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LEGISLATIVE ASSEMBLY

Wednesday 1 May 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.

POWERS OF ATTORNEY AMENDMENT BILL 2013

Second Reading

Debate resumed from 30 May 2013.

Mr GREG APLIN (Albury) [10.02 a.m.]: I continue my contribution to debate on the Powers of Attorney Amendment Bill 2013. This is what one financial adviser network says about an enduring power of attorney:

An Enduring Power of Attorney is a legal agreement that enables you to appoint a trusted person, or people, to make decisions about personal-health matters and financial matters.

This is incorrect advice. Nevertheless, this chain of financial advisers concludes by inviting those interested to come to its office to complete an enduring power of attorney with the advisers. Government offices, with varying degrees of gracefulness, attempt to skate around the issue of providing clear and helpful advice on the jurisdictional acceptance of enduring powers of attorney. On its Guardianship website the Queensland Government explains the use of an enduring power of attorney but does not mention anything about its acceptability in other States. Western Australia's Office of the Public Advocate avoids answering the question on jurisdiction by saying on its website that we may as well assume the worst and act prophylactically. It states:

For people living outside Western Australia but with assets in this State, the Public Advocate recommends that a Western Australian enduring power of attorney is executed.

In New South Wales the Guardianship Tribunal provides the following online information about enduring powers of attorney:

Other States and Territories of Australia have their own legislation governing enduring powers of attorney. Some, but not all, automatically recognise a New South Wales enduring power of attorney as legally valid in those States. If you have savings, assets or property in another State or Territory, you should find out whether the law in that other State or Territory will allow a New South Wales enduring power of attorney to be used there.

If the Government organisations at the very centre of working with powers of attorney do not seem to know the answer, or at least are not sufficiently confident to list those States that accept each other's enduring powers of attorney, what hope does an ordinary member of the public have? A set of "end-of-life" and "ongoing health condition" planning documents must be developed nationally, with consistent terminology. I understand that work has been done towards preparing a national framework for advance care directives. Recently Land and Property Information, a division of the New South Wales Department of Finance and Services provided an opportunity for the public to give feedback on new draft power of attorney forms for use in New South Wales. Submissions on the feedback were to close in December but the period was extended into the start of this year. In following up progress I was informed that the proposed new power of attorney forms are now being redrafted "to take into account some of the issues that the submissions have raised".

The draft forms will soon be sent to organisations such as the Law Society, the New South Wales Trustee and Guardian and other stakeholders for further review. In accordance with the process established by

schedule 1 [3] of the bill, the new forms will be ready to proceed into the regulation, rather than into the Principal Act, by 1 July. Public education initiatives about the new forms should appear mid-year. The organisations to which I have referred are not the only organisations that have raised concerns about a nationally consistent regulation or to have put effort into improving the situation. I encourage all State and Territory Attorneys-General to re-invigorate those efforts aimed at producing a nationally consistent regulation of what I have termed "end-of-life" and "ongoing health condition" planning documents. I support the Powers of Attorney Amendment Bill 2013.

Mr MARK SPEAKMAN (Cronulla) [10.06 a.m.]: I am delighted to support the Power of Attorney Amendment Bill 2013. Broadly speaking, the bill proposes four amendments to the Powers of Attorney Act 2003. The first concerns making specific provision for the appointment by principals of substitute attorneys. Substitute attorneys are those who may act as an attorney under the power of attorney when there are vacancies in the office of attorney. A typical scenario for the use of a substitute attorney is when parents appoint each other as attorneys, with their children as substitutes. It is a frequent practice that people appoint a substitute attorney, despite the fact that the Act does not specifically deal with substitute attorneys. The position of a substitute attorney is unclear. The common law of attorney and agency recognises a substitute attorney. Most States in Australia specifically refer to substitute attorneys in their legislation. The Powers of Attorney Amendment Bill 2013 will clarify the position to put beyond doubt in New South Wales that a principal may appoint a substitute attorney.

The second set of amendments concerns the prescribed form for a power of attorney. There are two features of the amendments. The first is to remove the prescribed form from the main Act and enable forms to be prescribed by regulations made under the principal Act. That is to allow greater flexibility. When that prescription takes place there will be a substantial redesign of the form of the prescription. At the moment the prescribed power of attorney is a single form that can be used to create either a general power of attorney or an enduring power of attorney, depending on how the form is completed. A general power of attorney operates while the principal retains mental capacity; an enduring power of attorney continues to operate after the principal loses mental capacity.

The Government's review suggested that many people have found the single form confusing. An overwhelming majority of people prefer the form to be split into two separate forms—one for general powers of attorney and one for enduring powers of attorney. This amendment will bring the form into line with the situation in Queensland and Victoria. The third set of amendments made by the Powers of Attorney Amendment Bill 2013 concerns the power of the Guardianship Tribunal to review the revocation of an enduring power of attorney. It is clear the Guardianship Tribunal has jurisdiction to hear matters relating to powers of attorney but at the moment the wording of the Powers of Attorney Act leaves some doubt as to whether that jurisdiction goes so far as to determine issues relating to the revocation of a power of attorney.

