritime Services to provide Australian National Car Parks with motorists' personal details. Obviously, this decision caused a great deal of community concern. I have received numerous representations at my electorate office about the decision. As a result of the decision, Australian National Car Parks issued thousands of fines for alleged offences dating back as long ago as 2009. That has placed a number of people in an awkward position. After all, who can remember what they were doing on a particular day at a particular time four years ago?

I have heard of many examples of people being placed in just that position. One in particular concerns a woman who approached my electorate office and who could not recall what she was doing on the exact day the fine was issued. However, she was certainly suspicious, given that at that time she was heavily pregnant and had small children. She knew that at the time she was supposedly at the car park site, she was picking up one of her children from school. The car park is quite a distance away from the school. It would have been impossible for her to park there and walk to the school. She was very confident that she could not possibly have been in that car park at the stipulated time. She approached my electorate office for assistance. As a result of my correspondence, her fine was cancelled. There have been many other similar examples of people being in similar situations.

I have also been informed of constituents who have been approached by solicitors and debt collectors and who understandably suffered great anxiety as a result. Many of them had never previously received a fine. They were upset and felt they had done something wrong. They could not deal with the daunting experience of receiving letters of demand from debt collectors and solicitors. Many of my constituents have advised me they received letters from Roads and Maritime Services advising them that a fine existed but they never received a copy of the debt from the Australian National Car Parks, which made it difficult to have the fine waived. Constituents also have informed my electorate office of unsavoury practices by private car park operators, such as the use of small signage particularly in areas where large proportions of the local population are elderly or for whom English is a second language. I have also been informed about car park inspectors issuing fines while people walk from their car to the ticket machine to purchase a ticket. Clearly the people intended to pay for parking, but they received a fine before they could purchase a ticket and place it on their vehicle.

I understand that NSW Fair Trading has undertaken a number of inspections in an attempt to address issues such as small signage. While the behaviour of car park inspectors is difficult to verify, I draw this matter to the attention of the House because it is part of a trend. There is no doubt that private car parks are a legitimate

business, and I doubt any member of this House would want to obstruct the operation of a legitimate business in a proper manner; however, if a business model depends on recoupment of costs after the fact, and a car park does not make it clear that people are required to pay and does not make it easy for them to pay, there is something wrong with that business model. I encourage all members of this House to research this issue online.

In particular I refer members to the Facebook group "The People vs Australian National Car Parks", where they will see that a large number of constituents are upset about treatment by Australian National Car Parks and other car park operators. As I previously mentioned, NSW Fair Trading has been involved in trying to assist people who have received notification of a parking debt. I advise the House, based on my experience in assisting my constituents, that NSW Fair Trading has given assistance to many people who have had their parking debts cancelled. I thank the Minister for Fair Trading, who is present in the Chamber, for his assistance and for the assistance provided by his office in helping people to have their parking debt cancelled.

I refer the House to a report in John Rolfe's Public Defender column that was published in the *Daily Telegraph* on 24 May 2012 under the headline, "Australian National Car Parks crosses fine line". The report states that a spokesperson from NSW Fair Trading advised members of the public who had received a parking debt notice from Australian National Car Parks following the Victorian Supreme Court's decision, that the demands for payment were unlawful and that constituents should write to Australian National Car Parks directly to ask for the debt to be cancelled. Road and Maritime Services also made several public statements about this matter and on a number of occasions provided advice through the media for people to seek legal advice before paying any debt from Australian National Car Parks.

New section 244B in item [1] of schedule 1 to the bill deals with the preliminary discovery of information for recovery of private car park fees. The provision will ensure that Roads and Maritime Services cannot be required to disclose information about registered motorists and cannot be compelled to assist in determining the identity or whereabouts of a person in connection with that person's motor vehicle registration details. Although the Opposition will not oppose this legislation, more work needs to be done. There is no doubt that a large number of constituents have received notification of the existence of a debt but have not received a copy of the demand for payment. Those who have received a demand have had no opportunity to explain the circumstances that they believe make it clear they are not responsible for the debt. I reiterate my thanks for the assistance provided by the Minister's office and NSW Fair Trading. I look forward to continuing to work to protect New South Wales motorists. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [4.56 p.m.]: It is with pleasure that I participate in debate on the Road Transport (General) Amendment (Private Car Parks) Bill 2012. The bill aims to prevent Roads and Maritime Services from being required by any preliminary discovery process to disclose information about registrable vehicles and registered operators of vehicles, if discovery is for the purpose of the recovery of private car park fees. As we are all well aware, it is commonplace for shopping centres to use commercial car park operators to manage the day-to-day operation of car parking facilities. The standard boom gate style of car parks, with which we are all familiar, operate on the premise that a driver receives a parking ticket upon entry and subsequently is charged a set fee, should the car remain in the car park for longer than the allotted free parking period.

However, some car park operators have departed from the usual methods of car parking and instead operate a pay-and-display system. Fairfield Forum is a major shopping centre that operates the pay-and-display system, and Australian National Car Parks are the operator of its car park. Many of my constituents who shop at Fairfield Forum have experienced car parking issues. The shopping centre has many entry and exit points in the car park. From memory, the car park signage is not very clear at all. In common with the constituents of the member for Lakemba and the member for Bankstown, many of my constituents have non English-speaking backgrounds. The parking information at Fairfield Forum is extremely small and the notices are not well displayed. Those factors make it very difficult for constituents who have English as a second language to operate the car parking machines and understand the processes involved in obtaining a ticket and displaying the ticket on the dashboard of their cars.

At the Fairfield Forum, the ticket vending machine is situated in an area that has a very steep approach, which makes it difficult for elderly people to obtain a car parking ticket. Moreover, pedestrian access is difficult because the machine has been placed in the middle of two lanes of traffic, which makes accessing the machine very difficult for elderly people and for people with mobility impairment. The pay-and-display terms essentially operate on the premise that the driver of the vehicle obtains and displays a valid parking permit upon parking their vehicle. Even when a period of free parking is provided, a driver who stays longer than the allotted time must obtain a new ticket and return to their car.

Once again I think about Fairfield Forum and the difficulty my constituents have in accessing the ticketing machine in such a large area. Drivers who fail to comply will be issued with a demand for payment for breaching the terms of use of the car park. Many members today have spoken about receiving notices two, three or four years after the so-called infringement. Law-abiding constituents who do the right thing and may never have infringed are caused undue stress when they receive an infringement notice. I am glad to see bipartisan support for this bill. I am regularly approached by constituents in my electorate to tell me about their concerns regarding these pay-and-display car parks and the incredibly overblown penalties imposed for breaching the terms of use of the car park. I emphasise that they are overblown penalties.

Once again, many constituents in Fairfield cannot afford the fees for these so-called parking infringements which occurred three or four years previously. Many constituents frequently note the lack of clear signposting advising customers of the terms of the car park. As I said earlier, it is extremely difficult, especially for a person from a non-English-speaking background, to read the fine print. As well, there are no staff within the car park to offer assistance to those who do not understand the terms of use of the car park. Sometimes the tickets, once they are placed on the dashboard, fade rapidly. With the warmer months approaching, constituents will return to their vehicles to find their tickets have disintegrated on the dashboard and the print on the paper has diminished in the sunlight. This makes it hard for constituents to later prove they did not breach the car park's terms of use.

One astounding aspect is that many constituents who have raised this matter with me have indicated that the payment demand relates to an alleged offence that occurred two to three years prior to receipt of the notice from the car park operators. This occurs because private car park operators currently have the ability to obtain the private information of registered vehicle owners from Roads and Maritime Services by using the preliminary discovery process. This process was designed to assist in the identification of a person against whom legal proceedings have been commenced. It is a disgraceful situation. Car park operators are misusing and abusing the system and our law-abiding constituents who do the right thing are being used in order to fuel these companies' business model. I and the other members on this side of the House support the bill.

