

BATHURST ELECTORATE TRANSPORT PROJECTS .....	17747
BEGA PALLIATIVE CARE .....	17745
BUSINESS OF THE HOUSE .....	17680, 17705, 17705, 17717, 17720
CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2012 .....	17727
COAL SEAM GAS REGULATION.....	17707, 17709, 17714
CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY .....	17718
CRIMES (SERIOUS SEX OFFENDERS) AMENDMENT BILL 2013 .....	17680
EDUCATION INITIATIVES .....	17715
HUNTING IN NATIONAL PARKS .....	17705, 17708, 17710
JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER-GENERAL .....	17705
LAW ENFORCEMENT (CONTROLLED OPERATIONS) AMENDMENT BILL 2012 .....	17742
LIQUOR AMENDMENT (SMALL BARS) BILL 2013 .....	17683
LUNAR NEW YEAR CELEBRATIONS.....	17742, 17748
NORTH COAST FLOODS.....	17751
NORTH WEST RAIL LINK.....	17711
NURSE RECRUITMENT.....	17710
NURSING AND TEACHING STAFF NUMBERS .....	17720
ORANGE ELECTORATE COMMUNITY AWARDS.....	17749
PETITIONS.....	17716
PRIVATE MEMBERS' STATEMENTS .....	17745
PROPERTY, STOCK AND BUSINESS AGENTS AMENDMENT BILL 2012 .....	17685, 17724
QUESTION TIME .....	17705
RACING LEGISLATION AMENDMENT BILL 2013 .....	17682
RAIL SERVICES.....	17713
RICHMOND ROAD UPGRADE .....	17750
TRIBUTE TO TIM CARROLL .....	17746



# LEGISLATIVE ASSEMBLY

Wednesday 20 February 2013

---

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

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

## BUSINESS OF THE HOUSE

### Notices of Motions

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

### CRIMES (SERIOUS SEX OFFENDERS) AMENDMENT BILL 2013

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

### Second Reading

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [10.12 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes (Serious Sex Offenders) Amendment Bill 2013, the purpose of which is to extend the existing scheme for the continued detention and extended supervision of serious sex offenders to high-risk violent offenders. The bill also extends the scheme to the commission of serious offences as a child, which are presently excluded from the serious sex offender regime. This extension will apply to high-risk violent offenders and serious sex offenders. The bill recognises that there are serious violent offenders in our prisons who are nearing the end of their sentences and have made no attempt to rehabilitate themselves or who have made it very clear to authorities that they intend to reoffend when they are released. The bill responds to this danger and ensures the protection of the community from a clear risk. It is not the purpose of the bill to undermine the decisions of judges on sentence. When considering how best to deal with high-risk offenders, Professors Bernadette McSherry and Patrick Keyzer noted that the challenge is in finding:

A midway point between assuming that all people in a certain group are dangerous and assuming that no one, even those who have declared their intentions of committing crimes, are a danger to others.

The bill represents a balanced response. It provides options for ongoing supervision of highly dangerous offenders—those who have committed extremely serious offences and who meet a high-risk threshold. The bill provides for the assessment of risk, not by a superficial or mathematical exercise, but one undertaken by a judge of the Supreme Court, who will be informed by the reports of clinical experts who have conducted individual examinations of the offender. The New South Wales Sentencing Council in its report on high-risk violent offenders noted that there is a gap in the New South Wales legislative framework for dealing with high-risk violent offenders. This bill closes that gap by expanding the scheme in place for sex offenders that has been tested in the High Court. It does not try to reinvent the wheel, but picks up these tried provisions and extends them to high-risk violent offenders.

I will now outline each of the amendments in turn. Items [1], [2] and [3] of schedule 1 amend the title of the principal Act to the Crimes (High Risk Offenders) Act and its objects in order to reflect the extension of the Act to high-risk violent offenders and to make consequential amendments. Item [4] of schedule 1 defines expressions used in relation to high-risk violent offenders and makes consequential changes to the existing definitions in the Act to reflect the addition of these offenders to the scheme. It also changes terminology in the Act from "serious sex offenders" to "high-risk sex offenders". The Act will now consistently apply to high-risk sex and violent offenders—those who are a high risk to the community. Further, it expands the definition of "sex offender" to permit orders to be made against adults convicted of a relevant offence as a child.

A sex offender is defined as being a person who has been sentenced to imprisonment following conviction for a serious sex offence, other than an offence committed as a child. Item [4] amends this definition so that offences committed as a child are no longer excluded. This expansion brings New South Wales into line with other states that have similar schemes. It will only apply to serious offences committed by children where a sentence of imprisonment is imposed. This means offences dealt with in the Children's Court are not qualifying offences, as detention by way of a control order under the Children (Criminal Proceedings) Act does not constitute a sentence of imprisonment for the purposes of the Act.

The definition of "violent offender" will also capture serious violence offences committed as a child. Although the number of offenders likely to be affected by this amendment is very low, it is important that heinous crimes committed as a juvenile do not fall outside the scheme. Item [5] of schedule 1 sets out the definition of a "serious violence offence". As the New South Wales Sentencing Council pointed out, defining who is a high-risk violent offender is a difficult task. The first step in the process is defining which violent offenders are eligible for the scheme. In the case of sex offenders, this is relatively simple: Eligibility is defined by identifying a list of sex-specific offences. However, violence arises from a wide range of human behaviours. The bill has taken a different approach by describing more broadly the activity that is subject to these provisions.

For an offender to be eligible for consideration under the proposed new provisions he or she must have committed an offence with a serious outcome—the death of, or grievous bodily harm to, another person. That physical outcome must be accompanied by a mental element of intending to cause, or being reckless as to causing, actual bodily harm, grievous bodily harm or death. Recklessness as to actual bodily harm has been included as a reflection of recent amendments by this Government to the provisions governing reckless infliction of harm. Those amendments clarified that recklessness is the relevant fault element for those offences. It is appropriate that this fault element should also apply for the purposes of identifying relevant serious violence offences under this scheme.

The definition in the bill also accommodates the fact that in some cases an offender may not have actually caused grievous bodily harm or death. The police may have stopped the offender at the last minute, or the offender may have hired another to commit the physical act for them. Such people should not escape the possibility of being captured by this scheme. The bill, therefore, includes in the definition an attempt, conspiracy or incitement to commit an offence involving grievous bodily harm or death. The bill represents a targeted approach to violent crime. The bill does not extend the possibility of continuing detention and extended supervision to every violent offender in our jails. To qualify, an offence must be a serious indictable offence. A serious indictable offence has the same meaning as it does in the Crimes Act 1900—that is, an indictable offence that is punishable by imprisonment for life or for a term of five years or more. This means, for example, that a person who negligently causes grievous bodily harm will not be eligible. Not only does the mental element of the offence fall short of intention or recklessness, but also the penalty for such an offence is only two years.

Item [6] of schedule 1 provides for the extension of the principal Act to high-risk violent offenders. Under the provisions of the bill an extended supervision order or continuing detention order can be made by the Supreme Court in respect of a high-risk violent offender. An order can be made against a violent offender if the Supreme Court is satisfied to a high degree of probability that the person poses an unacceptable risk of committing a serious violence offence if not kept under supervision. This test replicates the existing test of risk now applied by the Supreme Court for serious sex offenders. In coming to this decision the court must take into account the same listed factors currently taken into account in assessing an application for a serious sex offender order, as relevant. If, having considered all relevant matters, the court considers that the offender is a high-risk violent offender, it may make an extended supervision order. If the court is further satisfied that the offender cannot be adequately supervised under an extended supervision order, the court may make a continuing detention order. The maximum duration of either order is five years.

Items [7] to [35] of schedule 1 remake the provisions of the principal Act with respect to the making and determination of applications and the variation and revocation of orders. The procedures that presently apply to applications and orders for serious sex offenders will remain essentially unchanged and will now also apply to high-risk violent offenders. Additional measures include items [19] and [35], which require the Commissioner of Corrective Services to report annually to the Attorney General on whether he or she considers that an extended supervision or continuing detention order remains necessary. Further, items [18] and [34] clarify that the Supreme Court may revoke an extended supervision or continuing detention order if satisfied that circumstances have changed so as to render the order unnecessary.

Item [37] of schedule 1 requires a court to warn a person who is sentenced for a serious violence offence of the application of the Act. Offenders who meet the definition of a violent offender under the Act will be on notice from the earliest possible opportunity that an order may be sought against them at the end of their sentence, if they pose a high risk of serious violent reoffending. Offenders therefore will know that there may be implications for refusing to participate in programs that address their offending behaviour. This is in keeping with the principal Act's objective of encouraging high-risk offenders to undertake rehabilitation. The issuing of a warning under section 25C does not place any obligation on Corrective Services NSW to deal with the offender in a particular way. It will be a matter for Corrective Services to assess each offender and determine how best to address his or her rehabilitative needs. However, the opportunities given to and taken by an offender to participate in rehabilitation programs will be relevant to the Supreme Court in determining an application for an extended supervision or continuing detention order.

Item [38] of schedule 1 requires these amendments to be reviewed after a period of three years from their commencement. Items [39] to [40] of schedule 1 deal with savings and transitional matters. The high-risk violent offender scheme will apply to sentences imposed and offences committed before its commencement. This is consistent with the serious sex offender scheme, which also applied retrospectively in this way. Schedule 2 makes consequential amendments to other Acts. We want serious violent offenders to undergo treatment, under extensive supervision, that assists them to reintegrate into the community and obey the law. This legislation will help to ensure that dangerous offenders who refuse to undertake rehabilitation during their sentence can be properly supervised in the community and detained if necessary. I commend the bill to the House.

**Debate adjourned on motion by Dr Andrew McDonald and set down as an order of the day for a future day.**

### **RACING LEGISLATION AMENDMENT BILL 2013**

**Bill introduced on motion by Mr George Souris, read a first time and printed.**

#### **Second Reading**

**Mr GEORGE SOURIS** (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [10.27 a.m.]: I move:

That this bill be now read a second time.

The Racing Legislation Amendment Bill 2013 makes two important changes to racing and wagering legislation that will assist in, firstly, ensuring the viability of New South Wales licensed bookmakers and their ongoing contribution to the State's racing industry and economy and, secondly, providing the controlling body over thoroughbred racing in this State—Racing NSW—with additional tools to effectively manage the conduct of race clubs and ensure the continuing viability and future development of the industry throughout the State. At present the Totalizator Act 1997 prohibits a person from offering a bet on any event or contingency where the payout on the winning bet is based on the dividend declared by a totalisator for that event or contingency. This practice, known as tote odds betting, involves a bookmaker offering odds on a winning bet based on the dividend declared by a totalisator, such as the TAB. This may include offering a slightly higher dividend than the TAB or guaranteeing the best dividend on the Australia TAB pools.

While the practice is prohibited in New South Wales, the legislation's lack of extraterritorial operation has been exploited for many years by corporate bookmakers licensed in other jurisdictions. They have a large New South Wales client base and conduct tote odds betting on a significant scale. Tote odds betting has become widespread amongst bookmakers licensed in other jurisdictions to the point that it is now a permitted practice in other States, including the Northern Territory, Victoria, Queensland and South Australia. In effect, the contemporary view is that tote odds betting is a form of price matching and, therefore, acceptable in a competitive national market. New South Wales licensed bookmakers are now disadvantaged competitively in comparison with their interstate counterparts.

The NSW Bookmakers Co-operative has requested that the Government remove the prohibition on the practice to assist its members achieving "competitive neutrality" with the operational conditions and wagering products that are available to their competitors. The three controlling bodies of racing—Racing NSW, Harness Racing NSW and Greyhound Racing NSW—have given their support for the cooperative's proposal. Further,

the proposal to lift the prohibition of tote odds betting was recommended at the Australasian Racing Ministers Conference last year. The recommendation was supported by all Ministers. New South Wales and Tasmania were the only jurisdictions to have this prohibition in place at the time.

The bill will add a clause to section 88 of the Totalizator Act 1997 to provide that a person is not guilty of the offence of tote odds betting if he or she is a New South Wales licensed bookmaker and is present at a licensed racecourse when such a bet is offered, whether face to face with a punter or by authorised telephone or electronic means. This measure will not weaken the regulatory controls over bookmaker operations and New South Wales licensed bookmakers will still be subject to the current level of scrutiny by racing authorities and government. In addition the prohibition on tote odds betting by unlicensed people is retained as a deterrent to off-course—otherwise known as SP—bookmaking activities.

The second purpose of the bill is to amend the Thoroughbred Racing Act 1996 to provide Racing NSW with the power to impose a wider range of sanctions on race clubs which fail to comply with a condition of registration. This is a reform which is directed at achieving consistency with Racing NSW's existing powers in respect of a race club's failure to comply with directions in relation to minimum standards for an array of matters. These minimum standards include the manner in which race meetings are conducted, the financial governance of a race club, and the level of facilities and amenities at a racecourse. If a race club fails to follow certain directions made by Racing NSW in regard to minimum standards the controlling body may publicly admonish the race club, impose a civil penalty of 50 penalty units and up to 100 penalty units for further breaches, or suspend or cancel the race club's registration. At present Racing NSW does not have the same powers when dealing with a race club for a breach of its conditions of registration.

The only sanction available to Racing NSW when dealing with a race club in these circumstances is to cancel the race club's registration. Cancelling a race club's registration effectively prohibits it from conducting racing and this could have an adverse effect on those industry participants and others reliant upon the race club's operations for their employment and income. This does not serve any constructive purpose unless it is the intention of Racing NSW to specifically prevent a race club from continuing to operate. The proposed amendment is practical and will provide Racing NSW with additional powers to ensure that the widely recognised standards of excellence and integrity in New South Wales racing and its associated administration are maintained and developed into the future. I commend the bill to the House.

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

### **LIQUOR AMENDMENT (SMALL BARS) BILL 2013**

**Bill introduced on motion by Mr George Souris, read a first time and printed.**

#### **Second Reading**

**Mr GEORGE SOURIS** (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [10.33 a.m.]: I move:

That this bill be now read a second time.

In September 2012 the Premier announced the Government's response to issues in Kings Cross. The response outlined a broad range of tough measures to tackle alcohol and drug-related crime and antisocial behaviour in the Kings Cross precinct. It is a whole-of-government approach covering liquor licensing and compliance, transport, policing and public spaces. The Liquor Amendment (Kings Cross Plan of Management) Act 2012, which was passed in November last year, supported the measures announced as part of that package. Importantly, those measures are not wholly about compliance and enforcement.

The Act also provided for a new category of small venue liquor licence in the Kings Cross area with a maximum limit of 60 patrons per venue. The Act exempted these small venues from the liquor freeze in Kings Cross and Oxford Street, Darlinghurst to encourage the take-up of these licences. This exemption was introduced to provide an alternative to patrons wanting a quiet night out in a smaller and more intimate setting. The Government stated that this small venue exemption was a precursor to a new category of small bar licence.

Today the Government is strengthening its commitment to diversity amongst licensed establishments and to reducing alcohol-fuelled violence and antisocial behaviour by introducing the Liquor Amendment (Small

Bars) Bill 2013. The bill amends the Liquor Act 2007 to introduce a new category of liquor licence for small bars across the State. The Liquor Act currently requires small bars to operate under a general bar hotel licence. There were 89 of these licences as at 15 February 2013. Many of these general bar hotel licences apply to smaller venues that cater for fewer than 120 persons. Under the current arrangements limits on patron numbers are generally a matter for local councils and the planning process having regard to factors such as individual premises size, building code requirements and fire safety.

Other than these factors there is nothing to prevent a general bar licence also being utilised for a nightclub or other type of licensed venue. The Government believes creating a specific new small bar licence category will provide clarity about what a small bar constitutes thereby helping to prevent the venue morphing that currently occurs. The introduction of a small bar licence is expected to appeal to patrons interested in a smaller and more intimate setting rather than a beer barn. This smaller more intimate entertainment venue is associated with lower risks than large-scale venues. It will prompt investment in a different business model for licensed venues in New South Wales, encouraging more diversity in how liquor is sold and supplied and how licensed venues are operated.

The bill provides that a small bar licence will limit a venue to 60 patrons or less. It will allow consumption of alcohol only on the licensed premises. Gaming machines will be prohibited under this licence category and food must be available on the premises. While the venue must be open to the general public, minors will not be permitted within small bars during liquor trading hours. The temporary freeze on licences will not apply to venues seeking a small bar licence. Small bars outside liquor freeze precincts will be automatically authorised to trade between midday and 2.00 a.m. However, small bars in the freeze precincts of Kings Cross and Oxford Street, Darlinghurst will need to apply for an extended authorisation to trade after midnight. The bill includes provisions that allow existing general bar licences to be easily converted to a small bar licence. A small bar licence will be automatically granted upon application to existing general licence holders who remain in the same premises. Importantly, a converted small bar licence will be subject to the conditions and compliance history that it was subject to under the previous licence.

The bill also provides a number of incentives for operators to take up this new small bar licence and establish venues across New South Wales. The application fee for a small bar licence will be 50 per cent of the amount prescribed for an on-premises licence. An application for an extended trading authorisation for a small bar will also be subject to a reduced fee. Applicants for small bar licences will not be required to prepare a community impact statement as is required for higher risk applications applying to other types of liquor venues. Given the low-risk nature of a small bar the Government believes that a community impact statement is unnecessary where development consent under the Environmental Planning and Assessment Act 1979 has been granted to use premises as a small bar or to sell liquor.

As a result, a prerequisite to a small bar licence application will be approval of development consent by the local council. The development consent process includes the requirement for community consultation and submissions. It requires notification to stakeholders and regulators—in this case police and the Director General of Trade and Investment—of the type of business. The sale of liquor by a prospective business is an important issue that is considered in the development application, with the community being provided with the opportunity to comment. To strengthen this process planning guidelines will be issued to local councils relating to the consideration of liquor issues where a small bar business is proposed. It is proposed that the guidelines require councils to consider any submissions made by the police and liquor regulators. This is supported by a requirement in the bill for small bar applicants to provide notification to the police and liquor regulators of their application for development approval within two working days.

If this notification is not provided a community impact statement will be required to ensure that the views of stakeholders and regulators are considered. This is a further community protection mechanism. The need for development consent to operate a small bar will depend on the local planning requirements established under the planning laws. Where development consent is not required the existing community impact statement and notification requirements and the liquor laws will apply to a small bar licence application. The approval of a small bar licence and the operation of the premises will still be subject to the extensive requirements of the liquor laws. These include the ability of stakeholders such as police to make submissions to the Independent Liquor and Gaming Authority in relation to a small bar liquor licence application. As is the case with other licence applications administrative arrangements will be put in place to ensure that police are notified of applications for small bar licences. This will be consistent with requirements under section 42 of the Liquor Act.

Police and the Director General of the Department of Trade and Investment, Regional Infrastructure and Services will be able to make submissions on small bar applications. These will need to be taken into

account by the Independent Liquor and Gaming Authority when determining an application. The authority will retain its existing responsibility to consider alcohol-related harm issues when dealing with an application for a small bar licence. The Government is committed to evaluating the impact of small bars and making changes if necessary. The bill provides for the Minister to review this legislation in 2016 to determine whether the policy objectives remain valid and whether the terms of the legislation remain appropriate for securing these objectives. To this end the bill includes scope for regulatory change within the Act to reduce or increase the number of patrons that may be on a small bar premises. This evaluation will be one element in our broader approach to alcohol-related violence.

The New South Wales Government has undertaken research into the cumulative impact of licensed premises and there is a more informed view of liquor licence density. It is also reviewing the operation of the violent venues scheme under the Liquor Act to ensure the types of conditions imposed on liquor licences are helping to drive down alcohol-related violence. The introduction of a new small bar liquor licence will broaden and diversify the entertainment venues on offer to the people of New South Wales and help to reduce the alcohol-fuelled violence and antisocial behaviour that is associated with larger venues. I commend the bill to the House.

**Debate adjourned on motion by Ms Tanya Mihailuk and set down as an order of the day for a future day.**

## **PROPERTY, STOCK AND BUSINESS AGENTS AMENDMENT BILL 2012**

### **Second Reading**

**Debate resumed from 13 November 2012.**

**Ms TANIA MIHAILUK** (Bankstown) [10.45 a.m.]: I lead for the Opposition in debate on the Property, Stock and Business Agents Amendment Bill 2012 and state at the outset that the New South Wales Opposition will not oppose this legislation. This bill arises out of a consequential review of the principal Act, the Property Stock and Business Agents Act 2002. The Government is operating within a time frame established by the Carr Government. I commend the Minister for continuing the great work of his Labor predecessors. The then Minister for Fair Trading, John Aquilina, stated:

I am privileged to introduce this important piece of consumer protection legislation. The bill represents the first major overhaul of the property services industry in this State since 1941 ...

Sellers and buyers alike will benefit from its far reaching and innovative proposals which raise consumer protection to a level that recognises the importance of property transactions in people's lives.

I take this opportunity to congratulate Mr Aquilina on his recent Australia Day honour. Mr Aquilina was made a Member of the Order of Australia for significant service to the Parliament of New South Wales and to the community. I am sure I speak for all members in this place, including the current member for Riverstone, when I congratulate Mr Aquilina on the worthy recognition of decades of service. I take this opportunity to congratulate the Coalition on its progress in this policy area. When the original bill was introduced in 2001 the then shadow Minister, Peter Debnam, claimed that the bill was part of the Government's campaign to persecute real estate agents. The former shadow Minister stated:

Whenever a problem occurs in the market this Government ... seem to focus on that problem, exaggerate it through the media, market the need for change and then introduce the lowest common denominator legislation that effectively says that although the problem may have occurred only once or 10 times, regulations will be put in place that will ensure it never happens again.

The shadow Minister warned that the legislation would become administratively unenforceable. The Liberal-Nationals Coalition, through this bill, has certainly made great strides since 2001. I again commend it on its progress in this policy area. As members of this House would be well aware, a key principle of good governance is the periodic review of legislation and regulations to identify any need to reform or make amendments. I refer to the Minister a number of issues raised in submissions to the review process. I ask the Minister in his reply to debate on the second reading to confirm whether the issues raised in these submissions have been addressed and to commit to following up on any outstanding matters. I begin with the Law Society of New South Wales, which provided a submission to the review process. The Law Society raised concerns about the intention to abolish the requirement for licensees to lodge separate statutory declarations if no trust money is held during that financial year. The society stated in its submission:

It is relatively unusual for a licensee not to have held trust money, making it appropriate for this unusual situation to be verified by statutory declaration. Completion and lodgement of such statutory declarations assist the monitoring of the population of agencies and whether or not they receive trust money.



The Law Society also raises concerns relating to the provision to clarify whether licensees who hold trust money during the financial year are required to lodge an audit report with Fair Trading only if it is a qualified audit report. The Law Society also states:

... one of the issues in regard to the lodgement of audit reports is the detection of agencies that may be struggling, which simply do not arrange for audits to be completed. Fair Trading may detect these firms as a result of the late lodgement or non-lodgement, that is, it is not the report that is received but the one that is not received which is the problem.

The Law Society questions whether amendments to provide the court or tribunal with authority to allow the payment of commission or expenses to real estate agents if there has been a minor breach of the agency agreement could be problematic. In particular, the society raises the potential for dispute over what constitutes a minor breach. The original Act introduced by the Carr Government in 2002 required the following professions to be licensed through NSW Fair Trading: real estate agents, stock and station agents, business agents, strata community managing agents and on-site residential property managers. Under the Act those commencing work in the above-mentioned industries are required to apply for a certificate of registration. Different certificates exist for registration categories determined by industry sectors.

This bill introduces a series of reforms to the legislation. It grants the NSW Fair Trading Commissioner the power to order random audits of trust accounts and amends the Act to give the court or tribunal the ability to allow commission or expenses to be paid when it is determined that there has been a minor breach of the agency agreement required in the regulations if there is no loss suffered by the consumer as a result of the breach and failure to pay the commission or expenses would be unjust. As I previously mentioned, concern has been expressed within the industry as to whether the definition provided for a minor breach is sufficient or whether there is a need to amend this definition to prevent its misuse.

The bill will require licensees to keep a copy of the audit report of trust accounts at the business premises for three years for inspection on demand by Fair Trading. The bill also will require licensees to notify the NSW Fair Trading Commissioner in writing each time they open or close a trust account at an authorised deposit-taking institution. These two provisions have been cited by the Shopping Centre Council of Australia as evidence that the bill might create unnecessary red tape. The Shopping Centre Council further suggests that, given these audit reports are likely to be required to be submitted to Fair Trading, there should not be any requirement for further filing by the licensee. The bill will clarify that holders of certificates of registration can conduct stock auctions under the immediate and direct supervision of the holder of an appropriate licence who need not be the licensee in charge.

As I stated previously, some of the submissions that have been made publicly available raise concerns about the potential for increase in red tape arising from requirements to notify the Office of Fair Trading about the opening and closing of trust accounts and the requirement to keep audit reports for three years. When Government does regulate industries it is important that a balance is found and that legitimate and commonsense regulation is provided. Regulation should work within and be welcomed by industry and embrace best business practices. I encourage the Government to work with industry to find this balance. Once again I ask the Minister to confirm that the Government has considered the issues that have been raised. I thank the Minister and his staff for providing my office with a briefing. Pending the Minister's responses on these outstanding issues, the Opposition will not oppose the bill.

**Mr KEVIN CONOLLY** (Riverstone) [10.51 a.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012 and note that the Opposition has indicated it will not oppose the bill. I join the member for Bankstown in acknowledging the Australia Day award given to my predecessor John Aquilina for his long service to the Parliament and to the community. This bill is evidence of the New South Wales Government's further commitment to reduce red tape for small business in New South Wales. It follows a review in 2007-08 of the Property, Stock and Business Agents Act 2002, which found that a number of improvements could be made to clarify the legislation, to remove red tape and in some other instances to firm up the controls that need to be in place for this industry. The bill reduces complexity and clarifies the legislation for real estate agents, primarily in relation to trust accounts. A key reform in this bill is the handling of unclaimed money, which will now be managed through the Office of State Revenue. One of the key amendments to this bill is to provide for a court or tribunal to allow the recovery of the agent's commission and expenses, despite a minor non-compliance with the requirements of the regulations as to the content of agency agreements. We heard that that is contingent on the minor non-compliance not affecting the client detrimentally.

Other key amendments include: to broaden the class of persons who are qualified to act as a trust account auditor under the Act; to remove the requirement that a licensee provide a statutory declaration when no

money is held on trust by the licensee; to limit the circumstances in which a trust account audit report is required to be provided to the director general; to require a trust account audit report to be kept at the business premises of the licensee; to allow the director general to order the random auditing of trust account records; to make it an offence for a trust account auditor to fail to report trust account discrepancies and breaches; to require the opening of a trust account to be notified to the director general; to repeal the current provisions relating to unclaimed trust money, with the Unclaimed Money Act 1995 to be amended so that it will apply to unclaimed trust money; to allow a certificate of registration holder to auction livestock under the supervision of an appropriately qualified licensee whether or not that licensee is the licensee in charge of the place of business where the certificate holder is employed or as the certificate holder's employer; and to enact consequential savings and transitional provisions.

The trust account audit provisions in schedule 1 item [17] change the offence for a trust auditor failing to report trust account discrepancies or breaches to a maximum penalty of 50 penalty units. Schedule 1 item [12] extends the existing requirement that an auditor's report on a trust account audit be retained for three years by requiring that the report be kept at the licensee's registered office or in the possession, custody or control of a former licensee or other person who becomes responsible for a licensee's or former licensee's affairs. To assist with the auditing of trust accounts, schedule 1 item [15] extends the list of persons who are qualified to audit trust accounts under the Act. The broadening of qualifications of persons available to conduct trust account audits will particularly benefit licensees located in rural and regional areas of New South Wales.

Licensees in these areas have always found it difficult to locate an auditor, particularly at the busy end of financial year period when registered company auditors are in high demand for other duties associated with their profession. The legislation presently requires licensees to have to apply to the director general for exemptions from the provisions of the Act. This is time consuming and delays the trust account audit process. This red tape will be removed. The amendments will ensure that trust accounts will be audited by experienced persons who hold the appropriate accounting qualifications, for example, a public practising certificate with a member of a professional accounting body such as CPA Australia, the Institute of Chartered Accountants in Australia, and the National Institute of Accountants.

With respect to notifying the NSW Fair Trading Commissioner in writing each time an account is opened or closed at an authorised deposit-taking institution, this bill introduces a requirement to ensure that the Office of Fair Trading has better records of all trust accounts operated by agents and can check the records it receives from the financial institutions. It also will ensure that financial institutions have remitted the appropriate interest from the trust accounts to the statutory interest account that is administered under the Act. The funds accrued in the statutory interest account are used for funding compliance efforts and other essential tasks associated with administering this and other important consumer protection legislation. The amendments formalise an informal procedure that has been used by many real estate agents over many years and the new procedures readily taken up by licensees.

One of the amendments brings into line the period when licensees are required to report on unclaimed trust money in their accounts. Under the present Act this occurs in January each year. The amendments to the handling of unclaimed money will instead require licensees to report unclaimed money to the Office of State Revenue at the end of each financial year. It brings it into line with the period when licensees are engaging auditors to do other accounting work and the unclaimed money reporting and lodgement process can be performed quickly and efficiently. There is no longer a three-month delay in respect of that unclaimed money being lodged. I note that the New South Wales Government has consulted widely with the community on this bill, with an exposure draft publicly released on 30 August 2012. The amendments to this bill receive support from key stakeholders, such as the Real Estate Institute of New South Wales, the Estate Agents Cooperative Limited, the Australian Livestock and Property Agents Association, and the Institute of Chartered Accountants in Australia. The bill achieves significant reforms to reduce red tape for small businesses. I commend the bill to the House.

**Mr JAMIE PARKER** (Balmain) [10.57 a.m.]: I speak in debate on the Property, Stock and Business Agents Amendment Bill 2012 which seeks to alter the Property, Stock and Business Agents Act 2002 which was subject to the 2008 statutory review. These amendments are as a result of recommendations stemming from that review. The review found that a number of improvements can be made to the Act, in particular, clarifying parts of legislation and removing some elements of red tape. The Greens support this legislation as it is clear that some elements are positive. With respect to the handling of unclaimed trust money, under the Unclaimed Money Act, consumers will now have a one-stop shop for identifying and claiming their unclaimed trust money from the Office of State Revenue, which is a positive step. I mention in particular the broadening of

qualifications of auditors who conduct annual reports of real estate agents' trust accounts. It will help agents particularly in rural and regional areas of New South Wales who may have found it difficult to find an auditor. People in the electorate of Balmain do not have this problem but those who are living in rural and regional areas will see a significant benefit.

I would like the Minister to address a few questions that arose after I reviewed some of the submissions that were received in September and October. In our view the key stakeholders are the Real Estate Institute of New South Wales, the Law Society of New South Wales—I note that the Property Law Committee reviewed the bill—and the Institute of Certified Practising Accountants. It seems that the Association of Certified Practising Accountants generally supports the bill in its entirety. The Law Society was quite critical and the Real Estate Institute of New South Wales is somewhat critical of it. The submissions that were critical in nature have identified four areas of concern in relation to the bill, and I shall briefly address some of those issues. New section 55A deals with the relaxation of agency agreement requirements. The department has said that the section will:

... give the court or tribunal the ability to allow commission or expenses to be paid if it is determined that there has been a minor breach of the agency agreement requirement in the regulations, there is no loss suffered by the consumer as a result of the breach, and failure to do so would be unjust.

The member who led for the Opposition in debate on this bill said that a question arises as to the definition of "minor" failure. The Minister may have addressed this matter but I ask that he deal with it further in reply. There is a question with respect to technical issues. I note the comment of the Law Society that it may have some negative effect, particularly the possibility of future case law determining the meaning of "minor", which is undesirable. I note also that the Law Society has outlined that if it is considered necessary to provide relief for non-compliance, this should be spelt out specifically in the Act. The Law Society states also that the standards imposed under the Act regarding compliance with disclosure obligations should be no less rigorous than those applying to licensed conveyancers, in that the Conveyancers Licensing Act 2003 states that where conveyancers fail to make disclosures about costs, the client need not pay for the conveyancing work. If the Minister feels that matter has not been discussed fully it would be useful to provide that information to us.

The Real Estate Institute of New South Wales is supportive of the amendment insofar as it will bring benefits to its members. However, like the Law Society, the institute submits that some general non-limiting guidelines should be issued to clarify the types of matters that could fall within the term. Perhaps the Minister could address that matter also. The matter with respect to new section 111, dealing with requirements for the lodgement of audit reports, has been discussed in detail, with the department putting forward its view. I note that the Law Society opposes this section of the bill. It states that when an audit report is not lodged it must be presumed to be not qualified, although this may not always be the case. It states also that the Department of Fair Trading currently detects slow-performing and dubious agencies by their late submissions of audit reports. However, under this amendment the department will lose this functionality. Currently, the department can detect slow-performing or potentially dubious agencies but what measures will be used to determine that in the future? We know of additional proposals but I wonder whether this question has been fully addressed by the bill.