The practice of the Guardianship Tribunal at the moment is to refer any matters relating to revocation to the Supreme Court—for example, where there is doubt as to whether a principal had the requisite mental capacity to revoke the power of attorney. It is quicker and cheaper for the tribunal to deal with such issues than to have the matters dealt with by the Supreme Court. That is why this amendment will be made—to give the Guardianship Tribunal that power beyond doubt. Powers of attorney legislation in other States allow for equivalent tribunals to determine the validity of the revocation of a power of attorney, so there is no reason that New South Wales should not do the same.

The fourth and final set of amendments will allow someone who appoints two or more persons as joint attorneys under a power of attorney to provide for the continuation of the power of attorney where the office of one or more of the attorneys becomes vacant. At the moment, the power of attorney is terminated if the office of one or more of the joint attorneys becomes vacant. This would be an amendment to section 46 of the principal Act to allow flexibility in the manner of appointing joint attorneys. At the moment there is a distinction between joint attorneys and several attorneys. If attorneys are appointed severally—that is, either one can act alone—the death of one of them will not terminate the power of attorney.

On the other hand, if a principal appoints two or more attorneys to act jointly—in other words, they have to act together—and one dies, the death of one will automatically terminate the power of attorney. Obviously, many people would want the flexibility to appoint family members jointly but at the same time they want the power of attorney to continue if one of those attorneys dies or vacates office. So, section 46 will be amended to clarify that what will be the default position namely that, where attorneys are appointed to act jointly, the power will terminate on the death of one of them—will not apply where the principal has made an

election to the contrary. These are all sensible amendments. They have come after widespread public consultation, with input from professional associations and organisations. It really is fine tuning of this area of the law to make it more navigable and manageable for lay people and to meet community expectations and desires about how powers of attorney can and should be used, and to ensure that there is maximum amount of choice and flexibility in these important instruments. I commend the bill to the House.

Mr TONY ISSA (Granville) [10.12 a.m.]: I support this important bill, the Power of Attorney Amendment Bill 2013. Like other legislation introduced by this Government, the bill will simplify processes and facilitate the preparation of a power of attorney. I believe that as a result of the passage of this bill more people will be inclined to take advantage of their ability to appoint an attorney to assist in the management of their affairs. I note that the bill received support from all sides of the Parliament in its passage through the Legislative Council. The bill is the result of a review into the Powers of Attorney Act 2003 and was supported by the legal profession and other stakeholders. Under this Act the power of attorney was deemed a legal document made by one person—the principal—that permits another person to manage that person's affairs, such as bank accounts, share portfolios, real estate and other assets.

The word "attorney" when used in the expression "power of attorney" does not mean that the person appointed must be a solicitor. This person can be anyone over the age of 18 who is capable of assisting another person with the management of money or property. Powers of attorney fall into two categories—general powers and enduring powers. A general, or ordinary, power of attorney will terminate if the principal loses mental capacity. It can also be applied in the short term—for example, if the principal is going overseas. To initiate an ordinary power of attorney the principal's signature will only need to be witnessed by a person over the age of 18 years. The enduring power of attorney is that which will continue to operate after the principal has lost mental capacity.

Because of its ramifications the enduring power of attorney has additional requirements. It must make it clear that the principal wishes it to continue after he or she has lost mental capacity. The enduring power of attorney will only commence after the attorney has signed. This schedule is not required for an ordinary power of attorney. The principal's signature must be witnessed by a special witness called a prescribed witness. A prescribed witness is a solicitor, barrister or registrar of a Local Court or a licensed conveyancer, employee of the Public Trustee or employee of a trustee company who has completed an approved course of study. The prescribed witness must further sign a certificate stating they have explained the enduring power of attorney to the principal and the principal has understood it.

As I stated earlier, the bill is the result of an extensive review that sought the views of a wide range of people, and its shortcomings were identified as part of this process. The review was undertaken by the Land and Property Information Office with the cooperation of the Attorney General, the Guardianship Tribunal and the Law Society of New South Wales. According to mechanisms to appoint a power of attorney, where the principal is suffering from a mental incapacity a substitute decision maker will be appointed by the Supreme Court or the Guardianship Tribunal. In 2009-2010 the Guardianship Tribunal received over 7,000 new applications—47 per cent related to the appointment of a financial manager, 42 per cent related to the appointment of a guardian, 60 per cent of all the applications were for people aged 65 years or over, and 49 per cent of all applications related to dementia. The tribunal expects that these trends will continue.

I now turn my attention to the detail of the bill. Firstly, the bill substantially redesigns the prescribed form of the power of attorney. When the Act was introduced in 2004 it was believed that a single form would be able to create either a general or enduring power of attorney and that a single form would make it easier and simpler for a person to complete the application. In fact, it was found during the extensive review process that the single form was confusing for many people. Given the fact that many people seeking to appoint a power of attorney to help to manage their affairs are elderly, they need to have provisions in legislation that make it easy and simple for them to understand.

In this instance many people found the single form confusing when it applied to both the ordinary power of attorney and the enduring power of attorney. As a result, this bill will bring into effect separate forms for the general—ordinary—and the enduring power of attorney appointment. The creation of two forms also brings New South Wales into line with other States such as Queensland and Victoria, which have separate forms for different powers of attorney. Furthermore, when the review took place an overwhelming majority of people said they preferred two separate forms. The new forms were submitted to the review panel for evaluation and received comment from both legal practitioners and the general public. They contain more information on what is expected of an attorney, and make it absolutely clear what is expected from the attorney. Failure to act in the best interests of the client may incur civil and criminal penalties.