Mr NICK LALICH (Cabramatta) [5.03 p.m.]: I speak on the Road Transport (General) Amendment (Private Car Parks) Bill 2012. The object of the bill is to prevent Roads and Maritime Services from being required by any preliminary discovery process to disclose information about registrable vehicles and the registered operators of registrable vehicles if the discovery is for the purpose of the recovery of private car park fees. Private car park fees are fees alleged to be payable under the terms and conditions of a contract, arrangement or understanding relating to the use of a car park but do not include car park fees recoverable under a written contract signed by the parties. In my electorate of Cabramatta there is a well-used Woolworths' car park run by a private operator in the heart of the central business district. Multiple times a day constituents come to my office to ask whether I can make representations on their behalf to the private operator. They are often confused because to the regular person on the street a fine is a fine. Usually fines are issued by police or a government department. That is not the case here.

Some private car parks have two hours free parking but motorists who park there for less than two hours must still collect a ticket. Often the signage is not clear and much confusion reigns, particularly in my electorate where there are many people who do not predominantly speak English. Many of the ticketing machines are not user friendly and it can take five minutes to work out which buttons to press to obtain a ticket. On the machines are written, "Pay here, press the third button and take your ticket from there." People who cannot speak or do not understand English, such as many in my electorate of Cabramatta, often walk away without bothering to obtain a ticket. Many popular food outlets are located near central business districts, railway stations and major shopping centres, particularly in inner-city electorates, and some people use their premises for parking. But who would drive into a McDonald's or Kentucky Fried Chicken parking area and expect to have to obtain a parking ticket from a machine? I congratulate the Minister on bringing this legislation forward. It is well overdue and for many years members have called for this type of legislation.

When some of my constituents have phoned a private operator to discuss their infringement notice they speak to a recorded message on an answering machine. That is another example of the bad practices employed by private operators when representations are made to them. I have written letters on behalf of my constituents to private operators but rather than reply to me the operators write directly to my constituents, who in many cases are so fearful of getting into trouble they pay the fee. This type of commercial behaviour is disgusting and predatory, and I am glad that the House is implementing measures to protect our community. I question the morality and ethics of operators who prey on those who because of their age or lack of English-speaking skills are fearful and scare them into forking out money.

I give credit where credit is due. This bill justifies our presence in this Parliament, the oldest Parliament in New South Wales. We are taking action to stop unfair treatment of our constituents. Such incidents are not isolated to Cabramatta. Many privately run car parks employ similar tactics throughout New South Wales. I received one of these infringement notices addressed to my electorate office; it was not sent to my home address. The notice listed the type of vehicle and registration number, but I have never owned such a vehicle or a car with that registration number.

I wrote to the private operator supplying that information and never heard from them again. They did not even write back to say they had made a mistake and were sorry. I realise that this has happened to many others but as I understand English and hopefully know my rights, I was able to take appropriate action. Many people in Cabramatta would automatically pay the fee. As these private car park operators operate for private financial benefit, the Roads and Maritime Services should not be forced to disclose information to them. The information and details held by Roads and Maritime Services are for government use and the administration of record keeping by authorities. They are not for the purpose of debt collecting by private operators, and government departments should not be obligated to release this information. The Opposition supports the bill.

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [5.08 p.m.], in reply: I thank all members who contributed to this important debate, in particular, the members for the electorates of Keira, Tamworth, Lakemba, Bankstown, Fairfield and Cabramatta. As has been outlined by many members today, the object of the bill is to amend road transport legislation to provide that Roads and Maritime Services is not required to release its customers' personal information to private car park operators for the purpose of debt recovery or car park fees. The legislation is needed because some private car park operators are obtaining this personal information through the court process of preliminary discovery.

The mass release of personal information from Roads and Maritime Services registers also carries a number of other risks related to the security of information once it is in the control of the car park operator. Customers should reasonably expect that when they provide personal information to Roads and Maritime Services in the course of conducting driver licensing, registration or other business it will remain confidential and will be released only in accordance with strict privacy protocols. While New South Wales motorists would accept that their personal details may be released to other government agencies, such as the New South Wales Office of State Debt Recovery for statutory fine enforcement purposes, we believe they would not accept their details being released to private companies with no safeguards as to how the information will be stored. That is why this Government has introduced this legislation.

I take this moment to acknowledge the work of my parliamentary colleague in the other place, the Hon. Duncan Gay, the Minister for Roads and Ports. His work ensures that Roads and Maritime Services is not required to release a customer's personal information where it specifically relates to an application under preliminary discovery and is for the purpose of the recovery of private car park fees. It is important to note that this bill will still allow information to be provided under preliminary discovery in circumstances not related to the collection of private car park fees. The intent of the bill is not aimed at preventing private car park operators from enforcing the terms and conditions of the use of their car parks but, rather, to protect the personal information contained in the registers maintained by Roads and Maritime Services. The vast majority of car parks are managed effectively without access to personal information about registered operators held by Roads and Maritime Services.

It is appropriate to note that the bill simply prevents those operators from gaining through the discovery process uncontrolled access to personal information in Roads and Maritime Services registers. Again I acknowledge the members of this place who contributed to this debate. Through my colleague, I understand that the relevant authorities will monitor the operation of the new legislation. Should circumstances arise with a legitimate reason to release a registered operator's details, then the Government will consider further regulatory amendment in consultation with the industry and relevant government agency. I thank members again for their contributions. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Ms Gladys Berejiklian agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Council without amendment.

Pursuant to resolution business interrupted.

DISTINGUISHED VISITORS

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Before calling on the member for Sydney, I welcome those present in the public gallery. I understand that Federal Senator Sarah Hanson-Young is present. Welcome to the oldest Parliament in Australia. The Lord Mayor of Sydney is expected to attend also. I do not know whether she has arrived. I welcome her in her absence. I congratulate and call on the new member for Sydney.

INAUGURAL SPEECHES

Mr ALEX GREENWICH (Sydney) [5.13 p.m.] (Inaugural Speech): It is a privilege to speak in this House as the member for Sydney. I acknowledge the traditional owners of this land, the Gadigal people of the Eora nation, and pay my respects to elders past and present. It is an honour to be elected to a role where I am able to work with so many inspiring Sydneysiders, many of them present, to progress reforms that will benefit so many people, families and communities across the State. I acknowledge also the 200 nationalities represented in Sydney, Sydney's Lesbian, Gay, Bisexual, Transgender and Intersex [LGBTI] community, and the many community leaders, advocates and activists who make the seat of Sydney one of the most engaged, vibrant and compassionate electorates in the country.

One of our most inspiring communities is our public housing community. Residents in areas including Millers Point, Woolloomooloo and Surry Hills have taught me a lot about Sydney and the importance of community over the past few months. Public housing tenants actively contribute to the fabric of our city, and they deserve greater security and respect. Sydney is a dynamic electorate. We have the State's highest population, the highest density, the most number of couples without children, the most single-person households, the lowest levels of car ownership but high levels of bicycle ownership and large numbers of young adults. We have populations of very rich and very poor. The electorate includes Sydney's heart—the central business district and our beautiful harbour.

My family first moved to the inner city in 1988 from country New Zealand. In that year an Independent member of Parliament was elected to New South Wales to represent the then seat of Bligh—her name was Clover Moore. Clover hit the ground running with fierce determination to transform Sydney into a family-friendly, diverse and welcoming home for all. Her many achievements include laws that enabled small bars to operate and public ownership of the former showgrounds site, saved the Woolloomooloo Finger Wharf, initiated the medically supervised injecting centre and made it illegal to incite hatred of gay men and lesbians. A very important piece of historic legislation introduced and championed by Clover was same-sex adoption. When Clover first introduced this legislation in 2000 she was the only member of Parliament to support it in the Legislative Assembly. She sat on one side of the Chamber by herself, with all other members sitting opposite her to oppose it.

Finally, in 2010 her legislation passed with the support of then Premier Kristina Keneally and our current Premier Barry O'Farrell. This House will soon debate legislation to grant the children of those same-sex parented families the right to have married parents. I am encouraged that already we are starting to see the same political cooperation to progress marriage equality in New South Wales as we did with same-sex adoption. I look forward to being an active member of the multiparty marriage equality working group. As many would know, Clover is my political hero and a role model. Like most people in Sydney, I was shocked and appalled at the legislation that led to her being forced to resign from a seat she was democratically elected to represent. I was humbled to receive her endorsement as a candidate and I will honour her and the people of Sydney by building on her hard work and continuing her grassroots approach to politics.