Auditors who are paid by the agency may also be reluctant to qualify reports where the agency is also its accounting client. This is an issue in rural and regional New South Wales, where clients may not be easy to come by and there may be a reluctance to qualify reports. That risk needs to be balanced. I acknowledge other amendments in the bill that seek to balance this weakening of the Act, such as the requirement that licensees must keep all audit reports for three years so that Fair Trading can inspect them, the Fair Trading Commissioner may order random audits of trust accounts, and the creation of a new offence for auditors who fail to notify Fair Trading of a qualified audit report. I ask the Minister to address those questions in his reply. I turn now to new section 112A, dealing with random audits. The department submits that this extra compliance power is needed. I ask the Minister how and when a random audit will be triggered under the amended legislation due to the relaxation of the audit reporting.

We note that late submissions of audit reports have provided a trigger in the past. That will not be the case in some situations, so I ask what will happen now. I turn now to new section 86, which relates to increased reporting requirements for trust accounts. The opening and closing of trust accounts has been discussed, and I know the Real Estate Institute of New South Wales suggests that this is an onerous requirement. The Law Society supports this requirement and notes that this will bring the property industry into line with the legal profession, which already adheres to similar requirements for trust accounting pursuant to the Legal Profession Act 2004. It is reasonable that the Minister addresses those matters. I raise one final point with respect to the

lodging of separate statutory declarations where no trust money is held. The member who led for the Opposition raised this matter also. The Real Estate Institute and the Association of Certified Practising Accountants supported this change but the Law Society opposes the amendment. It stated:

The Committee does not support this proposal if it relates to the business under which the agency is operating. The Committee expects that it is relatively unusual for a licensee not to have held trust money, making it appropriate for this unusual situation to be verified by a statutory declaration.

We understand the problems with red tape but we must balance risk and accountability. Putting aside the obvious examples, we know of many recent cases involving trust accounts in the legal profession and it is important that we balance that risk. Red tape is an impediment and it imposes a cost on business and clients. We must ensure that there is a clear balance between red tape and accountability. In the end it is the clients and the agencies that rely on the Government to ensure these matters are regulated to allow for the effective running of business in New South Wales. In conclusion, I support the legislation. I have some concerns about the weakening of some provisions and I look forward to the Minister in reply responding to those concerns.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [11.06 a.m.]: I speak in support of the Property, Stock and Business Agents Amendment Bill 2012. This bill follows the statutory review of the Property, Stock and Business Agents Act 2002 that took place in 2007 and 2008. The Minister for Fair Trading, the Hon. Anthony Roberts, in his second reading speech stated:

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 object of the bill is to amend the Property, Stock and Business Agents Act 2002 in accordance with some of the recommendations from the review. The legislation provides for a number of changes, such as to allow a certificate of registration holder to auction livestock under the supervision of an appropriately qualified licensee whether or not the licensee is the licensee in charge of the place of business where the certificate holder is employed or is the certificate holder's employer; to repeal the current provisions relating to unclaimed trust money, with the Unclaimed Money Act 1995 to be amended so that it will apply to unclaimed trust money; to require the opening of a trust account to be notified to the director general; to make it an offence for a trust account auditor to fail to report trust account discrepancies and breaches; to allow the director general to order the random auditing of trust account records and to require a trust account audit report to be kept at the business premises of the licensee.

The legislation provides further changes to limit the circumstances in which a trust account audit report is required to be provided to the director general; to remove the requirement that a licensee provide a statutory declaration when no money is held on trust by the licensee; to broaden the class of persons who are qualified to act as a trust account auditor under the Act; and to provide for a court or tribunal to allow the recovery of agent's commission and expenses despite a minor non-compliance with requirements of the regulations as to the content of agency agreements. I shall deal with some of those changes in more detail. With relation to stock auctioneers, schedule 1 [1] provides that the holder of a certificate of registration as a stock and station salesperson is authorised to auction livestock under the supervision of an appropriately qualified licensee whether or not the licensee is the licensee in charge of the place of business where the salesperson is employed.

An existing exception allows a stock and station salesperson to auction livestock under the supervision of a licence holder and the amendment makes it clear that the supervising licensee does not have to be the licensee in charge of the place of business where the salesperson is employed and does not have to be the salesperson's employer. Schedule 1, items [3] and [5], enable a court or tribunal to order that commission and expenses are recoverable by a licensee despite a failure to comply with the requirements of the regulations as to the content of agency agreements but only if the court or tribunal is satisfied that the failure is minor, the consumer has suffered no loss and it would be unjust not to allow recovery. I spoke earlier of the review. That statutory review made 25 recommendations relating to licensing issues, trust account audit requirements for agents and the review of NSW Fair Trading publications.

The in-depth review process, which was conducted by NSW Fair Trading, then identified an additional three recommendations for legislative reform aimed at removing red tape for agents. Of the 28 recommendations, 12 were subsequently referred to the national task force overseeing the National Occupational Licensing System, six relate to administrative processes and are being implemented by NSW Fair Trading, and 10 were identified as requiring legislative amendment to the Property, Stock and Business Agents

Act 2002. The development of the National Occupational Licensing System has taken some time and is still not finalised. It is important that the 10 identified amendments with potential for reducing red tape for agents and streamlining the current legislation not be delayed further.

The member for Balmain raised some issues relating to agency agreements. The major requirements for the form and content of an agency agreement—a contract between the licensee and consumer—are set out in the Act and the regulation. While the majority of these requirements go to the very basis of the work to be performed by the licensee some do not. These amendments will provide some balance between the rights of the consumer and the rights of the licensee. Licensees must be appropriately remunerated for the work they validly perform and a minor error in the agency agreement should not allow an unjust windfall profit to the consumer without any ability to mount a challenge.

The amendments ensure appropriate consumer safeguards are put in place: errors must be minor, there must be no loss suffered by the consumer as a result of the breach and the tribunal must be satisfied that failure to award payment would be unjust. The decision as to whether payment should be made is for a properly instructed court or the Consumer, Trader and Tenancy Tribunal. It is important to note that the court or tribunal has the power to order part payment of commission or expenses, dependent on the circumstances of each case. The main safeguard that will provide for appropriate consumer protection is a requirement that before any breach of an agency agreement can be considered it must be determined that the breach is minor. A court or the Consumer, Trader and Tenancy Tribunal is best placed to make an objective assessment of claims for entitlement to commission or costs. A court or tribunal is also the proper forum to decide whether a breach is minor, taking in all the circumstances of the individual case placed before it, including evidence presented by the parties.

It would be an exhaustive process to prescriptively list the hundreds of possible breaches of the many forms of agency agreement that could, depending on their circumstances, be considered as minor. Listing them prescriptively could bind the decision-making powers of the court or tribunal and is not considered appropriate. What may be considered a minor or inconsequential breach to one party may not be so to the other; the court or tribunal is best placed to decide. As I said, this legislation comes as a result of a review. The legislation improves the Act and it improves the safeguards for consumers. I commend the bill to the House.

**Mr JOHN FLOWERS** (Rockdale) [11.14 a.m.]: I make a contribution to debate on the Property, Stock and Business Agents Amendment Bill 2012. The bill aims to clarify the Property, Stock and Business Agents Act 2002 by reducing red tape for licensees while ensuring that appropriate consumer protection is maintained. The reform proposals in the bill have arisen from a statutory review of the Property, Stock and Business Agents Act 2002, which was conducted in 2007 and 2008. The statutory review made 25 recommendations relating to licensing issues, trust account audit requirements for agents and the review of NSW Fair Trading publications. The in-depth review process, which was conducted by NSW Fair Trading, then identified an additional three recommendations for legislative reform aimed at removing red tape for agents.

Of the 28 recommendations, 12 were subsequently referred to the national task force overseeing the National Occupational Licensing System, six relate to administrative processes and are being implemented by NSW Fair Trading, and 10 were identified as requiring legislative amendment to the Property, Stock and Business Agents Act 2002. The development of the National Occupational Licensing System has taken some time and is still not finalised. It is important that the 10 identified amendments with the potential for reducing red tape for agents and streamlining the current legislation not be further delayed. The 10 amendments will allow the Consumer, Trader and Tenancy Tribunal or a court to award a licensee commission or expenses for work done by them even if there is a minor breach of the agency agreement requirements contained in the regulations to the Act. However, the tribunal or court will be able to award commission or expenses only if the consumer has suffered no loss as a result of the breach and failure to award the commission or expenses would be unjust.

The amendments will widen the qualifications of persons authorised to audit trust accounts to include authorised audit companies and members of a professional accounting body as defined under the Australian Securities and Investments Commission Regulations 2001—which are CPA Australia, the Institute of Chartered Accountants in Australia and the National Institute of Accountants—who hold a public practising certificate with one or more of those bodies. The amendments will also provide that licensees who do not hold or receive trust money during their audit year will only have to make a declaration on their licence renewal application rather than lodge a statutory declaration, as is currently required.

The amendments will provide that while all licensees who hold or receive trust money during their audit year will still have to have their trust accounts audited, they will only have to lodge the audit report with NSW Fair Trading if the report is qualified by the auditor. The amendments will require licensees to keep a full copy of their trust account audit report at their business premises for three years for inspection by Fair Trading whether the report is qualified or not, and will provide that the Fair Trading Commissioner will be able to conduct random audits of trust accounts to aid in the detection of fraudulent conduct, with the cost of these audits paid from the statutory interest account.

In addition, the amendments will: create a new offence of 50 penalty units for trust account auditors failing to notify the Fair Trading Commissioner of discrepancies in trust accounts or documents they are auditing; require licensees to formally notify the Fair Trading Commissioner of both the opening and closing of trust accounts to assist Fair Trading in ensuring the correct amount of interest is paid by authorised deposit-taking institutes—that is, banks—from trust accounts to Fair Trading; transfer the receipt and handling of unclaimed trust money to the New South Wales Office of State Revenue; and clarify the present legislation to ensure that holders of certificates of registration employed by stock and station agents will be able to conduct stock auctions to gain training and experience while under the immediate supervision of a licensee who need not be their licensee in charge.

Generally it could be said that while the majority of requirements set out in the Act and the regulation relate specifically to the work to be performed by the licensee, some do not. Licensees must be appropriately remunerated for the work they validly perform and a minor error in the agency agreement should not allow an unjust windfall profit to the consumer without any ability to mount a challenge. The amendments ensure that appropriate consumer safeguards are put in place. Errors must be minor. There must be no loss suffered by the consumer as a result of the breach and the tribunal must be satisfied that failure to award payment would be unjust. A court or tribunal is the proper forum to decide whether a breach is minor, taking into account all the circumstances of the individual case placed before it, including evidence presented by the parties. The broadening of qualifications of persons available to conduct trust account audits will be particularly beneficial to licensees located in rural and regional areas of New South Wales. In these areas it has been a difficult task for licensees to locate an auditor, particularly at the end of the financial year. I commend the bill to the House.

**Mr TIM OWEN** (Newcastle) [11.23 a.m.]: The Property, Stock and Business Agents Amendment Bill 2012 provides for the amendment of the Property, Stock and Business Agents Act 2002. As previous speakers have said, by introducing this legislation the New South Wales Liberal-Nationals Government is showing its further commitment to doing everything it can to reduce red tape for small business while ensuring that consumers are protected. Adopting the legislative amendments in this bill will further clarify the legislation and reduce complexity for real estate agents, particularly with respect to their trust accounts. At the same time appropriate consumer safeguards are retained and compliance costs are reduced. One of the amendments gives a court or the Consumer, Trader and Tenancy Tribunal the ability to allow commission or expenses to be paid to a real estate agent if the court or tribunal determines that there has been a minor breach of the agency agreement requirements in the regulations. This is a good outcome.

I note that the tribunal or court will be able to award commission for expenses only if there is no loss suffered to the consumer as a result of the breach and the failure to award the commission or expenses would be unjust. Furthermore, under the present legislation even if the agent had validly performed the work required in the agreement they are prohibited from claiming commission or expenses if there was a minor breach of those requirements. A court or tribunal under the legislation as it stands is prohibited from ordering such payments. The legislation did allow payments to be made if there were errors by the agent serving a copy of the agency agreement on their client, but under strict requirements. These requirements included that there be no loss suffered by the owner as a result of the breach, and that a failure to do so must be determined as unjust before any payment is authorised. This limited mechanism has worked extremely well since the Act commenced in 2003.

The bill provides that licensees who do not hold or receive trust money during the audit year will only have to make a declaration on their licence renewal application rather than lodge a statutory declaration, as is presently required. All licensees who hold or receive trust money during the audit year still have to have their trust accounts audited. The audit report will have to be lodged with NSW Fair Trading if the report is qualified by the auditor. To further support the aforementioned amendments, the bill also gives the Fair Trading Commissioner the power to order random audits of trust accounts. A new offence will be put in place of 50 penalty units for trust account auditors failing to notify the Fair Trading Commissioner of discrepancies in trust accounts or documents that they are auditing. The amendment now seeks to extend those significant safeguards to other minor breaches of the agency agreement. The same safeguards would apply.

One possible example of such a breach is the requirement in the regulations for a warning notice to be placed immediately following the clause on remuneration in the agency agreement. Currently, if it is placed anywhere else in the document the agent cannot be paid their commission or expenses for the days, weeks or even months of work expended on working for their client to obtain a successful sale of a property. That creates a possible windfall profit for the seller and a considerable financial impost on the agent. This amendment strikes a workable balance between the needs of the consumer and the real estate agent. The amendment seeks to right a considerable wrong that has been evident in the legislation to date. Additionally, the amendments will allow the handling of unclaimed trust money to come into line with how unclaimed money held by other enterprises in New South Wales is dealt with by the New South Wales Office of State Revenue. Consumers will have the ability to search the Office of State Revenue's website to locate the details of unclaimed trust money, which they will be able to claim from that office. I note that consumers will have up to six years to lodge claims for the return of any unclaimed money.

Another proposed amendment is to clarify in the Act that holders of certificates of registration employed by stock and station agents can conduct stock auctions under the immediate and direct supervision of a holder of a licence who need not be their employer. This has been a grey area for some time, hampering junior salespeople in rural and regional real estate agency offices from gaining much-needed experience in the responsibilities of auctioning stock. This will cut red tape by reducing the need for agents to seek exemptions from Fair Trading due to their inability to find an auditor in the area. This is a good amendment. The amendment clarifies that certificate of registration holders will be able to conduct stock auctions while being closely supervised by a licensee holding the relevant accreditation from Fair Trading as a stock auctioneer. Training will be enhanced while at the same time consumers will be appropriately protected. In closing, I note that the majority of the bill will commence on assent and licensees will gain the benefits outlined as soon as the Act commences. I congratulate the Minister for Fair Trading on his work in amending this important legislation. I commend the bill to the House.

**Mr CHRIS PATTERSON** (Camden) [11.28 a.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012. I concluded my 2012 parliamentary sittings by perhaps not extolling the virtues of the Minister for Fair Trading but by leaving people in no doubt of what a wonderful and hardworking Minister for Fair Trading we have, so it is only fitting that I begin the 2013 sittings in the same vein. All credit is due to the hardworking Minister for Fair Trading for this legislation. As part of the Government's continued response to reducing red tape for small businesses in New South Wales and following a statutory review in 2007 and 2008 of the Property, Stock and Business Agents Act 2002, it was 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.

As I have said previously—perhaps as recently as yesterday—the Government prides itself on removing red tape and taking away layers of bureaucracy that have so hindered organisations in the past. NSW Fair Trading is to be commended for its efforts: Anything we can do to help our extremely busy business people in our community is a must. The bill aims to remove red tape while ensuring at the same time that consumer protection is not compromised. While clarifying the legislation in reducing complexity for real estate agents, particularly in relation to their handling of trust accounts, appropriate consumer protection safeguards will be retained and compliance costs will be reduced. Considerable stakeholder consultation has been conducted. An exposure draft bill was publicly released on 30 August 2012 and remained in the public domain for four weeks. Strong support was received 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 commend the Minister for Fair Trading for introducing this bill. While he does a wonderful job, he would be the first to acknowledge that his staff do the same. I thank all of the Minister's hardworking staff, in particular in relation to this bill Adrian Pryke, Madeleine Boulton, John Vernon, and to Brandon Jacobs from NSW Fair Trading for the wonderful job they do. In relation to the handling of unclaimed trust money, reforms will assist consumers, who will have a one-stop shop for identifying and claiming their unclaimed trust money in New South Wales through the Office of State Revenue. Amendments will enable compliance and investigative resources to be better targeted towards areas of highest risk. This amending bill is evidence also of the Government's commitment to reducing red tape, allowing small businesses to operate efficiently, and shows that the Government is listening to the small business community.

In the context of this bill, I draw to the attention of the House a very famous property, stock and business agent in Camden that I know will benefit from this bill. William Inglis and Son Limited was

established in 1867. William Inglis, who later became an auctioneer and stock agent, was born on 8 March 1832 in Sydney. He was the eldest son of Scottish Presbyterian parents, Thomas and Catherine Inglis. Thomas Inglis arrived in Sydney with his wife in 1830 as an agent of the Australian Company of Edinburgh and received a land grant, Craigend, at The Oaks in the Camden-Picton area. After five years involvement in whaling pursuits and time spent on the Ovens goldfield in Victoria, William returned to Craigend. On 3 March 1858 he married Flora McKinnon from a neighbouring property, Montpelier. As the member for Wollondilly will confirm, Montpelier Drive, The Oaks, is a lovely landmark street in The Oaks district.

In 1867 William Inglis and Joseph Butler, the brother of Edward Butler who was a former barrister and New South Wales politician, began an auctioneer and produce agency at 793 George Street, Sydney. Butler left the partnership after 10 years. In 1882, William began a horse bazaar between Castlereagh and Pitt streets. Horse sales were held on the ground floor and the vehicles and harness areas were above that, and accessible by a ramp. The local test of a draught horse was to pull a one-ton load from Sussex Street up Druiitt Street to Inglis's bazaar. William Inglis and Son Limited was founded on the basic principles of honesty and integrity—just like the New South Wales Liberal Party. Its great success and longevity are attributed directly to those simple but all-important ideals.

The Inglis family is still involved in the day-to-day running of the business. The reputation of the family and their business is unwavering. In 1906 the bloodstock operation commenced in rented premises known as Newmarket in Randwick. In 1917 William Inglis and Son purchased Newmarket for 50,000 pounds. This is still the site of its operations today and it accommodates approximately 600 horses. The livestock division of Inglis has been conducting auctions at the Camden saleyards complex for more than 70 years. The saleyards is run by experienced in-house Inglis auctioneers who have extensive livestock expertise. The schedule of sales includes a weekly auction of mostly fat cattle, and the complex regularly yards 500 to 850 cattle. There is also a monthly special store cattle sale. Weekly sales are held for pigs and calves. General horse auctions are held bimonthly. Inglis has been selling local country holdings in the Macarthur region of New South Wales since the 1950s. Inglis leveraged off the livestock division and has since developed a thriving residential and small acreage property sales business that services the Macarthur, Southern Highlands and southern regions of New South Wales.

Descendants of the first William Inglis—William "Dick" Inglis and his sons—still conduct business for the firm of William Inglis and Sons at premises in Edward Street, Camden, next to the saleyards. Monday evenings in Camden are fantastic because the saleyards bring back the sounds and smells of bygone days. Cattle in the saleyards can be heard and smelled from kilometres around. It has a lovely country feel. Camden has even had the odd escape of a clever bull, with local police chasing the bull up Argyle Street and returning it to the saleyards—for a fate that clearly the bull is not happy with. I took the liberty of drawing the attention of the House to the Inglis businesses because the Inglises are a fantastic family. The current generation is led by Jamie Inglis; they are salt of the earth people. The Inglis family has employed many people and has contributed a great deal to the fabric and history of Camden. To not mention them in the context of this bill would have been remiss.

I am sure that amendments that include trust money, licensees and annual audits provisions will give property, stock and business agents the ability to get on with running their businesses instead of spending time and paying staff to plough through frustrating red tape that inevitably leads to time taken up that should be used in running the business. I note the presence in the Chamber of the member for Goulburn and Minister for Family and Community Services, and Minister for Women, who is a wonderful friend to Camden. I am happy to inform the House that the Minister makes almost weekly visits to Camden and thoroughly enjoys her visits. We have spoken on many occasions about the Inglises and what a wonderful contribution they have made to the history of Camden and to the Goulburn electorate where they are very well known and respected. I commend the bill to the House.

**Mr TONY ISSA** (Granville) [11.38 a.m.]: I support the Property, Stock and Business Agents Amendment Bill 2013. The legislation will clarify and streamline the existing Act and reduce red tape for real estate and other agents regulated under the law. These provisions are the result of extensive consultation and comment by stakeholders and other interested parties. It is important legislation because it offers a balance to ensure that consumers are protected and agents' work is simplified when dealing with government departments. The property, stock and business agents legislation was first introduced into New South Wales in 1941. Its aim was to protect property owners and purchasers when dealing with an agent. At that time the main transactions it was designed to cover were between individual land owners, single tenants and single office real estate agencies. Over the years, the Act has regulated both residential and non-residential property on this basis. However, over that time, enormous changes have taken place in the State's property environment.



Importantly, the amendments will reduce the complexity for real estate agents and how they manage trust accounts. They will no longer be required to submit an annual report and separate statutory declaration with NSW Fair Trading if no trust money was received during the financial year. This means that the majority of real estate licensees will no longer have to waste precious time on paperwork and can devote this time, instead, to their own businesses. The director general will have the power to randomly order an audit of trust accounts. Qualifications of auditors of agents trust accounts will include members of recognised accounting bodies who hold practising certificates. Licensees will be able to choose a trust account auditor from a wider pool of qualified people, including authorised audit companies and members of certain professional accounting bodies who hold a Public Practice Certificate or a Certificate of Public Practice.

I note this amendment has received the support of the Institute of Chartered Accountants of Australia. That body believes this to be a step forward in reducing onerous audit requirements for trust accounts operated by licensees. The amendment will not weaken in any way the quality of the audit provision. However, it will create healthy competition in the marketplace. It will be of particular benefit to those agents in rural and regional communities who have found it difficult to find an accredited person to audit their accounts. Under the current laws, agents in more remote areas must seek a special exemption from the Department of Fair Trading if they are unable to find a qualified auditor in their area. This has placed a huge burden on the resources of the Department of Fair Trading and has prevented staff from addressing the more pressing issues involving compliance.

As I mentioned earlier, the bill further provides for a random audit of trust accounts by the director general. This will protect consumers by allowing Fair Trading to conduct targeted audit inspections when required. Further, licensees will be required to keep copies of audit reports for a period of three years and will be required to submit them for inspection by Fair Trading. The proposed amendments are quite specific in the particulars within which agents must account for money placed in trust accounts. To further support these aims, there are provisions giving the Commissioner of Fair Trading the power to order random audits of all trust accounts. For the first time, this legislation creates an offence provision for an auditor who fails to notify Fair Trading of any discrepancy relating to the trust account to which the audit relates. There will also be penalties for auditors who fail to maintain documents in a manner that would allow them to be properly audited.

Under the amendment, unclaimed funds will be the responsibility of the Office of State Revenue. Consumers will be able to search the Office of State Revenue dedicated website and locate details of unclaimed trust money. If identified, they will be able to claim it directly from the Office of State Revenue. Consumers will have six years to lodge claims for the return of unclaimed funds. There are further provisions that state that the lodgement period for unclaimed funds will change from the current calendar year to the financial year. With regard to stock auctions, the current law requires that a person must hold a certificate of registration to conduct the auction and must be under the supervision of their employer—the licensee. Because this is not always practical, the bill proposes that a certificate holder can conduct stock auctions under the supervision of a licensee, who need not necessarily be the licensee, nor the employer of the certificate holder. I believe this measure will streamline the existing legal provisions. I congratulate the Minister for Fair Trading for introducing this important legislation. This puts real estate agents on notice that they will be monitored. This Government will conduct random checks. I commend the bill to the House.

**Mr ANDREW ROHAN** (Smithfield) [11:45 a.m.]: I am pleased to speak in support of the Property, Stock and Business Agents Amendment Bill 2012. I congratulate the Minister for Fair Trading on its timely introduction into this House. The introduction of the bill demonstrates that the O'Farrell-Stoner Government is committed to removing the burden of red tape and regulatory hoops that small businesses and real estate agents have to navigate through constantly. At the same time, the bill will ensure that consumers' protection in New South Wales is not compromised. The statutory review of the Property, Stock and Business Agents Act was completed in 2008. The statutory review made recommendations relating to licensing issues, trust account audit requirements for agents, and the review of NSW Fair Trading publications. This in-depth review process was conducted by NSW Fair Trading and identified recommendations for legislative reform aimed at removing red tape for agents.

The draft bill was on public exhibition for consultation from 30 August 2012 for a period of four weeks. The amendments contained in the bill attracted strong interest and received strong support from the majority of key industry 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. The provision of the bill in relation to handling of unclaimed trust money, as the Minister stated in his second reading speech,

will ensure that consumer protection is maintained while reducing the overall cost of enforcing compliance of the law. Consumers will now have one stop for identifying and claiming their unclaimed trust money in New South Wales through the Office of State Revenue.

The amendments will 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 is only minor. Before any payment is authorised, the court or tribunal must first be satisfied that 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. The amendments in relation to reducing the complexity of requirements for real estate agents regarding their trust account responsibilities are particularly noteworthy. The amendments abolish the current requirement for a licensee to lodge a separate statutory declaration each year if no trust money was held during the financial year. The overwhelming majority of the almost 17,000 licensed real estate agents in New South Wales do not, and have never operated a trust account in their own right. They work as employed licensees. Therefore, it is appropriate to remove the red tape requiring them to complete, sign and witness a statutory declaration each year and forward it to Fair Trading. Licensees will be able to simply note on their licence renewal form that they did not hold or receive trust money.

A further amendment will clarify that licensees who held trust money during the financial year will only be required to lodge an audit report with Fair Trading if it is qualified by the trust account auditor. As CPA Australia, the Institute of Chartered Accountants in Australia and the Institute of Public Accountants—the joint accounting bodies—write in support of the bill, this reform will be a step forward in reducing onerous audit requirements for trust accounts operated by licensees and will widen the pool of qualified individuals who will be eligible to undertake such audits possibly without reducing audit quality. This change will be safeguarded by requiring licensees to keep a copy of the audit report, whether qualified or not, on their business premises for three years for inspection on demand by Fair Trading.

Additionally, the Commissioner for Fair Trading will be given the power to order random audits of trust accounts, with the cost being met from the Statutory Interest Account. It is in the public interest for the commissioner to have a power of inspection over the operation of the trust. In this regard this bill will strengthen the current legislative provisions, and tighten up compliance and enforcement measures. Should auditors fail to advise Fair Trading of a trust account discrepancy or that the accounts are not kept in a manner enabling them to be audited there will be consequences: It now will be an offence under the Act should Fair Trading not be informed and advised. This will bring them into line with similar offence provisions for licensees.

The amendments substantively broaden the pool of persons available to licensees to audit their trust accounts—addressing a source of previous complaint. Auditors' qualifications now include authorised audit companies and members holding a Public Practice Certificate with one or more professional accounting bodies as defined under the Australian Securities and Investments Commission [ASIC] Regulation 2001—that is, CPA Australia, the Institute of Chartered Accountants and the National Institute of Accountants. This amendment will reduce red tape by removing the need for licensees having to seek exemptions from Fair Trading. These 10 identified amendments are not the exhaustive list, but they are important amendments with the potential for reducing red tape for agents, streamlining current legislation and freeing up compliance resources.

The regulatory burden placed on agents, particularly those located in rural areas, will be substantively reduced. In my electorate of Smithfield and, indeed, in neighbouring communities where the cost of living is increasing, this includes affordable housing where, due to price increases of residential dwellings and rental properties, the Aussie dream of owning a family home is becoming more a nightmare and not a reality. As we know, the community housing waiting list grows continually and is now amongst the highest in Sydney, if not the State. With a population of low socioeconomic families living in Smithfield and, indeed, across western Sydney, any downward pressure on the cost of buying or renting a house is welcome news. This bill is sensible reform that will reduce unnecessary red tape on small businesses but strengthen the regulator's powers to act when agents do the wrong thing. This is an important amendment and I commend the bill to the House.

**Mr GARRY EDWARDS** (Swansea) [11.54 a.m.]: I speak in the debate on the Property, Stock and Business Agents Amendment Bill 2012. From the outset I note that the Opposition and the Greens have declared that they do not oppose this bill. I thank the Opposition in particular for its acknowledgement that the O'Farrell-Stoner Government is starting 2013 in the same positive and progressive manner in which we ended the 2012 parliamentary year. The Property, Stock and Business Agents Amendment Bill will remove unnecessary complexity for agents by cutting red tape in relation to trust accounts whilst ensuring that

legislative safeguards enacted to protect the interests of consumers are maintained. The bill comes after two statutory reviews of the Property, Stock and Business Agents Act 2002 and extensive stakeholder consultation, and the draft bill being placed on public exhibition in August last year for four weeks for submissions.

One aspect of the bill gives a court or the Consumer, Trader and Tenancy Tribunal the ability for a real estate agent to be remunerated appropriately by way of commissions or expenses for work performed validly if a court or tribunal determines that a breach of an agency agreement is only minor. However, before this remuneration occurs, a court or tribunal must be satisfied that the consumer suffered no financial loss as a result of any breach. This amendment addresses the current situation of a court or tribunal's lack of current legislative discretion in awarding a real estate agent remuneration for adequate work undertaken even though an agency agreement contains an insignificant error. Agents in rural areas will benefit from the provision in the bill, as the qualifications of auditors of trust accounts have been broadened to include members of professional accounting bodies, such as CPA Australia and the Institute of Chartered Accountants. Agents in rural areas unable to engage an auditor have been forced to seek exemption from NSW Fair Trading. This amendment not only will assist in reducing tape, but also will allow agents to engage with a wider range of auditors.

The amendments improve regulatory compliance for audit reports and strengthen the current safeguards to assist in detecting fraudsters, and negligent and unscrupulous operators. The amendments require both the auditor and the licensee to lodge certified audits with NSW Fair Trading, which uses sophisticated fraud detection indicators. This amendment provides a crucial double-checking regime. The bill proposes also to give the director general the power to order random audits of trust accounts, and licensees are required to hold copies of their audits at their registered offices for three years for the purpose of inspection by Fair Trading. The bill also requires licensees to formally notify the Commissioner for Fair Trading in writing of a deposit-taking institution, for example, a bank, each time they open or close a trust account. This will ensure that NSW Fair Trading has accurate records of all trust accounts operated by agents and also can check records it receives from financial institutions, including interest amounts from the trust accounts to the Statutory Interest Account, which is administered under the Act. The Act currently requires licensees to furnish reports on unclaimed trust money held in their accounts in January of each year.

The amendments will require licensees to report unclaimed money to the Office of State Revenue at the end of each financial year thus bringing licensees into line with all other businesses that deal with unclaimed money. The bill will also allow licensees to undertake all their financial reporting responsibilities at the same time. The amendments also reform the handling of unclaimed trust money, requiring unclaimed money to be processed by the New South Wales Office of State Revenue under the Unclaimed Money Act 1995. The amendments bring the handling of unclaimed trust money into line with other enterprises in New South Wales. Trust money unclaimed for more than two years will be regarded as unclaimed money under the legislation.

The Property Stock and Business Agents Amendment Bill 2012 has received widespread support from a number of stakeholders including the Real Estate Institute of New South Wales, the Australian Livestock and Property Agents Association and the Institute of Chartered Accountants in Australia. I note that many of the provisions in the bill will commence on assent giving licensees the benefit outlined in this bill as soon as the Act commences. I commend the Hon. Anthony Roberts, Minister for Fair Trading, for introducing this bill. The Minister has visited my electorate of Swansea on a number of occasions, including last Friday. On that occasion the Minister and I addressed over 300 senior citizens. In the Swansea electorate the Minister has established an embarrassingly large following of sixties-something groupies. I commend the bill to the House.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [12.01 p.m.]: I am delighted to speak in debate on the Property, Stock and Business Agents Amendment Bill 2012 which aims to clarify the Property, Stock and Business Agents Act 2002 by reducing red tape for licensees, which says it all. This Government was elected on a platform of making life easier for many businesses in New South Wales. This legislation is a clear attempt to reduce red tape without reducing appropriate consumer protections. These reform proposals have arisen from a statutory review of the Property, Stock and Business Agents Act 2002 that was conducted in 2007 and 2008. There are many facets to this bill, a number of which I wish to address today.

Last week when I was in Singleton chairing the Rural Crime Advisory Group the Minister sent chief policy personnel to speak to that group about the Property, Stock and Business Agents Amendment Bill and the Federal Government's attempt to amend the legislation. Through the efforts of the Minister and his staff many of the fears held by group members were allayed. The Rural Crime Advisory Group comprises representatives from the NSW Farmers Association, the Australian Livestock and Property Agents Association, the Department of Primary Industries, the Game Council NSW and the NSW Police Force. Those key stakeholders in rural areas

were deeply concerned about the Federal Government's proposals. The Minister's office and his staff—and I compliment the Minister's staff for always being at the cutting edge—allayed any fears held by group members.