The bill will remove the prescribed form from its place in the Act and replace it in the Powers of Attorney Regulation. This means that it will be able to be adapted and changed easily without an Act of Parliament. These new forms will be available once this bill has been proclaimed, and that is expected to be in July this year. One of the most important amendments to the legislation concerns section 46 to allow for more flexibility in the manner of appointing joint attorneys. The changes mean that if a person has nominated joint attorneys for power of attorney and one dies, the other appointment will not be terminated—as is the current law. This will permit a principal to decide whether the power of attorney is to continue despite the vacation from office of one of the attorneys. The amendment will provide greater flexibility to the principal when appointing two or more attorneys. This will also overcome problems associated with the fact that the principal can be left without anyone to look after his or her affairs and may be mentally incapable of appointing another.

The bill makes further provision for substitute attorneys to be appointed. In its current form the Act makes no such provision. Under proposed section 45A the principal will be able to nominate a substitute attorney, thereby allowing him or her to decide on a replacement attorney. This will guarantee that the principal will not be disadvantaged if he or she becomes mentally incapacitated and the appointed attorney dies. The bill also provides that the Guardianship Tribunal has the power to review the revocation of an enduring power of attorney. What the bill achieves through minor amendments is a greater protection of citizens, particularly the thousands of people each year who rely on a power of attorney to handle their affairs. I congratulate the Minister and the Government for their work in preparing this legislation and for laying the groundwork with the establishment of a thorough review into the current Act. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [10.20 a.m.]: I support the Powers of Attorney Amendment Bill 2013, which aims to make amendments to the Powers of Attorney Act 2003 as a result of a recent review after doubts were raised about certain issues needing clarification and simplification in relation to the Act. Public consultation was undertaken as a large part of the review along with input and assistance from the legal profession and other stakeholders. A power of attorney is a legal document made by one person, who is called the "principal", that allows another person to make financial and other decisions on behalf of the principal. An attorney can be anyone over the age of 18 who is able to assist the principal in dealing with his or her financial matters. The attorney is only authorised to make decisions and act in relation to financial matters for the principal. Powers of attorney are also used by corporations to allow employees or appointed officers to complete transactions on behalf of that company.

In New South Wales there are two types of powers of attorney—a general, or ordinary, power of attorney and an enduring power of attorney. These two powers of attorney are defined by the principal's mental capacity. If the principal has no loss of mental capacity, a general power of attorney can operate. A general power of attorney can be used for a defined period or for a specific transaction and can be revoked by the principal. Currently a general power of attorney form can be found at most newsagents, Australia Post offices, stationers and legal stationers, and on the Land and Property Information website. An enduring power of attorney continues after the principal loses mental capacity. The enduring power of attorney allows the principal to choose who can make his or her financial decisions when he or she can no longer do so.

An application for an enduring power of attorney is currently on the same form as the general power of attorney, however the enduring power of attorney must be signed in front of a legal practitioner and the effects of granting an enduring guardian must have been explained. The use of the same form for both powers of attorney will be amended by this bill in response to the review's findings that people get confused as to what type of power the principal is giving by use of the single form. Separate forms will now be used for a general power of attorney and an enduring power of attorney. Good feedback was received after making the proposed new forms publicly available with helpful comments provided from stakeholders, and that has resulted in the forms being easy to read and clear. More information on what is expected of an attorney has been added to the forms. The forms make it clear that the attorney's role is to act in the best interests of the principal and highlight the penalties should they fail to act in that way.

The Minister's point is a very valid one: most attorneys do act in the best interests of the principal and most just lack experience and guidance to act as an attorney. Information contained in the new forms will assist attorneys in their roles and reduce instances where sheer lack of experience and information in their role as attorney cause their actions to be questioned. The prescribed form will now be moved from its current place in the Act and inserted into the Powers of Attorney Regulation, allowing the form to be changed quickly and to commence operation once this bill is proclaimed.

Currently a power of attorney is terminated if the office of one or more of the attorneys becomes vacant. This has proven to be inflexible for principals. The bill seeks to amend the Act to allow a person who appoints two or more persons as joint attorneys under a power of attorney to provide for the continuation of the

power of attorney where the office of one or more of the attorneys becomes vacant. The principal will now be able to make it clear that the principal can choose whether the power of attorney is to continue if a joint attorney should die. The bill will also clarify the position of substitute attorneys. Currently many people appoint a substitute attorney, who is an attorney should the original attorney no longer be able to act. What makes this confusing and unclear is the fact that the Act does not deal with substitute attorneys. The bill acknowledges that substitute attorneys can be appointed by a principal.