My success at the by-election is a tribute to Clover's determination, courage and integrity. I will fulfil the high expectations of our community. Thank you, Clover. I will continue Clover's loud and determined voice

for keeping inner-city public housing and expanding affordable housing, championing environmental sustainability and advocating for better transport alternatives. Clover Moore also has been a lone voice for the voiceless in our Parliament, and I share her passion for protecting animals from pain and suffering. I will work closely with animal advocates to combat cruelty, including factory farming, puppy farming, pig dogging, goat racing, wild animals in circuses and duck hunting. This is more important than ever with the Shooters and Fishers Party holding the balance of power in the upper House.

At 31 years of age I am one of the younger members of this Parliament. However, I bring with me 10 years' experience running a small business finding jobs for people and five years' experience in political activism at State and Federal levels. My hope is that at the next State election, in just 2½ years, we will see more young people put up their hands to run for public office. This Parliament would benefit from a greater diversity of representation, including more women and young people, who would bring with them fresh ideas, life experiences and new energy. One area on which our State needs to focus more is embracing the digital economy and promoting new platforms that will help the small business sector grow, including social media, application development and ecommerce solutions. With the skills, knowledge and networks that already exist in New South Wales our State has the opportunity to not just be best in practice but next in practice.

Having been around politics for five years and having travelled around the country and State, it is clear that people have become disenfranchised with the way politics is practised at both State and Federal levels. Many people have complained that the focus is becoming more combative and less collaborative, and more about personality than policy. It is time for this to change. I believe the recent by-election was testament to the inner-city's dissatisfaction with the political party system. As an Independent, I am committed to working with all members to achieve outcomes for my community, regardless of party or faction. I will work with the State Government to achieve light rail services in the inner city and improvements to the sporting stadia and in expanding the bike network. I will work with the Opposition to oppose cuts to jobs and funding cuts to health, education and community services. I will work with The Greens to progress legislation that promotes environmental sustainability, including supporting container deposit legislation, and encouraging greater use of renewable energy sources.

I acknowledge my colleagues Mr Jamie Parker and Mr Richard Torbay for their support over the past couple of days. I will draw support and advice to always do what is right from my fellow Independent Richard Torbay and The Greens Jamie Parker. I will always challenge failures and applaud good work. In that spirit I would like to acknowledge the Premier for being the first New South Wales Premier to attend the Sydney Gay and Lesbian Mardi Gras and for maintaining State Government funding to that important community and global event. I would like to acknowledge the ongoing commitment of the Leader of the Opposition, John Robertson, towards making New South Wales a safer, fairer and more equitable place for workers and union members.

I assure the Labor Party they have an ally in me when it comes to protecting the pay and conditions of New South Wales workers. I would like to thank The Greens for making action on climate change a political reality and I acknowledge the leadership of the Hon. Cate Faehrmann in introducing her bill on the rights of the terminally ill, a bill I will be supporting. By working together we can achieve more. For my part I look forward to putting Sydney's case forward for greater community consultation in planning, for strata reform and for protecting public and affordable housing. I will voice the community's concerns about the casino proposal at Barangaroo.

Another campaign close to the hearts of many Sydney families, including my own, is the need for more public education facilities, including a comprehensive public high school. A growing number of families with high school-aged children do not have any options within the electorate and many young students have to commute well over an hour to get to school. We have the facilities within Sydney to provide a location for a high school, including the former Cleveland Street High School site, and I look forward to working with parents and the Government to make this a reality. As a proud gay man and representative of one of the gayest electorates in the country—

Mr Greg Piper: We are all pretty happy.

Mr ALEX GREENWICH: That is good to know. Mine are happy in a special way. As a proud gay man and representative of one of the gayest electorates in the country, I will continue to champion much-needed Lesbian, Gay, Bisexual, Transgender and Intersex [LGBTI] legislative reform. I have already mentioned marriage equality. Additionally, this House has the opportunity and duty to strengthen antidiscrimination laws

so that, for example, teachers can no longer be fired for being gay and students can no longer be expelled for being gay. We must also put an end to the "gay panic" defence, and I applaud the work of the Hon. Helen Westwood, the Hon. Penny Sharpe and others towards this.

It is my intention to serve the people of Sydney for as long as you will have me. In that regard I must thank my husband, Victor. We married in May of this year and our honeymoon consisted of an intense campaign for the Federal vote on marriage equality, a local government election for the City of Sydney and the recent Sydney by-election. Thank you for your patience and support, Vic, I love you. I would like to thank my entire family for their support: my mother, Carolyn, for always being an inspiring role model and so committed to all her sons; my father, Victor, for his care and compassion; and my brothers, Victor and Nick, for the encouraging yet grounding influence they have always had on me.

I would like to thank the national committee of Australian Marriage Equality for the trust and faith they placed in me during my five years as the National Convener. We have gained such strong community support across this country for marriage equality. We have achieved so many significant victories, including having same-sex marriages counted in the census, working with Rainbow Labor to change Australian Labor Party policy in favour of marriage equality, motions in support of reform from Tasmanian, Australian Capital Territory and New South Wales parliaments, and breaking records for the most submissions ever made to a parliamentary inquiry.

Many of the people who have played a key role in progressing this important reform are here today. I would like to thank and acknowledge my friends Professor Kerry Phelps, Senator Sarah Hanson-Young, Mardi Gras Chair Peter Urmson and GetUP National Director Sam McLean. I would like to pay special tribute to the current National Convener of Australian Marriage Equality, Rodney Croome, and thank him for teaching me so much about advocacy, lobbying and the political process. To all those who assisted in the by-election campaign, let me assure you this victory is a shared one. Your commitment, encouragement and determination throughout the campaign helped set us apart and resulted in a definitive victory. We ran a fast community campaign on a tight budget. I left feeling inspired by the people who donated their time to door knock, hand out pamphlets at street stalls and on election day and run the office.

I particularly would like to acknowledge the many hours put in by David Pocklington, Wendy Williamson, Nikos Enginertan, Alan Zurvas and Elaine Czulkowski and thank the many long-term Clover Moore supporters and volunteers who brought their campaigning skills and expertise to the campaign to keep Sydney Independent. Any political party can learn a lot from the team that backed the campaign to keep Sydney Independent. The dedication was overwhelming throughout. [*Extension of time agreed to.*]

I express my sincere thanks and gratitude to my new staff: Tammie Nardone, Roy Bishop and Leanne Abbott. Being able to start working for Sydney so quickly and effectively is thanks to your knowledge, skills and passion for the Sydney community. I would like to thank the Lord Mayor of Sydney, Clover Moore, for the faith she has in me. I look forward to doing you proud, Clover. Most importantly, I would like to thank the people of Sydney for the confidence they have displayed in me by electing me as their representative in this House. This is a responsibility I do not take lightly and I thank you in advance for holding me to account and being the active and engaged constituents that you are. There is a lot to be done, let's get to work.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Pursuant to resolution, private members' statements will now be proceeded with.

PRIVATE MEMBERS' STATEMENTS

DIABETES

Mr BRYAN DOYLE (Campbelltown) [5.28 p.m.]: As I speak on World Diabetes Day, I wear the blue circle badge to mark the day. Diabetes is a health issue that threatens to become the greatest health risk of our nation, if not the world. It is a matter of such concern that today, 14 November, has been designated World Diabetes Day. The issue of diabetes is so important to me that I am a member of the parliamentary diabetes friendship group which works closely with the Australian Diabetes Council, the peak consumer body for people living with or at risk of diabetes. Having been formed in 1938, the Australian Diabetes Council was the first diabetes organisation in Australia, and it looks forward to celebrating its seventy-fifth anniversary next year.

One of the reasons I joined the parliamentary committee for diabetes was my concern about the effect of diabetes on the people of Campbelltown, that great Opal of the south-west, and across the city. On Thursday 8 November this year I held a public forum on diabetes in the Gardenia Room at Wests Leagues Club. The theme of the forum was "Connecting the Dots", and the need for better understanding and education about diabetes was discussed. I was joined at the forum by the Chief Executive Officer of the Australian Diabetes Council, Nicola Stokes, and eight of her staff members. Dr Nic Kormas, a leading expert in diabetes was also present. Also in attendance was my good friend the Federal member for Macarthur, Russell Matheson, and Campbelltown Councillor Paul Hawker.