The bill will also enable the Consumer, Trader and Tenancy Tribunal or a court to award licensees commission or expenses for work done by them, even if there is a minor breach of agency agreements in the regulation. However, the tribunal or court will be able to award commissions or expenses only if no loss was suffered by the consumer as a result of the breach and the failure to award the commission or expenses would be unjustified. It widens the qualifications of persons authorised to audit trust accounts to include authorised audit companies and members of a professional accounting body as defined under the Australian Securities and Investments Commission Regulations 2001, such as the Institute of Chartered Accountants and the National Institute of Accountants who hold a public practising certificate.

The bill also provides that while all licensees hold or receive trust money during their audit they still have their trust accounts audited. They have only to lodge the audit report with Fair Trading if the report is qualified by the audit—an important component of this amendment. The bill also provides that the NSW Fair Trading Commissioner will be able to conduct random audits of trust accounts to aid in the detection of fraudulent conduct with the cost of these audits being paid from a statutory interest account. The bill creates a new offence for trust account auditors failing to notify the NSW Fair Trading Commissioner of discrepancies in the trust accounts or documents they are auditing, with any breach costing 50 penalty points. The bill will transfer the receipt and handling of unclaimed trust moneys to the New South Wales Office of State Revenue and clarifies the present legislation to ensure that the holders of certificates of registration employed by stock and station agents will be able to conduct stock auctions to gain training and experience while under the immediate supervision of a licensee who need not be the licensee in charge.

When I was in the Upper Hunter electorate with the Hon. George Souris I went on a tour of the Singleton stockyards with the Minister for Police and Emergency Services. I am sure that the member for Murray-Darling, who no doubt has many stockyards in his electorate, is aware of the issues concerning local communities. One of the issues raised by the local community relates to the simplification of training stock agents, an issue that is addressed in this bill. One of the comments that someone made to me is that finally a government is taking a common sense approach to this issue. Common sense is the cornerstone of the O'Farrell-Stoner Government. This Government is listening to the people, it is open and transparent, and it is addressing these issues. I commend the bill to the House and I thank the Minister's staff and the Minister for their attention to this matter.

**Mr MARK SPEAKMAN** (Cronulla) [12.07 p.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012 which will clarify the Property, Stock and Business Agents Act 2002 by reducing red tape for licensees and at the same time ensuring that appropriate consumer protection is maintained. The reform proposals in this bill arise from a statutory review of the 2002 Act which was conducted in 2007 and 2008. That review made 25 recommendations relating to licencing issues, trust account audit requirements for agents and the review of NSW Fair Trading publications. The in-depth review process, which was conducted by NSW Fair Trading, then identified a further three recommendations for legislative reform to remove red tape for agents. Twelve of the 28 recommendations that were made were referred to the national task force overseeing the national occupational licencing system. Six of those recommendations relate to administrative processes and have been implemented by NSW Fair Trading and the final 10 recommendations were identified as requiring legislative amendment to the Property, Stock and Business Agents Act 2002.

The development of the National Occupational Licensing System has taken some time and has not yet been finalised, but it is important that the 10 amendments that were identified as having the potential to reduce red tape for agents and streamline current legislation are not delayed any further. What will this bill do? First, it will enable the Consumer, Trader and Tenancy Tribunal or a court to award licensees commission or expenses for work done by them even if there is a minor breach of the agency agreement requirements contained in regulations to the Act. The tribunal or court will be able to award commission or expenses only if no loss is suffered by the consumer as a result of the breach and a failure to award the commission or expenses would be unjust.

The main requirements for the form and content of an agency agreement—a contract between the licensee and the consumer—are set out in the Act and regulation. Most of these requirements go to the heart of the work to be performed by the licensee, although some do not. The amendments will provide an appropriate balance between the rights of the consumer and the licensee. A minor error in an agency agreement should not

allow an unjust windfall profit to a consumer without any ability for the licensee to mount a challenge. Appropriate safeguards are provided, for example, the errors must be minor, there must be no loss suffered by the consumer as a result of the breach and the tribunal must be satisfied that the failure to award payment would be unjust.

One approach might have been to be quite prescriptive about what may or may not be minor breaches but that is not the approach of the legislation. The main safeguard is the requirement that before any breach of an agency agreement can be considered, the court or tribunal will be best placed to make an objective assessment of the claims for entitlement and whether the breach is minor. A court or tribunal is the proper forum to decide whether a breach is minor, taking into account all the circumstances of the individual case placed before it, including evidence presented by the parties. To prescriptively list hundreds and hundreds of possible breaches of the many forms of agency agreements that could be considered as minor would be an exhaustive process and to bind the decision-making powers of the court or tribunal in this way would not be appropriate. It is best that the court or tribunal make that decision.

Secondly, the bill widens the qualifications of persons who are authorised to audit trust accounts to include authorised audited companies and members of a professional accounting body as defined under the Australian Securities and Investments Commission Regulations 2001. This would include CPA Australia, the Institute of Chartered Accountants in Australia and the National Institute of Accountants—such people who hold a public practising certificate with one or more of those bodies. This broadening of qualifications of persons available to conduct trust audit accounts will be of particular benefit to businesses located in regional and rural areas of New South Wales. In the past licensees in those areas have found it difficult to find an auditor, particularly at the end of the financial year when registered company auditors are busy and in high demand for other duties associated with their profession.

At present licensees are required to apply to the director general for exemption under the provisions of the Act, a time-consuming process that can delay the trust account audit process. That is red tape that must and will be removed. Thirdly, the bill provides that licensees who do not hold or did not receive trust money during the audit year will only have to make a declaration on their licence renewal application rather than lodging a statutory declaration, as presently required. Fourthly, the bill provides that while all licensees who hold or receive trust money during their audit year will still have to have their trust accounts audited, they will have to lodge the audit report with NSW Fair Trading only if the report is qualified by the auditor. There will still be sufficient and rigorous compliance oversight of the industry with these changes. NSW Fair Trading targets qualified audit reports as a major fraud indicator but the lodgement or non-lodgement of audit reports by licensees is not the only compliance tool that Fair Trading uses to detect trust account fraud. In addition to traditional investigative techniques, Fair Trading uses sophisticated fraud indicator matrices and other means to detect trust account fraud and is highly successful in doing this.

The fifth set of amendments would be to require licensees to keep a full copy of their trust account audit report at their business premises for three years for inspection by Fair Trading whether or not it is qualified. The sixth provides that the NSW Fair Trading Commissioner will be able to conduct random audits of trust accounts to aid in the detection of fraudulent conduct, with the cost of these audits paid from the statutory interest accounts. The last two sets of amendments complement and balance the earlier amendment that I identified about lodgement of audit accounts only if the report is qualified by the auditor. The seventh amendment will be to create a new offence of 50 penalty units for trust account auditors failing to notify the NSW Fair Trading Commissioner of discrepancies in trust accounts or documents that he or she is auditing.

The eighth amendment will require licensees to formally notify the NSW Fair Trading Commissioner of both the opening and closing of trust accounts to assist Fair Trading to ensure that the correct amount of interest is paid by authorised deposit-taking institutes from trust accounts to Fair Trading. The bill will transfer the receipt and handling of unclaimed trust money to the New South Wales Office of State Revenue. Lastly, the bill clarifies the present legislation to ensure that holders of certificates of registration who are employed by stock and station agents can conduct stock auctions to gain training and experience while under the immediate supervision of a licensee who need not be their licensee in charge.

Trainee stock auctioneers will be able to gain the necessary skills and experience in auctioning stock from their more experienced colleagues while the licensee in charge is engaged in other important management duties conducting his or her business. Supervising licensees will be required to have their licences endorsed to be able to conduct stock auctions, ensuring that they have the necessary skill to be able to impart their knowledge to trainees. The amendment will clarify that the holders of certificates of registration wishing to gain

stock auctioning experience can work from a number of agencies in their area. This is a common-sense bill, one that appropriately balances consumer protection with reducing red tape for licensees. It is part of the general program of the New South Wales Government in making sure that New South Wales can get moving again and be number one by removing the burden of red tape from the back of small business. I commend the bill to the House.

**Mr BRYAN DOYLE** (Campbelltown) [12.16 p.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012 which focuses on reducing red tape, increasing professionalism and improving outcomes for consumers. It focuses also on improving the professional learning of agents. The bill clarifies the current legislation to ensure that the holders of certificates of registration employed by stock and station agents will be able to conduct stock auctions to gain training and experience while under the immediate supervision of a licensee who, incidentally, may not necessarily be the licensee in charge. Anyone who has attended an auction knows the importance of having a professional auctioneer in charge. I am pleased that this bill provides for professional and ongoing training. The bill includes provisions to ensure that there is compliance by agents. The new offence of 50 penalty units for trust account auditors failing to notify the NSW Fair Trading Commissioner of discrepancies in trust accounts and documents is significant. I anticipate and hope that this penalty will not be imposed often but it stands as a warning to those who would not seek to undertake their duties appropriately.

The bill gives the NSW Fair Trading Commissioner power to conduct random audits of trust accounts. We all know the importance of undertaking an audit when fraudulent conduct may be involved. An audit is a process that, if properly understood, is not scary. The system of audit involves what a person says he or she will do, what he or she actually does and an examination of the difference between the two. If there is a discrepancy, the audit will identify that discrepancy and act to address that discrepancy. If one understands properly the auditing process there is nothing to fear. In fact, auditing ensures that the right thing is being done. The Act makes it easier to comply with these audit provisions.

Licensees are required to keep a full copy of their trust account audit report at their business premises for three years for inspection by Fair Trading, whether or not the report is qualified, and this assists the commissioner in the conduct of random audits. Interestingly, the bill provides that all licensees who hold or receive trust money during their audit years will still have to have their trust accounts audited, but they will have to lodge their audit report with NSW Fair Trading only if the report is qualified by the auditor, and that normally refers to things that the auditor cannot certify to the required degree in the report. It highlights to the NSW Fair Trading Commissioner that there may be issues that should be addressed. As I said, the purpose of the bill is to clarify the Property, Stock and Business Agents Act 2002 to reduce red tape for licensees, which enables them to get on with conducting their business better and, at the same time, it ensures that appropriate consumer protection is maintained. I am pleased to commend the bill to the House.

**Mr CHRISTOPHER GULAPTIS** (Clarence) [12.20 p.m.]: I also make a contribution to debate on the Property, Stock and Business Agents Amendment Bill 2012 which aims to clarify the Property, Stock and Business Agents Act 2002 by reducing red tape for licensees while ensuring that appropriate consumer protection is maintained. The O'Farrell-Stoner Government is committed to reducing red tape to ensure that business in the State is allowed to proceed without any impediments and that people can earn a livelihood, but at the same time ensuring that there are adequate consumer protections in place. Property, stock and business agents are prevalent in my electorate of Clarence and currently they are facing a fairly difficult time with stock losses due to floods and deteriorating grazing areas due to floodwaters. This year will be a difficult season for graziers and people in the Clarence.

The reform proposals in the bill have arisen from a statutory review of the Property, Stock and Business Agents Act 2002, which was conducted in 2007 and 2008. The statutory review made 25 recommendations relating to licensing issues, trust account audit requirements for agents and the review of NSW Fair Trading publications. The in-depth review process conducted by NSW Fair Trading at the time identified additional recommendations for legislative reform aimed at removing red tape for agents. Twelve of the 28 recommendations were subsequently referred to the national task force overseeing the National Occupational Licensing System, six relate to administrative processes and are being implemented by NSW Fair Trading, and 10 were identified as requiring legislative amendment to the Property, Stock and Business Agents Act 2002.

The National Occupational Licensing System has taken some time and is still not finalised. It is important that the 10 identified amendments with the potential for reducing red tape for agents and streamlining the current legislation not be further delayed. The 10 amendments proposed will allow the Consumer, Trader

and Tenancy Tribunal or a court to order licensees commission or expenses for work done by them even if there is a minor breach of the agency agreement requirements contained in the regulations to the Act. However, the tribunal or court will be able to award commission or expenses only if no loss is suffered to the consumer as a result of the breach and failure to award the commission or expenses would be unjust.

The amendments will widen the qualifications of persons authorised to audit trust accounts to include authorised audit companies and members of a professional accounting body as defined under the Australian Securities and Investments Commission Regulations 2001—that is, CPA Australia, the Institute of Chartered Accountants in Australia and the National Institute of Accountants—who hold a public practising certificate with one or more of those bodies. The amendments will also provide that licensees who do not hold or receive trust money during their audit year will only have to make a declaration on their licence renewal application rather than lodge a statutory declaration as is currently required.

The amendments will further provide that while all licensees who hold or receive trust money during their audit year will still have to have their trust accounts audited they will have to lodge the audit report with NSW Fair Trading only if the report is qualified by the auditor. Licensees will be required to keep a full copy of their trust account audit report at their business premises for three years for inspection by Fair Trading, whether or not the report is qualified. The amendments will provide that the NSW Fair Trading Commissioner will be able to conduct random audits of trust accounts to aid in the detection of fraudulent conduct, with the cost of these audits paid from the Statutory Interest Account.

The amendments will create a new offence of 50 penalty units for trust account auditors failing to notify the NSW Fair Trading Commissioner of discrepancies in trust accounts or documents they are auditing. Licensees will be required to formally notify the NSW Fair Trading Commissioner of both the opening and closing of trust accounts to assist Fair Trading in ensuring the correct amount of interest is paid by authorised deposit-taking institutes—for example, banks—from trust accounts to Fair Trading. The amendments will also transfer the receipt and handling of unclaimed trust money to the New South Wales Office of State Revenue and they will clarify the present legislation to ensure that holders of certificates of registration employed by stock and station agents will be able to conduct stock auctions to gain training and experience while under the immediate supervision of the licensee, who need not be their licensee in charge.

Generally, it could be said that while the majority of requirements set out in the Act and the regulation relate specifically to the work to be performed by the licensee, some do not. Licensees must be appropriately remunerated for the work they validly perform and a minor error in the agency agreement should not allow an unjust windfall profit to the consumer without any ability to mount a challenge. The amendments ensure appropriate consumer safeguards are put in place: errors must be minor, there must be no loss suffered by the consumer as a result of the breach and the tribunal must be satisfied that failure to award payment would be unjust. A court or tribunal is a proper forum to decide whether a breach is minor, taking into account all the circumstances of the individual case placed before it, including evidence presented by the parties.

The broadening of qualifications of persons available to conduct trust account audits will be particularly beneficial to licensees located in rural and regional areas of New South Wales. In those areas it has been a difficult task for licensees to locate an auditor, particularly at the end of the financial year. As I said earlier, we faced a flood in the Clarence and we had a number of stock losses; I think around 75 beasts were lost. The Clarence River is about 400 kilometres long and cattle were washed up at Yamba. I am not suggesting they were washed up for that entire distance but they were certainly washed up from the upper reaches of the Clarence. My son, who was surfing at Angourie, told me that there was a dead cow on the beach. He said that the cow had a tag but he did not take a closer look because the odour was overwhelming.

My point is that the flood resulted in significant losses in the Clarence. Legislation such as this will help to remove impediments and red tape for licensees in the stock and station agents business and provide some surety and confidence to consumers. A number of agents operate within the Clarence electorate and there must be accountability so the agents are confident that they know their business and are able to provide assistance to the people on the land. In relation to the recent flood, I note that another low is heading down the east coast and that the same areas are due to be inundated by more rainfall, which again will impact graziers and stock and station agents. That is why I applaud the O'Farrell-Stoner Government for introducing this legislation. It will remove impediments to business and make it easier for people to conduct their lives in an orderly manner and give them some surety about their livelihoods. I commend the bill to the House.

**Mr JOHN WILLIAMS** (Murray-Darling) [12.30 p.m.]: It would be remiss of me not to respond to the comment by the member for Clarence that Clarence River flooding is a big concern to people on the coast. We

could easily fix the problem by diverting that water out west. The member for Clarence has his head in the sand on this option, but there is no doubt that it is the perfect solution to the flooding, the stock losses and everything else he described. Other members representing coastal electorates are also reluctant to see a suitable solution to their problems. They continue to come into the House and talk about the hardships of flooding when it could easily be relieved by a minor diversion out the back door. That leads me to why I am speaking to the Property, Stock and Business Agents Amendment Bill 2012.

As members know, a comprehensive review was carried out regarding this legislation. Twenty-eight recommendations were made and it is to the Minister's credit that he has adopted the vast majority of them. Most speakers so far have focused their comments on trust accounts held by agents. There is no doubt that trust accounts held by a range of professional organisations across many industries have had problems with fraud in the past. There is also no doubt that there will be problems in the future because, unfortunately, large sums of money held in trust are an obvious attraction to people who might want to defraud the fund and use the money for other purposes. This bill further strengthens the regulations concerning the management and handling of trust accounts.

The bill also recognises that some agents, particularly those in western New South Wales, have had problems finding a suitable trust auditor. They will now have the option of looking at a greater range of people to conduct the audit on the trust account. That will be a big help. The audits must be held in the office of the agent for three years and the department can carry out a random audit at any time. Businesses that are under stress or under threat might seek to use funds in a trust account to provide their business with working capital, which has been a problem in the past. The bill will strengthen the regulations to make that a major issue should it happen in the future. The bill will require an agent to notify the director general of the department when a trust account is opened. Obviously that is important to ensure that the department knows how much money is held statewide under trust by agents. This process will allow the department to deal appropriately with registered trust accounts and ensure that consumers are protected.

The amendments regarding stock auctioneers will also be of real benefit. Many in the Murray-Darling electorate and across western New South Wales know that fewer and fewer people are attracted to this industry. It has become a problem to retain skilled auctioneers and many auctioneers have retired. Others, such as the member for Lismore, have gone into politics—a very sad loss to auctioneering but I think he does a better job as a politician. I do not know whether he will auction coal seam gas sites but I am sure he could probably do so if pushed. The bill will provide that the holder of a certificate of registration can allow a trainee auctioneer to work under his or her supervision. It is important to ensure that we have up-and-coming auctioneers in the industry and that they gain some real-life experience. It is always interesting to go to the markets and to see the interpretation of the rules. Although auctioneers give clear and precise information to the purchasers about their rights when purchasing stock at auction, there are always disputes. Part of the auctioneer's role in managing disputes is to understand the rules and regulations that apply to conducting a good auction.

The bill also addresses the problem of unclaimed funds in trust accounts. I would not have thought that would be a great problem but obviously it is. To ensure that unclaimed moneys held in trust accounts are used in the appropriate manner those sums will be sent back to the Office of State Revenue. If an audit highlights that there are unclaimed funds in a trust account the department will be able to put those funds back into the hands of the Government. The bill also contains some minor provisions relating to the conduct of an agent and the consumer. There is no doubt that disputes will arise in some business transactions.

Consumers' concerns regarding the treatment of money that is held in trust by agents often becomes an issue and consumers' claims have highlighted that some issues could be dealt with only by processes undertaken by the parties to the transaction. Consequently, this legislation focuses on working to ensure that the rights of consumers in disputes are recognised and that agents operate in a business environment that involves less red tape. The operation of the bill will be reviewed in the future. The Government can justifiably claim credit for introducing this amending bill and for the progress that has been made to ensure that New South Wales has an improved environment in which to transact business. I support the bill.

**Mr GREG APLIN** (Albury) [12.40 p.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012 which has as its aim to clarify the Property, Stock and Business Agents Act 2002 and reduce red tape for licensees while ensuring that appropriate consumer protection is maintained. We are all consumers: One way or another, we are customers of property agents such as when renting a home or buying or selling real estate, a business or livestock. The commission-based method of remuneration for many key services of agents is a fact of marketplace life. The all-or-nothing reality of deriving an income from life as an agent by its very nature can jeopardise consumer confidence and satisfaction in ways that are great or small.



In my various roles within this Parliament I have had many dealings with property, stock and business agents and I have found their leadership to be highly motivated to place their profession on a footing of continuous improvement. They have not shied away from sometimes difficult or costly programs of education and consumer protection. This bill is the product of extensive research and follows a statutory review in 2007 and 2008 of the Property, Stock and Business Agents Act 2002. An exposure draft bill was publicly released last August. I am pleased that consultation involved key organisations, such as the Real Estate Institute of New South Wales, the Australian Resident Accommodation Managers Association, the Estate Agents Co-operative Limited, the Australian Livestock and Property Agents Association, and the Institute of Chartered Accountants in Australia. It is therefore in the spirit of cooperation with industry that the bill endeavours to both reduce unnecessary red tape and to take unhelpful complexity out of day-to-day administration. The bill will produce cost savings for industry and will assist to keep the industry competitive.

An important section of the bill deals with the processes for handling unclaimed trust money. The bill establishes a one-stop shop in the Office of State Revenue to assist consumers to identify and then recover any unclaimed trust money under the Unclaimed Money Act 1995. A section of the website of the Office of State Revenue will be dedicated to facilitating consumers' searches for any unclaimed trust moneys to which they might be entitled. Should consumers locate money that they believe should be returned to them, they will be able to claim payments directly from the Office of State Revenue. Consumers will have six years in which to make a claim on a specific amount of unclaimed funds. For many years, industry concerns have been expressed over the consequences of minor breaches of the agency agreement that is made with customers. An amendment to support the industry will result in an agent not being barred from recovering some level of remuneration, such as commission or expenses, when a minor breach of the agency agreement has occurred.

As the law currently stands, no court or tribunal possesses legislative discretion to award commission or expenses to an agent when an agreement has been breached, even when the agent had carried out work for the customer in good faith and with efficacy. In the present circumstances, a small breach could mean there would be no recovery of fees or even expenses. However, after the bill is enacted it will fall to a relevant tribunal or court to make a determination. However, a court or tribunal must act also to ensure that consumers remain protected. The court or tribunal must determine that the consumer has suffered no loss as a result of the minor breach and that it would be unjust to make an order of benefit to the agent in the precise circumstances of the case. The bill reduces complexity, particularly for small agencies. In that respect, it will be most welcome in my electorate of Albury. Of particular interest are provisions that deal with the problem of finding suitable auditors.

The bill removes the burden that currently is placed on licensees to seek an exemption from NSW Fair Trading when they are unable to secure the services of a local auditor. Moreover, when the auditor has placed no qualifications on their certificate of audit, there will no longer be an obligation to lodge the audit report. Because some of the changes could create scope for dishonest agents to test the regulatory system, it is therefore welcome that the bill provides the Fair Trading Commissioner with the power to order random audits of trust accounts. It will become an offence for an auditor to fail to notify the Office of Fair Trading when that auditor has discerned a trust account discrepancy or other failure of record keeping and documentation by an agent that is under audit. Property, stock and business agents must be informed that sloppy records and inadequate processes can lead to trouble. I am sure professional bodies will see to it that appropriate education campaigns are rolled out now and after enactment of the bill.

Other provisions of the bill will have a direct impact on livestock agents and will tidy up ambiguities found within the existing legislation. In particular, the bill sets out that a registered agent can run a stock auction under the immediate and direct supervision of the holder of an appropriate stock and station agent's licence, who need not be the registered agent's employer. That will make agents' working lives much more straightforward without placing consumers at increased risk. It is a practical clarification of a confusing rule that seems to have operated largely to make it difficult for new stock agents to gain experience in conducting stock auctions in the absence of their actual employer. Of course, a relevantly qualified supervisor must be present and in charge of the auction, and that person must have his or her licence endorsed as a stock auctioneer.

As is the case with most amending legislation, the Property, Stock and Business Agents Amendment Bill 2012 is a mixed bag of provisions that address wrongs, clarify uncertainties and modernise complex or unnecessary business practice requirements. Many of the bill's provisions are long overdue and will be welcomed by those whose work as property, stock or business agents is regulated by legislation. I commend the bill to the House.

**Ms MELANIE GIBBONS** (Menai) [12.47 p.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012 and the changes it will bring to licensees across the State. The bill has been a long time

coming, but its amendments are the result of an extensive statutory review process and ongoing community consultation with stakeholders. When the Government was elected almost two years ago, we made a commitment to reducing red tape and improving transparency. The bill clarifies many existing practices and simplifies the auditing processes for our agents and licensees. When the 2008 statutory review was completed, 25 recommendations were made relating to licensing issues, trust account audit requirements for agents and the review of the NSW Fair Trading publications. A subsequent in-depth review process by NSW Fair Trading then identified three more recommendations for legislative reform—all aimed at removing red tape for agents. Of the 28 recommendations, 10 were identified as requiring legislative amendment to the Property, Stock and Business Agents Act 2002. Now that we have these amendments finalised, it is important that this legislation be passed to ensure no further delay.

One of the main tenets of this bill is the changes to the management of trust accounts. Currently, agents in rural and regional areas of New South Wales can find it difficult to engage a person to audit their trust accounts. This bill widens the qualifications of persons authorised to audit trust accounts to include authorised audit companies and members of a professional accounting body such as CPA Australia, the Institute of Chartered Accountants in Australia and the National Institute of Accountants or those who hold a Public Practising Certificate with one or more of those bodies. Making it simpler to source an authorised auditor will reduce the need for agents to seek exemptions from NSW Fair Trading. In turn, more time and resources are able to be focused on Fair Trading compliance matters. By reducing red tape the regulatory burden usually felt by agents who were unable to find an auditor will also be substantially reduced.

Another aspect this bill clarifies is that licensees who do not hold or receive trust money during their audit year will only have to make a declaration on their licence renewal application, rather than lodge a statutory declaration as presently required. This amendment will free up the majority of employed licensees who do not operate a trust account. What was once a considerably time-consuming task is now a lot simpler. However, all licensees who hold or receive trust money during their audit year will still have to have their trust accounts audited, but they will only have to lodge the audit report with NSW Fair Trading if the report is qualified by the auditor. Additionally, all licensees are required to keep a full copy of their trust account audit report, qualified or not, at their business premises for three years, ready for inspection by Fair Trading.

Returning to the issue of compliance, this amendment will give the Commissioner for Fair Trading the power to conduct audits of trust accounts to identify suspicious or fraudulent conduct. The cost of these audits will be paid from the Statutory Interest Account. Additional powers will be given to inspectors and Fair Trading to carry out concentrated targeted audit compliance inspection programs when necessary. All these measures enable the Government to safeguard protections for trust accounts and consumers. For the first time, there will be penalties for trust account auditors who fail to notify the Commissioner for Fair Trading of any discrepancies. A new offence has been created that will impose 50 penalty points. This also clears up an existing oversight where the agent and not the auditor was responsible for notifying the commissioner.

Another amendment requires licensees to formally notify the Commissioner for Fair Trading of both the opening and closing of trust accounts to assist Fair Trading in ensuring that the correct amount of interest is paid by authorised deposit-taking institutes, such as banks or building societies, from trust accounts to Fair Trading. This is incredibly 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. Basically, these amendments seek to formalise an existing informal procedure—and is already practised by licensees.

The bill makes a further provision to assist in the management of unclaimed funds. By transferring the receipt and handling of unclaimed trust money to the New South Wales Office of State Revenue, this will bring it into line with the handling of other unclaimed money held by other enterprises in New South Wales. In essence, it will create a one-stop shop for all unclaimed funds matters. Unclaimed moneys will be easier to locate via the Office of State Revenue's dedicated website. Claims will also be able to be lodged directly from that office. Those seeking to make a claim will have up to six years to lodge their return. For unclaimed amounts under \$100, the bill retains protection for consumers. Although not dealt with by the Office of State Revenue, the agents must still lodge the money. It will still be regarded as unclaimed money and will be available for claims. This will prevent agents from obtaining windfall profits from these small amounts.

One minor change is the shift from calendar year to financial year for unclaimed money declarations. This simply brings lodgement into line with similar financial processes. Further provisions have been

included to protect licensees should there be an agreement dispute. The Consumer, Trader and Tenancy Tribunal or a court will have the power to award licensees a commission or expenses for work done by them even if there is a minor breach of the agency agreement requirements. However, it is important to note that the tribunal or court will be able to award a commission or expenses only if no loss is suffered to the consumer as a result of the breach, and failure to award the commission or expenses would be unjust. In an effort to reduce red tape further, licensees will now be able to lodge the unclaimed money in their accounts at the same time as they lodge their declarations. By streamlining this process, licensees will be able to process their claims more quickly.

As a former registered real estate agent I know the huge responsibility that agents take on when managing the sale or purchase of a property for their client. Having someone's largest personal asset in your hands can sometimes be a lot to bear, and it is important to ensure that deals are made with fairness and that agreements are up to standard. Such measures go a long way to protecting people from undue financial disadvantage should agreements fall through. I am pleased to see the new legislation is reflecting this. As I mentioned, my family has been involved in real estate, helping people buy and sell homes in the Menai area, for an incredibly long time—since the 1970s.

**Mr David Elliott:** What is the name of the company?

**Ms MELANIE GIBBONS:** They are no longer doing that; they are doing auctions now.

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

**Ms MELANIE GIBBONS:** Another way we are assisting our rural and regional neighbours is by clarifying the legislation regarding the running of stock auctions. Currently, holders of certificates of registration can conduct stock auctions under the immediate and direct supervision of their employer. This has created a number of issues for licensees due to the requirement that they be present. The Act has now been amended to provide that the holder of an appropriate stock and station agent's licence need not be their employee. This change frees up the employer to address other responsibilities and allows the stock auction to take place without them. The only requirement is that the supervising licensee must have their licence endorsed as a stock auctioneer. This particular amendment is a worthwhile addition as it allows auctioneers to gain training and experience while under the immediate supervision of a licensee who need not be their licensee in charge.

To recap, the Property, Stock and Business Agents Amendment Bill 2012 establishes a better system for the management of trust accounts through the Office of State Revenue and the Commissioner for Fair Trading. It also maintains necessary consumer safeguards to protect individual interests from fraudulent conduct and cuts out much of the red tape that was unnecessarily tying up Fair Trading resources. I understand that these amendments have the full support of the Australian Livestock and Property Agents Association and once this bill has been passed many of these amendments will be commenced on assent. The transition will be monitored closely to ensure that any bumps are ironed out and the industry is up to date on the changes. This bill is a great outcome for licensees and agents alike, and I thank the Minister for bringing it to the House and for the work involved in the public consultation.

In the Menai electorate we have some incredibly community-minded and hardworking real estate agents and I take this opportunity to acknowledge their efforts. Late last year Century 21 took home the Menai District Business Award for its service to the local community—an award voted by the community. Speaking about community spirit, Ray White Menai raised money for the not-for-profit organisation Menai Community Services with a dinner at Rock Salt. Allan Dabbagah of Caldwell Banker of Wattle Grove has been our State's Community Father of the Year and he also heads Locals Against Graffiti and Gangs. I was also pleased to welcome the Minister for Fair Trading when he came to Bangor to meet with shopkeepers. He also met Andrew Manson and Lene Mitchell from Manson Property in Bangor. They are both very active in the Menai Business Chamber. We have lots of hardworking people in our electorate, as we have across the whole State, and this bill will help to support them.

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

*[Mr Acting-Speaker (Mr Lee Evans) left the chair at 12.58 p.m. The House resumed at 2.15 p.m.]*

**JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER-GENERAL****Membership**

**The SPEAKER:** I report the following message from the Legislative Council:

Madam SPEAKER

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

That Mr Roozendaal be discharged from the Joint Standing Committee on the Office of the Valuer-General and Mr Searle be appointed as a member of the committee.

Legislative Council  
20 February 2013

DON HARWIN  
President

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

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

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

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

**QUESTION TIME**

*[Question time commenced at 2.22 p.m.]*

**HUNTING IN NATIONAL PARKS**

**Mr JOHN ROBERTSON:** My question without notice is directed to the Premier. Given that he is pressing ahead with amateur hunting in national parks, despite strong warnings from his Government's own risk assessment, will he resign if the unthinkable happens and someone is shot?

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

**Mr BARRY O'FARRELL:** Why a question from a member of a former government that in 2008 opened up the State's forests to shooting?

**Ms Carmel Tebbutt:** That is entirely different.

**Mr BARRY O'FARRELL:** I ask the member for Marrickville what part of it is different? The same rules, including age rules, apply in State forests and have done so for five years as they are currently being examined in the context of national parks. What an extraordinary question from the Leader of the Opposition. I will come back to the Leader of the Opposition's questioning ability in a moment. The Coalition went to the last election campaign with a clear policy concerning electricity. That policy said that we would have a commission of inquiry to determine the best way forward after those opposite had sought to sell off, through the gentrader model, the State's electricity assets.

**Dr Andrew McDonald:** Point of order—

**The SPEAKER:** Order! I warn the member for Macquarie Fields that if he is seeking to take a point of order on relevance, he is pushing the boundaries.

**Dr Andrew McDonald:** It relates absolutely to relevance. The question was about national parks. I know that national parks and electricity are in fact joined, but the question was about national parks.

**The SPEAKER:** Order! The Premier is contextualising his answer at the moment. There is no point of order. I warn the member for Macquarie Fields that I will not tolerate a repeat of yesterday's behaviour.

**Mr BARRY O'FARRELL:** Contextualising is an appropriate description. The Coalition went to the last election—and I think it got a mandate—promising to have a commission of inquiry. That commission of inquiry was after Labor's sale of electricity assets. I note that the Leader of the Opposition, in one of his first speeches in this House said that he had always opposed that sale and would always oppose electricity privatisation despite the fact that he voted for it as a member of the Keneally Government. What happened when the legislation to sell the State's generators, as the commission of inquiry recommended, went to the upper House? Those opposite ignored the mandate this Government received and refused to support that recommendation.