The last amendment this bill will make is to give the Guardianship Tribunal the jurisdiction to consider disputes relating to the revocation of an enduring power of attorney. The tribunal currently hears matters relating to powers of attorney but refers matters relating to revocations of powers of attorney to the Supreme Court due to the current wording of the Act, which causes doubt. Having these matters heard at the tribunal is cheaper and quicker than going to the New South Wales Supreme Court, and it is the preferred way of having such matters dealt with for a number of people. The Government prides itself on cutting red tape not only to make day-to-day life easier for its citizens but also to make long-term planning for ourselves and the future of our families easier and without unnecessary confusion. The Powers of Attorney Amendment Bill is one way in which this Government is helping the people of New South Wales to go about planning for their present and their future without undue confusion and wasted time.

When all things legal come to the House I confer with the very learned member for Cronulla, who spoke earlier. He went through the bill and explained it to me. This is a very straightforward bill and these amendments will make life simpler for people. Quite often powers of attorney are drawn up as a result of the onset of mental illness or incapacitation. For loved ones who are struggling to obtain a power of attorney it can quite often cause grief and create a very sad situation. The bill is all about making the process of obtaining powers of attorney simpler for families that need them. I digress for a moment to welcome to the Parliament four constituents, who are in the public gallery, who have made the trip from Camden. They are Margaret Ingram, Dawn Morgan, Josephine Booth and Fay Jones. Welcome to the New South Wales Parliament. It was wonderful to host you today in the meeting in Parliament House. Returning to the bill, the Powers of Attorney Amendment Bill 2013 tidies up a number of issues and makes provisions more user-friendly. For that reason, I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [10.30 a.m.]: I support the Powers of Attorney Amendment Bill 2013, which has been introduced following a review that found users were confused by the prescribed form to appoint a power of attorney. The bill proposes an amendment to split that form into two—one for general powers of attorney and one for enduring powers—and to move the form from the Act to the regulation. Other proposed changes include amending the Act to allow flexibility in appointing joint attorneys to provide clarity in that process and in nominating substitute attorneys. As can be gleaned from my comments, two forms of power of attorney exist. A general power of attorney usually operates to conduct the affairs of the principal when he or she travels overseas for a specific period. An enduring power of attorney operates and remains in force when the principal becomes ill or suffers from dementia. Issues and arguments regarding powers of attorney often lead to litigation before the Supreme Court or tribunal.

An enduring power of attorney is one of three documents that everyone should have. The first document is a will that looks after one's estate and material assets after death. The second is an enduring power of attorney to look after the affairs of someone who is incapacitated and unable to do it themselves. The third is an enduring guardianship, which maintains the lifestyle and health of the principal. Some people believe everyone also should have a fourth document known as an advance directive, which details someone's decisions should they succumb to a terminal illness and not wish to continue mechanical life support. Some practitioners include advance directives in an enduring guardianship form. These documents must be executed before they are needed, preferably at a young age. I encourage everyone to ensure that they have all these documents executed and in place as part of good estate planning. Obviously, as these are legal documents one always should seek legal advice. The bill states:

The object of this Bill is to amend the *Powers of Attorney Act 2003* (the **Principal Act**) as follows:

- (a) to make specific provision for the appointment by principals of substitute attorneys (being persons who may act as attorney under the power of attorney during certain vacancies in the office of a specified attorney),
- (b) to remove the prescribed form for a power of attorney from the Principal Act and enable such forms to be prescribed by the regulations made under the Principal Act,
- (c) to give the Guardianship Tribunal the power to review the revocation of an enduring power of attorney,
- (d) to allow a person who appoints two or more persons as joint attorneys under a power of attorney to provide for the continuation of the power of attorney where the office of one or more of the attorneys becomes vacant (currently, the power of attorney is terminated if the office of one or more of the attorneys becomes vacant),

The final object of the bill is to make other minor amendments. The bill introduces increased measures to combat misuse of powers of attorney and proposes several reasons to reduce the potential for that to occur. The redesigned prescribed form of power of attorney will alert attorneys to their duty to the principal and the consequences of acting against the principal's best interests. When drafting enduring powers of attorney particularly, practitioners commonly attach a form that highlights to the principal the powers being given to the attorney and the responsibilities of the attorney. Many of those past practices will be adopted in the new power of attorney form.

Many people appointed as attorneys are not experienced in the role and mistakes result when handling a principal's financial affairs. Better and clearer information and guidance about an attorney's duty will reduce the likelihood of mistakes. Of course, including those clauses in the new form will make it easier to prove that an attorney knowingly did something wrong. Further, the redesigned form gives the principal greater flexibility in expressing how their financial affairs are to be handled. Whilst the bill does not introduce mandatory obligations, such as compulsory auditing of accounts, a principal can choose to include such obligations in the power of attorney as a condition of appointment. The bill also amends the Act to allow a principal to appoint substitute attorneys. This minimises the risk that an original attorney will continue to act if the power is revoked.

The substitute attorney will take over as attorney. An instrument of appointment confers on an attorney all the principal's powers to make financial decisions. All principals must ensure that the attorney they appoint is trustworthy. I always ensured before executing the document that the principal trusted implicitly the person they proposed as their power of attorney. On occasion some principals said that they did not trust the person. I told them to reconsider whom they were appointing before I executed any power of attorney. Several years ago a client's mother appointed her brother as her power of attorney.