Presentations at the forum included "What is diabetes", which explored the differences between type 1, type 2 and gestational diabetes, which could have a lasting effect on pregnant women and their children. The forum discussed the implications of diabetes, which often causes other health problems. Diabetes is often an underlying issue for many people who are admitted to hospital with varying ailments. The forum discussed healthy living and eating. Portion servings should comprise half vegetables, a quarter meat and a quarter carbohydrates. The importance of exercise was also stressed. Diabetes is closely linked to obesity and the broadening of one's waistband. It has been said that 94 centimetres is the key for men and being under 98 centimetres is borderline—I am in that category.

Forum participants also discussed the importance of exercise. Standing up and sitting down at the table involves most muscles of the lower body, and doing this 20 times knocked about many of the participants. The importance of incidental exercise, such as using the stairs, was highlighted. I champion this in the House. My office is on level 10 and I take the stairs to get from level 7 to level 10 in preference to using the lift. People should also park further away from the shops rather circling around the car park, old west style, looking for the closest parking spot.

The forum also involved speed dating, with diabetes experts, dieticians, exercise trainers and doctors speaking to various groups about their areas of expertise and diabetes treatment. In all, 140 people registered for the forum. People from every part of the community—members of the RSL, Maoris, Pacific Islanders, Filipinos, my Bangladeshi friends, Indian and Arabic people, and retired and professional people—came to the forum. Diabetes is a health issue that affects us all. Type 1 diabetes, which people are born with, is a huge burden. Type 2 and gestational diabetes can largely be avoided, or at least delayed. If people can do that, they will be doing themselves a big favour.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [5.33 p.m.]: I commend the member for Campbelltown for bringing World Diabetes Day to the attention of the House. I applaud his actions in hosting the forum, "Connecting the Dots", which made particular reference to type 1 and type 2 diabetes, and note that 140 people were in attendance. Type 2 diabetes is preventable or can be controlled through diet. I applaud the member for educating his local community of Campbelltown about diabetes.

LIVERPOOL CITY COUNCIL FOOD INSPECTION FEES

Mr PAUL LYNCH (Liverpool) [5.34 p.m.]: I draw to the attention of the House concerns that have been expressed to me by small business owners in Liverpool, particularly in relation to their viability and pressures they feel have been put on them, especially by Liverpool City Council. One constituent, Riyanal Chea, approached me and said:

We own a takeaway shop in Warwick Farm. I would like to give my comment and concern over the fees and charges the council charge us every time they come to inspect our business. We just started the business and we have budgeted some money for charity donation, however, because for some reason the council has dramatically increased their fees just to come to inspect our shop, this puts us in a very difficult situation to donate any money to any charity organisation. Such a shame, I always want to donate money, but now I cannot do this anymore due to the fact that I have to use this money to pay the council for their fees and charges. I feel other small businesses are in the same situation as I am. We do not mind helping out those who need most, but now, I have to budget just for the council fees.

When I asked Mr Chea for further information he told me that council carried out an inspection of his premises on 29 August for food safety and cleanliness. As Mr Chea says, he fully understands that this is necessary but does not understand why the fee is so high. The fee, of course, attaches even if there are no breaches of any appropriate legislation or standards. The fees include a food premises annual administration fee of \$250. Mr Chea tells me that last year the fee was \$75. As he points out:

What's going on? I did not know inflation was that high.

In addition, there was a food premises inspection fee of \$152, which Mr Chea also thought was a bit high. This made a total fee of \$402 for one inspection. To add insult to injury, if there is a minor technical fault there will have to be another inspection, which will involve more fees. Mr Chea does not object either to the inspection or to paying a fee—he just thinks the charges are excessive. The New South Wales Food Authority website, as I read it, indicates maximum and recommended fees and charges but allows councils discretion to waive or reduce some of the fees according to the needs of their local community. It seems on the face of it that Liverpool council might be misusing that discretion. Mr Chea is not alone in having these sorts of concerns. Other people have raised the same issues with me, including one long-term businessman in Liverpool—well-known for his involvement with the Liverpool Chamber of Commerce—who is astonished at the level of fees charged by the council for these inspections. Other business operators have also expressed concern about Liverpool and Liverpool City Council. One such constituent is Vince de Bartolo, who runs a hi-fi shop in Macquarie Street. His business has been operating since 1983. He has problems with neighbouring shops and blocks of land. He says:

We have weeds growing in the island at the front of our shop.

We asked the council to clean the street at the front of our shop. They did although they finished at the two sides of our shop. The rest of the street was not done.

We have parking meters. It should have a free 15 mins if a client just wants to drop in a repair, etc.

Our rates are still at top dollar. We asked the rates dept for some concession. We had a flat no.

I asked to speak to his boss and was told no.

We would like the interest taken off this account and a rate reduction until this end of town gets up to speed and warrants being called CBD rate.

I ask the council to make a proper assessment of these types of complaints. There seems to me at least issues here that should be addressed. There is significant expenditure going on in various parts of the central business district but certainly a number of businesses in the central business district, and indeed at Warwick Farm, do not think they are getting any benefit from council's expenditure. It is certainly the case that government employment in the Liverpool central business district is greater proportionately than in other parts of the State. However, small business is still a significant employer in Liverpool central business district and in other parts of the electorate. Information from the Australian Bureau of Statistic suggests that in 2011 small businesses constituted 96.6 per cent of all businesses located in western Sydney. Small business is a significant employer and if unreasonable fees are imposed upon it that will have a detrimental effect not just on the businesses but on the broader community. I ask the council to have a proper look at some of these issues.

LONDONDERRY ELECTORATE ROAD INFRASTRUCTURE

Mr BART BASSETT (Londonderry) [5.38 p.m.]: Tonight I speak about the causeway on Stoney Creek Road, St Marys Road and the Shanes Park-Berkshire Park area. I am excited to speak about this matter because this road has been of concern to the community for many years. The road was built many decades ago to service the rural communities of Shanes Park, Llandilo and Berkshire Park. However, traffic and usage have increased significantly because of the development around St Marys and Mount Druitt and because Stoney Creek Road is a connector road to Richmond Road. Traffic has also increased because of the growth of Ropes Crossing, the old Australian Defence Industries site, and now the upcoming Marsden Park release area. South Creek is the boundary of both Blacktown and Penrith councils and the boundary for the State electorates of Riverstone and Londonderry. It is a regional road that is controlled by those two councils, which is why it has two names—St Marys Road and Stoney Creek Road—and is the divider between the creek and the causeway.

For many years both Blacktown and Penrith councils were controlled by Labor, and the previous members for Londonderry and Riverstone were both Labor members. Nothing happened in all those years under the former Labor Government—there was lots of talk but nothing happened. Unfortunately, two fatalities have occurred in the past two years, the most recent being earlier this year. A young man travelling from work in the Richmond area to the other end of my electorate was washed away in his vehicle on the causeway. It was a tragic accident, and we knew that we had to rectify this problem. Following the accident the member for Mount Druitt wrote to surrounding councils, including Hawkesbury, suggesting they should put in money to fix the problem. How dare he? Where was the member for Mount Druitt during all those years of the former Labor Government? Why did he not work with his former Labor colleagues John Aquilina and Allan Shearan and his

mates on Blacktown and Penrith councils to make this happen? He just wanted to make himself look popular. After somebody lost their life on the causeway the member for Mount Druitt suggested that some other council that had no control over the road should put in some money to fix it. That is typical.

I have worked with the general managers and the previous and current mayors of both Blacktown and Penrith councils, and our good Minister for Roads and Ports, and we have secured the money. I congratulate Blacktown and Penrith councils on their successful submission for the New South Wales Road Toll Response Package, which is managed by Roads and Maritime Services. I commend the office of the Minister for Roads and Ports. When I made representations and told the officers how hard Blacktown and Penrith councils were working to fix the problem they took the matter very seriously. I was informed last week that both councils have been notified of their success in securing nearly half a million dollars in funding for the installation of a barrier on the roadside, the provision of sealed shoulders, the removal of hazards, the widening of the culverts on the causeway, improvements to the floodgates and electronic automatic signage at either end of the roads I mentioned, which will be triggered by increased water height. This will make the area much safer. Blacktown council will manage the project, which should start in February. I congratulate both those councils and the Minister for Roads and Ports.