**The SPEAKER:** Order! The member for Canterbury, the member for Kogarah and the member for Wollongong will come to order.

**Mr BARRY O'FARRELL:** That is the context and the precondition.

**Mr Ryan Park:** Point of order—

**The SPEAKER:** Order! The Premier is being relevant in his answer. The member for Keira should have some patience. There is no point of order.

**Mr BARRY O'FARRELL:** This Government will work with the Parliament that the people of New South Wales has given us as we seek to fix this State and remedy the mess that the member for Keira, amongst others, got us into. Whether it is the transport mess that was delivered by, among others, the former adviser to the Minister for Transport and who, under some bizarre scheme, became the Deputy Director General of New South Wales Transport—

**Mr Andrew Stoner:** How did that happen?

**Mr BARRY O'FARRELL:** I suspect it probably happened in a ski chalet down at the Snowy Mountains.

**Ms Anna Watson:** Point of order—

**The SPEAKER:** Order! Government members will come to order so that I can hear the point of order.

**Ms Anna Watson:** While we can stand here—

**The SPEAKER:** Order! What is the member's point of order? The member for Shellharbour is making up her point of order on the run. There is no point of order.

**Ms Anna Watson:** Will the Premier resign if someone is shot in a national park? Will the Premier resign; yes or no?

**The SPEAKER:** Order! The member for Shellharbour will not repeat that behaviour. There is no point of order.

**Mr BARRY O'FARRELL:** I say to the member for Shellharbour that it is a great shame that her partnership with the member for Wollongong is finished. They were the great Statler and Waldorf exhibit in this Parliament. Those two old characters from the *Muppet Show* sitting up there going, "La, la, la".

**The SPEAKER:** Order! The member for Drummoyne will come to order. I call the member for Kiama to order.

**Mr Guy Zangari:** Point of order: My point of order relates to Standing Order 73 and Standing Order 129.

**The SPEAKER:** Order! I ask the Premier to return to the leave of the question. The point of order is upheld.

**Mr BARRY O'FARRELL:** There are so many lean and hungry looks opposite—at least on the front benches. As a result of trying to get our legislation through we will be using what is allowed for under pest

eradication management plans across 10 per cent of the State's national parks and reserves—that is, supervised, registered and licensed shooters assisting in eradicating feral animals. I expect the process that National Parks and Wildlife is currently going through will ensure that appropriate safeguards are put in place. It would not have been necessary if those opposite had respected the mandate given to this Government.

### COAL SEAM GAS REGULATION

**Mr CHRISTOPHER GULAPTIS:** My question is directed to the Premier. How has the community reacted to the Government's tough new controls on coal seam gas?

**Mr BARRY O'FARRELL:** I thank the member for Clarence for his question and his interest in this issue. And why would he not be interested? Towns like Grafton and Casino had coal seam gas exploration licences issued over them by the former Government. Yesterday the Government announced tough new rules around coal seam gas activity, particularly as it relates to residential zones. There will be two-kilometre buffer zones around residential areas to make country towns, villages and suburbs across this State off limits for any new coal seam gas activity. People in New South Wales, in addition, can be confident that the Environment Protection Authority will be rigorous.

**Mr John Robertson:** Where is the ring fencing around prime agricultural land?

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

**Mr BARRY O'FARRELL:** Where was the Leader of the Opposition's concern when he was in Government? I hope I get an extension of time. People in regional areas can be confident that the Environment Protection Authority—reinvigorated and made independent by us—will be a strong enforcer of the regulations around coal seam gas activities. We have listened to the community and we have acted. That is in stark contrast to what Labor did in government. All Labor members can boast is that they listened to their mates and acted in their own interests. I am pleased to report to the House that there has been a number of messages of support in my inbox this morning.

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

**Mr BARRY O'FARRELL:** An email from Peter headed "thanks for CSG common sense" simply said, "Great news on CSG. Well done and thank you." Alan wrote:

Your action in this matter demonstrates that you are listening and that you are willing to do more than comment on community concerns.

David emailed:

I am writing to convey my thanks to the Premier for his significant commitment made today to ensure residential protection from CSG expansion.

The Tourism and Transport Forum particularly welcomed the two so far identified critical industry clusters that exist in the Hunter Valley. The Hunter Valley Wine Industry Association welcomed it and even the New South Wales Farmers Association put out a press release that in its first line sought to welcome our action.

**The SPEAKER:** Order! I call the Leader of the Opposition to order.

**Mr BARRY O'FARRELL:** I notice that the *Campbelltown-Macarthur Advertiser* screamed, "We're off the hook—CSG under Campbelltown banned". My favourite country paper, the *Namoi Valley Independent*, in welcoming this decision headed a report "No go for coal seam gas". I am pleased to advise the House that even the Labor Party has welcomed our decision, and I am grateful to that member. There is nothing like bipartisanship on an issue. I notice a few nerves over there, but I will leave that for another question. In the *TXT to the Editor* in today's *Daily Telegraph*, Annie posted:

Well done Barry O'Farrell for taking the first steps to control the CSG rush unleashed on NSW by the last state Labor Government.

That brings me to the Leader of the Opposition, a former senior Minister, indeed an environment Minister and energy Minister in the former Government. One did not have to be good to be a Minister in the previous Government; one just had to be able to ski.

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

**Mr BARRY O'FARRELL:** Why would Eddie give him a \$1,500 a night unit? What was he after? I return to the question. Yesterday the Leader of the Opposition was asked on Radio 2GB by that forensic reporter Ben Fordham, "Who stuffed up in the first place within your government by handing out so many licences?"

**Mr Adrian Piccoli:** Good question.

**Mr BARRY O'FARRELL:** It is a fantastic question. And what was his reply? Did he acknowledge that Labor had got it wrong or stuffed up, in the language of Ben Fordham? Did he offer an apology to the residents of Stroud, Gunnedah, Grafton, Singleton, Broke, Kurri Kurri, Camden, Campbelltown and all those other towns, villages and suburbs across New South Wales where people's homes were under threat of coal seam gas extraction? No. The Leader of the Opposition said, "Well ... there was ... it wasn't my government ... umm"—the Pontius Pilate defence. [*Extension of time granted.*]

The Pontius Pilate defence—someone who never saw or knew what was going on around him, whether in relation to these issues or to issues that have been ventilated down the road about other petroleum exploration licences or other development licences. I note, for instance, the evidence of the former Minister down the road the other day when he said he had not told his colleagues about it at the time because none of them had asked any questions. What is remarkable is that none of them had asked any questions despite the fact that when the Leader of the Opposition was Minister for Energy the *Financial Review* first broke the story about the Cherrydale coal extravaganza for the Obeid family on its front page. What did he do in Cabinet? What questions did he ask of his department?

What actions did he take to try to save the State and protect the public interest? The answer is none. What did he do when—and I am sorry to say this because it is still his title—the Hon. Eddie Obeid left Parliament? He put out a release—a release which is still on his website and which these days refers to Julia Gillard. I am sure she is delighted about that. She has enough problems at the moment without being handcuffed to Eddie Obeid and John Robertson. What did he say? He said, "I thank Eddie Obeid for his contribution to New South Wales, both as an MLC and a Minister." The Leader of the Opposition should give the money back. He did absolutely nothing. He sat on his hands and he is as complicit as Macdonald and Obeid for what has gone on in this State.

### HUNTING IN NATIONAL PARKS

**Ms LINDA BURNEY:** My question is directed to the Minister for the Environment, and Minister for Heritage. Why has the Minister not included exclusion zones along walking trails and roads as a standard control in her scheme to allow amateur hunting in national parks?

**Ms ROBYN PARKER:** The process is underway with the rollout of the supplementary pest program in national parks. Part of that is a risk assessment that is undertaken by National Parks on any new program in national parks. The risk assessment and the consultation process are underway. That risk assessment looks at every risk in a national park in any program before the assessment is complete. There are no conditions other than those I have already announced, and we will take that assessment into consideration. Part of that risk assessment involves a working party that includes the Department of Primary Industries, the Office of Environment and Heritage, staff and members of the union looking on a park-by-park basis at the specific issues in each park and reserve and understanding the risks. Once the risk assessment is complete—and I do not apologise for taking the time to get it right—the next process is announcing and declaring when the rollout of the national park will occur. That declaration is a statutory 30-day notice. After that 30-day notice what will happen in those parks and what conditions—

**Ms Linda Burney:** Point of order: It is not what your own department documents say.

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

**Ms ROBYN PARKER:** This is an example of the care the Government takes to roll out programs in national parks in this State. I do not resile from taking the time to ensure that we know the conditions in each park and doing a park-by-park assessment. I thought that might start by the beginning of March but we are taking some extra time.

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

**Ms ROBYN PARKER:** I do not imagine that it will commence until at least 30 April; it will not start before that time. There is a statutory 30-day period of notice, consultation and advertising. The program will then be rolled out on a park-by-park basis as part of a measured program supported with extra resources and extra staff.

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

**Ms ROBYN PARKER:** That is the care that we are taking with this program.

### COAL SEAM GAS REGULATION

**Mr KEVIN ANDERSON:** My question is addressed to the Deputy Premier. How does the Government's announcement on further coal seam gas regulation add to the protections already in place for our land and water?

**Mr ANDREW STONER:** I thank the member for Tamworth for the question and for his strong advocacy on behalf of communities in his electorate in relation to this important issue. Members would be aware that last September, after what my colleague the Minister for Planning and Infrastructure called the most extensive community consultation ever undertaken by any New South Wales government on any policy, we introduced what was then and still remains the nation's toughest set of regulations over coal seam gas, which includes the protection of prime agricultural land by an independent scientific gateway panel. This was necessary because during their time in office those opposite cashed the proceeds of petroleum exploration licences without any consideration of their impacts on communities in this State. As the Premier has noted—

**Mr Michael Daley:** Not true.

**Mr ANDREW STONER:** You gave some away to your mates, as we are finding out on a daily basis. But as the Premier has noted, 44 coal seam gas exploration or production licences were approved during the 16 years of the former Labor Government, including, bizarrely, over many of the State's residential areas including country towns and villages. Six petroleum exploration licences were granted—

**The SPEAKER:** Order! The member for Maroubra should not engage in an argument with the Premier or the Minister. The Deputy Premier has the call.

**Mr ANDREW STONER:** We will come back to that. Indeed, 10 petroleum exploration licences were renewed during that period by, guess who? Guess who was the relevant Minister? It was the member for Blacktown—the same person who we now know stayed at the Obeids' ski chalet in 2007 when he was secretary of Unions NSW but who now says, "If I knew then what I know now there is just no way I would have accepted the offer". He is now trying to similarly invent Labor's record on coal seam gas by calling for the industry to be shut down. However, Labor's real views on coal seam gas were revealed recently by another union official, Paul Howes, who yesterday called for the expansion of the industry. It is little wonder that despite the promises of the shadow Minister in the other place Labor's coal seam gas task force will bring the concerns of community members directly to the upper House inquiry on coal seam gas; they did not even bother to put in a submission to the coal seam gas inquiry.

**Mr Barry O'Farrell:** The laziest Opposition the State has ever had.

**Mr ANDREW STONER:** It is very lazy indeed. This track record, combined with the daily revelations coming out of the Independent Commission Against Corruption, has left the people of New South Wales with little faith in any government's ability to manage the State's energy resources. That is why yesterday's announcement of further measures to undo Labor's wilful incompetence is an important part of rebuilding trust with the broader community. The regulation of the environmental and health aspects of coal seam gas will be enhanced with the involvement of the independent Environment Protection Authority. The independent Chief Scientist and Chief Engineer will conduct a review of all coal seam gas activity across the State, and two-kilometre buffer zones will remove the spectre of coal seam gas exploration and extraction from residential areas, including country towns, villages and cities across the State.

Since yesterday's announcement, we have witnessed the usual blather from the loony left Greens and their Federal apologists—the so-called Independents—playing puerile politics with an issue critical to our



State's future. As is usually the case, the first out of the blocks was that blathering idiot Oakeshott, demanding that the Government unilaterally shut down the proposed coal seam gas in Gloucester. It is strange that Mr Oakeshott was mute when the project was hastily approved by New South Wales Labor just days before the caretaker mode kicked in in 2011. Nor did he complain when the project was recently approved by Federal Labor's Tony Burke. His fellow traveller Tony Windsor is quoted in today's *Australian Financial Review* as saying he wants rigorous independent scientific assessment of proposals. [*Extension of time granted.*]

Here is Tony Windsor—another Federal Independent—grandstanding on the issue. This is the same Mr Windsor who wants to include water as a trigger in the Commonwealth's Environment Protection and Biodiversity Conservation Act, which could simply provide a trigger to his Greens friends to shut down irrigations and, consequently, the food bowl of our State. Mr Windsor would do well to acquaint himself with the extensive work already being done and work planned to be done in this area by the Chief Scientist and Chief Engineer, Professor Mary O'Kane. He should also read the guidelines for the gateway panel, which will include scientific assessment of potential aquifer interference.

This is the time for everyone involved in this debate to take a deep breath and reflect on how far we have come in the past two years since the dark days of New South Wales Labor. In those days it was like the Wild West, with exploration licences being given out willy-nilly over residential areas around the State and no controls or protections for the people living in those areas. This Government has changed that. We introduced a comprehensive policy on strategic regional land use and, as yesterday's announcement shows, we will continue to monitor the development of this new industry and respond with further policy settings as we move to clean up the mess left by New South Wales Labor.

### HUNTING IN NATIONAL PARKS

**Ms CARMEL TEBBUTT:** My question is directed to the Minister for the Environment, and Minister for Heritage. Why has the Minister rejected setting a minimum distance between hunters and park users as a standard control in her scheme to allow amateur hunting in national parks?

**The SPEAKER:** Order! The Minister does not need any help from Government members.

**Ms ROBYN PARKER:** I know members on the other side are a bit slow and are not good at listening, but I have already given an answer to this question. There is a risk assessment process underway. I know the two members have been put up to this by their leader, but they should listen to this. There is a risk assessment underway and when the assessment is complete the controls in each park will be announced. There will be a 30-day statutory notice, each park will have conditions and then the program will roll out. At this stage I do not expect it will start until after 30 April. All of those conditions will be considered in the risk assessment. Members opposite should just listen.

### NURSE RECRUITMENT

**Mr STUART AYRES:** My question is directed to the Minister for Health, and Minister for Medical Research. How is the Government meeting its commitment to employ more nurses?

**Mrs JILLIAN SKINNER:** I thank the member for Penrith for a very good question that is relevant to his electorate—at the tail end of the last Government the Labor Party cut 340 nurse positions out of western Sydney.

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

**Mrs JILLIAN SKINNER:** We know about that because it was a matter that was raised by many people during the by-election, particularly the Nurses Association representatives out in western Sydney. It was a great pleasure to be joined by the member for Penrith and other members of Parliament in that part of the world—the member for Blue Mountains, the member for Mulgoa and the member for Londonderry—when we welcomed some of the brand-new nurse graduates, the registered nurses who will join the workforce in our hospitals this year. More than 2,000 nurses will start work this year and we were out at Nepean Hospital a couple of weeks ago welcoming the new nurses who were starting their working career there as registered nurses.

I am very proud of the fact that we are recruiting in New South Wales. Since I have been the Minister for Health we have recruited 3,000 extra nurses. We were elected on a promise to recruit 2,475 nurses over four

years, so we are already ahead on our commitment. Those are individual nurses but when we boil it down to full-time equivalent positions the number is still more than 2,000. With the 2,000 new graduates coming on board this year I feel very comfortable that we will have even more by the end of this year. When visiting the hospitals throughout New South Wales—I visited Wollongong Hospital with the member for Kiama where we had a wonderful day talking to nurses who have joined the workforce there—I discovered that many of them are people who—

[*Interruption*]

I am surprised that the Opposition does not want to know about this, because the Opposition keeps on talking about job cuts. These are new nurses who are joining our workforce. These people provide a valuable service by supporting our patients. This year 2,000 new graduates will begin work at 112 hospitals across New South Wales, many of them in regional and country areas. How many will be on the Central Coast?

**Mr Chris Hartcher:** Hundreds.

**Mrs JILLIAN SKINNER:** Close to it: There will be 104 on the Central Coast. There will be 15 in the Far West, 216 in Hunter-New England and 100 in the Illawarra-Shoalhaven. In the Justice Health system there will be 27 and 58 on the mid North Coast. There will be 58 in Murrumbidgee, and I know the local member is pleased about that. There will be 89 in the Nepean-Blue Mountains, 60 in northern New South Wales, 254 in northern Sydney, 242 in south-eastern Sydney, 33 in southern New South Wales and 169 in south-western Sydney. There will also be 80 in the St Vincent's network, 73 in the Sydney Children's network, 306 in Sydney, 91 in western New South Wales, and 57 in western Sydney. The number of graduates is widely spread throughout the whole of the State. Of course, those numbers are on top of the new interns who started this year.

Since I became the Minister for Health more than 900 additional full-time equivalent doctors have been employed in our system. We recently had a Cabinet meeting at Dubbo and it thrilled me to learn that 11 new permanent specialist doctors have been employed in Dubbo during my time as Minister. Previously that area struggled desperately to employ doctors, so that news is absolutely fabulous. One of the new doctors was an endocrinologist who started on that Monday. That position had been advertised for 10 years, which demonstrates that the former Labor Government did zero to attract doctors to country New South Wales. They are attracted now largely because of improved morale in our hospitals. We have seen tremendous improvements brought about by rebuilding infrastructure and the investment that the Government has made in our hospitals. The Government has allocated almost \$5 billion over its first full year to invest in upgrading our hospitals. The nurses are being allocated according to the award and the nursing hour per patient day arrangements that have been signed off by the unions—

**Dr Andrew McDonald:** By us.

**Mrs JILLIAN SKINNER:** Yes, signed up by Labor and honoured by the Coalition Government. They are negotiated on a regular basis when union members sit down with ministry staff to ensure nurses go where they are most needed. I am proud of the fact that we have thousands more nurses working in our hospitals.

#### **NORTH WEST RAIL LINK**

**Mr RYAN PARK:** My question is directed to the Minister for Transport.

**The SPEAKER:** Order! We would all like to hear the question. I am sure the Minister for Transport would like to hear the question so that she can answer it.

**Mr RYAN PARK:** In light of reports in today's *Daily Telegraph*, can the Minister finally reveal the total cost and completion date for the North West Rail Link?

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

**Ms GLADYS BEREJIKLIAN:** At least this time members opposite are asking their questions the day they read the newspaper. Fancy taking advice from members opposite about how to deliver public transport infrastructure; given their appalling record they have no shame in the questions they ask in this place. Let us get the obvious out of the way. I know those opposite cannot handle the truth, but I am pleased to say that the North West Rail Link is on time and on budget.

**Mr John Robertson:** What is the budget?

**Ms GLADYS BEREJIKLIAN:** Listen carefully because we have been saying it for a long time. The Government has always said the project will cost between \$7.5 and \$8.5 billion and that remains the case. I stress that every single dollar spent on the project to date has been completely within the allocated budget. That is more than members opposite can say, but unfortunately we cannot blame them because they built nothing in 16 long years.

**The SPEAKER:** Order! I remind the member for Keira that this is not an opportunity for him to shout further questions at the Minister. He has asked his question and the Minister is answering it. The member for Keira will come to order.

**Ms GLADYS BEREJIKLIAN:** Members opposite can point their finger at one project they did, which was the Chatswood to Epping rail line—but it was half the line at double the cost. That is the record of members opposite. They announced 12 different rail lines and they did not deliver a single one. How can a member of the Opposition ask that question with a straight face after the debacle of the Rozelle Metro? Fancy the member for Keira asking that question. He was Deputy Director General of the Department of Transport. He was also chief of staff to the former Minister for Transport and Roads. He and all of his colleagues, including the Leader of the Opposition who was a former Minister for Transport, should hang their heads in shame. They did not understand the basics of running a proper public transport infrastructure project.

**Mr Ryan Park:** Point of order: My point of order is relevance under 129. I asked the Minister for a completion date. Two and a half minutes into her answer we are yet to get that.

**The SPEAKER:** Order! The Minister has been relevant to the question asked. That is all I can require her to do. There is no point of order.

**Ms GLADYS BEREJIKLIAN:** I have only two minutes left so I will quickly remind the House of Labor's record on the North West Rail Link. Members opposite announced it in 1998 and said it would be completed by 2010. In 2005 they delayed it. In February 2008 they axed it. In March 2008 they re-announced it.

**Mr John Robertson:** Point of order: My point of order is relevance under 129. I know the Minister keeps finding excuses why we should not ask her questions about this. We want a completion date. We know the history because she has given it to us for two whole years.

**The SPEAKER:** Order! There is no point of order.

**Mr John Robertson:** The only thing we want is a completion date. If you don't know, sit down.

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat. There is no point of order. The Minister is being relevant.

**Ms GLADYS BEREJIKLIAN:** The Leader of the Opposition should stop wasting my time. He should be embarrassed. His constituents want this project and he should support it.

**Mr Barry O'Farrell:** Get back to the skiing magazines.

**Ms GLADYS BEREJIKLIAN:** We will get to the ski slopes next, Premier, do not worry. Let us not forget that Labor axed the North West Rail Link in favour of that wonderful project upon which it wasted half a billion dollars, the CBD to Rozelle Metro. In October 2010 members opposite re-announced the construction of the North West Rail Link but they said it would not be completed until 2024. That was their date. It is on the record that the Leader of the Opposition did nothing on this issue when he was the Minister for Transport. Let us contrast that with what this Government has done. There have been 22 tenders and 44 contracts. Major demolition has started in the north-west.

**The SPEAKER:** Order! Opposition members should listen to the answer in silence.

**Ms GLADYS BEREJIKLIAN:** I thank the Treasurer for the \$3.3 billion already allocated for the next four years of this project, including \$360 million this year alone. I am delighted that this year two key milestones have been completed already. First, tenders to build the 15-kilometre twin tunnels between Bella Vista and Epping have closed. That is a major milestone. It is fully funded—*[Time expired.]*

## RAIL SERVICES

**Mr CHARLES CASUSCELLI:** My question is directed to the Minister for Transport. How is the Government improving train services for New South Wales commuters?

**Ms GLADYS BEREJIKLIAN:** I thank the member for Strathfield for his question. I also note his contribution to many important public transport issues. We know that for too long when those opposite were in Government we had to deal with slashed services, outdated practices, failed and cancelled projects and bloated middle management at RailCorp. That is their legacy. After 16 years of doom and gloom from Labor—

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. I am finding it very difficult to hear what the Minister is saying.

**Ms GLADYS BEREJIKLIAN:** After 16 years of doom and gloom from Labor, I am pleased to inform our long-suffering rail commuters that the storm clouds finally are beginning to part. Certainly the skies are not yet clear and there is a lot of work to do, but this Government continues to deliver improvements for our customers. We will make the necessary reforms that will make a real difference to our customers. As I mentioned previously, from 1 July we will abolish RailCorp and introduce two new rail operators—Sydney Trains for the metropolitan area and NSW Trains for our intercity and regional commuters. The latest good news is that we have appointed Howard Collins, who is the Chief Operating Officer of the London Underground, to run Sydney Trains.

I inform the House that this year Mr Collins was awarded an Order of the British Empire [OBE] for delivering public transport during the London Olympics. His appointment is a massive coup for Sydney. The fact we were able to attract someone of his calibre is a significant sign of confidence in the major reforms we are undertaking. His background includes a proven record in delivering quality and integrated public transport, including involvement as a senior executive in operations and customer service, security, electronic ticketing and reform. I am also pleased to inform the House that, in NSW Trains, for the first time the State will have a rail operator focused wholly on the needs of regional and rural customers. People who sit on trains for longer periods than metropolitan commuters deserve to have an organisation that is dedicated to their specific needs. I am also pleased to announce that Rob Mason will head NSW Trains. The appointments are the next step in our ongoing reforms to fix the trains.

Already we have made real progress. Integrity in government is about delivering the things that we say we will deliver, and that is exactly what we are doing when it comes to rail services. The Government already has introduced more than 100 new rail services each week, including more than 15 new peak services in western Sydney, thousands of additional seats on South Coast weekend services and 30,000 and 20,000 additional seats for the Central Coast and the Hunter respectively. In addition, we have also reduced the number of middle managers significantly and boosted front-line resources. I will have more to say about the boost in front-line services in the near future. The Government has introduced important initiatives, such as the Bathurst Bullet, which is the daily commuter service to and from Bathurst and which is proving to be an enormous success. We have also introduced a new specialist cleaning unit with new management. Feedback, which includes statements a couple of hours ago from constituents in the company of an Opposition member, is that people have noticed how clean the trains now are. We know we have a lot of work to do, but we are beginning to make a difference.

**Ms GLADYS BEREJIKLIAN:** We have introduced quiet carriages—I wish some members of the Opposition would remain quiet—and facilitated mobile phone reception in tunnels. We have put the Waratah project back on track. We have abolished archaic systems and practices, and we are giving more power to front-line staff to make decisions and solve problems. The Government is overhauling the way in which we deal with major incidents and modernising the way we carry out maintenance. The Government is developing innovations, such as real time train apps, and Opal will be rolled out on trains later this year.

For the record, I send this very clear message: When Sydney Trains and NSW Trains commence operations on 1 July, anyone who thinks that those organisations will be RailCorp in disguise will be severely mistaken. Anyone who has read the weekend jobs section in newspapers will see that we are serious about recruiting the best people for the most senior positions in both organisations. The Government continues to make progress in delivering better rail services to the people of this State, who were neglected for too long. I emphasise that every transport decision taken, especially in relation to rail, is all about putting the customer first. Customers have to be at the heart of everything we do in public transport.

**COAL SEAM GAS REGULATION**

**Mr JAMIE PARKER:** Madam Speaker—

**The SPEAKER:** Order! The member for Balmain will be heard in silence without any interjections.

**Mr JAMIE PARKER:** My question is addressed to the Minister for Resources and Energy. If coal seam gas is too unsafe for the suburbs of Sydney, vineyards and horse studs, why is it acceptable for horticultural, cropping, grazing and dairy farming land, and the drinking water catchments of millions of Sydney residents?

**Mr CHRIS HARTCHER:** How good is that—a question from The Greens about coal seam gas? I will read a quote from the *Echo News*:

The potential for local gas general should be factored into any planning for the Far North Coast's energy strategy.

**Mr Barry O'Farrell:** Who said that?

**Mr CHRIS HARTCHER:** The person who said that is Dr John Kaye. "More coal seam gas", said Dr John Kaye. But it gets even better—another quote:

A national gas scheme with appropriate regulations will benefit New South Wales substantially—

**Mr Barry O'Farrell:** Did you say that?

**Mr CHRIS HARTCHER:** No. The quote states—

... not only because we do not have large natural gas reserves within the borders of the State but also because there are other opportunities for coal seam methane gas to become part of the national gas grid.

Who said that? It was Dr John Kaye. Last year The Greens had a policy symposium at which energy was discussed.

**Mr Andrew Stoner:** Were you there? Did you speak?

**Mr CHRIS HARTCHER:** No. I was not invited. I would have liked to have attended, but the reason that I was not invited was that the policy symposium asked each member of Parliament who represents The Greens to reveal their policy. They were instructed to communicate their policy by imagining they were talking to aliens from another planet. Is that not perfect? Have we not always imagined The Greens talking to aliens from another planet? We all want to know which aliens the member for Balmain spoke to, what he spoke to them about, what language was used, and what movie the member for Balmain used. The member for Balmain should tell us more. The instruction was revealed on the front page of the *Daily Telegraph*. The next day The Greens were simply swamped with applications from the UFO Society, who all wanted to get onto the spacecraft and meet The Greens master: "Take me to your leader." We are privileged to have the strong consistency of a political party like The Greens, particularly legal consistency. Who was advocating ethanol? It was the Greens. Who now opposes ethanol?

**Government members:** The Greens.

**Mr CHRIS HARTCHER:** Who was advocating coal seam gas?

**Government members:** The Greens.

**Mr CHRIS HARTCHER:** Who now opposes coal seam gas?

**Government members:** The Greens.

**The SPEAKER:** Order! Members will come to order. I am sure the Minister will return to the leave of the question.

**Mr Barry O'Farrell:** Who opposed confiscation of proceeds of crime legislation?

**Mr CHRIS HARTCHER:** The Premier reminds me to ask: Which political party opposed the crime assets confiscation policy?

**Government members:** The Greens.

**Mr CHRIS HARTCHER:** Who wants the Government to now invoke that policy?

**Government members:** The Greens.

**Mr CHRIS HARTCHER:** Parliament can be very dull. We are lucky that amusement is always provided by The Greens.

**Mr Jamie Parker:** Point of order—

**The SPEAKER:** Order! Government members will come to order. The member for Balmain has the right to take a point of order.

**Mr Jamie Parker:** After the Minister got rolled, I noted his concern.

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

**Mr JAMIE PARKER:** My point of order relates to Standing Order 129, relevance. I am delighted to hear the Minister address the issue, but I ask you to instruct him to return to the leave of the question.

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

**Mr CHRIS HARTCHER:** When he came down I was hoping for an extension of time, but I doubt whether that will happen. Our policy is quite simple. We are determined to protect the prime agricultural land of the State, which is why we announced the policy in September. We are determined to protect the water of the State. We are determined to protect the residential homes of this State. We are determined to make sure our environment is properly protected. That is why we have a strong regulatory framework in New South Wales.

## EDUCATION INITIATIVES

**Mr LEE EVANS:** My question is addressed to the Minister for Education. How is the New South Wales Government responding to the needs of students as they return to school in 2013?

**Mr ADRIAN PICCOLI:** I confirm for the benefit of the Premier that the injury to my foot was not as a result of a skiing accident. A few weeks ago more than a million students returned to school. Three-quarters of those students are government school students. Over the past two years this Government has been getting on with the job of ensuring that every student returning to school has the best possible school and teachers to support their education. We are keen to provide additional resources and support for parents as their children commence the school year. Earlier this year we launched the Back to School website to provide additional information and support to parents, community members and schools to some degree that will enable them to support students.

One of the key things on that website—it is available also on an app—is the School A-Z app, one of the top-ranking education apps across Australia with more than a quarter of a million parents having downloaded it. Apple reports an average of 350,000 page views a month via the iPhone app. This invaluable app provides information, advice and assistance to those parents who choose to help their children with their homework. It will assist those parents who have forgotten a few of the principles of mathematics to help their children with their homework. There are suggestions concerning school assignments and the like and ideas about affordable things to pack in children's lunchboxes or to make for their lunch.

On day one the Premier, the member for Riverstone and I visited Parklea Public School, which has a great principal and staff. Students were thrilled to be starting their first day of school. We had an opportunity to meet some of the kindergarten kids who did not necessarily have a lot to say, but their parents did. The principal and staff were thrilled about the number of additional enrolments. People are aware of the great education that they receive as a result of attending a public school in New South Wales. Schools will be able to do an even better job for their students because of the Local Schools, Local Decisions and Every Student, Every School reforms, which support students with disabilities and the like.

This Government has done even more for education. This year almost half a billion dollars will be spent on capital works programs. As was reported in the newspapers last year, we purchased the University of Technology, Sydney, Ku-ring-gai campus which will be converted into a school for children in the northern suburbs. We are building eight new schools—in the north-west, in Port Macquarie and right across New South Wales—and 19 schools for specific purposes [SSPs] for students with disabilities, which will be refurbished and rebuilt under the Building the Education Revolution program. This year 138 schools will benefit from joint funding with local school communities and the State Government. On the first day I had the pleasure of visiting Coogee Public School where I saw the incredible professional development work that teachers in the staffroom do to support their students.

I visited St Benedict's Catholic College, Camden, as well as St Andrews Public School, which are great examples of the work done by the non-government school sector. That is what a government does when it is focused on supporting schools and the people of New South Wales. Compare that with what those opposite did when they were in office. They did a lot of work but it was all for their own benefit. Eddie Obeid made more money from mining than the mining tax. If those kinds of initiatives and hard work had been directed towards taxpayers and to government in this State we would have been a lot better off. This Government is doing that hard work. If the former Labor Government had been arrested for hard work the police would not have been able to find enough evidence to convict it.

**Question time concluded at 3.17 p.m.**

### **PETITIONS**

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

#### **Education Funding**

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

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

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

#### **Oxford Street Traffic Arrangements**

Petition requesting the removal of the clearway and introduction of a 40 kilometres per hour speed limit in Oxford Street, received from **Mr Alex Greenwich**.

#### **Rooty Hill Railway Station Access**

Petition requesting the installation of elevators at Rooty Hill railway station, received from **Mr Richard Amery**.

#### **Edgecliff Interchange**

Petition requesting the upgrade of Edgecliff Interchange to provide full access for all passengers, 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**.

#### **Pets on Public Transport**

Petition requesting that pets be allowed on public transport, 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**.

**Duck Hunting**

Petition requesting retention of the longstanding ban on duck hunting, received from **Mr Alex Greenwich**.

**Commonwealth Clean Energy Supplement**

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

**Low-cost Housing and Homelessness**

Petition requesting increased funding for low-cost housing and homelessness services, received from **Mr Alex Greenwich**.