My client was a joint executor of the mother's will. For several years before the death of my client's mother the brother, in his capacity as power of attorney for his sibling, spent the entire estate as he performed his duties. He bought himself a new house and renovated it. When my client's mother died there was virtually nothing remaining in the estate. That demonstrates some pitfalls in appointing power of attorney to the wrong person and emphasises the importance of the principal considering carefully whom they appoint. The bill's provisions certainly make things easier and simpler for everyone, especially litigation lawyers who will be able to demonstrate that someone has knowingly acted wrongly in their capacity as power of attorney. No longer will they be able to hide behind the excuse that they were unsure of their powers and fiduciary duties. I commend the bill to the House.

Mr ANDREW CORNWELL (Charlestown) [10.39 a.m.]: I support the Powers of Attorney Amendment Bill 2013, which makes a number of small but significant changes to the Powers of Attorney Act 2003. It will clarify doubts and simplify the process of appointing an attorney. The bill was prepared after wide public consultation and cooperation with the legal profession and other stakeholders. It demonstrates the Government's commitment to listen to the community and to simplify laws where simplification is required. A power of attorney is an important legal document that enables a person to give someone else the ability to make a financial decision on their behalf. Powers of attorney are used by corporations to allow employees or designated officials to enter into transactions on behalf of the company. They are also widely used by individuals to allow trusted associates or family members to assist them with their financial affairs when they are unavailable or otherwise unable to do it themselves. It is this second category with which the Powers of Attorney Amendment Bill 2013 is primarily concerned.

The proposals in the bill will reduce the potential for misuse of powers of attorney. The redesigned prescribed form of power of attorney will alert attorneys to their duty to the principal and the consequences of acting against the principal's best interests. Many people appointed as attorneys are not experienced in the role and, as a result, mistakes can be made when handling a principal's financial affairs. Better and clearer information and guidance about carrying out an attorney's duty will reduce the likelihood of mistakes being made. The redesigned form gives the principal greater flexibility in how his or her financial affairs are to be handled. Whilst the bill does not introduce mandatory obligations, such as compulsory auditing of accounts, the principal can choose to include such obligations in the power of attorney as a condition of appointment.

The bill amends the Act to allow a principal to appoint substitute attorneys. The appointment of a substitute attorney minimises the risk that the original attorney will continue to act if the power is revoked as the substitute attorney will take over as attorney. An instrument of appointment confers on an attorney all the principal's powers to make financial decisions. All principals need to take care to ensure that the attorney they propose to appoint is trustworthy. The proposals in the bill allow for the appointment of substitute attorneys, as

is the case in other States. The proposals in the bill also split the current single prescribed form of power of attorney into two separate forms to deal with general powers of attorney and enduring powers of attorney. Victoria and Queensland already have separate forms for each type of power of attorney.

The Guardianship Tribunal and the Supreme Court of NSW can determine matters regarding the validity of an enduring power of attorney. Many people prefer to have their matter determined by the tribunal because it is a cheaper, quicker and less formal avenue than the Supreme Court. Due to the wording of the Act, there is doubt as to whether the tribunal's ability to determine the validity of an enduring power of attorney extends to revocation, or termination, of an enduring power of attorney. Cases where the validity of a revocation is in dispute—for example, where the principal lacks the mental capacity to revoke the power of attorney—are referred to the Supreme Court, which is costly and time-consuming for the parties involved. The bill will put it beyond doubt that the tribunal can determine the validity of a revocation of an enduring power of attorney.

Section 64 states that if two or more attorneys are appointed jointly—that is, they must make decisions together—and one of the attorneys vacates the office through death, resignation or bankruptcy then the power of attorney terminates automatically. The section was introduced originally to clear up uncertainty about what happens when two or more attorneys are appointed and one dies. However, in practice, many people want the choice to have the power of attorney to continue despite the death of a joint attorney. This is because many people appoint their children or relatives as joint attorneys and they want the appointment to continue because of the family connection, even if one of the attorneys vacates the office. The amendment in the bill will preserve the effect of section 46. However, the principal will be given the choice of whether the section is to apply to them. This allows some flexibility for the principal to decide how the joint attorneys are to act while maintaining clarity as to the legal consequence of one joint attorney vacating office.

The Act also provides statutory protection to the third parties dealing with an attorney whose power is revoked. Essentially, if the third party deals with an attorney and is unaware that the attorney's power is terminated, the law treats it as if the power is valid. In such circumstances, the principal will take action against the attorney and not the innocent third party. If the power of attorney is not terminated, the common law gives similar protection to the third parties dealing with an attorney. That means if a third party deals with an attorney and is unaware that the attorney had no power to act, the law treats it as though the Act was valid. Therefore, in the circumstances described above, a third party does not need to inquire whether the substituted attorney can act validly. This is an issue between the principal and the attorney. This matter is dealt with adequately by the Commonwealth law and there is no requirement for it to be repeated within the Act. This bill is another example of the O'Farrell Government getting on with the job of making life simpler, easier and clearer for the people of New South Wales. I commend the Minister for Finance, the Hon. Greg Pearce, in the other place for his work on this legislation. I commend the bill to the House.