But we are not stopping there. We are working to ensure that there is a bypass for the causeway in the future. I have certainly been lobbying for this and my colleague the member for Riverstone has been working with me to secure a road through the Marsden Park release area. The draft plan will go out on public exhibition shortly for a road that will connect the area from St Marys Stoney Creek Road through the new subdivision and rezoning to Richmond Park, and bypass the causeway. In the meantime, we will be rectifying the safety issues on the existing causeway so that there is no repeat of the tragic event that occurred earlier this year. We hope that a bypass road will be delivered as part of the Marsden Park release area plan for the future benefit of the communities and growth in the area. We have got on with the job. We have fixed the current problem. We are planning for the future.

TRIBUTE TO THE RIGHT REVEREND RICHARD HURFORD, OAM

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [5.43 p.m.]: It gives me pleasure to speak about an incredible man who has made a great contribution to the community and to the Anglican Church. Last weekend I attended an event at which my neighbour and colleague the member for Orange was also present. The Bathurst diocese of the Anglican Church covers an incredibly large area—about one-third of the State, stretching from the Queensland border to the Blue Mountains and out west. On the weekend we celebrated the pastoral leave taking and laying up of the diocesan pastoral staff on the occasion of the retirement of the Right Reverend Richard Hurford, OAM.

Richard Hurford is the ninth bishop of Bathurst and it was most fitting to have a ceremony in recognition of all the work he has done over the years. He had a brief career as a schoolteacher before he trained and was ordained to the priesthood, and he spent his vocational life as a priest and a bishop for more than 43 years. In that time his service has involved many roles, including as parish priest and working in metropolitan, provincial and county parishes in both Australia and England. He also served in school, Defence Force, police and prison chaplaincy as well as in religious media. Bishop Hurford was also the coordinator of the Religious Services Centre for the Olympic and Paralympic games in 2000.

Among other achievements, Richard was appointed as the Australian Sub-Warden of the Guild of Church Musicians and in 1999 was awarded an Order of Australia Medal for services to the Grafton community. He takes an active interest in music and was an organist and a choral conductor. As the Bishop of Bathurst, Richard served, as I said, about one-third of the State of New South Wales, but he also covered 33 different parishes that were a part of the Bathurst diocese. Each year he would travel 62,000 kilometres on average. He made a massive effort to ensure that the smaller communities in our regional and rural areas were well and truly catered for. Richard was renowned in our diocese for the great effort he made to visit those smaller communities.

During his time as bishop Richard had the opportunity to meet many people from all different walks of life. He was involved in social work and in community work in both emotional and spiritual counselling, and in the past 12 years has faced many challenges due to the pressures on regional and rural families from drought and financial difficulties. He always found the time to go out and speak with people in those communities and ensure that they received support. He was also very vocal in our diocese about important issues and he

represented people at the highest level. As I said, I was pleased to attend the event at the weekend. There was a great turnout. The mayor of Bathurst, Councillor Monica Morse, was in attendance and there was a huge gathering of bishops from across New South Wales and from England.

Richard Hurford is now retiring after all those years of service, and I certainly wish him and his wife, Christine, a very happy time in their retirement. They have grandchildren and I know they will enjoy spending time with them. It is very pleasing to note that they are not going to leave Bathurst; they will be staying in the Bathurst community, and I look forward to catching up with Richard and his wife, Christine, and family in the future. I thank Richard for his efforts and for his commitment to the community. I have worked with him as the mayor and as the local member and I will continue to work with him as a friend in the years to come.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Richard Hurford has been a friend of mine for about 34 or 35 years. He was the Minister at St John's at Coffs Harbour, the Dean of Grafton, the Rector at St James and the bishop for western New South Wales. I too place on record my acknowledgement of a man who has an absolutely magnificent speaking voice and a great intellect. He has performed a great service not just for the Anglican Church but for the community generally across New South Wales. I also wish Richard and Christine a happy retirement—at Kelso, I believe.

POWERHOUSE YOUTH THEATRE

Mr GUY ZANGARI (Fairfield) [5.48 p.m.]: On 8 November 2012 the Powerhouse Youth Theatre celebrated its twenty-fifth anniversary at the Fairfield School of Arts, which I was honoured to attend. The Powerhouse Youth Theatre is the leading professional youth theatre company in western Sydney and began in 1987 as a one-off project for unemployed young people. The project was run by the Liverpool Community Youth Support Scheme, which continues today as a skills development hub for young people in western Sydney. The anniversary event had an exceptional turnout, and the Fairfield School of Arts was alive with excitement as the youth theatre performers wowed the audience with their finesse, ingenuity and genuine passion for the arts. It was also wonderful to see the founding members of the Powerhouse Youth Theatre in attendance, along with past and present art and outreach officers who came to show their support.

I believe the arts will always remain an invaluable asset that bonds communities together, stimulates and develops imagination and critical thinking skills, and can be of enormous benefit to cross-cultural bonding and tolerance. The Powerhouse Youth Theatre has produced upwards of 30 new Australian performances, engaged with thousands of young people and entertained tens of thousands of audience members across Australia. Witnessing the high calibre of performances demonstrated at its twenty-fifth anniversary celebration was absolutely amazing. The company delivered ensemble performances and a Team 9Lives performance and screened a documentary that took us on an amazing journey. It told the story from the beginning of the Powerhouse Youth Theatre through to the present, detailing the momentous achievements it has made along the way.

The Powerhouse Youth Theatre is still breaking new ground for the performing arts in western Sydney by incubating emerging art forms such as parkour and free running. Last year I witnessed the *Hero Project 2011*, which was an outstanding production that included parkour, puppetry, graphic art and free running. It was *The Matrix* meets Venetian carnival on a grand scale and was fantastic to see. The Powerhouse Youth Theatre has fostered the urban action stunt team: Team 9Lives. It provides a physically adventurous outlet for young people in western Sydney who create amazing film and performance work. The interfaith project *Divine Places*, has been very successful and was one of the first performances in New South Wales to bring together Aboriginal youth and migrant and refugee communities in multiple sacred sites and buildings across Fairfield.

Powerhouse Youth Theatre artists work alongside our young people and communities throughout western Sydney to develop performances that give voice to their concerns and their passions. This is an important and positive force for young people in the cultural landscape of Fairfield and the greater western Sydney region. The culmination of the enormous amount of time and effort dedicated to these projects has produced an extensive array of incredibly creative work generated by the young people and communities of western Sydney of which we all can be proud. I congratulate the artistic director, Ms Danielle Antaki, and the members of the Powerhouse Youth Theatre Company on hosting the successful event. I also commend the Powerhouse Youth Theatre for its success in supporting our youth in Fairfield over the past 25 years by providing them with the skills they need to develop into strong, confident leaders and creators.

MOULAMEIN 200 CLUB

Mr JOHN WILLIAMS (Murray-Darling) [5.53 p.m.]: Moulamein is a small community in the southern Riverina, located south-east of Balranald and sitting between Kyalite and Deniliquin. Along with Barham, it is the major community in the Wakool shire. Moulamein has a small but great community that recognises the battle it faces to maintain itself in light of an exodus of people from regional areas. It is a credit to the people of Moulamein that, instead of sitting around and watching the town deteriorate, they formed the Moulamein 200 Club, of which I am a proud member.

In 1998 the club was formed by John Raymond, who came from a local government area in Melbourne where they had a 500 Club. Moulamein formed the 200 Club, so called because each member contributes \$200 with the idea that the club will provide funding to benefit the majority of the Moulamein community. The club also provides opportunities for social interaction and usually holds two or three functions a year. On Friday night I was fortunate to attend a function held at the Mooloomoon Woolshed, which is one of the original properties in Moulamein. It is now owned by Graeme Nalder and his wife, who have done a magnificent job building up tourism in the area by providing accommodation at the historical property. It is great to see the work they have done.