**Inner-city Social Housing**

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

**Container Deposit Levy**

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

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

**Palliative Care Services**

Petition requesting the provision of sufficient palliative care services to meet existing and anticipated future demands for such services in all areas of the State and in all types of institutions and places where such services are required and the provision of additional funds to support training of palliative care workers, received from **Mr Andrew Gee**.

**Fire Station Closures**

Petition expressing opposition to the closure of fire stations and requesting that fire stations operate for 24 hours a day, seven days a week, received from **Mr Robert Furolo**.

**Kooragang Island Ammonium Nitrate Plant**

Petition objecting to the proposal by Incitec to locate another ammonium nitrate plant on Kooragang Island, received from **Mr Tim Owen**.

**BUSINESS OF THE HOUSE****Reordering of General Business**

**Ms SONIA HORNER** (Wallsend) [3.18 p.m.]: I move:

That General Business Notice of Motion (General Notices) No. 2434 (Newcastle Civic Rail Line) have precedence on Thursday 21 February 2013.



**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.18 p.m.]: The Government understands the member's desire to debate her motion which is on the notice paper. We support it and agree to it.

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

**Motion agreed to.**

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **Nursing and Teaching Staff Numbers**

**Mr BRUCE NOTLEY-SMITH** (Coogee) [3.18 p.m.]: This motion deserves to be accorded priority because front-line services are at the core of this Government's work. The New South Wales Government recognises the importance of nurses and teachers to the people of the State and it is getting on with the job of delivering more of them. This motion deserves to be accorded priority because the Government is making the tough decisions to ensure that we are living within our means and delivering more to the front line—more teachers and more nurses.

We are delivering on our election promise to increase the number of teachers and nurses even when times are tough because we know that these services are vital for the community. This motion deserves to be accorded priority because there are now more than 3,000 more nurses since the election of this Government. Our election commitment was for 2,475. More than 1,300 of those nurses are in regional and rural New South Wales. My electorate of Coogee is within the South Eastern Sydney Local Health District, which now has 419 more nurses since the election. Just last week I presented 11 new midwives with their graduation certificate at the Royal Women's Hospital, Randwick.

This motion deserves to be accorded priority because New South Wales has 520 new full-time equivalent teacher positions, 313 new front-line teacher graduates appointed to permanent positions in public schools and 74 new principals in public schools. Indeed, a few weeks ago the Minister for Education joined me at my old school, Coogee Public School, to welcome teachers and their excellent principal, Paul Wood, back from holidays. Right across the State reform is taking place by throwing off the chains of ambivalence, stopping the waste, cutting the red tape and restoring the confidence of the public in the future of New South Wales. Empty promises come from those opposite; results are delivered by this side of the House.

This motion deserves to be accorded priority because, in contrast to those across the Chamber who squandered 16 years, we now have a New South Wales Government that is delivering front-line services. This Government is answerable to the people, not to faceless union powerbrokers who control their factional lackeys on that side of the House. Those opposite ran this State only for the benefit of their Labor Party and union mates, not for the benefit of students in our schools or patients in our hospitals. This motion deserves to be accorded priority because this Government recognises the importance of nurses and teachers to the people of this State and it is getting on with the job of delivering more of them.

### **Hunting in National Parks**

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.21 p.m.]: My motion, which I seek to be accorded priority, is in the following terms:

That this House calls on the Premier to reverse his decision to allow amateur hunting in national parks.

This motion deserves priority because, interestingly, today the Premier made a confession. Today the Premier confessed that in fact we will have hunting in national parks because he did a dirty deal with the Shooters and Fishers Party to get his electricity privatisation through this Parliament. Today the Premier conceded that the makeup of this Parliament required him to do this dirty deal that will compromise community safety inside our national parks. This motion deserves priority because those on the other side know only too well that they have a Minister for the Environment who is not across her brief—

**The SPEAKER:** Order! Members will come to order. Pursuant to an agreement of the House, there should be no interjections during the three-minute period during which a member gives reasons as to why his motion should be accorded priority.

**Mr JOHN ROBERTSON:** —and who is not implementing exclusion zones regarding roads and walkways, or distances between hunters in our national parks and recreational users of those parks. Today we learn that \$19 million has to be spent because of the grubby deal this Government entered into to get its electricity privatisation through. This is a Government that has cut \$1.7 billion from our Education budget and \$3.3 billion from our Health budget. Where is that money going? To fill the hole we now have because we now allow hunting in our national parks. That money should have gone back into our health or education systems. Instead, taxpayers are being forced to foot the bill because of a grubby deal to allow hunting in national parks.

We do not know exactly what will take place inside our national parks because we have a Minister who does not know how it will operate. We have a set of reforms that were put in place without doing the work. We have a Minister who will oversight amateur hunting in national parks but does not know what she is going to do or how that will operate. Our national parks were put in place for a specific reason: to protect the flora and fauna within them. This Government is prepared to compromise the safety of flora and fauna and the community inside national parks without any regard whatsoever to the impacts of hunting in national parks on tourist numbers inside those parks simply so it can flog off the electricity assets in New South Wales. This Government has admitted that is what will happen. Today the Premier confirmed that that is the only reason hunting in national parks will take place. That is why this motion deserves priority.

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

**The House divided.**

**Ayes, 63**

Mr Anderson	Mr Fraser	Mr Roberts
Mr Annesley	Mr Gee	Mr Rohan
Mr Aplin	Ms Gibbons	Mr Rowell
Mr Ayres	Ms Goward	Mrs Sage
Mr Baird	Mr Grant	Mr Sidoti
Mr Barilaro	Mr Gulaptis	Mrs Skinner
Mr Bassett	Mr Hartcher	Mr Smith
Mr Baumann	Mr Hazzard	Mr Souris
Ms Berejiklian	Ms Hodgkinson	Mr Speakman
Mr Bromhead	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	Mr Ward
Mr Coure	Mr Notley-Smith	Mr Webber
Mrs Davies	Mr O'Dea	Mr R. C. Williams
Mr Dominello	Mr Owen	Mrs Williams
Mr Doyle	Mr Page	
Mr Edwards	Ms Parker	
Mr Elliott	Mr Patterson	<i>Tellers,</i>
Mr Evans	Mr Perrottet	Mr Maguire
Mr Flowers	Mr Provest	Mr J. D. Williams

**Noes, 22**

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

**Pair**

Mr Brookes

Mr Furolo

**Question resolved in the affirmative.**

**Motion agreed to.**

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

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.34 p.m.]: I move:

That standing and sessional orders be suspended at this sitting to provide for the following routine of business from 7.00 p.m.:

- (1) at 7.00 p.m. matter of public importance;
- (2) taking of up to nine private members' statements; and
- (3) the House to adjourn without motion moved at the conclusion of private members' statements.

This evening there will be continuing debate on Government business. I anticipate that the House will adjourn at approximately 6.00 p.m. for dinner. At 7.00 p.m. there will be the matter of public importance and thereafter there will be nine private members statements.

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

**Motion agreed to.**

**NURSING AND TEACHING STAFF NUMBERS****Motion Accorded Priority**

**Mr BRUCE NOTLEY-SMITH** (Coogee) [3.36 p.m.]: I move:

That this House supports the Government's delivery of more front-line teachers and nurses for our communities.

We can see from the results of the earlier division the contempt with which those opposite hold teachers and nurses in our community. The New South Wales Teachers Federation ran education in New South Wales under the former Government—for the benefit of members of the federation, not for students. The former New South Wales Government never made any decisions or reforms because the union ran education not the Government of the day. Labor presided over the biggest mess, also known as the Building the Education Revolution [BER]. It was supposed to be a once in a generation opportunity to provide essential funding for desperately needed educational facilities in New South Wales schools, yet the former New South Wales Government squandered the opportunity through its typical incompetence and financial mismanagement.

*[Interruption]*

The member for mismanagement is attempting to interject. The Brad Orgill report into the Building the Education Revolution scheme found that New South Wales schools accounted for 56 per cent of the complaints in the Building the Education Revolution scheme with more than three-quarters of those complaints concerning the value for money of projects. For instance, New South Wales government schools paid the highest average cost per square metre—this process was managed by the New South Wales Labor Government—at \$3,900 per square metre compared to New South Wales independent schools which spent \$2,112 per square metre. Building the Education Revolution, or BER, really stood for "bloody error ridden." In fairness, there was a revolving door of education Ministers with seven Ministers in 16 years. It did not leave much opportunity for those Ministers to get across the policy detail and to respond to the vital issues in education in New South Wales. Labor's education report card has the words, "Fail, fail, fail."

What is the record of this Government since being elected less than two years ago? Three hundred and thirteen new teacher graduates have been appointed to permanent positions in New South Wales public schools. There are 520 new full-time equivalent teachers in New South Wales and they are all front-line positions. There are six new teachers at schools in the Coogee electorate including my old schools of Coogee Public School, Randwick Boys High School and Randwick Girls High School, which is not my old school. Let us look now at Labor's health record. It promised and failed to deliver hospitals right across the State: in Dubbo, Parkes, Forbes, Tamworth, Port Macquarie, Bega, Wagga Wagga, the northern beaches, Blacktown and Campbelltown.

Labor failed to invest in health infrastructure. Indeed, 40 per cent of the infrastructure in this State is more than 50 years old and Labor cut capital works expenditure in seven out of its 16 years in government.

Labor cut nurse numbers—340 in western Sydney and 90 on the Central Coast. Labor closed 1,500 beds and counted cots, bassinets and recliners in its total bed numbers. Under the great Minister for Health, since our election we have added more than 3,000 nurses even though our election commitment was 2,475—we have exceeded our election commitment—with more than 1,300 of those in regional and rural New South Wales. My electorate of Coogee in the South Eastern Sydney Local Health District has received 419 additional nurses since our election.

This Government is delivering results whereas Labor delivered empty promises and failure. That rotten, fetid, faction factory that was, is and will ever be the New South Wales Labor Party was too busy—its members too preoccupied with gorging themselves, their gluttonous snouts deep in the trough of public money, sucking it dry for their own enrichment. It is no wonder that this State fell into a dire state of disrepair. It is an honourable man who can admit his mistakes, take responsibility for his actions and apologise to those against whom he has transgressed. However, members opposite sit in this Chamber unmoved, unashamed and unrepentant. The former Government's record is an indelible blight on the history of the Labor Party but, most importantly, it was a travesty on the people of New South Wales.

**Dr ANDREW McDONALD** (Macquarie Fields) [3.41 p.m.]: There are many reasons that only six out of 69 Government members are in the House to listen to this debate.

**Mr Rob Stokes:** I'm here.

**Dr ANDREW McDONALD:** As the member for Pittwater—whose northern beaches hospital is still a figment of his imagination—has said, he is here. Every one of them knows that if they go to their local hospital, find the first staff member they come across and ask that person the simple question, "Is your job any easier now than it was two years ago following the election of the O'Farrell Government?" very few of them will say yes. Not only that, the figures will support them. For that reason I will amend the motion. I move:

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

"this House calls on the Government to reverse its damaging budget cuts to Health and Education".

While Labor says the opposite, the latest edition of the Nurses Association journal the *Lamp* supports my statement. In his editorial General Secretary Brett Holmes states:

... the government, to its credit has fulfilled its commitment to deliver the 1400 extra nurses required to fulfil the ratios.

These nurses have been delivered by this Government because of an agreement that was signed by the former Labor Government. It supported those nursing ratios for safety reasons. The editorial continued:

However, this is not enough. Country and community nurses are struggling to keep their patients safe and are falling behind city hospitals. In areas like paediatrics and neonatal intensive care there is an urgent need to guarantee nurse numbers.

In a letter addressed to the Minister, which was tabled last year, Brett Holmes said:

There is opportunity for the Government to improve and extend the nursing hours system, which I recall was rejected by yourself and the Deputy Director-General.

The Government and the Minister have done nothing about the urgent need to change the nursing hours ratio in wards that were not covered by the previous agreement, and members opposite know it.

**Mr Mark Coure:** What did you do when you were the Parliamentary Secretary?

**Dr ANDREW McDONALD:** When I was Parliamentary Secretary we signed an agreement on the nursing hours per patient ratio, and I supported nurses' call in the *Lamp*. Where were you? The letter further stated:

As discussed with your Senior Advisor Cassandra Smith yesterday, the inaccurate statement in the press conveniently overlooks the Government's \$775 million labour expense cap cuts to the health workforce which mean cuts to jobs and health services.

I request that you and your office refrain from misquoting me and I advise that I will correct the record each and any time you or your office continue this practice without also disclosing the labour expense cap cuts.

This motion does exactly what the General Secretary of the Nurses Association, Brett Holmes, said not to do: It does not address the labour expense cap cuts, which are a major problem affecting staff every day. For example,

as the member for Coogee said, health jobs are being lost at Sydney Children's Hospital. The stroke ward at the member's local hospital has been closed and collocated with the neurology ward. A major improvement in healthcare over the past 15 years is the development of specialised stroke units, but the member's local unit has been shut. The number of beds in the spinal unit has been cut and the hydrotherapy pool is soon to be privatised—all on the watch of the member for Coogee.

**Mr Bruce Notley-Smith:** Rubbish.

**Dr ANDREW McDONALD:** Tell people in your reply that the hydrotherapy pool at Prince of Wales Hospital will never be privatised and that you will resign if it is. We know that the health statistics are getting worse. Ambulance response times have increased. One in three ambulances now has an off-stretcher time of greater than 30 minutes. The emergency triage time has increased, elective surgery waiting times have increased and the time spent in the emergency department waiting to be transferred to a ward has increased. Every one of the performance measures that affect people, such as how long they wait for emergency care and surgery, are increasing under this Government because of its continuing cuts to ancillary services. The Government promised 1,390 beds but it has delivered fewer than 200. Bed block is the reason for the problem. The Government says one thing but does another. This motion is typical of the Coalition's behaviour since being elected.

**Mr MARK COURE** (Oatley) [3.46 p.m.]: I am shocked and surprised that the Opposition will oppose this motion. It demonstrates that New South Wales Labor has not learned from the election results of March 2011. This Government made a commitment to ensure that better services were delivered—particularly front-line services in hospitals and education—and we are meeting that commitment. The New South Wales Liberal-Nationals Government is making the tough decisions to ensure that we are living within our means while delivering more to the front line. The people of New South Wales want more police, more nurses and more teachers, and this Government is delivering. I am proud to be a member of a Government that enables me to deliver better health services and education in my electorate of Oatley and to the St George region. We are cleaning up Labor's mess by employing more front-line nurses and teachers, not middle managers. I have always maintained that more staff eventually translates into better services across the State, and this Government is delivering as we reach the halfway mark of this parliamentary term.

I am part of a Government that is delivering for the St George region in the area of health, with a commitment to St George Hospital through the commencement of a new mental health unit, followed by a new emergency department, together with the reopening in February last year of the hydrotherapy pool—a pool that was closed under Labor. The new emergency department will provide 76 treatment spaces and 15 support spaces. This is a commitment of more than \$35 million—the biggest injection of capital funding since Ron Phillips was health Minister in the previous Coalition Government in the mid-1990s. We promised a new emergency department, and we are funding it, building it and delivering it. The construction will create 73 new operational jobs and 129 construction jobs. Not only is St George Hospital receiving an investment in construction but front-line services will be increased. Recently I had the pleasure of welcoming 44 new interns to the hospital, and 2013 will see more than 80 new nurses welcomed to St George. Of those, 51 will commence this month alone.

When was the last time the member for Kogarah visited St George Hospital and when was the last time she welcomed new nurses and interns? Unlike Labor, I have not taken my constituents for granted; I have seized the opportunity to work for better health services. Since our election we have delivered more than 3,000 nurses across New South Wales. We have delivered 1,300 nurses in rural and regional Australia and we have delivered 87 nurses at St George Hospital this year, with 51 starting work in February. We have already delivered 419 nurses in the South Eastern Sydney Local Health District. [*Time expired.*]

**Ms CARMEL TEBBUTT** (Marrickville) [3.49 p.m.]: I support the amendment moved by the member for Macquarie Fields. The Government can move as many self-congratulatory motions as it likes. It can keep on trying to talk up its record on education and on health, and it can keep on trying to convince itself that no-one in the community is noticing that it has cut funding in those areas. But we all know—even those on the other side of the House know this is the case—that as soon as we walk outside this Chamber the hypocrisy and pretence of the Coalition is exposed.

Members who are supporting this motion have been in their electorates over the parliamentary break and they have met with the teachers, parents, students and nurses who are so angry with this Government about these cutbacks. Those members can try to talk up their achievements through this motion but even the mover of

this motion, the member for Coogee, is on record as saying that he fought hard to scale back the cuts in education. We know that members opposite are very uncomfortable with this Government's record in regard to health and education. The truth is that the community is outraged about these cuts. The community is outraged that 400 staff are being taken out of school offices; it is outraged that 800 staff are going from regional offices and the State office; it is outraged that—

**Mr Mark Coure:** And they are all middle managers.

**Ms CARMEL TEBBUTT:** They are not; they are TAFE staff.

**Mr Mark Coure:** They are all middle managers.

**Ms CARMEL TEBBUTT:** You would not know. You would not have a clue—and that is the truth. If the member for Oatley is claiming that TAFE staff are middle managers he should go and meet his local TAFE staff and tell them that. I assure him they will not thank him for it. The community is outraged that funding has been frozen for non-government schools. The community is outraged that TAFE fees have increased and that the Government has stopped funding arts courses. In the past few weeks we have heard about students at Wagga Wagga being forced to take photocopy paper to school so that the schools can continue to operate. The school budgets are completely strapped.

We have heard about students at Nicholson Street Public School in Balmain who do not have anywhere to learn because the Government could not afford to replace the demountable classroom that was damaged by rain and is riddled with leaks. We have heard about students at Randwick TAFE, in the member's electorate—one would think he would defend those poor students—who had their year 10 certificate equivalent course abolished two days before they were due to begin their studies. Some of the most disadvantaged students in the State attend Randwick TAFE, but does their local member stand up for them? He does not say a word. I have been inundated with letters from people who are very angry about these cuts. Government members should get out in the real world and discover what is going on. No-one is congratulating the Government on its performance in health and education.

**Mr BRUCE NOTLEY-SMITH** (Coogee) [3.52 p.m.], in reply: I will correct a few assertions made by members opposite.

**Mr Mark Coure:** Misleading facts.

**Mr BRUCE NOTLEY-SMITH:** Yes; they are not facts at all. The giving program to which the member for Marrickville referred that involves students taking a ream of paper to school originated in 2000, when Labor was in government. The program started 13 years ago when the education system was in such dire need that kiddies had to take paper to their schools. It originated under the former Government but Labor members choose to blame us for it. The Health Services Union at Randwick has run a scare campaign. I have met with representatives of the Health Services Union; I have met the chief executive officer of the local health district—

*[Interruption]*

Yes, I have checked my credit card. I met with representatives of the Health Services Union who told me that they had been handed a letter saying that there is no proposal at this time to rein in expenses at the hospital because it is way over budget. This scare campaign is a distraction. I know the Health Services Union and the Labor Party need a distraction from the credit cards, the brothels, Michael Williams and what has been going on in that union—

**Mr Daryl Maguire:** And ICAC.

**Mr BRUCE NOTLEY-SMITH:** Let's not start on the Independent Commission Against Corruption. They needed a distraction to get those issues off the front pages so they started to peddle scare stories. It is shameful that they are causing concern to people who use the hydrotherapy services at Prince of Wales Hospital. The fact is that Labor's 16 years of contemptible government drained the last drop of confidence from the reservoir of public faith in ethical, decent and principled public administration. This Government is getting on with the job and it is delivering on our commitment to make this great State number one again.

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 62**

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

**Noes, 22**

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

**Pair**

Ms Upton

Mr Furolo

**Question resolved in the affirmative.**

**Amendment negatived.**

**Motion agreed to.**

**PROPERTY, STOCK AND BUSINESS AGENTS AMENDMENT BILL 2012**

**Second Reading**

**Debate resumed from an earlier hour.**

**Mr KEVIN ANDERSON** (Tamworth) [4.07 p.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012. The bill aims to clarify the Property, Stock and Business Agents Act 2002 by reducing red tape for licensees while ensuring that appropriate consumer protection is maintained. The reform proposals

in the bill have arisen from a statutory review of the Property, Stock and Business Agents Act 2002, which was conducted in 2007 and 2008. The bill will allow the Consumer, Trader and Tenancy Tribunal or a court to award licensees commission or expenses for work done by them even if there is a minor breach of the agency agreement requirements contained in the regulations to the Act. However, the tribunal or court will only be allowed to award commission or expenses if there is no loss suffered to the consumer as a result of the breach and failure to award the commission for expenses would be unjust.

It widens the qualifications of persons authorised to order trust accounts to include authorised audit companies and members of a professional accounting body as defined under the Australian Securities and Investments Commission Regulation 2001 who hold a public practising certificate with one or more of those bodies. It provides that licensees who do not hold or receive trust money during the audit year will only have to make a declaration on their licence renewal application rather than lodge a statutory declaration, as presently required. It provides that while all licensees who hold or receive trust moneys during the audit year will still have to have their trust accounts audited. They will only have to lodge the audit report with NSW Fair Trading if the report is qualified by the auditor. It requires licensees to keep a full copy of their trust account audit report at their business premises for three years for inspection by Fair Trading whether it is qualified or not, and provides that the Fair Trading Commissioner will be able to conduct random audits of trust accounts to aid in the detection of fraudulent conduct and with the cost of these audits paid from the statutory interest account.

The bill creates a new offence with 50 penalty units for trust account auditors who fail to notify the Commissioner for Fair Trading of discrepancies in trust accounts or documents they have audited. This legislation will require licensees to formally notify the Commissioner for Fair Trading of both the opening and closing of trust accounts and it will assist NSW Fair Trading to ensure that the correct amount of interest is paid by authorised deposit-taking institutes, such as banks, from trust accounts to NSW Fair Trading. In addition, the bill will transfer the receipt and handling of unclaimed trust money to the NSW Office of State Revenue. It also clarifies the present legislation to ensure that holders of certificates of registration employed by stock and station agents will be able to conduct stock auctions to gain training and experience while under the immediate supervision of a licensee, who need not be the registered agent's licensee in charge.

The latter provision is a very important point, particularly in the Tamworth electorate where there are a number of up-and-coming stock and station agents who are interested in obtaining the requisite training and experience to operate as a professional in the industry. A number of Young Auctioneers of the Year have been constituents of the Tamworth electorate. Mr Deputy-Speaker, as a renowned former stock and station agent of George and Fuhrmann on the North Coast, you are well versed in this subject matter and understand completely the benefits of the Government reducing red tape and making it easier for stock and station agents to do business. This amending bill will provide relief for those in rural and regional areas of New South Wales who have found it difficult to engage a person to audit their trust accounts. The bill will reduce red tape by decreasing the need for agents to seek exemptions from NSW Fair Trading owing to an inability to obtain an auditor in their area. In some smaller regional centres, it is difficult to find an auditor to undertake that work.

The bill also will free up NSW Fair Trading compliance resources that are currently applied to considering applications for exemption and allow them to focus instead on addressing compliance issues on the ground, which is what NSW Fair Trading is good at. The regulatory burden placed on agents owing to a general lack of auditors, particularly in rural and regional areas of the State, will be substantially reduced as a result of this legislation. The amendments in this bill go even further towards freeing up real estate agents in the State. Recently I had the pleasure of attending the open day of the Tamworth Regional Livestock Exchange, which is a brand-new \$15 million facility that is expected to be opened in June. The exchange will relieve the Tamworth Regional Council of its burden of operating a saleyard. The new saleyards in the exchange will offer the very best—five-star selling facilities for stock and station agents. Mr Deputy-Speaker, as you know, the very best facilities need to be provided not only for agents but also for stock in compliance with animal welfare requirements.

Some of the improved facilities at the exchange include covered walkways. Mr Deputy-Speaker, you would know that in a saleyard in the middle of June when it is blowing a gale and freezing cold, the last thing anyone wants is to be in an open walkway around a saleyard. The improved facilities for stock and station agents in Tamworth after June will be greatly appreciated. Other improvements include flooring similar to AstroTurf in the saleyards. Agents have told me that in other parts of the State where that type of floor is available, animals are so relaxed that they sit and chew their cud. That is what buyers want to see, especially as animals have to be moved and the quality of the animals needs to be conserved. The improved facilities will make it easier for our stock and station agents to do business. I congratulate the good Minister for Fair Trading on introducing this legislation.



This legislation will abolish current requirements for a licensee to lodge a separate statutory declaration with NSW Fair Trading if the licensee did not hold or receive trust money during the audit year. Money is often placed in trust until transactions are finalised, and the bill will free licensees who do not operate a trust account from that time-consuming task. The bill also clarifies that licensees who held or received trust money during the financial year will be required to lodge an audit report with NSW Fair Trading only if the report is in any way qualified by the auditor. The bill reflects some good common-sense approaches, which I know will be welcomed by many stock and station agents in the Tamworth electorate who use major saleyards in Tamworth and Gunnedah. Members of the Government look forward to working with them and explaining to them the benefits of the bill, such as reducing red tape and making it easier for them to do business. I commend the bill to the House.

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Fair Trading) [4.15 p.m.], in reply: Mr Deputy-Speaker, I commend you for your strong advocacy for stock and station agents, on your previous professional life as a stock and station auctioneer and on the services you provided to many rural communities. As members heard during the debate, the key objective of the Property, Stock and Business Agents Amendment Bill 2012 is to remove red tape for small businesses in New South Wales while ensuring that consumer protection is not compromised. The bill's amendments will clarify existing legislation and reduce complexity for real estate agents, particularly in relation to the management of trust accounts.

I turn now to address some specific points raised by the member for Bankstown. In relation to requiring only qualified audit reports to be lodged for the management of trust money, the Government is satisfied that its proposals will ensure the integrity of the system. In the instance of a qualified audit report, the Government will require both the auditor and the licensee to submit reports and will require the licensee to retain its audit records on their premises for three years. The Commissioner for Fair Trading also has power to request the reports so that compliance can be targeted as well as responsive to consumer complaints resulting from incidences such as dishonoured cheques or a failure to account to landlords. Those requirements will result in a reduction in red tape while ensuring that compliance efforts are targeted to incidences where they are needed.

I move now to an issue raised by the member for Bankstown and the member for Balmain in relation to changes that will allow a court or tribunal to order that commissions and expenses be recoverable by a licensee, despite a failure to comply with the requirements of the regulations relating to the content of an agency agreement. It would be an exhausting and incomplete process to attempt to prescriptively list the hundreds of possible minor breaches of many forms of agency agreements that, depending on various circumstances, could be considered to be minor. As such, courts and tribunals are the appropriate forums to decide the nature of a minor breach. Furthermore, the Government has provided a strict safeguard for consumers: The breach must be inconsequential and must not have caused any consumer detriment.

I thank the members for Bankstown, Riverstone, Balmain, Myall Lakes, Rockdale, Newcastle, Camden, Granville, Smithfield, Swansea, Tweed, Cronulla, Campbelltown, Clarence, Murray-Darling, Albury, Menai, Tamworth and Toongabbie for their contributions to this debate. I particularly acknowledge and pay tribute to the Real Estate Institute of New South Wales, the Australian Livestock and Property Agents Association, the Australian Resident Accommodation Managers Association, the Estate Agent's Co-operative Limited, and the Institute of Chartered Accountants in Australia. I take this opportunity to express my gratitude to Madeleine Boulton, John Vernon, Sebastian Mignacca and Michael Chan from NSW Fair Trading as well as Adrian Pryke, Tim Potter and Alex Clark from my office for their efforts in preparing this bill. 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 Anthony Roberts 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.**

**CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2012****Second Reading****Debate resumed from 22 November 2012.**

**Mr NATHAN REES** (Toongabbie) [4.20 p.m.]: In the absence of the member for Liverpool, I lead for the Opposition on the Civil and Administrative Tribunal Bill 2012. The Opposition does not oppose the bill. This bill establishes the Civil and Administrative Tribunal of New South Wales, which I will subsequently refer to as NCAT. NCAT incorporates a range of currently existing tribunals. These include the Administrative Decisions Tribunal, the Consumer Trader and Tenancy Tribunal, the Guardianship Tribunal, the Local Government Pecuniary Interest and Disciplinary Tribunal, the Aboriginal Land Council, Pecuniary Interest and Disciplinary Tribunal, the Charity Referees Dealing With Dormant Funds Tribunal, and, under section 165A, the Health Practitioner Regulation National Law and land boards under the Crown Lands Act. This legislation abolishes these tribunals and transfers their functions to NCAT. This is only a first step in legislation and obviously a great deal more will be necessary if NCAT is to become a reality. Section 7 provides that establishment day for NCAT—its proposed commencement—is 1 January 2014. This may be delayed by way of proclamation.

The tribunal will consist of a president, deputy presidents, principal members, senior members and general members. There is a distinction between presidential members, non-presidential members, term members and occasional members. The president must be a judge of the Supreme Court. A deputy president must be an Australian lawyer of seven years standing or a judicial office holder. Principal and senior members must be lawyers of seven years standing or have special knowledge, skill or expertise. General members have to have special knowledge, skill or expertise, or have a representative function. The legislation establishes NCAT with five divisions: Administrative and Equal Opportunity Division, Consumer and Commercial Division, Occupational and Regulatory Division, Guardianship Division and the Victims Support Division. This follows obviously from the identity of the tribunals whose functions have been transferred to NCAT. The bill also provides for a registrar, deputy registrar and other staff in a rule committee, practice notes and so forth and for a regulation-making power. The schedules provide further details of this structure.

As has been noted frequently, the consolidation of tribunals has a lengthy history. The first real steps in this jurisdiction in this area were contained in the Administrative Decisions Tribunal Act 1997. This legislation established the Administrative Decisions Tribunal known universally as the ADT. This in turn had a significant history—the 1973 New South Wales Law Reform Commission report entitled "Rights of Appeal from Decisions of Administrative Tribunals and Officers". This was supported by various reports by Dr Peter Wilenski. A discussion paper was released in 1989 by the then Attorney General's Department. It had to wait until the election of the Labor Government in 1995 for the Administrative Decisions Tribunal to be established. The bill was introduced to Parliament on 29 May 1997. It received royal assent on 10 July 1997 and commenced operations on 6 October 1998. There has been some rhetoric by the Government that nothing has happened since then. That, of course, is inaccurate.

The Community Services Division of the Administrative Decisions Tribunal commenced on 1 January 1999 adding to the Administrative Decisions Tribunal jurisdiction, to be followed by the Retail Leases Division on 1 March 1999 and by this Revenue Division on 1 July 2001. These explanations of the Administrative Decisions Tribunal jurisdiction are now being followed by this bill. In the meantime, of course, a review of the Administrative Decisions Tribunal was carried out pursuant to section 146 of the Administrative Decisions Tribunal Act. That review was carried out by what was then called the Committee on the Office of the Ombudsman and the Police Integrity Commission. That committee was chaired by the member for Liverpool and delivered its final report in November 2002. The first of the recommendations of that committee report was as follows:

Legislation should be brought forward to merge separate tribunals with the ADT, unless there are clear reasons why such inclusion would be inappropriate or impractical, with particular consideration being given to merging all professional disciplinary tribunals with the ADT as part of a separate professional disciplinary division.

Other recommendations were also made to attempt to provide a structure to allow further areas to be included within the ADT structure. This bill takes a different strategy to the committee review by proposing an entirely different tribunal rather than incrementally increasing the ADT's jurisdiction. The end result is much the same in general terms. One point over which both approaches agree is to not include the jurisdiction of the Industrial Relations Commission in the new tribunal. My colleague the Hon. Adam Searle, the shadow Minister for

Industrial Relations in the other place, will no doubt have more to say on that when the bill reaches the upper House. Ideally this bill should be part of a suite of measures to standardise procedures and make justice more accessible. The 2005 Civil Procedure Act is part of that suite of measures, doing in the existing civil courts a form of the standardisation that this bill achieves for tribunals.

One element that is so far missing is the legislation for the judicial review of administrative action. There was Commonwealth legislation in 1977, and there have been subsequent developments in other Australian jurisdictions, but nothing so far from New South Wales. Another missing piece of the puzzle is whether NCAT will be further expanded. The parliamentary committee report to which I referred earlier gave an outline of how to review the jurisdiction of an expanded tribunal and, if appropriate, increase it. That is currently lacking in this space. If the Government is serious about accessibility to justice it needs to be a lot more serious about pre-action protocols. So far, all we have had is a repeal of the legislation. In supporting the bill I also place on the record my appreciation to the member for Liverpool for his copious contemporary notes and background material.

**Mr MARK SPEAKMAN** (Cronulla) [4.26 p.m.]: I support the Civil and Administrative Tribunal Bill 2012. The bill will establish the Civil and Administrative Tribunal of New South Wales, which will be known as NCAT. Fifteen years ago the Administrative Decisions Tribunal Act passed through Parliament with bipartisan support. It was Parliament's intention that that tribunal be the first step in reducing a large number of tribunals in New South Wales. Fifteen years later New South Wales still had an ad hoc tribunal system notwithstanding that in that period some other States and Territories had moved towards reforming their tribunal system. The Legislative Council's Standing Committee on Law and Justice published its report in March 2012, finding that stakeholders had described the current tribunal system as complex and bewildering. The committee recommended that to reduce that complexity the Government pursue the establishment of a new tribunal that would consolidate the existing tribunals where it is appropriate and promote access to justice.