Mr JOHN FLOWERS (Rockdale) [10.44 a.m.]: I make a contribution to debate on the Powers of Attorney Amendment Bill 2013 and congratulate the Minister for Finance, the Hon. Greg Pearce, on his hard work and dedication in simplifying some of the complexities surrounding the Powers of Attorney Act 2003. A power of attorney is a legal document made by one person, who is called the principal, that allows another person to make financial and other decisions on behalf of the principal. A power of attorney authorises an attorney to act only in relation to financial matters; it does not allow the attorney to make personal decisions for the principal.

The object of the bill is to amend the Powers of Attorney Act 2003 as follows: to make specific provision for the appointment by principals of substitute attorneys, being persons who may act as attorney under the power of attorney during certain vacancies in the office of a specified attorney; to remove the prescribed form for a power of attorney from the principal Act and enable such forms to be prescribed by the regulations made under the principal Act; to allow a person who appoints two or more persons as joint attorneys under a power of attorney to provide for the continuation of the power of attorney where the office of one or more of the attorneys becomes vacant—currently, the power of attorney is terminated if the office of one or more of the attorneys becomes vacant—to give the Guardianship Tribunal the power to review the revocation of an enduring power of attorney; and to make other consequential amendments, and insert savings and transitional provisions.

Following a review it was found that users of the prescribed form for the appointment of a power of attorney found that form to be confusing. The bill proposes an amendment that separates the form into two forms: one for general powers of attorney and one for enduring powers. The prescribed form will be moved from the Act to the regulation. Other changes include amending the Act to allow some flexibility. In the matter of appointing joint attorneys, it will provide clarity to this process and to the process of nominating substitute

attorneys. A general power of attorney operates whilst the person who is granted it retains mental capacity. The principal can therefore monitor the attorney's actions and terminate the power if he or she so chooses. An enduring power of attorney continues to operate under the principal after the principal loses mental capacity. This makes an enduring power of attorney a particularly useful tool in planning for later life. The bill makes a number of small but significant amendments to the Powers of Attorney Act 2003 that seek to clarify issues surrounding the complexity and lack of flexibility in appointing a power of attorney.

The first of the amendments proposed by the bill is to substantially redesign the prescribed form of power of attorney. The current prescribed power of attorney is a single form that can be used to create either a general power of attorney or an enduring power of attorney, depending on how the form is completed. When the Act was introduced it was thought that a single form would make it easier and quicker for someone to complete. However, the review revealed that many people found the current single form confusing. An overwhelming majority of people preferred the form to be split into two separate forms: one for general power of attorney and one for enduring power of attorney. Separate forms will eliminate confusion as to the type of power the principal is giving to his or her attorney. The amendment also brings the prescribed form of power of attorney into line with those in other States such as Queensland and Victoria, which have separate forms for different types of powers of attorney.

The bill makes another important change to the Act by amending section 46 to allow some flexibility in the manner of appointing joint attorneys. Currently, the effect of this section is that if a principal appoints two or more attorneys to act jointly—that is, both must act together—and one dies then the death of one will automatically terminate the power of attorney. If the attorneys are appointed severally—that is, either one can act alone—then the death of one will not terminate the power of attorney. This has proved to be quite restrictive as family members often want the power of attorney to continue if one of the attorneys dies or vacates office. The new default position will make it clear that the principal can choose whether the power is to continue despite the death of a joint attorney.

A further amendment in the bill gives the Guardianship Tribunal the jurisdiction to consider disputes relating to the revocation of an enduring power of attorney. The tribunal and the Supreme Court of New South Wales can determine matters regarding the validity of an enduring power of attorney. Many people prefer to have their matter determined by the tribunal as it is cheaper, quicker and less formal than the Supreme Court. Due to the wording of the current Act there is doubt as to whether the tribunal's ability to determine the validity of an enduring power of attorney extends to a revocation—that is, termination of an enduring power of attorney. The bill will put it beyond doubt that the tribunal can determine the validity of a revocation of an enduring power of attorney.

It should be noted further that the Powers of Attorney Amendment Bill 2013 allows for increased measures against misuse of power by an attorney. The proposals in the bill will reduce the potential for misuse for several reasons. The redesign of the prescribed form for power of attorney will alert attorneys to their duty to the principal and the consequences of acting against the principal's best interests. Many people appointed as attorneys are not experienced in the role. As a result, mistakes can be made when handling a principal's financial affairs. Better and clearer information and guidance about carrying out an attorney's duty will reduce the likelihood of mistakes being made.

The redesigned form gives the principal greater flexibility as to how his or her financial affairs are to be handled. A principal can, if he or she wishes, have accounts audited as a condition of appointment. The bill also amends the Act to allow a principal to appoint substitute attorneys. This minimises the risk that the original attorney will continue to act if the power is revoked. This legislation will be beneficial to many of my constituents in Rockdale by making the amendments outlined above. The Government has demonstrated that it is not only listening to the people but also acting to make it easier for those making their final arrangements to do so with confidence. I commend the bill to the House.

Mr BRUCE NOTLEY-SMITH (Coogee) [10.54 a.m.]: I support the Powers of Attorney Amendment Bill 2013. This bill has been developed after extensive review and consultation with stakeholders and it seeks to address areas of concern regarding the present provisions that were noted in submissions made to the review. The amendments in this bill make it easier for people to manage their financial affairs. These are important amendments as they reflect the needs of the community and address some of the practical problems encountered with the present provisions. Enabling people to manage their own affairs, most particularly their financial affairs, in accordance with their wishes is very important.