The Moulamein 200 Club has distributed \$66,000 for projects throughout the community. The donations include: \$20,000 to the local Moulamein football and netball club to assist in financing the new club rooms; \$8,000 for the skate park in town; \$5,000 for resurfacing the netball courts; \$8,000 for the purchase of a new printer for the local Moulamein newsletter; \$3,000 for fish restocking in Moulamein Lake; \$3,000 to build a post and rail fence at the entry to town; \$3,000 for a men's health night during which doctors were invited to answer questions; and \$500 for tree planting in the town. Most recently the club has agreed to donate \$10,000 to the art gallery, which is in a renovated shop in town. The ladies from the art gallery did a magnificent job catering the event on Friday night. The quality of the finger food was absolutely exceptional and as good as any that would be found in a top capital city restaurant. It was a credit to the ladies who put in so much effort to make the evening a success.

Moulamein has got a lot to offer. It is where Billabong Creek—the longest creek in the world—joins the Edwards River. The area is magnificent. It is a nice, quiet spot and a great place for tourists to camp. As I said, there is also accommodation at Mooloomoon Station and it is great place to take the family. I really hope that tourists will take the opportunity to visit Moulamein. The people are great and they have a wonderful community spirit. They are keen to ensure that their community not only stays intact but also progresses. The work of the Moulamein 200 Club is a clear indication that they are prepared to do it themselves instead of waiting for someone else to do it. Well done.

LOCKHART MULTIPURPOSE CENTRE

Mr DARYL MAGUIRE (Wagga Wagga) [5.58 p.m.]: Members may recall that on many occasions I have mentioned the town of Lockhart, known as the verandah town, and its wonderful attributes. On Tuesday 6 November I had the pleasure of accompanying the Minister for Health, Jillian Skinner, to Lockhart where she announced the successful tenderer for the \$8 million redevelopment of the Lockhart multipurpose centre. This is a wonderful achievement for the Lockhart community. The Lockhart multipurpose facility is a fully integrated one-stop facility where residents will be able to access a range of healthcare services in one location. Redevelopment of the facility will take place in stages and is expected to be completed by October 2013.

The successful tenderer for the project was Joss and Company, which is a very well-know Riverina building company that specialises in large complicated facilities requiring a great deal of construction skill and expertise. I am delighted that local builders and companies will be involved in the redevelopment. The multipurpose service will be able to treat younger residents closer to home and assist in the provision of Lockhart's aged and acute care services. An adjacent house has been purchased to accommodate staff. The multipurpose service will feature en suite facilities for all bedrooms, five additional aged care beds that will increase the present number of beds from 10 to 15, upgrades of acute care facilities including emergency department facilities, physiotherapy, community nursing, child and family nursing, rooms for private and visiting health services, dedicated activities and dining rooms, home-like interiors, external gardens, walking paths, improved reception facilities and improved staff station areas.

Members of the community advisory committee, members of the staff who work at the existing multipurpose service and I examined the plans and discussed the proposal with the Mayor of Lockhart, Peter

Yates, and the deputy mayor, Rodger Schirmer, as well as other community representatives. All Lockhart community representatives and staff associated with the facility are delighted with the proposal. They worked very hard to achieve this improvement. I pay credit to people who contributed to the outcome through the consultation process. This \$8 million redevelopment will be a great boost for Lockhart. Against the odds, the small Lockhart community has worked hard to maintain its population and attract people to the town. New housing allotments have been opened and close attention has been paid to the promotion of the Lockhart community.

On previous occasions in this House I have referred to Lockhart's widely promoted Spirit of the Land Festival, which is an annual event with a prize of \$10,000 for old farm equipment that has been welded into the best artwork. Other events are promoted by the Lockhart and District Progress Association in this very cohesive community. The redevelopment of the Lockhart multipurpose facility at a cost of \$8 million is a very welcome decision. The Lockhart Shire Council is promoting the lifestyle of country living, and rightly so. As the pressures of lifestyle in larger cities increase, the alternative of living in smaller communities such as Lockhart, the verandah town, is a great option. Housing and land are affordable, water resources are plentiful so that people can have nice gardens and the area has supermarkets, shops and all the services that households require. But of paramount importance in service provision is the availability of health facilities and health services. Lockhart has great doctors and community nursing. The new facility will host visiting specialists and other medical practitioners who will enhance the provision of medical services that are demanded in regional and rural communities.

I am absolutely delighted that the Minister for Health, and Minister for Medical Research took the time to travel to Lockhart to announce the successful tenderer. I look forward to accompanying the Minister to the opening ceremony for the redeveloped multipurpose centre in Lockhart—one of the three hospital services in my electorate that is being redeveloped. Construction is well underway for the Wagga Wagga Base Hospital redevelopment and only the commencement of the Tumut redevelopment remains. I was delighted to have been present when the Minister inspected the Wagga Wagga Base Hospital redevelopment site. I thank the Minister for Health, and Minister for Medical Research for her support for the wonderful redeveloped health facilities in the Wagga Wagga electorate.

UNITED HOSPITAL AUXILIARIES OF NEW SOUTH WALES

Mr CHRISTOPHER GULAPTIS (Clarence) [6.03 p.m.]: I acknowledge in this House the work carried out by United Hospital Auxiliaries of New South Wales. Late last month I received a letter from the Hon. Melinda Pavey, MLC, who is the Parliamentary Secretary for Regional Health, in which she advised that she attended the Seventy-ninth Annual State Conference of United Hospital Auxiliaries at the Bankstown Sports and Recreation Club in Sydney on 24 and 25 October. The Hon. Melinda Pavey represented the Minister for Health, and Minister for Medical Research, the Hon. Jillian Skinner, when congratulating United Hospital Auxiliaries and presenting trophies to fundraising winners.

In 2011-12, United Hospital Auxiliaries raised \$9,475,194.20 for local health districts. Of that amount, \$5,063,380.39 was expended on various large and small equipment purchases. A total of 6,000 volunteer members worked in excess of 833,000 hours to raise the funds. Over the past three years, United Hospital Auxiliaries has raised more than \$25 million for the New South Wales health system. In particular, I acknowledge the work of hospital auxiliaries in my electorate of Clarence. The Campbell Hospital Coraki Auxiliary raised a total of \$7,247.92 for equipment such as four pelican belts, six lamb's wool elbows, a sandwich press, a toaster, bowls, a lifter and slings. The Casino Hospital Auxiliary raised \$17,832.13 to purchase items such as kiosk shutters, a breast pump, a vaccine fridge, three emergency trolleys and two wheelchairs.

The Grafton Auxiliary raised \$21,916.85 for the purchase of a WABR complete kit, a shower trolley, a tilt table, a corner stairs dead-end, a Birthmate stool and carry case, a vital sign monitor and a mobile stand, a Hi-Lo exam couch and a two-section motor, artwork for the renal unit, a treadmill, and a urine test strip analyser. The Maclean Lower Clarence Auxiliary, which operates in the area in which I live, raised a total of \$111,672.60 to purchase a number of items that included a mental health bed for the emergency department, a shower buddy, a paediatric cart for the emergency department, a bed for the emergency department, a Landice treadmill, four Theraquatics aquatic swim rings, a defibrillator and batteries, another defibrillator, an oxymeter, a curved slider board, another curved slider board, a gutter arm walker, a Breezy 16-inch wheelchair, a Sonosite pulse wave doppler, and two shower commodes.

Before concluding my speech, I acknowledge the executives of the United Hospital Auxiliaries in my electorate: in the Campbell Hospital Coraki Auxiliary, the president Joyce Skinner, the secretary Paula Starkey, and the treasurer Gerard Criss; in the Casino Auxiliary, the president Edna Fuller, the secretary Robyn Spruce and the treasurer Deborah Jaynes; in the Grafton Auxiliary, the president Alba Linklater, the secretary Joyce Thompson, and the treasurer Christine Robinson; and in the Maclean Auxiliary, the president Joyce Bell, the secretary Rhonda Shaw, and the treasurer Judy Brown. It is fitting and proper that I acknowledge in this House the work that the United Hospital Auxiliaries carries out for local health district boards and for the broader community of New South Wales. I commend the hospital auxiliaries for their work, which I know is appreciated—not only by members of this House but also by communities right throughout New South Wales.