The Civil and Administrative Tribunal Bill 2012 establishes that tribunal. When the Civil and Administrative Tribunal is established it will replace each of the following tribunals: the Aboriginal Land Council Pecuniary Interests and Discipline Tribunal; the Administrative Decisions Tribunal; the Charity Referees; the Consumer Trader and Tenancy Tribunal; the Guardianship Tribunal. A plethora of tribunals are established under the Health Practitioner Regulation National Law in New South Wales, namely the Aboriginal and Torres Strait Islander Health Practice Tribunal; the Chinese Medicine Tribunal; the Chiropractic Tribunal; the Dental Tribunal; the Medical Radiation Practice Tribunal; the Medical Tribunal; the Nursing and Midwifery Tribunal; the Occupational Therapy Tribunal; the Optometry Tribunal; the Osteopathy Tribunal; the Pharmacy Tribunal; the Physiotherapy Tribunal; the Podiatry Tribunal and the Psychology Tribunal.

The Civil and Administrative Tribunal will also replace the Local Government Pecuniary Interest and Disciplinary Tribunal; various local land boards that are constituted under the Crown Lands Act 1909, and the Victims Compensation Tribunal. The bill establishing the Civil and Administrative Tribunal is the first stage in the process of abolishing existing tribunals and transferring their practice to Civil and Administrative Tribunal. This bill focuses on Civil and Administrative Tribunal establishment. Substantive functions will be conferred on Civil and Administrative Tribunal in the second stage of the process abolishing the existing tribunals. That second stage in the process of abolishing existing tribunals will involve enacting legislation to amend the Act to include additional provisions concerning the constitution and functions of the Civil and Administrative Tribunal, and to repeal and amend certain other Acts and statutory rules so as to transfer jurisdiction from existing tribunals to the Civil and Administrative Tribunal of New South Wales.

The bill will deliver significant benefits for the people of New South Wales in accessibility to justice with greater efficiency and accountability. The Civil and Administrative Tribunal of New South Wales will be a one-stop shop. It will be a single gateway for tribunal services with a single website and phone number. People will not have to think about which tribunal to approach as in most cases it will be the Civil and Administrative Tribunal. The tribunal will publish simple and easy-to-understand information in various community languages, will have a broad geographic reach and will have consistent client service standards. Users will know that they can expect a high customer service level when they contact the Civil and Administrative Tribunal. Common branding will provide greater certainty for users. The second advantage of the tribunal is greater efficiency.

The existing tribunal network is confusing and inefficient in many areas. For example, presently each tribunal has its own facilities and administrative structure, leading to unnecessary duplication. The Civil and Administrative Tribunal will address some of these inefficiencies and make better use of staff and members. It will share information technology resources and coordinate training initiatives for members. The third

advantage is accountability. The Civil and Administrative Tribunal will be accountable, independent and transparent, and will enhance public confidence in the tribunal system. The tribunal will bring together a wide range of highly skilled and experienced members and staff within a collaborative environment in which they will be encouraged to share their expertise.

One current problem with the plethora of small tribunals is the disconnect between different members of the different tribunals. The Civil and Administrative Tribunal should enable tribunals to discover new opportunities and to interact with their colleagues to benefit from being part of a larger membership structure while at the same time not losing their specialist expertise. The Government is conscious of preserving the specialist expertise of our current tribunals. When a member is appointed to the Civil and Administrative Tribunal, he or she will not automatically sit on any matter that comes before the tribunal. Members will be able to sit only on particular matters, if qualified to do so. Those qualification requirements will be set during consultation with stakeholders.

The Civil and Administrative Tribunal will have a number of divisions, as set out in division 2 of part 2 of the new Act. The functions of the Civil and Administrative Tribunal will be allocated and exercised by an Administrative and Equal Opportunity Division, a Consumer and Commercial Division, an Occupational and Regulatory Division, a Guardianship Division and a Victims Support Division. The Administrative and Equal Opportunity Division eventually will be responsible for exercising certain functions of the Civil and Administrative Tribunal transferred from the Administrative Decisions Tribunal, including functions relating to the review of administrative decisions and equal opportunity matters, such as matters arising under anti-discrimination or community welfare legislation. The Consumer and Commercial Division eventually will be responsible for exercising certain Civil and Administrative Tribunal functions transferred from the Consumer, Trader and Tenancy Tribunal.

The Occupational and Regulatory Division of the Civil and Administrative Tribunal will be responsible eventually for exercising certain functions of the tribunal transferred from various existing tribunals concerning the regulation of professions and occupations, including legal and health practitioners. The Guardianship Division will be responsible eventually for the exercise of certain functions transferred from the Guardianship Tribunal. The Victims Support Division of the Civil and Administrative Tribunal eventually will be responsible for exercising certain functions transferred from the Victims Compensation Tribunal. The structure of the Civil and Administrative Tribunal will provide each division with flexibility to tailor services to meet the needs of particular user groups. There will not be a one-size-fits-all approach. There will be preservation of professional representation on panels and community members will continue to play an important role in assisting tribunals to achieve fair and just outcomes.

The bill also will establish a governance network for the tribunal comprising five categories of members: president, deputy president, principal member, senior member and general member. The president will be a Supreme Court judge. This will ensure that the Civil and Administrative Tribunal is independent and free from the direct control of the Executive. This is an important step in improving accessibility to justice, in conferring greater efficiency on our tribunal processes, and in preserving independence and specialist expertise while at the same time allowing cross-fertilisation of ideas and resources between different specialist members of an overall tribunal. It is an important step in improving the administration of justice in New South Wales. I commend the bill to the House.

**Mr RON HOENIG** (Heffron) [4.35 p.m.]: I support the Civil and Administrative Tribunal Bill 2012. Merging a plethora of tribunals into one is a good concept and should be supported. However, its function and effectiveness will depend on enacting a variety of other pieces of legislation. Although the proposed concept is good, the difficulty will occur in its implementation. I urge the Government in establishing this organisation to guard against creating a mega bureaucracy with this tribunal. I speak from experience over the past 25 to 30 years, or longer. Two examples come from the Attorney General's portfolio. The establishment of the Legal Aid Commission resulted in a mega bureaucracy of personnel, payroll et cetera that could have been operated easily from within the Attorney General's Department, which in fact occurred when the Public Solicitor's Office operated legal aid services.

The Office of the Director of Public Prosecutions was created under the Director of Public Prosecutions Act and the first Director of Public Prosecutions, Reg Blanch, created a mega bureaucracy within the office. Personnel and payroll functions, and every other bureaucratic excuse as part of empire building occurred as the office moved away from the Attorney General's Department. If we go back even further, we will see that mega bureaucracy occurred with the abolition of the Office of the Clerk of the Peace. Members may remember that

the Clerk of the Peace used to list all criminal trials in this State. The member for Cronulla might be too young to remember, from the bowels of King Street Court. Every single trial was allocated by a handful of people. As soon as an independent registry was created—something I supported—throughout the New South Wales court system we created mega bureaucracies that have cost millions of dollars.

We must guard against the creation of mega bureaucracies, especially when considering the costs of legal aid, court functions and the operation of the Office of the Director of Public Prosecutions. This fits more within the psyche of the Government than it does with the Opposition. I assure the House that the money is being sucked from bureaucracies created by Executive governments to establish these organisations. When the bureaucracies suck the money out of the function, the affordable access to justice, which this legislation seeks to create, ends up not occurring as Treasury tries to suck money back from the services. Bureaucracy always succeeds before the service because it is the master of getting the money and resisting paying. Ultimately, successive governments end up coughing up the services rather than the bureaucrats.

The other issue I asked the Government and the Attorney General to consider carefully was utilising this tribunal to plug the gaps that currently exist, in particular, the gap that exists between the small claims tribunal of the Local Court, which is a relatively cheap way of accessing justice, and the Fair Trading tribunal. If we do not plug that gap people will slip through it. For example, a pensioner might have had a major problem with a council where damage had occurred—and I will not mention names—and that council granted an approval wrongfully for a two- or three-storey building next to the pensioner's premises which left those premises in darkness. Even though it was effectively conceded that council was negligent in granting the approval, the only remedy the pensioner, my constituent, had was to install skylights. The cost of \$12,000 to \$13,000 to install skylights to provide lighting was beyond my constituent's resources. This matter fell outside the jurisdiction of the small claims tribunal and outside the jurisdiction of the Fair Trading tribunal. It fell through the cracks.

If this Parliament is to establish a tribunal that looks after consumers, protects people and gives them affordable access to justice one of the things the Government should consider is abolishing the small claims tribunal of the Local Court, extending the jurisdiction of the Fair Trading tribunal and placing it under the Civil and Administrative Tribunal of New South Wales. The Attorney General's Department has the ability to make that assessment and effectively create a way in which many types of litigation could be resolved. A farmer whose insurance does not pay when something terrible happens will have a tribunal accessible to him or her without having to go to solicitors, barristers, senior counsel or the Supreme Court to engage in litigation. It is a terrific way in which access can be provided to tribunals that do not allow legal representation but that affect the rights of individuals. I do not suggest that matters should be determined by experts; they should be determined by judicial officers. Provision has been made for the appointment of people who are judicial officers. In that way people will not slip through the cracks.

Earlier the member for Toongabbie mentioned that this tribunal is a great opportunity to provide for the judicial review of administrative decisions. When a citizen needs to effect a review he or she has to instruct solicitors and barristers and go to the administrative list of the Common Law Division in the Supreme Court. The cost of proceeding at that level is enormous. I cannot stress strongly enough that providing simple and not vexatious judicial review of administrative decisions is a terrific way to bring bureaucratic decisions to account. Many of the citizens in this State are affected by administrative decisions that are not high order decisions made by Ministers relating to immigration and things of that nature, but middle management bureaucratic decisions that they seek to have reviewed.

They can go to the Ombudsman but he can do no more than to say that the department was naughty and write a report to the Parliament that nobody reads unless a journalist finds it in the index. What else can those citizens do? They can go to their local member who will write to the Minister who will then send the matter to the department. The department, which made the mistake, then drafts a letter that the Minister signs and it goes to the local member. Unless we can get the Minister in the right frame of mind to say that this is a real problem—I concede that there are as many Ministers in this Government as there were in the former Government who are prepared to do that—there is a limit to the number of minor issues at which they can look.

No doubt the Attorney General's department has been considering the matter for decades but there has been resistance because bureaucrats do not like independent reviews. Middle management, Ministers and elected people do not particularly care about minor matters; it is a method to protect citizens. This is an opportunity for a judicial review of administrative decisions. I urge the Government, as it starts considering the enabling legislation, to ensure that it forms part of the Civil and Administrative Tribunal Bill 2012.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.44 p.m.]: I speak in support of the Civil and Administrative Tribunal Bill 2012 and congratulate the Minister on introducing legislation that is long overdue. As the member for Heffron said, what happened over the past 16 years was a build-up of mega bureaucracies that sucked the money out of front-line services. Billions of dollars that were sucked from the front line have gone into bureaucracies. That was seen in every government department which is why this Government is introducing measures across the board, in all government departments, and looking at transferring money out of those mega bureaucracies and back to the front line. Those measures have produced over 3,000 new nurses and new schoolteachers. One of the purposes of the bill is to streamline the tribunal processes and to rationalise resources so that the money can stay on the front line.

In October 2011 the Treasurer, and Minister for Industrial Relations referred an inquiry to the Legislative Council Standing Committee on Law and Justice to consider opportunities to consolidate tribunals in New South Wales. The committee published its final report in March 2012. The report found that stakeholders described the current tribunal system as complex and bewildering. Over the years I have spoken to many lawyers who have practised in the tribunal area and who have found it bewildering and complex. An example that I am sure the member for Heffron would have experienced is going to a tribunal one day when the rules of evidence did not apply, and then going to the same tribunal with a similar matter, with the same person on the bench when the rules of evidence did apply. It depended on what a particular referee thought should apply in a particular case which made it complex and bewildering for everybody practising in that system.

To reduce this complexity the committee recommended that the Government pursue the establishment of the new tribunal to consolidate existing tribunals, where appropriate, to promote access to justice. This bill is the first stage in the process of abolishing the existing tribunals and transferring their functions to the Civil and Administrative Tribunal of New South Wales [NCAT]. The principal focus of this bill is to provide for the establishment of the Civil and Administrative Tribunal. Substantive functions will be conferred on the Civil and Administrative Tribunal in the second stage in the process of abolishing existing tribunals. The second stage in the process of abolishing existing tribunals, which will occur in 2013, will involve the enactment of legislation to amend the proposed Act to add additional provisions concerning the constitution and functions of the Civil and Administrative Tribunal.

The bill provides for the Civil and Administrative Tribunal to be established on 1 January 2014 or, if required, on a later date appointed by proclamation of the Governor. The bill includes provisions that will enable the president of the Civil and Administrative Tribunal and other members to be appointed in anticipation of the establishment of the Civil and Administrative Tribunal. The president, when appointed, will have the function of facilitating the establishment of the Civil and Administrative Tribunal. The bill also will enable the committee to be constituted and to exercise its functions before the establishment of the Civil and Administrative Tribunal to develop tribunal rules. This bill is the first stage of the process of transferring existing tribunals to the Civil and Administrative Tribunal. It is a framework document that contains certain provisions that are necessary to facilitate the establishment of the tribunal.

The purpose of the bill is to establish the governance framework of the Civil and Administrative Tribunal of New South Wales [NCAT] and to facilitate the commencement of preparatory work required to ensure the tribunal opens for business by January 2014. The bill provides for the Civil and Administrative Tribunal to be established on 1 January 2014. It establishes the tribunal's divisional structure and enables the president and others to be appointed prior to 1 January 2014 in order to enable work to commence developing practice notes and rules. It contains transitional provisions to provide for the abolition of tribunals that will be consolidated and to transfer current members of the Civil and Administrative Tribunal on 1 January 2014.

The object of the bill is to establish the new tribunal, the Civil and Administrative Tribunal of New South Wales, to replace various existing tribunals and to provide for its membership and functions. On its establishment the Civil and Administrative Tribunal is to replace major tribunals including the Administrative Decisions Tribunal, the Consumer, Trader and Tenancy Tribunal, the Guardianship Tribunal and each of the tribunals established under section 165 of the Health Practitioners Regulation National Law, New South Wales. The Civil and Administrative Tribunal also will replace a number of other lesser known tribunals, including the Victims Compensation Tribunal, the Local Government Pecuniary Interest and Disciplinary Tribunal and each local land board constituted under the Crown Lands Act 1989.

Division 1 provides for the establishment of the Civil and Administrative Tribunal and its membership. The tribunal will be established on 1 January 2014 or, if required, on a later date appointed by proclamation by the Governor. The division permits a president and other members of the tribunal, including division heads, to

be appointed before the establishment day to facilitate the process of establishing the tribunal. Provision also is made for the rule committee of the Civil and Administrative Tribunal to be constituted before the establishment day to make tribunal rules in anticipation of the establishment of the tribunal. The Civil and Administrative Tribunal will consist of the following members—the president, who must be a judge of the Supreme Court, deputy presidents, principal members, senior members and general members. It is common sense to establish these things now. It will take time to ensure that all the rules, practice guidelines and other things are in place ready for the transfer of the tribunals so that members and practitioners in those areas understand the rules, guidelines and practice directions.

Members other than acting members will be appointed either as term members or as occasional members. A term member is a member who is appointed for a term. The president will be required to be appointed as a term member, as will each division head for the divisions of the tribunal. A term member may be appointed on a full-time or part-time basis. The president will be appointed on a full-time basis. An occasional member is one who has been appointed to be a member for the purposes of specified proceedings before the Civil and Administrative Tribunal. The appointment is on a full-time basis. Indeed, it is already common practice with many tribunals for people to be brought in for particular proceedings.

Division 2 provides that the functions of the Civil and Administrative Tribunal are to be allocated and exercised in the following divisions of the tribunal: the Administrative and Equal Opportunity Division, the Consumer and Commercial Division, the Occupational and Regulatory Division, the Guardianship Division and the Victims Support Division. Division 2 also provides the assignment of members to these divisions and recognises that each division of the tribunal will have a division schedule. The division schedule for a division of the tribunal is the schedule to the proposed Act that provides for the composition and functions of that division.

The provisions of the divisions schedule for a division of the tribunal prevail to the extent of any inconsistency between those provisions and any other provisions of the proposed Act. A division head will be appointed for each division of the tribunal. The principal function of the division head of a division of the tribunal will be to direct the business of the tribunal in that division. Once again this happens already in the Supreme Court in tribunals but the beauty of this legislation is that it brings together all the different empires, streamlining the procedures and making it more cost effective for people to seek justice in New South Wales. I congratulate the Attorney General and commend the bill to the House.

**Mr NICK LALICH** (Cabramatta) [4.54 p.m.]: I speak in debate on the Civil and Administrative Tribunal Bill 2012 which has as its aim to establish the Civil and Administrative Tribunal of New South Wales, which will have jurisdiction over and consolidate a number of tribunal bodies, including the Aboriginal Land Council's Pecuniary Interest and Disciplinary Tribunal, the Administrative Decisions Tribunal of New South Wales, the Charity Referees, the Consumer, Trader and Tenancy Tribunal of New South Wales, and the Guardianship Tribunal.

Each of the following tribunals were established under various Health Practitioner Regulation National Law (NSW)—the Aboriginal and Torres Strait Islander Health Practice Tribunal of New South Wales, the Chinese Medicine Tribunal of New South Wales, the Chiropractic Tribunal of New South Wales, the Dental Tribunal of New South Wales, the Medical Radiation Practice Tribunal of New South Wales, the Medical Tribunal of New South Wales, the Nursing and Midwifery Tribunal of New South Wales, the Occupational Therapy Tribunal of New South Wales, the Optometry Tribunal of New South Wales, the Osteopathy Tribunal of New South Wales, the Pharmacy Tribunal of New South Wales, the Physiotherapy Tribunal of New South Wales, the Podiatry Tribunal of New South Wales, the Psychology Tribunal of New South Wales, the Local Government Pecuniary Interest and Disciplinary Tribunal and the Victims Compensation Tribunal.

The consolidation of the aforementioned bodies will allow for a solid foundation to be laid and a ground up rebuild to commence. This will grant citizens increased access to justice with a simpler, more uniform process across the board. Changes to the Civil and Administrative Tribunal will mean the tribunals will be able to operate with transparency, greater efficiency and with an easier-to-understand approach that the average citizen can understand. It is the aim that the Civil and Administrative Tribunal be established on 1 January 2014 and for it to work as a one-stop-shop for almost every tribunal service.

The object of this consolidation is to provide an efficient, flexible, cost-effective and easy to understand point of access for those who require assistance to resolve disputes or to review any executive actions. The amalgamation of the aforementioned bodies also will allow for significant cost-saving measures to be

introduced as there will no longer be the need to manage and maintain a large number of separate offices. This may be done via the combination of a number of tribunal offices, granting them the ability to work together out of the same location. There will be five divisions to the Civil and Administrative Tribunal consisting of the Administrative and Equal Opportunity Division, the Consumer and Commercial Division, the Occupational and Regulatory Division, the Guardianship Division and the Victims Support Division.

Each respective division will be empowered to have the flexibility to shape its services to meet the needs of those who use them. The Civil and Administrative Tribunal will consist of the following members: the president, who must be a judge of the Supreme Court, deputy presidents, principal members, senior members and general members. Members of the board will be appointed either as a term member or as an occasional member. Additionally, members will only be allowed to panel a case in which they have the appropriate expertise, thus ensuring that no misinformed or impractical decisions will be made by members overseeing any particular case. The amalgamation of the aforementioned bodies may help to reduce redundancies, save on costs, increase efficiency and reduce overall confusion for those who require the services of a tribunal which at times may be very perplexing, complex and cumbersome. The Opposition does not oppose the bill.

**Mr JONATHAN O'DEA** (Davidson) [4.58 p.m.]: I speak in debate on the Civil and Administrative Tribunal Bill 2012. As has been stated, the overview or object of the bill is to establish the Civil and Administrative Tribunal of New South Wales [NCAT] to replace various existing tribunals and to provide for its membership and functions. Before making further comments I will respond to a couple of comments made by members of the Opposition. The member for Toongabbie attempted to refute a justified allegation by the Attorney General in his second reading speech that there had been a period of substantial inaction. The member for Toongabbie referred to some tribunals that had been rationalised further in 1999 and 2001. But by any reckoning, and by his own admission, or omission, there was a decade of inaction under Labor when nothing was done. So it has fallen to the new Government to pick up the mantle which, to his credit, former Attorney General Jeff Shaw initiated.

The former Attorney General recognised and described the proliferation of tribunals in New South Wales as being "inequitable for litigants" and "an inefficient application of resources". Certainly, Parliament intended at the time—back some 16 years ago now—that the Administrative Decisions Tribunal would be the first step in reducing the large number of tribunals in New South Wales. So while there were incremental improvements in some of the early years following the introduction of the Administrative Decisions Tribunal, there was a period of at least a decade of inaction.

The comments of the member for Heffron and the member for Cabramatta in welcoming the bill were refreshing. I thought that the comments of the member for Heffron were constructive, and his warnings about the development of a mega bureaucracy were insightful and wise. I am sure they will be taken on board by a government that is all too familiar with waste and mismanagement after seeing it while on the opposition benches for some 16 years. The comments of the member for Heffron will be taken on board. Obviously, the driver behind this bill is very much on introducing a system that is more accessible, more efficient and more accountable. I will come back to those three key deliverables a little later.

I will not talk about the structural rearrangements because they have been adequately covered by a number of speakers. The bill sets out very well its operations and the structural rearrangements that will occur pursuant to the passage of the legislation. The standing committee that was referred to earlier conducted a thorough inquiry and received 88 public submissions. The committee held three public hearings and spoke to representatives from consolidated tribunals in a number of other jurisdictions—jurisdictions where there has been more progress over the past decade or 12 years. In its final report in March 2012 the standing committee found that "stakeholders describe the current tribunal system as complex and bewildering". Obviously to reduce that complexity and the level of bewilderment, the committee recommended that the Government pursue the establishment of a new tribunal—which is the aim of this bill—to consolidate existing tribunals where it is appropriate and to promote access to justice.

Let us look briefly at the words "complex" and "bewildering"—words that we have become more accustomed to hearing in association with former Labor members appearing before the Independent Commission Against Corruption. In the middle of 2010 I remember hearing the former Labor member for Penrith use the phrase "I am bewildered" no fewer than 10 times when responding to counsel assisting the Independent Commission Against Corruption. Certainly she was bewildered, and we are all a bit bewildered at some of the current matters before the Independent Commission Against Corruption, but I will move from



"bewilderment" to "complexity". Again that is a word that, among some other less kind words, could be used to describe the network of financial transactions and web of patronage being uncovered in association with the Obeid family appearances before the Independent Commission Against Corruption.

[Interruption]

Members can defend Mr Obeid if they wish but a complex web of intrigue appears to be unravelling before the ICAC. One could say that the overall machinations and malfunctions of Labor's last floundering, treacherous years in power were so complex and bewildering that Frank Sartor even named his book *The Fog on the Hill: How New South Wales Labor Lost Its Way*. However, in the context of this bill, "complex" and "bewildering" are words that have been used repeatedly to describe the current New South Wales tribunal system. It is therefore unsurprising that late last year the president of the Administrative Decisions Tribunal, Judge Kevin O'Connor, AM, welcomed the integration of tribunals, saying that it would strengthen their professionalism and their versatility.

The final area about which I want to speak is how the establishment of this new tribunal and the reform under this bill and the associated legislation that will follow will result in a more effective and efficient system that will deliver better public outcomes. That is what we should focus on. I note that in his November 2012 second reading speech the Attorney General acknowledged that tribunals perform an invaluable role within the justice system, providing timely, efficient and flexible points of access for citizens seeking to resolve disputes or to have a review of executive action. Of their nature they are generally cheaper, faster and less formal than court proceedings. But the ad hoc nature of our current tribunal system creates inefficiencies: there are separate facilities, separate administrative structures and duplication. Wherever possible there should be a one-stop shop with independent, transparent, accountable and efficient service that places customers at the centre of service design. So there will be a single contact point—one website and one phone number—and people will not be as confused. There will be consistent client service standards and there will be facilities to reach out to culturally and linguistically diverse communities.

Those three key deliverables of accessibility, efficiency and accountability will be delivered. In closing, I will refer briefly to each of those three deliverables. Under accessibility there will be greater visibility; increased access to the community with a single contact point—as I said, one website and one phone number; greater access to rural and regional locations; equitable access for culturally and linguistically diverse people; reduced red tape for businesses and individuals when accessing tribunals; consistent client service standards; and certainty for users through enhanced quality of decision making. Under the broad heading of "efficiency" we will see economies of scale creating efficiencies, integrated back-end services and bulk ordering.

There will be common platforms, processes and infrastructure with coordinated training initiatives and shared technology resources. There will be common branding of websites and other publicity, and better use of human resources and consistency of appointments and conditions. Under the broad heading of "accountability" we will have improved decision-making through consistent, professional development and training opportunities with an improved transparency and consistency of processes; greater independence from government, reducing the potential perception of conflicts of interest; enhanced public confidence; consistent appeal rights and processes; training and professional development opportunities for members and staff; promotion of a collegiate culture; and improved resources for data collection. I commend the bill to the House and congratulate the Attorney General on taking real action.

**Mr GUY ZANGARI** (Fairfield) [5.09 p.m.]: I advise the member for Davidson to stick faithfully to the script in future. The Civil and Administrative Tribunal Bill 2012 seeks to merge a number of existing New South Wales tribunals to create the Civil and Administrative Tribunal of New South Wales. It is intended to be an overarching body that will see the current system of discrete tribunal bodies abolished and their functions eventually transferred to the Civil and Administrative Tribunal. The instrument has identified a comprehensive set of tribunal bodies covering a large scope of government functions and administration.

They include: the Aboriginal Land Council's Pecuniary Interest and Disciplinary Tribunal, established under the Aboriginal Land Rights Act 1983; the Administrative Decisions Tribunal of New South Wales, established under the Administrative Decisions Tribunal Act 1997; the Charity Referees as stipulated by section 5 of the Dormant Funds Act 1942; the Consumer, Trader and Tenancy Tribunal of New South Wales, established under the Consumer, Trader and Tenancy Tribunal Act 2001; the Guardianship Tribunal, constituted under the Guardianship Act 1987; the Local Government Pecuniary Interest and Disciplinary Tribunal, established under the Local Government Act 1993; and the Victims Compensation Tribunal, constituted under the Victims Support and Rehabilitation Act 1996.

It also includes a series of New South Wales tribunals created under section 165 of the Health Practitioner Regulation National Law (NSW). These include: the Aboriginal and Torres Strait Islander Health Practice Tribunal, the Chinese Medicine Tribunal, the Chiropractic Tribunal, the Dental Tribunal, the Medical Radiation Practice Tribunal, the Medical Tribunal, the Nursing and Midwifery Tribunal, the Occupational Therapy Tribunal, the Osteopathy Tribunal, the Pharmacy Tribunal, and the Psychology Tribunal. Finally, local land boards constituted under the Crown Lands Act 1989 will come under the jurisdiction of the proposed Civil and Administrative Tribunal.

According to proposed section 16 (1), the responsibility of each of the tribunal bodies I have mentioned will be transferred to one of the following five divisions: the Administrative and Equal Opportunity Division, the Consumer and Commercial Division, the Occupational and Commercial Division, the Guardianship Division, or the Victims Support Division. All those divisions will fall under the umbrella of the Civil and Administrative Tribunal. It is evident from the list of jurisdictions that this instrument intends to confer upon the proposed tribunal that the effect of this reform on the administrative and legal system in this State will be profound. Not only does the reform place under one umbrella specialist areas such as health-based tribunal bodies found in section 165 of the Health Practitioner Regulation National Law (NSW), but also it will see larger consumer-based and more general tribunal bodies, such as the Consumer, Trader and Tenancy Tribunal and the Administrative Decisions Tribunal, placed under the same umbrella.

Whilst I note that proposed section 13 makes provisions to ensure that the members of the tribunal have "knowledge, skill or expertise" in relation to the class of matter over which the tribunal has jurisdiction, it is important to have regard not only to benchmarks of efficiency but also to the quality of justice and rights of review afforded to the community by the current tribunal system adopted in New South Wales. Tribunals are a popular avenue of recourse to members of the community because they afford a means of review that is relatively inexpensive and flexible compared with taking a matter to court.

During his second reading speech the Attorney General, Greg Smith, was at pains to describe the benefits of this reform to the community and said that it will deliver better value for money and a more consistent user experience. It would be misdirected if the Government concentrated its effort in this legislation only on a desire to achieve economies of scale. The purpose of review of the tribunal system must be to ensure greater access to justice by the New South Wales public. Although I give my support to this bill, I also note that the support is not overarching. There are details relating to the functioning of the tribunal that the Government is yet to outline. Again, I note that in his second reading speech the Attorney General acknowledged that a significant amount of work will need to be done before the tribunal becomes operational. I commend the bill to the House.

**Mr GARRY EDWARDS** (Swansea) [5.14 p.m.]: I acknowledge those opposite for the second time today because they have recognised the significance of this legislation and will not oppose it. The Civil and Administrative Tribunal Bill 2012 is the conduit for significant reform of the tribunal system in this State. Once again it demonstrates the Government's commitment to instituting and administering efficient judicial services and justice for the people of New South Wales. The Legislative Council Standing Committee on Law and Justice conducted a comprehensive inquiry into this State's tribunal system to determine whether widespread reforms were needed. The committee received 88 public submissions, held three public hearings and spoke to representatives from consolidated tribunals in other States and Territories. In the committee's final report, which was released in March 2012, it found that the current tribunal system was bewildering in its complexity and recommendations were made subsequently to consolidate existing tribunals into a newly established tribunal.

This bill will establish the Civil and Administrative Tribunal of New South Wales, which will be known as NCAT. The Government has identified 23 tribunals and/or other bodies that will join the tribunal. These bodies include the Consumer, Trader and Tenancy Tribunal, the Administrative Decisions Tribunal, and the Guardianship Tribunal. The establishment of the Civil and Administrative Tribunal is part of the Government's commitment to improving the quality and transparency of judicial services and it will offer a broad range of benefits to our citizens. The new tribunal will provide people with a single gateway for tribunal services. The tribunal will have a single website and phone number and consistent branding. It will enhance the decision-making of people seeking judicial services due to the fact that it will most likely be the only tribunal people will need to approach. The consolidation of current tribunals will ensure that duplication is minimised in the administrative structure of tribunals and that staff members can work more efficiently to provide higher levels of client service.

In addition, the bill provides for the tribunal to be established on 1 January 2014 and to establish its divisional structure and enable members of the tribunal to be appointed prior to the establishment date. The bill

provides that the president of the tribunal be a Supreme Court judge. The size of the tribunal will require the Government to undertake the development of the framework in stages, with this bill being the first stage. This bill establishes five divisions of the Civil and Administrative Tribunal: Consumer and Commercial, Administrative and Equal Opportunity, Occupational and Regulatory, Guardianship, and Victims Support. The structure of the tribunal will provide each division with flexibility to meet the needs of user groups rather than a one-size-fits-all approach.

The Government will undertake extensive consultation with tribunal members, administrators, user groups and professional associations to draw upon the expertise and knowledge available to ensure that the tribunal is established and administered successfully. The Government will also seek further valuable advice from consolidated tribunals in other States and Territories to determine the governance framework required to administer an effective consolidated tribunal in New South Wales. The spirit of cooperation and collaboration will bring together a significant pool of talent that currently exists in our tribunal and allow the transition to take place successfully. The Civil and Administrative Tribunal members and staff will benefit also from consistent training and professional development opportunities to enhance their capacity to serve as citizens of this State.

The Government has established a steering committee to invite stakeholders to form a reference group, which will provide a forum for stakeholders to voice their concerns regarding the Civil and Administrative Tribunal and allow for its procedures to be refined. The bill will establish a tribunal that will be accountable and independent in its processes. It will enhance public confidence in our system by delivering fair and transparent outcomes. I am proud to support these important reforms. I commend the bill to the House.

**Ms TANIA MIHAILUK** (Bankstown) [5.20 p.m.]: I join in debate on the Civil and Administrative Tribunal Bill 2012 and state at the outset that the Opposition will not oppose the bill. The bill, when enacted, will authorise the first stage in a process of abolishing existing tribunals and transferring their functions to the Civil and Administrative Tribunal of New South Wales, or NCAT. The second stage, which I assume will be the subject of legislation introduced later in the year, will involve repealing or amending certain Acts applying to tribunals, functionality and the constitution of the Civil and Administrative Tribunal. As the shadow Minister for Fair Trading, it would be remiss of me not to raise some concerns about the proposal to incorporate the Consumer, Trader and Tenancy Tribunal in a consolidated tribunal.