This takes on greater significance when people wish to ensure the proper continuation of the management of their affairs when they no longer possess the mental capacity to make those decisions themselves. To this end, the bill makes a number of amendments to the Powers of Attorney Act 2003. First, the bill allows for the provision of substitute attorneys. Often there have been situations where the appointed attorney has been unable to manage the affairs of the principal due to various circumstances—for example, the death or resignation of the attorney or simply when an appointed attorney is overseas. Currently, where circumstances have arisen and where the principal cannot appoint a new attorney due to no longer having the capacity to do so, the parties have had to approach the Guardianship Tribunal for appropriate orders.

ACTING-SPEAKER (Ms Sonia Horner): Order! This is an important debate. Members will be heard in silence.

Mr BRUCE NOTLEY-SMITH: To provide a better solution to this problem the bill introduces new section 45A, which gives the principal the power to appoint substitute attorneys while they still have the capacity to do so. New section 45A (2) provides that the appointment of a substitute attorney may be made by expressly including the appointment in the instrument creating the power of attorney. As a result, the principal will now have the power to determine who will continue to manage their affairs when there are vacancies in the office of the first appointed attorney. This is particularly beneficial for elderly couples who may appoint their spouse as an attorney. It may happen that the spouse, while acting as an attorney, passes away while the principal is still alive, leaving a vacancy and potentially a contest, in some cases, for position of the new attorney.

Secondly, the bill amends section 46 of the current Act to introduce flexibility into the way that vacancies in the case of the joint attorneys are dealt with. Currently, the power of attorney automatically terminates when one party to a joint attorney agreement ceases to hold that office. The bill provides that the power of attorney is no longer terminated unless the power of attorney provides otherwise and at least one of the attorneys or substitute attorneys remains in office. This provision gives principals the peace of mind that their affairs will be taken care of in accordance with their wishes.

At present one prescribed form of power of attorney is encompassed by the Act. This bill will remove the prescribed form from the Act to the Powers of Attorney Regulation 2011. This allows future changes to be made more quickly and efficiently without the need for the passage of legislation. In addition, the prescribed form of power of attorney will now be split into two forms: one for an ordinary power of attorney and one for an enduring power of attorney. This ensures that those seeking to appoint someone to manage their affairs can choose the form that best suits their needs. The bill also confers power on the Guardianship Tribunal to review the validity of a revocation of a power of attorney. When a party disputes the validity of a revocation that party has to approach the Supreme Court to make a determination on the matter.

I submit that the Supreme Court has more pressing issues to worry about than the revocation of powers of attorney and that those disputing a revocation would rather not face the time and expense involved in proceedings in our State's highest court. Finally, the forms used to grant someone a power of attorney have been completely redesigned to ensure that they are easier to understand and provide the most up-to-date and relevant information. Redesigning the forms is perhaps one of the most simple but also most beneficial ways to change what can often be a confusing process. Better designed forms will reduce the likelihood of mistakes being made and ensure that those completing the forms receive the information they need. It is these sorts of customer-focused changes that can make a difference to the way in which people interact with the New South Wales Government and its agencies.

I note that the Premier has introduced the Service NSW (One-stop Access to Government Services) Bill 2013. That is yet another example of how the New South Wales Government's attention to detail is ensuring that our departments' customers are afforded the best possible service. Members meet with countless constituents who are at their wit's end about the service provided by government departments. People are forced to contact their member of Parliament to get action when that should always be the last resort. These changes, along with the other changes being implemented across all customer-focused portfolios, will make dealing with the Government much easier for the residents of New South Wales. I am glad that the New South Wales Government is committed to customer-focused changes to improve the way in which we serve the residents of this State. This bill, like many others that the Government has introduced, is an example of that commitment. I therefore commend it to the House.

Mr ANDREW ROHAN (Smithfield) [11.02 a.m.]: I am pleased to support the Powers of Attorney Amendment Bill 2013. This bill makes a number of small but significant amendments to the Powers of Attorney

Act 2003 to simplify the process of appointing an attorney and to make it clearer and easier to understand. The proposed amendments are practical and will encourage more people to use a power of attorney by making the forms more flexible and easier to use. The bill demonstrates the New South Wales Coalition Government's commitment to listening to and implementing feedback from the community to improve and simplify our laws. A power of attorney is an important legal function that enables persons to give someone else the ability to make financial or health decisions on their behalf. Powers of attorney are used by corporations to allow employees or designated officers to enter into transactions on behalf of the company and by individuals to allow trusted family members or friends to assist them with their financial affairs when they are unavailable or otherwise unable to do so themselves.

Powers of attorney fall into two main categories: general powers and enduring powers. The first amendment proposed in this bill relates to redesigning the current form used to appoint a power of attorney. The current prescribed power of attorney document is a single form that can be used to create either a general power of attorney or an enduring power of attorney. When the legislation was first introduced it was believed that it would be easier and clearer to have all the options on the one form. However, I understand that a review has revealed otherwise; that is, it is very confusing and it would be easier to have the two options on two separate forms, one for general powers of attorney and one for enduring powers of attorney. This bill also removes the prescribed form from its current place in the Act and inserts it in the Powers of Attorney Regulation. This will allow the prescribed form to be changed quickly and easily to meet any changes in the law and in practice.