MEDICAL INTERN POSITIONS

Dr ANDREW McDONALD (Macquarie Fields) [6.08 p.m.], by leave: I regularly teach medical students. I assure the House that when I teach medical students in my electorate in south-western Sydney, the common theme in every tutorial is what will become of them and what will the future hold for them. I received a letter from one of the students, which I will read into *Hansard*. The letter states:

Dear Dr McDonald,

My name is Brian Fernandes, I'm 19 years old, and I write to you deeply concerned about the current internship crisis and broader medical training issues facing the New South Wales health system.

I am told my birth went smoothly in Campbelltown Hospital those 19 years ago, despite it being understaffed and desperate for more doctors.

I was working at the hospital at the time. At that stage we were not even able to check newborn babies. Every baby born was sent home without any medical check whatsoever. For me, that is the biggest deal with the previous Liberal Government, and one of the reasons I am in this House as a member of the Labor Party. The letter continues:

My family stayed in the area, and after graduating from year 12 at Hurlstone Agricultural High School, I enrolled in medicine at the University of Western Sydney. I am now studying in that same, familiar Campbelltown hospital.

Not a lot has changed. Relative to Sydney's north, east and south, Western Sydney still has fewer GPs, fewer hospital beds, longer surgery waiting times, and more preventable deaths.

Does it seem right to you that where you're born in this state can so significantly determine when you die? It doesn't to me.

I regularly teach University of Western Sydney medical students. Their commitment to social justice is one that does the university proud and reflects a change that will occur in the profession over the next many years, when social justice will be a core value of every doctor who graduates from the University of Western Sydney and every medical student in the State. He goes on:

This type of inequality is why my university's school of medicine was opened in 2007. It was hoped that the additional graduates, trained in Western Sydney, would choose to stay and work here as doctors. And yet, across the east coast of Australia, we now have over 150 graduates of medical schools, including mine, UWS, without internships for next year. You must already know that the worst state, with the most unplaced graduates, is New South Wales.

The 'internship crisis' is important to me and my family because sending good graduates overseas will only further entrench the chronic health problems and social disadvantage that our community of Western Sydney suffers. This isn't a self-limiting disease, Dr McDonald—but is a treatable one. And the prescription is simple. Train the doctors we need. Give graduating medical students a job. Put people before politics.

The most disappointing part of this internship crisis is that the State and Federal Governments have had plenty of notice. It takes us four, five, or six, years to complete medical school. A Coalition Federal Government, with the States' support, wisely chose to train more doctors by opening new medical schools; a Coalition State Government should now be proud to finish the job.

But regular people like me don't actually care about the politics. What I care about is that as a son, I see my father, a man who has worked hard in the Greater Western Sydney community for over two decades, having to wait too many months for an appointment with a cardiologist. That's when I question the wisdom of having 150 medical graduates go to waste.

What I care about is that as a medical student, I hear stories every day about people's loved ones being rushed into emergency departments around New South Wales and having to wait for hours just to be properly assessed, due to a lack of registrars. That's when I question the wisdom of having 150 medical graduates go to waste.

Dr McDonald, there are over 150 medical graduates who want to be the interns, the registrars and the researchers of the future. Western Sydney isn't the only community that needs them.

That the State and Federal Governments have failed to plan for these desperately needed young doctors is not only a disappointment, but a very scary prospect for the future. This year it is internships, next year specialist training, and, finally, a system which will be more crippled than our ageing population it seeks to serve.

I urge you to advocate for planning and investment in all levels of medical training, because the Australian public deserves better than political games being played with their health.

Kind Regards,
Brian Fernandes
UWS MBBS II

All members of the House should be aware; this should be an issue above politics. In 1978 when I graduated, it was the once-in-a-lifetime opportunity to train enough doctors. Those doctors are now about to retire. We have a once-in-a-generation opportunity to train the doctors for our future, and we should never let this opportunity slip through our fingers.

Private members' statements concluded.

BIOFUELS FURTHER AMENDMENT BILL 2012

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

[Acting-Speaker (Mr Lee Evans) left the chair at 6.13 p.m. The House resumed at 7.00 p.m.]

REMEMBRANCE DAY

Matter of Public Importance

Mr GUY ZANGARI (Fairfield) [7.00 p.m.]: Today I speak about Remembrance Day 2012. At 11.00 a.m. on 11 November 1918, after more than four years of conflict, an armistice was called that subsequently marked the end of the First World War. Throughout Australia and its allied countries 11 November was henceforth known as Armistice Day—a day to remember those who fought and died in World War I. After World War II concluded it was agreed that Armistice Day would be renamed Remembrance Day. In October 1997 the Governor-General issued a proclamation declaring Remembrance Day a day to remember the sacrifice of those who died for Australia in all wars and conflicts. That is why we commemorate Remembrance Day on 11 November—a tradition I will never forget, nor will the Australian people. On this day we all must pay our respects and honour those who fought and died to protect our freedom. People from all walks of life who have valiantly given their all to protect our great country must be given the respect and honour they deserve. We will forever be indebted to them for their sacrifice.

On Sunday 11 November I attended Remembrance Day ceremonies at Fairfield RSL, hosted by the Fairfield sub-branch, and at Cabra-Vale Park, hosted by the Vietnamese Community in Australia, New South Wales chapter, and the Vietnam Veterans Association of Australia. At Fairfield RSL the morning began with the flags being lowered to half mast and the reading of the commemoration to the fallen by Reverend Peter Kilkeary. Following the commemoration, esteemed guests and members of the public engaged in the wreath-laying ceremony to pay tribute to those lost in wartime. We then heard the hymn *O God, Our Help in Ages Past* followed by a minute's silence to reflect and pray for our veterans. Next we heard the hymn *Abide with Me* and then the *Lord's Prayer* by Jeanette Burgees. The *Last Post* sounded, beginning the period of silent reflection. This was followed by the *Ode* and then *Reveille*, which signified the end of this period.

When the national anthem was played at Cabra-Vale Park I looked about the park, as did the member for Cabramatta, and I noticed that most people, if not all, were overcome with great emotion. I suppose this was because we realised the significance of the day and the sacrifice of those who fought for our freedom—so that my family, my children and I can live in a just and free society where all walks of life are not just tolerated, but welcomed. Our soldiers fought for freedom and their memory is a constant reminder that binds us to the past and teaches us lessons for the future, which is very important for us all. The men, women and children who paid the ultimate sacrifice in a time of war to ensure our freedom will never be forgotten as they will forever live in our hearts, minds and prayers. Remembrance Day ceremonies held throughout the nation, particularly in New South Wales, and the world are how we commemorate and show our respect to those who have fallen in conflicts over the years. We will continue to do so over the coming years to ensure their legacy lives on.

I pay tribute to the Vietnamese Community of Australia, which hosted the commemoration at Cabra-Vale Park. The turnout was exceptional with those attending including the Governor, Professor Marie

Bashir; David Clarke, MLC; the member for Cabramatta; Federal members; the member for Smithfield, representing the Premier; the Mayor of Fairfield; Australian Defence Force members; local community groups; schools; RSL clubs and sub-branches; and others. I give a special thank you to Mr Thanh Nguyen, the President of the Vietnamese Community of Australia, for organising the solemn ceremony at Cabra-Vale Park and to Fairfield RSL branch president, Mr John Burgess, for the commemoration program at Fairfield RSL. I conclude by offering my thoughts to the Fairfield RSL sub-branch secretary, Bill Dumbrell, who is a great mate of mine and currently battling cancer. Keep up the fight, mate.

Mr CHARLES CASUSCELLI (Strathfield) [7.05 p.m.]: I support the motion moved by the member for Fairfield. Remembrance Day, which took place on Sunday 11 November, is the anniversary of the armistice, which brought an end to hostilities during a tragic period for humanity. I can say with conviction that as a nation Australia can be justifiably proud of its military tradition, from the Boer War in 1899 through to the current conflict in Afghanistan. War is a personal thing. It affects the mind, body and soul of those who are impacted by it. It has been and always will be so. The commemoration of sacrifice and service must not only be a personal acknowledgement but, as with war, also a community, national and government acknowledgement. Today as parliamentarians we take a moment to reflect on past deeds of courage, sacrifice and service.