We have witnessed already this Government's willingness to slash jobs and services across the board in the public sector, and NSW Fair Trading has not been exempt from the Government's actions. During the last financial year more than \$13 million was slashed from Fair Trading's budgetary allocation. I seek a guarantee from the Attorney General during his reply that specialist staff and services provided by the Consumer, Trader and Tenancy Tribunal will be maintained because, unlike some of the smaller tribunals that will be affected by this bill, the Consumer, Trader and Tenancy Tribunal has a full caseload. I state for the record that in the 2011-12 financial year the Consumer, Trader and Tenancy Tribunal received approximately 64,803 applications, conducted more than 76,000 hearings in 70 venues throughout New South Wales, finalised more than 63,000 matters and made orders in relation to almost 95,000 matters.

The Consumer, Trader and Tenancy Tribunal has specialist staff who deal with the tribunal's areas of responsibility, which include commercial, general or consumer claims, home building, motor vehicles, residential parks, retirement villages, social housing, strata and community schemes, and tenancy issues. One of the great aspects of the Consumer, Trader and Tenancy Tribunal is its focus on outcomes for consumers and businesses. In many instances, consumers are able to represent themselves. Whenever possible, the Consumer, Trader and Tenancy Tribunal prioritises conciliation and arbitration. Several key stakeholders, such as the Retirement Villages Association network and the Affiliated Residential Park Residents Association [ARPR], oppose the plans to merge the Consumer, Trader and Tenancy Tribunal with any other body. I note that the Affiliated Residential Park Residents Association made the following statement in its recent submission to the inquiry into the potential consolidation of tribunals in New South Wales:

Tribunals are not all of one kind. They were set up for a range of different reasons and to achieve a range of different goals. APRA NSW believes tribunals need to be different from one another in order to carry out their different roles and jurisdictions through different processes and through the agency of the different kinds of expertise and experience to be found among their different memberships.

Other key stakeholders, including Strata Community Australia (NSW), have stated that consolidation should be supported only if specialised staff and services within the Consumer, Trader and Tenancy Tribunal are maintained in a separate division in order to ensure that the new tribunal has specialist staff to hear fair trading matters. This issue will affect communities throughout New South Wales. Last February the Government

experienced firsthand the community backlash following its decision to close the Parramatta registry of the Consumer, Trader and Tenancy Tribunal. At that time, I warned that the Parramatta closure could be a forerunner to further cuts by a process of consolidation. I ask the Government generally, and the Attorney General in particular during his reply, to guarantee that there will be no cuts to specialised staff, registry locations or availability of services as a result of the amalgamation of tribunals.

We already know about a similar consolidation process underway that presently affects NSW Fair Trading shopfronts—the creation of Service NSW. The New South Wales Opposition has expressed concern that this proposal could lead to a reduction in services and leave consumers waiting in long queues. I reiterate my request for the Attorney General to provide a guarantee that the processes of consolidation and merging will not be just an excuse to slash jobs and services in New South Wales tribunals, particularly the Consumer, Trader and Tenancy Tribunal.

**Mr JAI ROWELL** (Wollondilly) [5.24 p.m.]: I join in debate on the Civil and Administrative Tribunal Bill 2012, which was introduced by our Attorney General. The bill serves as testament to this Government's dedication to cleaning up this State and removing overly burdensome duplication. The bill represents a significant reform of the tribunal system and will improve the justice services that this State offers to the community. It will streamline and simplify the present tribunal system, which many stakeholders find "complex and bewildering".

The Civil and Administrative Tribunal of New South Wales will consolidate 23 existing tribunals into one gateway process. It will provide simple and effective justice, enhance decision-making and enhance public confidence in our tribunals system. The Civil and Administrative Tribunal will be the new legislative home for a number of well-known existing tribunals as well as some less publicly known but vitally important ones. Some of the tribunals that will join the Civil and Administrative Tribunal umbrella from January 2014 will be the Consumer, Trader and Tenancy Tribunal as well as Aboriginal land councils and the Local Government Pecuniary Interest and Disciplinary Tribunal.

The consolidation process in this bill will provide an environment in which tribunals will be able to collaborate, thereby bringing together a wealth of diverse experience and enabling members to share knowledge and learn from one another. At the same time the Civil and Administrative Tribunal will preserve its existing skills and expertise. Flexibility will exist under this new arrangement. However, qualification requirements will be in place to ensure that only suitably qualified experts will be able to hear particular matters. A number of portfolios will be affected by this bill as a number of tribunals that will be consolidated fall across various ministerial responsibilities. For example, the Minister for Finance and Services and the Minister for Fair Trading have joint responsibility for the Guardianship Tribunal and the Victims Compensation Tribunal. Viewed in this light, we can see that a spirit of cooperation underpins the bill. That same spirit will ensure its success.

The success of the Civil and Administrative Tribunal will go hand in hand with the general public's success. As a single gateway, the Civil and Administrative Tribunal will allow greater access and greater efficiency, which are all healthy attributes of a functioning government. The Civil and Administrative Tribunal will have a single website and a single phone number. In most cases, people will not have to determine which tribunal to access and how to navigate the process; it will simply be a matter of contacting the Civil and Administrative Tribunal. From my experience of helping people who have matters before tribunals, I know the level of stress involved. I also know how much more stressful it can be for applicants who do not get the process right. Through this legislation the Government will ensure a much smoother process for applications in a one-stop shop. The Civil and Administrative Tribunal will reach out to the community by publishing simple material in a multitude of languages. It is anticipated that this bill will see the geographical expansion of tribunals in regard to community accessibility.

I briefly mentioned the efficiency of this new framework. I believe this is a significant strength of the bill. Previously, each tribunal had its own facilities and its own administrative structure. This has led largely to unnecessary duplication and, in many instances, inefficiency. The intention of this bill is to make better use of government resources, and this includes both infrastructure and human resources. The bill provides the initial framework for transferring existing tribunals to the Civil and Administrative Tribunal. It contains the provisions necessary to facilitate the establishment of the tribunal. The bill provides for the tribunal to be established on 1 January 2014, establishes its divisional structure, enables the president and other members to be appointed prior to 1 January 2014—in order to enable work to commence developing practice notes and rules—and contains transitional provisions to provide for the abolition of the tribunals that will be consolidated and to transfer current members to the Civil and Administrative Tribunal on 1 January 2014.

The bill does not confer substantive functions or jurisdiction on the Civil and Administrative Tribunal. This will be introduced later in 2013 via further legislation. Transitional provisions will also be necessary to repeal or amend the Acts and statutory rules necessary to transfer jurisdiction to the tribunal. This phased approach will ensure that the detailed provisions setting the tribunal's functions and powers can be carefully developed in consultation with affected stakeholders, including tribunal members and administrators, representatives of tribunal user groups and professional associations. This bill is further proof that we are a Government dedicated to efficiency, unlike those opposite. We on this side of the House believe in the pursuit of good governance through less duplication and common-sense decisions. This bill will not only do these things but also make our justice system and our tribunal system more user friendly to the public. I thank the Attorney General, and I commend the bill to the House.

**Mr GREG PIPER** (Lake Macquarie) [5.31 p.m.]: I will make a brief contribution to debate on the Civil and Administrative Tribunal Bill 2012 and the establishment of the Civil and Administrative Tribunal of New South Wales. I believe the bill will streamline the tribunal system to the benefit of consumers and organisations seeking dispute resolution or reviews of administrative actions. A number of members have already spoken on this bill and there have been several learned contributions. I note that on both sides of House there are members who have worked in the legal profession or system and they have made significant contributions to the debate. My contribution will be based on a lesser exposure to some of these areas but I have been involved with a number of the relevant tribunals or observed the involvement of organisations or people close to me.

I believe the bill will streamline the tribunal system for the benefit of consumers and organisations. Therefore, I am pleased to be able to support the bill. This overdue legislation brings New South Wales into step with other States and Territories and is in line with the recommendations made by the Legislative Council Standing Committee on Law and Justice. The current system, consisting of many disparate tribunals, is confusing and unnecessarily cumbersome—the existence of many small, niche tribunals for various health professions being one example. This is a good example of where consumers who have not had cause to use the tribunal system might be surprised to find that there are currently dedicated tribunals for health sectors such as osteopathy, podiatry, Chinese medicine, chiropractic medicine, dentistry, medical radiation, nursing and midwifery, occupational therapy, optometry, pharmacy, physiotherapy and psychology, as well as tribunals from other areas such as the Aboriginal Lands Council Pecuniary Interest and Disciplinary Tribunal, the Administrative Decisions Tribunal—one of the better-known tribunals—and Charity Referees, one of the lesser known I would suggest.

Many people in the rental market are exposed to the Consumer, Trader and Tenancy Tribunal. There is the Guardianship Tribunal, with which I had some experience during my years as a nurse and the Local Government Pecuniary Interest and Disciplinary Tribunal—which I have never appeared before. There is also the Victims Compensation Tribunal. From next year those tribunals, along with many others, will be consolidated under the banner of the Civil and Administrative Tribunal of New South Wales, or NCAT, making it much easier for people to navigate this facet of the justice system. I do not seek to denigrate those who served on or established the existing tribunals, but the piecemeal evolution of the system has created a dog's breakfast that has been a deterrent to many seeking solutions through the system. It is refreshing to see that the bill places an emphasis on making the practices and procedures of the Civil and Administrative Tribunal user friendly through measures such as brochures and information sheets written in layman's terms, standardisation of forms that consumers will be able to complete online, and an accessible, cost-effective appeals mechanism.

The creation of the Civil and Administrative Tribunal should produce significant administrative savings for the State by eliminating duplication of resources through the establishment of what is effectively a one-stop shop for consumers. I am encouraged by the provision for separate divisions of the tribunal to focus on particular areas of law and comments by the Attorney General and Minister for Justice in his second reading to the bill that these divisions will have the flexibility to tailor services to meet the needs of particular consumer groups. The Minister also mentioned that the bill will provide greater access to the tribunal system for people in rural and regional communities. I look forward to my constituents being able to benefit in that regard. The standing committee emphasised in its recommendations on the legislation that the consolidation of tribunals must ensure improved access to justice in conjunction with improved efficiencies, particularly in regional areas.

It would be good if the Minister's department could give consideration to locating a tribunal office in Lake Macquarie—not necessarily in the electorate of Lake Macquarie; I am not so parochial as to suggest that members representing the electorates of Charlestown, Swansea, Cessnock and Wallsend might not have a claim too. The Lake Macquarie local government area is the most populous in the lower Hunter and is the

demographic heart of the region. Certainly people would be well served if that were to occur. Without wanting to be negative, I feel it is warranted to note that there is a danger that the amalgamation of multiple tribunals may result in some pending matters before existing smaller tribunals being given a lower priority. I am not sure that issue has been addressed fully. I know there has been some discussion about the need to implement the new process seamlessly, but I imagine there may be some unforeseen circumstances and some problems may result. I ask the Minister to consider ensuring that no client of any existing tribunal is inconvenienced through this process.

Government members have been congratulating the Government on this legislation. To be fair, I have to agree with them; this is good legislation. It is the type of legislation that the people of New South Wales expect. It will probably have a more significant impact on their lives than many people realise at face value. I trust the tribunal will provide a lot of assistance to people over the years. Therefore, I join Government members in congratulating those who prepared the bill and brought it to the House. I am also happy to join with Opposition members, who are also rightly supporting the bill. I commend the bill to the House.

**Mrs ROZA SAGE** (Blue Mountains) [5.39 p.m.]: I am pleased to speak on the Civil and Administrative Tribunal Bill 2012. This bill yet again shows the O'Farrell Government's commitment to providing efficient and equitable systems focused on customer service. This bill not only provides a better service to the user public, but also gives our State public service a better operating environment. Opposition members are sick of hearing it and previous speakers have mentioned it, but the truth of the matter is that consolidating the ad hoc tribunal system in New South Wales was first discussed more than 15 years ago and received bipartisan support. However, in the ensuing years nothing was done to achieve this goal. I congratulate the Attorney General on showing leadership and responding to the need for reform sought for years by various stakeholders.

This legislation provides a framework to establish the Civil and Administrative Tribunal of New South Wales [NCAT]. In essence, the skeleton will be fleshed out in the coming months. On 1 January 2014 this bill will establish the Civil and Administrative Tribunal of New South Wales and its divisional structure, enable the prior appointment of the president and other members to begin developing practice notes and rules, and provide the transitional arrangements to abolish the positions of current members. The Civil and Administrative Tribunal will consolidate 23 existing tribunals into a one-stop shop for tribunal services; a confusing number of tribunals that users must navigate to determine their needs. Some tribunals would be self-evident, but others would not.

The Civil and Administrative Tribunal represents a significant reform of the tribunal system in New South Wales to provide simple and effective justice for the people of New South Wales that will enhance the quality of decision-making and also enhance public confidence in our tribunals. The existing tribunal network is confusing and in many areas inefficient. Pulling all the various networks into one will provide a consistent client service standard. The tribunal will be better able to reach out to the community by having a broader geographical reach, which will benefit those in rural and regional areas. It will also publish easy-to-understand information in multiple community languages on a single website. Often those accessing the services of the various tribunals are ordinary people, just like me, who do not have a legal degree or knowledge of how to find the way around the legal merry-go-round.

Some people may just need advice in easy-to-understand language. The Civil and Administrative Tribunal will have a single website and phone number, again making it easier to access information. Although the tribunal will bring together a variety of very different tribunals, the specialist expertise of the current tribunals will be maintained within an enhanced organisation. Members will be able to sit and advise only on matters for which they are qualified. This is a sensible and common-sense approach. Tribunals are an integral part of the justice system and provide a quick and cheaper alternative to courts. Also, they are deliberately less formal and more flexible in practice and procedure which, in some cases, is particularly important—for example, the Guardianship Tribunal where some of our most vulnerable community members find themselves.

The Guardianship Tribunal exercises a protective jurisdiction for those who do not have the capacity to assess and make important decisions in their lives. In my previous profession as a dentist one of my patients who had a mental impairment as the result of a motor vehicle accident had his financial affairs looked after by the Public Guardian. We needed his guardian to approve his dental treatment; the bill was paid subsequently. This is one example of the important services and decisions of the Guardianship Tribunal. Some concern has been expressed about the potential loss of specialist expertise in consolidating the Guardianship Tribunal into the Civil and Administrative Tribunal.

The Government understands that the same high level of quality services in this specialist area will be maintained. This is why guardianship has been placed in a separate division under the structure of the Civil and Administrative Tribunal. Each division proposed in the structure of the tribunal will tailor its services to meet the needs of its users. Specialisation will be preserved and professional and community members will continue to sit on panels. Those public servants who will be part of this larger tribunal will have a collegiate atmosphere in which to learn from each other to further increase skills. The Civil and Administrative Tribunal will improve tribunal services and provide greater certainty to its users. This reform is well and truly overdue and it has taken the O'Farrell Government to implement it. I commend this bill to the House.

**Mr CHRIS PATTERSON** (Camden) [5.45 p.m.]: It is with pleasure that I support the Civil and Administrative Tribunal Bill 2012. This bill is yet another example of our hardworking Government working to improve New South Wales not only for its residents, but also for its visitors. The hallmark of this Government is that it looks after its residents and visitors, which is what makes New South Wales so attractive. I compliment the member for Lake Macquarie for his positive support of the Government and thank him for his endorsement. He always gives credit where it is due. The former Labor Government made our citizens' lives hard through unnecessary bureaucracy and unbelievable levels of procrastination that did not achieve much.

The member for Blue Mountains, in her normal humility, referred to herself as an "ordinary person". I take this opportunity to correct her, as I am sure the people of her electorate do not believe that for one minute after everything she is achieving for them. She is a very good member. The process to reduce the number of tribunals in New South Wales started some 15 years ago after the Administrative Decisions Tribunal Act was passed with the support of the Coalition. This legislation was supposed to begin the process. For 15 years the Government took no action to continue the intended reduction of tribunals. The former Labor Government was reminded repeatedly over the years of the need for further consolidation of tribunals, but still it took no action. It did not seem to be bothered by the fact that every day those using the tribunals were forced to use a system that at times was inefficient and daunting for them.

Last year the Legislative Council Standing Committee on Law and Justice Inquiry into Opportunities to Consolidate Tribunals highlighted the currently confusing and complex tribunal system. The committee recommended that the New South Wales Government consolidate current tribunals into one new tribunal. This Government is starting that process; that is what this bill is about. This process will ensure that this commonly acknowledged need within New South Wales is met. This Government will deliver what the former Labor Government could not or would not deliver. This Government is about better customer service, greater efficiency, greater accountability, greater resourcefulness and better awareness for services available to the people of our State. That is exactly what the Civil and Administrative Tribunal of New South Wales [NCAT] aims to achieve.

The bill will establish the governance framework of the Civil and Administrative Tribunal of New South Wales. It will facilitate the preparatory work that is required to ensure the tribunal will be open and functioning on 1 January 2014. It will also provide for the abolition of the tribunals that will be consolidated under the Civil and Administrative Tribunal. The divisional structure will also be formed at this time along with the governance framework for the new tribunal. It is very pleasing and impressive that the tribunal will have five members, with the president being a Supreme Court judge. The make-up of the tribunal will ensure independence and freedom of direct control by the Executive. The bill provides for these positions to be filled before 1 January 2014 so that the tribunal rules and arrangements can be made prior to its opening date. To ensure that the Civil and Administrative Tribunal delivers existing specialities and consistent and high-quality service, highly qualified and experienced tribunal staff and members will be brought together in a collaborative environment that will enable staff and members to share experiences and learn from one another.

At the same time only members with adequate expertise will be able to hear certain matters. I note that members that currently sit on a number of tribunals will still be able to do so within the Civil and Administrative Tribunal. Those reforms will help to avoid duplication and confusion for both users of the tribunal and staff. The Minister said that this bill will ensure that the Civil and Administrative Tribunal becomes a one-stop shop—I also believe that will be the case. Until we try to access a service ourselves we do not understand the importance of one website and one contact telephone number. The Civil and Administrative Tribunal will have one website and one telephone number for the 23 tribunals that will be consolidated within it. I am sure members will agree that alone is impressive and will offer immediate reassurance for those who have had to ring a service only to be told that it cannot help and that they should call someone else on a different number.

Only last week a young lady was telling me the story of how she had changed banks and consequently wanted to change her direct debit details with her mortgage holder, which was a different bank to the one she

had changed to recently. She had to call two different phone numbers within the same organisation to achieve that. This Government is offering one phone number for 23 different tribunals, which is what our public deserves and a standard to which certain banking institutions should aspire. The people in the story I just related spoke English; just imagine the difficulties the young lady might have had if she had spoken another language. If a person who requires information from the Civil and Administrative Tribunal does not speak English it will not be a problem because easy-to-understand publications will be available in a variety of languages. Most people would not know what some of the lesser-known tribunals are for, nor would they recognise their names. The Civil and Administrative Tribunal will have a common brand, which will become known in our communities: People will know what it does and where to find it. This certainty and common sense is what the people of New South Wales deserve.

This bill will boost public confidence in our tribunal system and have many ongoing benefits for members, staff and the public. This is a straightforward way to help our State at many levels. That is something the Opposition did not understand for all the years it was in government. The Coalition Government looks forward to the steering committee, which consists of senior departmental representatives, inviting stakeholders to form a reference group to assist it and the Government to ensure that future legislation relating to the Civil and Administrative Tribunal meets the tribunal's needs. This is all about a common-sense approach by this Government that is making the lives of the people of New South Wales easier on a day-to-day basis. For that very reason I commend the Government for this bill and I commend it to the House.

**Mr TONY ISSA** (Granville) [5.55 p.m.]: I support the Civil and Administrative Tribunal Bill 2012. I commend the Legislative Council Standing Committee on Law and Justice for its hard work and for the recommendations it made to the New South Wales Government to establish the Civil and Administrative Tribunal of New South Wales, which will consolidate 23 existing tribunals for the benefit of the people of New South Wales. This tribunal will be a single gateway, a one-stop shop, which will make it easier for the people of New South Wales to access the help that they need. It will have a single website and one telephone number. People will not have to think about which tribunal they need to approach because in most cases it will be the Civil and Administrative Tribunal. The tribunal will reach out to the community. It will publish simple and easy-to-understand information in multiple languages by using a range of existing facilities within our tribunal network. It will have a broad geographical reach.

The existing tribunal network is confusing and inefficient. For example, a tribunal that has its own facility and administrative structure can lead to unnecessary duplication of resources. The Civil and Administrative Tribunal will address this inefficiency and make better use of staff and members. It will be able to share its resources and coordinate a joint initiative of all members. This Government will consult a range of people to oversee the development of the Civil and Administrative Tribunal. The Government has the advantage of learning from the experience of other States that have consolidated tribunals. The Government will make sure that regular updates are delivered so that everybody knows what is happening and so that everyone has an opportunity to contribute. The Civil and Administrative Tribunal represents a significant reform to the tribunal system in New South Wales, and demonstrates the Government's commitment to provide a high-quality service to the citizens of New South Wales.

As the Attorney General has said, the Civil and Administrative Tribunal will be a one-stop shop for tribunal services and will provide simple and effective justice for the people of New South Wales. It will enhance the quality of decision-making and public confidence in tribunal services. The tribunals consolidated under the Civil and Administrative Tribunal will benefit from being part of a larger structure. A number of smaller tribunals currently operate in isolation and some of them have only a few members. Those members may not have the same access to training or chances for professional development as do their counterparts in larger tribunals.

The Civil and Administrative Tribunal will bring together a wealth of diverse experience, enabling members to share their knowledge and to learn from each other. At the same time the tribunal will preserve the existing skills and expertise held by our tribunals. It is important to note that a number of existing tribunal members are multiskilled and some already sit on a number of tribunals. Those members will be able to continue to sit on those tribunals. This reform will affect many areas of government and the tribunals being consolidated fall within a number of different portfolios. I understand that the Consumer, Trader and Tenancy Tribunal is one of the largest tribunals in New South Wales. It provides a low-cost and acceptable service for landlords, tenants and traders.

The fact that the Consumer, Trader and Tenancy Tribunal will become part of the Civil and Administrative Tribunal should not be cause for concern. Indeed, I believe some of the smaller tribunals will



benefit from some of the features the Consumer, Trader and Tenancy Tribunal has developed. The Civil and Administrative Tribunal will be accessible to the community. It will look to the Consumer, Trader and Tenancy Tribunal and the other tribunals that are being consolidated to share their knowledge and experience. All tribunals will benefit from this reform. Most of all, the people of New South Wales will benefit from this reform. The Government has undertaken reforms and brought in new legislation. I am pleased to be part of a Government that has introduced such an important reform to our justice system. I look forward to seeing the tribunal in action next January. I commend the bill to the House.

**Debate adjourned on motion by Dr Andrew McDonald and set down as an order of the day for a future day.**

## **LAW ENFORCEMENT (CONTROLLED OPERATIONS) AMENDMENT 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 future day.**

*[The Assistant-Speaker (Mr Andrew Fraser) left the chair at 6.02 p.m. The House resumed at 7.00 p.m.]*

## **LUNAR NEW YEAR CELEBRATIONS**

### **Matter of Public Importance**

**Mr GUY ZANGARI** (Fairfield) [7.00 p.m.]: I submit for the consideration of this House as a matter of public importance the 2013 Year of the Snake Lunar New Year. The Lunar New Year is the most significant holiday period in China, Vietnam and other south-east Asian nations and it marks the beginning of the lunar calendar and runs for approximately 15 days. In accordance with the Chinese zodiac, 2013 is the Year of the Snake. Celebrations kicked off on Sunday 10 February. The sounds of beating drums and percussions lead mythical dancing dragons through shopping centres and arcades across New South Wales, in particular Chinatown in Haymarket—the home of Sydney's Chinese Community—and in Eastwood, Fairfield and Cabramatta, where there are large concentrations of Chinese-Australians, Vietnamese-Australians and Australians whose ancestry hails from South-East Asian countries.

The Lunar New Year celebrations have grown larger and more significant every year. They have become an important part of the New South Wales festival calendar and are enjoyed by many residents, irrespective of their ethnic background. The zodiac symbol of the snake not only welcomes in a new lunar cycle with blessings of good fortune; the Year of the Snake, like past Lunar New Year celebrations before it, symbolises the growing contribution and significance that people of Chinese and Vietnamese backgrounds have to New South Wales. Demographically speaking, Australia—in particular New South Wales—has seen steadily increasing Chinese and Vietnamese communities. The Chinese community is the third largest migrant community group in Australia.

According to the Department of Immigration, at the end of June 2011 more than 391,000 Chinese-born people were living in Australia, which represented an increase of 51 per cent on the figures for June 2006. Immigration from Vietnam has also shaped the modern New South Wales demographic landscape, in particular in the Sydney region. At the end of June 2011, Federal statistics revealed that more than 212,000 Vietnamese-born people were living in Australia, an increase of 14 per cent on the figures for June 2006. In both instances New South Wales was the State of choice for both Chinese and Vietnamese immigrants entering Australia, with 49 per cent of Chinese-born residents and 39 per cent of Vietnamese-born residents choosing to live in New South Wales.

It is from the growing Chinese and Vietnamese communities, not to mention other community groups from South-East Asia, that we see the wonderful contribution to the social, cultural and economic life of New South Wales from residents who hail from China and South-East Asia. The impact of the growing relations between Australia and China and the rest of South-East Asia to New South Wales is most significant to the growing economic relationship between New South Wales and the Chinese and South-East Asian region. According to the Department of Foreign Affairs and Trade, China is New South Wales's largest trading partner, with \$16.4 billion of two-way merchandise trade in 2007.

In 2007 New South Wales exported \$2.3 billion worth of goods to China. This represents an average annual growth rate of 13 per cent since 1998. Domestically, more Chinese students choose to study tertiary

education in New South Wales as compared to other States. According to the Department of Foreign Affairs and Trade, in 2007, 46 per cent of Chinese students enrolled in an Australian educational institution were enrolled in a placement in New South Wales. Further, in 2007, New South Wales received three-quarters of all Chinese tourists to Australia, equating to 269,000 tourists which, according to the Department of Foreign Affairs and Trade, represents an increase of 150 per cent in the number of tourists to New South Wales on the figures for 2003.

The economic relationship between Australia and Vietnam also is steadily increasing. According to the Department of Foreign Affairs and Trade, exports from Australia to Vietnam have been steadily rising since 2008-09. In 2011-12 Australia's exports to Vietnam were valued at \$1.2 billion, an increase of approximately \$1 billion on the figures for 2006-07. The significance of China and South-East Asia to New South Wales and to Australia can only go from strength to strength. It is important that we recognise the significance of the 2013 Lunar New Year of the Snake because it represents not only the significance of the Chinese, Vietnamese and other South-East Asian community groups to New South Wales but also the growing importance of the Chinese and South-East Asian region to the economic prosperity of New South Wales.

**Mr MARK COURE** (Oatley) [7.05 p.m.]: To all my Chinese friends near and far, I hope that they have had a wonderful Chinese New Year and that the year ahead brings joy, luck, peace and prosperity to them and to their families. Chinese New Year is one of the most important dates in the Chinese calendar. It is an important time for Chinese families to reflect on the year that has just passed and to welcome the new year ahead. It is one of the most important annual celebratory events in the Chinese community all over the world, and one that has become very popular in Australian society.

New South Wales hosts the biggest celebrations of Chinese New Year events outside Beijing. For many years cities across New South Wales, in particular, have enjoyed lively, traditional street celebrations of the Chinese New Year. These cheerful public events thrill local communities and attract many national and international visitors to our State. Today, outside the New South Wales State Parliament, I hosted the first Dragon Dance—joined by both sides of politics along with the Speaker and the President of both Houses of Parliament—to usher in the new lunar year. Dragons are believed to bring good luck to people. The Year of the Snake has several meanings and attributes attached to it. Those born in the Year of the Snake are regarded as keen, resourceful, intelligent and wise. Those are some of the very attributes that will be needed in facing the challenges of 2013.

The Chinese-Australian community continues to grow substantially in our State. The 2011 census showed that the population born in mainland China, Hong Kong and Macau and living in New South Wales had risen to 196,000 individuals, which was an increase of 27.6 per cent and represented 49.5 per cent of the total number of people born in mainland China, Hong Kong and Macau and living in Australia. Likewise, the New South Wales combined population that speaks Mandarin and Cantonese reached just under 300,000 people in 2011 and represented an increase of 20 per cent from 2006.

I am proud to say that I have always been a close supporter of my local Chinese community. The electorate of Oatley has one of the largest Chinese populations in the State and more than 18 per cent of my electorate identifies as being of Chinese origin. The New South Wales Government appreciates the productive and commercial nature of our local Chinese Australians and their excellent cultural, community and charity initiatives that provide substance to our successful multicultural society. Our State has been enriched as a result of the cultural heritage brought and maintained by the Chinese community. Most notable are the numerous organisations the Chinese community has established, through which it works tirelessly to advance initiatives that are important to the betterment of our society.

Australia and China have maintained ever growing relations since the establishment of diplomatic ties in December 1972. The relationship has grown to include a diversity of highly promising economic, cultural and intergovernmental developments. The fortieth anniversary of these relations was celebrated in both countries last year with special event programs. In 2011 and 2012 the Premier, the Hon. Barry O'Farrell, MP, made two important business visits to the People's Republic of China and he is committed to visiting China in each year of his Government's term to talk about new ideas, opportunities and agreements. This is a clear indication of the importance of China to the New South Wales economy. The Government is proud to work with the Chinese-Australian community in our State to advance efforts to bring about social and economic development through important business, cultural and community endeavours. It is similarly proud of the relationship it is developing with China.

Recently the annual Hurstville Lunar New Year street festival, which was held at Forest Road, Hurstville, was closed for a day to host a number of Chinese stalls that sold a wide variety of items. I attended that event along with the Consul General of China, the Mayor of Hurstville, Jack Jacovou, and councillors Nancy Lui, Con Hindi, Christina Wu and Deputy Mayor Andrew Istephan. I am fortunate to represent Oatley, one of the most diverse electorates in the State, which includes the suburb of Hurstville. Hurstville, which is a wonderful place to live, reflects the value that Chinese migrants have brought to our nation. For example, the Hurstville central business district has emerged as one of Sydney's major commercial hubs with a wide variety of small and medium-size businesses. On behalf of the Government and the people of New South Wales I wish the Chinese-Australian community much prosperity, peace and harmony in 2013, the Year of the Snake. "Kung hei fat choy."

**Mr NICK LALICH** (Cabramatta) [7.10 p.m.]: In my electorate of Cabramatta the Lunar New Year is celebrated by the Vietnamese, Chinese and Cambodian-Chinese communities between late January and early February, depending on the lunar calendar. The year 2013 is the Year of the Snake, the friendly water snake. Lunar New Year is a standard part of our Australian calendar with people of all ethnicities and walks of life participating in the festivities and embracing the Lunar New Year.

The Tet Festival, which celebrates the Vietnamese Lunar New Year, often lasts for three days and is a time for families to return home, visit their elders and extended families and occupy much of their time with family activities. It is similar to Christians spending time with their families over the Christmas break. On 2 February many Vietnamese celebrated the 2013 New Year at the Tet Festival at the Fairfield Showgrounds. This year, because of the Federal election, the notable attendances were many. Prime Minister Julia Gillard, Minister for Education Chris Bowen, Minister for Justice and Home Affairs Jason Clare, Federal member for Fowler Chris Hayes, Leader of the Opposition Tony Abbott, Premier Barry O'Farrell, and State members Tania Mihailuk, Barbara Perry, Guy Zangari and Andrew Rohan were there on the day.

Last Sunday the Fairfield City Council held Lunar New Year celebrations at Freedom Plaza in Cabramatta. That event was also well attended. Activities included lion and dragon dances, traditional dances, food competitions, cooking demonstrations, children's amusements, workshops, crafts, martial arts demonstrations, and the lists go on. The people of the Cabramatta electorate, which comprises 130 ethnic communities, really embrace the Lunar New Year. This evening I wish members a happy a New Year in Vietnamese by saying, "Chúc mừng năm mới", in Chinese by saying, "Kung hei fat choy", followed by, "San nin fai lok", and in Cambodian by saying, "Sur sdei chhnam thmei". I also wish the entire community and all my parliamentary colleagues good health, good luck, prosperity and happiness. May the blessings of the Buddha be upon you.

**Mr ALEX GREENWICH** (Sydney) [7.13 p.m.], by leave: The 2013 Year of the Snake, the Lunar New Year, is a time for celebration and recognition of the contribution made to our State by China, Korea, Vietnam and other countries that observe the lunar calendar. Those who are born in the Year of the Snake are intuitive, introspective, and graceful. The year 2013 is the Year of the Snake, the water snake, which is an influential and insightful creature. Each year the Chinese New Year celebrations play an important role in fostering closer relations with the major regions of China. This year a delegation from Shenzhen, one of China's major economic centres located in the Guangdong province, joined the Sydney celebrations. The City of Sydney embraced this festival yet again and launched it with a pop-up Asian marketplace in Belmore Park with more than 40 stalls from the local Asian community and from the visiting Shenzhen delegation.

This past Sunday I participated in the city's Twilight Parade, which every year is a major highlight of our Chinese New Year celebrations. The parade included more than 3,500 local and international performers, including 120 artists from Shenzhen. Colourful floats and costumes showcased the many community groups celebrating the Lunar New Year and the parade brought tens of thousands of people to Sydney's central business district to watch and enjoy the event. Sydney's Chinese New Year celebrations are the largest outside China.