The Australian military tradition is not one based on aggression, conquest or adventure. It is one of helping neighbours, responding to catastrophes, protecting freedom and promoting, not forcing, democracy. This was the case in World War I. On many war memorials throughout our great nation is the inscription, "Thanks be unto God who gave us the victory". It was not that God provided a miracle by sending a vast horde of spiritual beings to fight the war for us. He used his instruments, ordinary people, to provide that victory. Our prayers were answered through the courage and sacrifice of our soldiers, sailors and air men and women. It was a terrible sacrifice but look at their legacy: a prosperous and peaceful country that has become the envy of the world. I celebrated Remembrance Day at St Luke's Anglican Church, Concord, with the local community. St Luke's is a place of worship for Major John Sanderson, the chaplain of 2 Commando Regiment, who has seen service in Afghanistan. Major Sanderson led an intimate service and gave a speech full of insights based on his experiences.

Members of the community brought photographs and other memorabilia which prompted stories and memories of their lost loved ones. The service finished with a cross-planting ceremony. I was touched by this very moving ceremony. I extend my thanks to Rector Cliff Stratton of St Luke's, Concord. Today we pay homage to the countless thousands of our brothers and sisters whose dreams and aspirations died as their bodies became victims to the terrible reality of war. The dreams and aspirations of families and communities also became victims of war. I wish to bring to the attention of the House the sacrifice of two former members of this House. Lieutenant-Colonel George Braund was the commanding officer of 2nd Battalion and the member for Armidale. He was the first legislator to enlist and the second to die in that great conflict. Sergeant Edward Larkin, the member for Willoughby, joined the 1st Battalion. The inscription on a plaque in this place states:

In enduring remembrance of Lieutenant-Colonel George Frederick Braund, VD, and Sergeant Edward Rennix Larkin, representatives of Armidale and of Willoughby in the Parliament of New South Wales who, being the first among the legislators of Australia to volunteer for service with Australian Imperial Forces in the Great War fell gloriously in action at the Dardanelles in the month of May 1915.

Let us also reflect on the service of the members of the Australian Defence Force personnel currently serving in Afghanistan. Our nation is at war now. The media often talk of operations, as do the Australian Defence Force's senior officers and politicians, but the reality is that we are at war with a determined and evil enemy. Since Operation Slipper began, 243 soldiers and two sailors have been injured and 39 soldiers have been killed. As I attend the many veterans' events I note the extreme pride of our veterans and the community in general towards our young men and women who carry on the tradition of our military forces. I have two godchildren who have served overseas and in whom I share the community's pride: Captain Scott Holmes, who has served in Afghanistan, and Sergeant Meagan Holmes, CSM, who has served in Timor-Leste. I also acknowledge the many community organisations and volunteers, especially the Returned and Services League [RSL], which ensures that we do not forget the sacrifices made and the legacy left to us all. God bless all of our serving Australian Defence Force personnel and the families of all of our veterans. Lest we forget.

Mr NICK LALICH (Cabramatta) [7.10 p.m.]: I speak on today's matter of public importance, Remembrance Day 2012. As we have heard, Remembrance Day is a very important day in Australia's history and for the community. In my electorate of Cabramatta Remembrance Day 2012 was commemorated with the unveiling of plaques and the laying of wreaths at the Cabra-Vale Park Vietnam War Comradeship Monument.

After 20 years of service, the monument received a facelift. In March 2011 the monument was lifted 1.5 metres from ground level to prevent acts of vandalism. It had been vandalised many times when it was at ground level. Funding for the work was provided through the Community Building Partnership program.

The monument, which depicts two soldiers side by side, one Vietnamese and one Australian, serves as a reminder to our community to never forget the past and a war that engaged Australians for 10 troubled and anxious years. It was the longest conflict in Australian military history and a war that cost 521 brave Australians their lives. Last Sunday, Remembrance Day 2012, I had the honour of unveiling a plaque with the Governor, Her Excellency Dr Marie Bashir, and the Mayor of Fairfield, Frank Carbone. The plaques list the names of the 521 brave Australians who lost their lives fighting in that war. Also present at the unveiling were my parliamentary colleagues the member for Fairfield, Guy Zangari, the member for Bankstown, Tania Mihailuk, the member for Smithfield, Andrew Rohan, and the Hon. David Clarke.

I thank the Vietnam veterans, the RSL clubs in the area and other clubs that attended on the day. The Vietnam Veterans Association of Australia worked with the Vietnamese community in Australia and the Republic of Vietnam Armed Forces Association, New South Wales branch, to bring this fitting tribute to Cabra-Vale. The bulk of the funding for the installation of the plaques was received from the Community Building Partnership program—a great example of public funding being used for community benefit. The monument and plaques are a fitting dedication to our fallen 521 brave Australian soldiers, heroes one and all. The names of the 521 fallen soldiers will now stand the test of time as testament to the ultimate sacrifice they made and to the spirit and courage they showed in protecting us and the Vietnamese people. Their descendents can be proud that the memories of their loved ones will never be forgotten.

Cabramatta is home to many veterans of the Australian armed forces as well as many veterans who served the Republic of Vietnam and allied forces. Those veterans tell me of the comradeship, mateship and friendship that was built over the terrible years of war. To this very day our surviving veterans deserve our thanks and praise. They fought for our freedom and many made the ultimate sacrifice. War is a terrible thing. It ravages communities, countries and people. We are blessed to live in a time where, relatively speaking, war is not at our doorstep and we face no imminent danger. Days such as Remembrance Day have a heightened importance. They are to remind us of the mistakes of the past, that we can work together for a peaceful future and to remember the sacrifice that so many made for the rest of us. May the memories of our fallen inspire us to live life constructively and peacefully. We shall not forget them. Lest we forget.

Mr GUY ZANGARI (Fairfield) [7.13 p.m.], in reply: I reiterate the sentiments expressed by the member for Strathfield and the member for Cabramatta. All those who contributed to the debate were in concurrence that we must pay tribute to the veterans who fought so hard for the great freedoms we enjoy in this country. First, I will touch on the points raised by the member for Strathfield. As Australians we are proud of our tradition and especially of our military tradition. The member for Strathfield raised an interesting point that our armed forces do not have a history of aggression but rather one of helping our friends and neighbours.

Over the last say 20 years we know of our involvement in peacekeeping efforts with neighbouring countries. I pay tribute to the member for Strathfield for highlighting that poignant point. As the member for Strathfield pointed out, very ordinary people, both men and women, have fought for our great freedom. I note that the member for Strathfield spoke about the commemorations at St Luke's, Concord, and the wonderful solemn ceremony that he attended there.

The member for Strathfield also said that we pay homage to the thousands who have sacrificed their lives. He made the interesting point about former members of this place. The Liberal member for Armidale, Edward Larkin, and the Labor member for Willoughby, George Braund, served overseas and lost their lives fighting for our freedoms. Australia is still involved in conflicts and we remember those soldiers currently at war in Afghanistan. We feel a sense of pride that they are fighting the enemy and our thoughts and prayers are with those fine men and women who are serving in Afghanistan as we speak.

The member for Cabramatta spoke about the unveiling of the plaques at Cabra-Vale Park and the raising of a statue by 1.5 metres. He spoke of the monument with the Vietnamese and Australian soldiers sitting side by side, epitomising the wonderful culture that we have of comradeship between Australians and Vietnamese. He spoke also about the unveiling of plaques listing the 521 brave Australian soldiers who lost their lives fighting in the Vietnam War. Anyone who sees the monument at Cabra-Vale Park will be very proud of our community and of the feelings of mateship towards those who have fought so gallantly and bravely for

our freedom in this country. Veterans deserve our praise, which the member for Strathfield and the member for Cabramatta also spoke about. I reiterate the point: our veterans deserve our thanks, praise and prayers. I conclude this matter of public importance on Remembrance Day by saying lest we forget.

Discussion concluded.

LOCAL GOVERNMENT AMENDMENT (CONDUCT) BILL 2012

Message received from the Legislative Council returning the bill with an amendment.

Consideration of Legislative Council's amendment set down as an order of the day for a future day.

**The House adjourned, pursuant to resolution, at 7.20 p.m. until
Thursday 15 November 2012 at 10.00 a.m.**