Sydney, which is a popular tourist destination for Chinese people and which has a high number of Chinese students studying here has close links with China. Many people living in the Sydney electorate have close connections with China and the 2011 census data showed that almost 14,000 people have Chinese ancestry. This year I especially enjoyed celebrating Chinese New Year with my family. My brother's partner is from Shanghai, my aunt is of Chinese and Vietnamese heritage, and my husband is currently studying at Tsinghua University in Beijing. My family has been enriched by our Chinese members in the same way that the Sydney electorate has been enriched by the Chinese community. "Kung hei fat choy", and may the Year of the Snake bring good fortune to all.

**Ms TANIA MIHAILUK** (Bankstown) [7.16 p.m.], by leave: I also acknowledge the 2013 Lunar New Year Festival. Like the members representing the electorates of Fairfield and Cabramatta, I also attended the Tet Lunar New Year Festival at Fairfield at which close to 60,000 Vietnamese and Indochinese community members were present. The presence of Prime Minister Julia Gillard, Federal Leader of the Opposition Tony Abbott, Premier Barry O'Farrell and State Leader of the Opposition John Robertson made it quite a star-studded and well-attended event. It also was a wonderful opportunity for us to join with our friends in the Chinese, Vietnamese and Indochinese communities once again to celebrate Lunar New Year, this year being the Year of the Snake.

As the member for Bankstown I acknowledge Thanh Nguyen, the Vietnamese Community of Australia New South Wales chapter president. For what I think is now four years in a row Thanh Nguyen has worked very closely with the Vietnamese community to coordinate the Tet Festival. The work of Thanh Nguyen has also built wonderful bridges between the Vietnamese-Australian community and the broader community by highlighting the importance of Lunar New Year and the festival and promoting multiculturalism in Australia.

It is with pleasure that I take this opportunity to acknowledge Thanh Nguyen and executive members of the Vietnamese Community of Australia in Sydney as well as executive members of the national body. Over the past couple of weeks, many members of this House have been blessed by attending Lunar New Year festivals of the broader Chinese and Indochinese community. I take this opportunity to wish all those who celebrate the Lunar New Year a wonderful 2013. The Lunar New Year is a special time for family and friends. I congratulate the member for Fairfield for bringing this matter to the attention of the House as a matter of public importance.

**Mr GUY ZANGARI** (Fairfield) [7.19 p.m.], in reply: I sincerely thank members who contributed to discussion on the matter of public importance—the 2013 Year of the Snake—the member for Oatley, the member for Cabramatta, the member for Sydney and the member for Bankstown. It was evident from our discussion that those members support the Chinese, Vietnamese, Korean and Cambodian communities as well as all other South-East Asian communities in their electorates. It is clear from the information presented by the members that those communities have contributed enormously to New South Wales—economically, culturally and spiritually.

Throughout all the Lunar New Year celebrations in the Sydney central business district, in Cabramatta at the Tet Festival and in Hurstville, people from Asian as well as non-Asian backgrounds participated. I have an Italian cultural background and my wife, my children and I very much enjoyed the celebrations and will continue to enjoy them during the next week. We all agree that those born in the Year of the Snake, the water snake, possess the virtues of being intuitive and reflective but this year joy, luck and peace are offered to all families, which is great. The member for Bankstown acknowledged the work of Mr Thanh Nguyen, who has organised the Tet Festival at the Fairfield Showground over the past few years.

This year the festival was somewhat hampered by muddy grounds, but everyone enjoyed the speeches made by the Prime Minister, the Federal Leader of the Opposition, the Premier and the State Leader of the Opposition. We all enjoyed the wonderful culture that our Vietnamese constituents have shared with us. Sixty thousand people attended the festival. Some of the smartest achievers in this year's Higher School Certificate are from the Vietnamese community. I am sure that all members who contributed to tonight's discussion attended other events where wonderful Higher School Certificate achievers also were acknowledged. In conclusion, let me say, "Kung hei fat choy", "Chúc mừng năm mới" and "Sun nin fai lok". I wish all people a happy Lunar New Year in the Year of the Snake.

**Discussion concluded.**

#### **PRIVATE MEMBERS' STATEMENTS**

##### **BEGA PALLIATIVE CARE**

**Mr ANDREW CONSTANCE** (Bega—Minister for Ageing, and Minister for Disability Services) [7.25 p.m.]: I draw to the attention of the House a critically important life issue that at some stage will touch everybody. The issue of palliative care is of utmost importance to the Government of this State but particularly to the Minister for Health, and Minister for Medical Research. In life, we all want to make choices, we all want to be loved and we all want to be part of the community. But when it comes to the later days of life, values such as dignity, choice, control and support must be enshrined, and that is never more the case than when decision-making concerns palliative care. Those matters are of utmost importance to our community.

I acknowledge the recent allocation of \$35 million by the Minister for Health to palliative care, with particular focus on the provision of community-based palliative care services. That allocation is on top of the annual \$86 million that is allocated by government to the provision of specialist palliative care. There is no doubt that each year millions of dollars more is spent on providing palliation to patients in general hospital wards. However, in my community on the far South Coast a very difficult situation has arisen because of drastically insufficient palliative care resources. It is for that reason that, on behalf of my community, I raise this important issue in the House.

Currently palliative care resourcing in the Bega Valley shire is 20 hours a week, and that is provided by a palliative care nurse. That is hopelessly inadequate, and I intend to work with the Southern NSW District Health Board to rectify the situation. Recently a palliative care collective was formed in the Bega Valley to represent a number of groups who are very concerned about the lack of palliative care services on the far South Coast. The group comprises the Aboriginal Land Council, the Bega Valley Shire Council, the Cancer Council, pastoral care workers, hospital volunteers, the Bega Valley Hospice group, Bega Valley Palliative Care volunteers, and community health service and social workers. I pay special tribute to Yvonne McMaster, who is a palliative care advocate in this State. Recently Yvonne visited the Far South Coast region and spearheaded formation of the collective.

We must remember that the Bega community has a larger old age demographic relative to other areas of the State. As a community, the people of Bega seek: monthly visits by a palliative care physician who is based either in Sydney or in the Australian Capital Territory—currently in Eurobodalla a palliative care physician position is in place; funding for at least one and a half full-time equivalent palliative care nurses; funding for at least half a full-time equivalent social worker; and funding of a volunteer group and coordinator to assist. The provision of that level of palliative care is vital for our local community and there is strong community support for the proposal.

I note that a number of applications have been received by the Minister for Health in relation to her excellent palliative care program. Having said that, I am very much aware that the decision on whether resources will be provided to meet the Bega community's requirements will be made by the Southern NSW District Health Board. I am very keen for the collective to meet with the chair of the board, Jenny Symons, and board members, particularly those from the Bega Valley, to work through the requirements. Recently when I met with Yvonne McMaster I indicated that I would raise this issue in Parliament. I thank Yvonne for her advocacy and leadership not only in the far South Coast but statewide. I acknowledge that this Government is turning on funding for medical resources, but it is the application of funding that is the key point in this issue. That is why I am very keen to ensure that the collective and I work alongside the Southern NSW District Health Board to ensure that vital support is provided in the last days of life for hundreds, if not thousands, of people in my region and throughout other areas of New South Wales.

### **TRIBUTE TO TIM CARROLL**

**Ms TANIA MIHAILUK** (Bankstown) [7.30 p.m.]: Today I advise the House about a great community leader and tireless advocate in the Bankstown community, Tim Carroll. On Australia Day Tim was named Bankstown's Citizen of the Year for his 20 years of dedicated service to Bankstown Youth Development Service. Tim Carroll is the longest-serving community arts worker in western Sydney. During his time at Bankstown he has been involved in more than 120 arts and cultural projects in the city, supporting youth artists, writers and performers. I have had the pleasure of working with Tim Carroll in both my current capacity as member for Bankstown and in my former role as Mayor of Bankstown. The Bankstown Youth Development Service has a close relationship with Bankstown City Council and I have seen firsthand the great contribution that Tim makes to our community.

There is no way to put a price on the value of the contribution made by the arts in our community. The arts provide opportunities for personal and professional development that many young people would otherwise have to go without. The Bankstown Youth Development Service is at the forefront of providing these opportunities to young people in our community. Tim Carroll is a giant in Bankstown. He is a man who is intimately familiar with this community and a proud servant of the people. Prior to his service as director of Bankstown Youth Development Service Tim worked as both a teacher and a postman. Tim has now served for more than 20 years with the Bankstown Youth Development Service. He has stayed at his post through thick and thin, and is now the longest-serving community arts worker in western Sydney. During his 20 years of service Tim has run many cultural projects, not only in Bankstown but throughout western Sydney.

Tim is intimately connected with Bankstown. Previously, in response to a high-profile incidence of violence at Bankstown train station, Tim took it upon himself to initiate a program to work with young men in the Pacific Islander and African communities to encourage respect in our community. This is just one of many examples of how Tim has, over time, reacted to the community's needs and grown with our community. Tim Carroll is a tireless advocate against violence in our community and is well known for his work as a White Ribbon Day ambassador. As Tim likes to say, the Bankstown Youth Development Service punches above its weight. Its influence is felt throughout our community. His term of service has seen the Bankstown Youth Development Service grow from its humble beginnings at Happy House to the institution it is today.

One project that demonstrates Tim's commitment to our community has been the oral history project. Tim armed high school students with audio recording equipment and had them record the stories of people from their communities in a diverse number of languages, from English to Polish, Macedonian, Arabic, Greek and Vietnamese. There have been several phases of this ongoing project that help to tell Bankstown's stories. Tim Carroll has recently taken over direct responsibility for the Westside literary program. This program, run out of Bankstown Youth Development Service, is devoted to sourcing and supporting new writers from western Sydney. It gives young writers from a multicultural background opportunities to be involved in a great publication. It gives those young writers the opportunity to express their views and opinions on a range of topics.

Tim's service goes beyond the Bankstown Youth Development Service. He serves on the board of Urban Theatre Projects as secretary. Urban Theatre Projects is a cutting-edge, award-winning theatre company based in Bankstown that has helped to tell the stories of many across western Sydney and Australia. It is an organisation well known by many in the theatrical and arts movement. He also serves as a board member of Bankstown Community Resource Group, an organisation that works closely with many other community organisations and with disadvantaged people in south-west Sydney, particularly in Bankstown, in coordinating a range of programs and channelling funds to different projects and programs that help to meet the various needs of our community. On behalf of the people of Bankstown I take this opportunity to express my sincerest thanks to Tim Carroll for his 20 years of service to our community and congratulate Tim on being Bankstown's Citizen of the Year for 2013.

### **BATHURST ELECTORATE TRANSPORT PROJECTS**

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.35 p.m.]: I am pleased to talk about a number of peak projects that are working quite effectively in the electorate of Bathurst. The first relates to transport and was mentioned by the Minister for Transport, the Hon. Gladys Berejiklian, today. It is the new train service affectionately known as the Bathurst Bullet—it has its own name. It is incredible to witness firsthand how the additional services introduced by this Government have had a positive impact on the local community. Labor had 16 years to deliver this service and we have provided it after being in government for just under two years. This new service supports the communities of Bathurst and Lithgow. It shows the commitment of the Government to provide better public transport options for people living outside Sydney. Members of the community are so grateful that they sat down with the then shadow transport Minister—now the Minister—and spoke about their need for a new train service. For so many years we heard only excuses—no rolling stock available, no patronage for the new service—and never any commitment. We now have a Government that is committed to improving transport services in regional and rural communities.

The new train is an Endeavour train, which has been refurbished at a cost of around \$7 million. It is bringing the city to the country. Many people think this service should have been introduced a long time ago—and they are absolutely right. But we waited, and now the Premier, the Deputy Premier and the Minister have witnessed the incredible take-up of this service. The service is provided by a 178-seater train that stops only six times on its way to Central. The Rail Action Bathurst group led by John Hollis, his wife, Margaret Hollis, John Slobbe, Chris O'Rourke, Annabel Miller, Councillor Ian North, Councillor Greg Westman and Jan Shepherd have done incredible work. The community was involved with the project the whole way through—whether through the Bathurst Business Chamber or the Rotary and Lions clubs: everybody was behind the introduction of this service.

I speak for the people in Lithgow who also use the service. They tell me they are hopping on this train, which has minimal stops through the mountains, and they are in Sydney 40 minutes earlier than they were previously. It is a good service that is serving people in regional communities. The success of the daily train service was evident during the school holiday period, with 3,000 people boarding the train at Bathurst. It averaged around 600 passengers a week, or about 80 people per day. Adding the Lithgow numbers, a further

50 people are using this service every day. Another project was launched during the holiday break. The Lithgow community was crying out for a new community bus—a bus it had been requesting for more than 10 years.

I approached the Minister for Ageing, and Minister for Disability Services and spoke about the need for a bus for the Lithgow Information Neighbourhood Centre. This year \$90,000 was allocated in the budget through the Department of Ageing, Disability and Home Care to buy a much-needed bus. This bus will provide a door-to-door, pick-up and drop-off service for residents. It will also support the work being done by the Lithgow Information Neighbourhood Centre on various programs, giving the elderly in the community the opportunity to use the bus service and be part of community activities. I am also delighted that another \$30,000 was given to the Lithgow Information Neighbourhood Centre, which went towards building a new freezer. It will enable more meals to be made for the Meals on Wheels program, which offers valuable support for the elderly in the Lithgow community.

### LUNAR NEW YEAR CELEBRATIONS

**Mr GUY ZANGARI** (Fairfield) [7.40 p.m.]: Tonight I shall speak about the 2013 Year of the Snake—the junior dragon. The snake is considered a symbol of luck and many people believe that 2013 will be a year of prosperity and peace. The junior dragon is enigmatic, intuitive, introspective and refined. Ancient Chinese wisdom says that a snake in the house is a good omen as it means that your family will not starve. People born in the year of the snake are cunning, quite intelligent and wise. Unlike those opposite, they are good mediators and good at doing business. The Indo-Chinese community makes up a significant portion of the Fairfield electorate. According to the Australia Bureau of Statistics, in 2011 at least 33.6 per cent of Fairfield City residents identified their ancestry as originating from China or South-East Asia, including 16.6 per cent hailing from Vietnam, 13.3 per cent from China and 3.7 per cent from Cambodia. Each of these communities has changed for the better the composition and character of Fairfield through the introduction of its cuisines to festivities and customs that I have been privileged to witness.

Without doubt the lunar new year is a celebration of all good and wonderful things resulting from the growth of different communities originating from China and South-East Asia to New South Wales. From its humble origins, the lunar new year has grown to become a significant event in the New South Wales festival calendar. I have been privileged to attend numerous celebrations in my electorate of Fairfield to mark the Year of the Snake. On 20 January I addressed the Chinese Association of Greater Western Sydney at its Australia Chinese New Year function. The association is an umbrella organisation representing many smaller Indo-Chinese organisations based in western Sydney. The association promotes the welfare of its members and showcases distinctive aspects of each community group.

On 2 February with the Leader of the Opposition, John Robertson, we joined tens of thousands of people to celebrate the Tet Festival at Fairfield Showground. This festival is the most important cultural event in the New South Wales Vietnamese community calendar. It celebrates the lunar new year and commemorates one of the most significant events in the Vietnamese calendar. The Vietnamese Community in Australia association, which organised the three-day event, is instrumental in providing social welfare services and conducting cultural events for the benefit of the New South Wales Vietnamese community. On 3 February I joined the celebrations at the Sydney Indo-Chinese Youth Sport Association Inc. at John Street, Cabramatta. The association was proud to present its new LED-lit dragon. The Sydney Indo-Chinese Youth Sport Association is well known for its strong community presence and programs for youth and elderly citizens—for example, table tennis, karaoke and other like events.

The association is run by its president, Mr Thay Lim, with the help of his daughter Lisa Tran. The association is well known around Cabramatta and performs at various community events wearing purple shirts performing martial arts, line dancing and public displays. I joined in the lunar new year celebrations on 8 February with the Asian Chamber of Commerce and Industry at Canley Heights and on 10 February with the Australian Chinese Buddhist Society at the Bonnyrigg Buddhist Temple. I congratulated the society on its recent generous donation to Fairfield Hospital for the purchase of important medical equipment. On 15 February I attended the 2013 Chinese New Year Banquet of the Australian Chinese Community Association of New South Wales at Haymarket.

This association is a leading not-for-profit organisation providing a wide range of community services from Chinese language classes to aged care services to members of the Australian Chinese community. The significance of its hard work was highlighted by the many hundreds of people who attended the festivities. On

16 February I attended the Chinese New Year celebrations of the Cambodian Chinese Association—3.7 per cent of Fairfield City residents identify as being of Cambodian heritage. This represents a high concentration of the community, which makes up only 0.3 per cent of the greater Sydney population. However, despite its size, I am pleased to say that the association is proud of its community's achievements, choosing to highlight the successes of students in the 2012 Higher School Certificate results. On 16 February I attended also the Indo-China Chinese Association New Year lunch at Cabramatta. The lunch was significant because it marked the thirty-fourth anniversary of the Indo-China Chinese Association, one of the first community associations established to preserve the culture and heritage of the Chinese community in New South Wales. I am pleased to conclude my remarks by stating that each event and celebration over the past three weeks exhibits the importance of the lunar new year to the New South Wales calendar.

### ORANGE ELECTORATE COMMUNITY AWARDS

**Mr ANDREW GEE** (Orange) [7.45 p.m.]: Today I record the achievements of the people of the Orange electorate who were recognised on Australia Day this year for their service to the community. The four council areas in the electorate—Orange City, Cabonne, Wellington and Mid Western Regional—all held ceremonies in towns and villages throughout their areas. The Mid Western Regional Council awards honoured Gulgong Showground groundsman, trust member and Gulgong Pastoral, Agricultural and Horticultural Show patron Ken Evans by naming him the Mid Western Regional Council Citizen of the Year. Mr Evans' work has been evident at the countless community events held at the Gulgong Showground over many years.

Therefore, it was very fitting that the 2013 awards ceremony was held at the Gulgong Showground. In addition to his dedication to the showground, Mr Evans is vice-president of the Gulgong Combined Pensioners and Superannuants Association, the Gulgong representative on the Mid Western Regional Council Senior Weeks Committee, President of the Gulgong Gophers Association, and patron of the Gulgong and District Avicultural Association. In accepting his award from Australia Day Ambassador and former *Cop Shop* television star Paula Duncan, Mr Evans dedicated it to the show committees with which he has worked. Former Gulgong High School student Daniel Blake, who was a member of the school's representative council, was named Mid Western's Young Citizen of the Year.

The Senior Citizen of the Year was Bob Stanley, who has given decades of service to the community through Rotary, Cudgegong Rural Fire Service and disability services. In 2012 Bob Stanley was awarded a prestigious Paul Harris Fellowship with sapphire, a high honour in the Rotary organisation. Community Event of the Year was the Relay for Life, which raised a record \$169,565 for the Mudgee event. Only last week I was pleased to present the Chairman of the Relay for Life Committee, Ian Hunter, with the Premier's 2012 Community Service Award for the Orange electorate. Long-time advocate for disability services in Mudgee, Mary Lovett, received the Order of Australia Medal. Mrs Lovett has been visually impaired since her early twenties and has been a long-term member of council's Access Committee. She co-founded the Mudgee branch of Vision Australia and is its current president, and she contributed to work on the National Disability Insurance Scheme.

I recognise also members of the Mid Western Selection Committee: Councillor Des Kennedy, who is the Mayor of Mid Western Regional Council, and councillors John Webb and Paul Cavalier for their work. Cabonne Council is made up of many charming villages and this year held ceremonies at Cumnock and Molong. Molong's Citizen of the Year is Maureen Kirkwood, who is an active member of the Country Women's Association, volunteers at aged care facility Prunus Lodge, and is a former treasurer and member of the highly acclaimed Molong Historical Society. Junior Citizen of the Year was Molong Central School student Jessica Fahey, who has made a huge impression academically and on the sporting field, and does volunteer work in the Molong community. Cumnock's Citizen of the Year award was presented to Jean Gavin, who has been actively involved in the community for many years, including undertaking valuable work at the Cumnock Country Women's Association, Red Cross, Progress Association, Show Society, Pony Club, Camp Draft and the Australian Stockhorse Association.

Young Citizen of the Year was Emily Hogan, who has an enviable academic, leadership and sporting school record, has been a collector for three Red Shield appeals and participates in local Anzac Day marches. Denise McDonald was recognised for her involvement in the Cudal Show Society, Anglican Church, public school, Music and Drama Society when she was named Cudal's Citizen of the Year. Scholastic and sporting achievements and community involvement were several highlights that led to Annie Rose Hazelton being named Cudal's Young Citizen of the Year. Dorothy Duncan was named Manildra's Citizen of the Year. Dorothy



has had many years of involvement in the local public school's parents and citizens association, the local preschool and swimming club just to name a few community organisations. Young Citizen of the Year was Mitch Gallagher, who has consistent scholastic results and sporting achievements.

Orchardist and NSW Famers Association Vice President Peter Darley was named the Borenore-Nashdale Citizen of the Year. At Orange a large crowd was on hand to see Dr Peter Bilenkij named the city's Citizen of the Year. Dr Bilenkij was recognised for his work with Radiotherapy Alliance and Cancer Care NSW as well as his role in the planning committee for the Orange Health Service. Community Group of the Year was the Orange and District Historical Society, which hosted 20 public events in 2012, including successful screenings of a 1927 documentary; 19-year-old scout leader Will Parish was named Orange's Junior Citizen of the Year; and Orange's community event of the year was the Cruisin' Along Car Rally. At Wellington, former mayor Anne Jones was recognised for her commitment to the community and was named Citizen of the Year. Senior Citizen of the Year award went to Bob Armstrong from Stuart Town and Young Citizen of the Year award went to Liam Nicholson. I extend my congratulations to all the Orange electorate's Australia Day Award recipients.

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.50 p.m.]: I briefly reiterate what the member for Orange said in the House today: Australia Day is much more than a public holiday. It does not matter whether people live in the city, on the coast or in a regional community, there are thousands of events that we can be a part of and enjoy. It does not matter whether it is a thong-throwing contest or enjoying the beach and lazing around. I know that members work very hard to visit those citizens in their electorates who have made contributions to the community, whether as part of a community group or individually. It is a great way to recognise people's achievements. It is also about looking at our past achievements as a nation and where our future may lie.

#### **RICHMOND ROAD UPGRADE**

**Mr KEVIN CONOLLY** (Riverstone) [7.51 p.m.]: I congratulate the New South Wales Government on its efforts to upgrade Richmond Road. Last weekend I had the pleasure of joining the Premier and the Minister for Roads and Ports to turn the first sod and commemorate the beginning of work on stage one of the Richmond Road upgrade. I was joined by the member for Londonderry and the member for Hawkesbury as Richmond Road services a wide area in the broader community. The upgrade of Richmond Road is great news for the residents of Marsden Park, Riverstone, Windsor Downs, Bligh Park and South Windsor in my electorate, as well as in the electorates of Hawkesbury and Londonderry. Local residents have been lobbying for an upgrade to Richmond Road for years, with the issue exacerbated since the completion of the M7 motorway as far more traffic are using Richmond Road.

It is only under this Coalition Government led by Barry O'Farrell that work has finally started. Stage one will take place on the section between Bells Creek and Townson Road at Marsden Park. The project is being delivered earlier than previously scheduled as a result of a housing acceleration allocation in the 2012-13 State budget. This \$46 million upgrade covers a 1.9 kilometre section of road and will support the Marsden Park area with new housing and new jobs. The work will upgrade Richmond Road from two lanes to a four-lane divided carriageway starting with earthworks, drainage, relocating utilities and building new road surfaces.

The design of the road will allow for the eventual extension of the road to six lanes without relocating the carriageways as is now planned. The project will feature an upgraded intersection with traffic lights at Townson Road and intersections to serve the Colebee precinct and Marsden Park industrial precinct. The upgrade is an important one as Richmond Road serves the North West Growth Centre and forms the north-south corridor connecting the proposed industrial and residential developments around Marsden Park with the M7 motorway. As I noted earlier, it provides a connection to the M7 for Windsor and Richmond residents and people of the general district.

The review of environmental factors for stages one and two between Bells Creek and Vine Street West was displayed in November 2011. In June 2012 the Government announced \$56 million would be provided from the housing acceleration fund for work on stage two of the Richmond Road upgrade between Townson Road and Vine Street West. Work on stage two is expected to start in mid-2014 and be completed by 2015-16. The review of environmental factors and concept design for stage three of the upgrade from Grange Avenue to the South Creek flood plain is being prepared now.

Stage three is linked to the planned development of the Marsden Park residential precinct under the precinct acceleration protocol, which was on exhibition late last year. I anticipate a decision from the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW in the not too distant future as to the plans for that precinct. Stage three of the road upgrade includes the planned relocation and improvement of the Garfield Road West and Richmond Road intersection, which is good news for residents who use that road. I expect stage three to be undertaken not too long after the completion of stage two.

The work that has just started on Richmond Road is in addition to the work currently taking place on the upgrade of Schofields Road—another major roads project in my electorate of Riverstone. This reflects the rapid growth that is happening in my electorate as part of the North West Growth Centre and the fact that this Government is committed to delivering infrastructure to serve that growth in a timely fashion. That infrastructure occurs with housing development and in some cases before the housing arrives alongside these major roads. That is something that did not occur in previous years in New South Wales. I am proud to be a member of the O'Farrell Government as we continue to roll out vital infrastructure and get on with the job of making New South Wales number one again.

### NORTH COAST FLOODS

**Mr CHRISTOPHER GULAPTIS** (Clarence) [7.56 p.m.]: I acknowledge the excellent efforts of the volunteers during the floods we experienced in the Clarence Valley on Australia Day. Obviously, I would have loved to talk about the Australia Day award recipients, but that will have to occur at a later date. Australia Day this year was marred by the floods in the Clarence electorate and other areas in the Northern Rivers. On Australia Day I was in Evans Head and watching the weather very closely. It had been raining for a couple of days and as I went home I knew we would be experiencing a flood. Living in Maclean, at the lower end of the catchment, I know that we become stranded by flood waters and cut off from the rest of the electorate. On the Monday, which was a public holiday, I ventured to the Grafton State Emergency Service headquarters to see how the people there were coping with the situation. There were 10 volunteers present despite its being a long weekend. They had given up their time to work over the long weekend in order to watch and prepare for the impending flood.

The acting incident controller was Michael Stubbs. The incident controller who is usually present, Caroline Ortel, was on leave at the time but returned halfway through the event. Michael was certainly in control of the situation and it was very reassuring to me to see that preparations were well underway. I then headed down river to Brushgrove to see how the village was preparing for the floods. Brushgrove does not have a levee and it is subject to moderate flooding. I stopped at the State Emergency Service shed to have a chat to some of the fellows there and they were in the throes of sandbagging and preparing for the flood, knowing that they would have to undertake a clean-up.

On my way back to Maclean I stopped in at the Maclean State Emergency Service unit to have a chat to the four volunteers there. There was less concern from the Maclean volunteers because the floods generally take three or four days to reach Maclean. I was pleased to be able to contact the member for Oxley and Deputy Premier to discuss the flood in my electorate with him. The Premier's visit to Grafton on the Tuesday was organised with the assistance of the Deputy Premier. The Premier declared the event a natural disaster, which made State resources available and relieved many residents. Several volunteer services were involved in the response and the recovery efforts: it was a multi-agency approach.

The State Emergency Service, Rural Fire Service, Clarence Valley Council, police, ambulance, Salvation Army, Red Cross, Disaster Management New South Wales, the Department of Primary Industries, the Northern Rivers Catchment Management Authority, Housing NSW, welfare agencies and Centrelink were present. Most of those agencies are working to assist in the recovery phase, which continues. As I speak in the House an east coast low weather system is threatening the north coast. It is raining at the moment and more rain is due and it is expected to deliver moderate to major flooding. The Clarence and Richmond rivers are on flood watch. We can only hope that the State Emergency Service and the community is prepared to ensure the safety of the people of the Clarence Valley and Richmond Valley, and that the northern rivers are protected throughout this impending event. I thank all those volunteer services who give of themselves without asking for anything in return.

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [8.01 p.m.]: I commend the member for Clarence for his hard work on Australia Day, visiting the people in his community impacted by the floods. As a local member I know that a big commitment was made. The debate in the House today and the media attention

that was given to the Clarence area during the flooding show the hard work and commitment by the local member to ensure that programs and measures were put in place to look after his community. I commend the member also on the one-stop shop, the recovery centre, that was established. The member and the Deputy Premier visited the recovery centre and met those who had been affected by the floods, and they spoke with the State Emergency Service workers. Police and emergency services were represented at the recovery centre. As the member for Clarence said, it was a one-stop shop that brought together government agencies to assist those who were affected. Whether it was advice on legal aid, insurance, housing or cash needs, important assistance was provided to them. I commend the member for Clarence for his hard work for his community.

## VOLUNTEERS

**Mr DAVID ELLIOTT** (Baulkham Hills) [8.02 p.m.]: Like the member for Clarence, I recognise the volunteers who make this great State the significant community it is today. Without wanting to devalue the volunteers in my electorate, I am in awe of the work of volunteers to bring community safety to Clarence during the recent floods and other natural disasters. I commend the achievements of some dedicated volunteers who were recently recognised for their tremendous contributions to the community at large in my electorate of Baulkham Hills. I am sure members will agree that Australia Day is one of the great occasions that gives the community a rare opportunity to properly recognise the achievements and contributions of our volunteers.

As I commenced my Australia Day activities at 7.30 in the morning on 26 January and finished them at about 10 o'clock in the evening I was conscious that most of the people with whom I celebrated Australia Day were not paid for their work. Many Australia Day festivities are greatly cherished by our communities. However, there is little doubt that the recognition of volunteers is a core component of our national day—a day that I think many members under the age of 50 have seen radically transformed since the early 1970s when it was not celebrated on 26 January in New South Wales. It was not until the Liberal Premier, Nick Greiner, proclaimed that Australia Day would be celebrated on 26 January that we started to take ownership of this important day.

One great thing about Australia that we recognise is volunteerism. This recognition naturally takes many forms, from community achievement awards to formal induction in the Order of Australia, which is announced on the morning of every Australia Day and later in the year on the Queen's birthday holiday. First, I congratulate on his award and entry into the Order of Australia my predecessor as the member for Baulkham Hills, Mr Wayne Merton. Many people in this esteemed establishment know Mr Merton. I see a few smiles on the faces of staff who remember the 23 years that he served in the New South Wales Parliament. I had the honour of replacing Mr Merton as the member for Baulkham Hills. It was not hard to find people who believed that Wayne deserved wholehearted recognition by way of an Order of Australia medal for his work as a parliamentarian and in the community.

On the morning of 26 January I was delighted to see the newspapers refer to Wayne Merton, AM. His services to this House were significant—as a Minister, a Parliamentary Secretary, a shadow Minister and an Assistant Speaker. But let us not forget that Wayne was awarded the Order of Australia for his contribution to the Salvation Army and to local community organisations such as Rotary and the Lions Club. I join his family—his wife Olwyn and his children and grandchildren—in celebrating and exalting the work of this great man. Indeed, this Friday night in my electorate Mr Nick Greiner, a former Premier of New South Wales, will be joining me at a community celebration for Wayne to congratulate him on his appointment to the Order of Australia.

Secondly, I acknowledge Jane Cooke, who is a silent achiever in the Hills district. She is well known to the member for Castle Hill, the member for Hawkesbury, the Federal member for Mitchell and me because of her contribution to Castle Hill RSL youth. She is a gymnastics coordinator but that is not all she does. She works above and beyond the call of duty. I was delighted to see her rewarded with an Order of Australia medal for her contribution to the Castle Hill RSL youth and her gymnastics work in the community. Finally, it would be remiss of me not to acknowledge that today a reception was held in Parliament House, hosted by the Parliamentary Auxiliary of St John Ambulance, to recognise Tony Thirlwell as the new chairman of St John Ambulance. He replaces former Opposition leader and Treasurer of New South Wales Peter Collins, who has been the chairman for the past six years. We welcomed Tony Thirlwell as the new chairman. Tony is a former chief executive of the Heart Foundation and he is known to many members of this House. That concludes my acknowledgement of the volunteers who make the State so great. I commend to the House the work they do above and beyond the call of duty.

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [8.07 p.m.]: I endorse the comments of my colleague the member for Baulkham Hills. I thank him not only for his support of all the volunteers in his area but particularly for his comments about our former colleague and the former member for Baulkham Hills, Wayne Merton. I had the pleasure of serving one parliamentary term with Wayne and have known him for more than a decade. Wayne Merton has been many things. He earned the respect of both sides of the Parliament. He certainly earned respect in his community as someone who supports the less fortunate. Wayne is a disciplined and well-mannered individual who has dedicated large parts of his life to supporting others, and he and Olwyn will continue to do so. We are proud to know Wayne. I am proud to say that Wayne has been a mentor to me over many years. We are equally proud to congratulate him on his recent award.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 8.08 p.m.  
until Thursday 21 February 2013 at 10.00 a.m.**

---