The proposed new forms prescribed in the regulation will be timed to commence operation once this bill has been proclaimed, which is anticipated to be July 2013. The bill also amends the Act to allow some flexibility in the manner of appointing joint attorneys. Currently if two or more attorneys are appointed to act jointly they must both act together and if one dies then that will automatically terminate the power of attorney for the remaining appointee. If the attorneys are appointed severally—that is, either one can act alone—then the death of one will not terminate the power of attorney. This proposal received wide support from the general public and the legal profession in the review because it provides both flexibility and clarification for the appointment of joint attorneys.

The bill also gives the Guardianship Tribunal the jurisdiction to consider disputes relating to the revocation of an enduring power of attorney. A principal may terminate a power of attorney by serving the attorney with a notice in writing stating that the attorney's power is terminated and that the attorney can no longer act. Although the Guardianship Tribunal has jurisdiction to hear matters relating to powers of attorney, the wording of the Act casts doubt upon whether that jurisdiction extends to determining issues relating to a revocation of a power of attorney. The current practice of the tribunal is to refer any matters relating to revocations to the Supreme Court of New South Wales. A prime example is in the situation in which it is doubtful that a principal had the requisite mental capacity to revoke a power of attorney. In that case the matter must be dealt with by the Supreme Court. Most people would prefer to have the tribunal deal with such issues because it is cheaper and quicker than having the dispute dealt with by the Supreme Court.

Powers of attorney legislation in other States allows for their equivalent tribunals to determine the validity of a revocation of a power of attorney, so there is no reason that the New South Wales Guardianship Tribunal should not be able to do the same. The Supreme Court of New South Wales and the Attorney General do not oppose this proposal. I acknowledge the involvement of the Elder Law Committee of the Law Society of New South Wales in assisting with the redesign of the prescribed forms. The Powers of Attorney Act gives people the ability to take control of their financial and legal affairs and allows people to plan for their future. As I said, the proposals in this amending bill will encourage more people to use a power of attorney by making the forms more flexible and easier to use and understand. I commend the bill to the House.

Mr MATT KEAN (Hornsby) [11.08 a.m.]: I am delighted to support the Powers of Attorney Amendment Bill 2013 because it is yet another example of the Coalition Government implementing changes to make life easier for the people of New South Wales. The bill makes small but necessary changes to the operation of powers of attorney in this State. The proposed amendments will assist in making the prescribed form easier to understand and will provide greater flexibility to allow a person to make arrangements for the management of his or her financial affairs. A person granting a power of attorney wants that process to be easy and also wants to ensure that his or her interests are protected. That is what this bill seeks to achieve. It also increases the ability to ensure that the power of attorney is not misused. That is very important, given how vulnerable people can be when a power of attorney is used. The redesigned prescribed form will alert attorneys to their duty to the principal and the consequences of acting against the principal's best interests.

Too often we are given examples of attorneys not acting in the best interests of the principal. This important amendment increases measures against the misuse of that power of attorney. Many people appointed as attorneys are not experienced in the role and as a result mistakes can be made when handling a principal's financial affairs. Better and clearer information and guidance about carrying out an attorney's duty will reduce the likelihood of mistakes being made, which is what this amendment seeks to do. Further, the redesigned form gives the principal greater flexibility in how his or her financial affairs are to be handled. Whilst the bill does not introduce mandatory obligations, such as compulsory auditing of accounts, a principal can choose to include such obligations in the power of attorney as a condition of appointment.

I believe it is a win for people who choose to appoint a power of attorney to know that their financial affairs are subject to rigorous auditing and will be safeguarded as appropriate. This reform is long overdue. The bill also amends the Act to allow a principal to appoint substitute attorneys. The appointment of a substitute attorney minimises the risk that the original attorney will continue to act if the power is revoked as the substitute attorney will take over as attorney. We have heard of many cases in this State where attorneys dispute the fact that they are being replaced and they continue to act against the interests of the principal. This amendment seeks to resolve those issues. It is good to empower principals and to make sure that their interests are protected and safeguarded.

An instrument of appointment confers on an attorney all the principal's powers to make financial decisions. All principals need to take care to ensure that the attorney they propose to appoint is trustworthy. It goes without saying that the amendments to this legislation seek to include more safeguards, rigour and responsibilities around the role of the power of attorney to protect the interests of the principal. The proposals in this bill allow for the appointment of substitute attorneys as is the case in other States. This legislation brings this State into line with the rest of the Commonwealth. When people transfer from State to State they will know that the system in each State will be similar and that their interests will be protected and safeguarded. The proposals in this bill also split the current single prescribed form of power of attorney into two separate forms to deal with general powers of attorney and enduring powers of attorney. Victoria and Queensland have separate forms for each type of power of attorney.

The Attorney General did not propose these amendments lightly. The proposals contained in this bill are not only sensible but also practical and straightforward. The new prescribed forms have been made in close consultation with the legal profession, organisations involved in care of the elderly, and the general community. The Government involved key stakeholders in this process—a critical role in the formulation of this amendment. We have made sure that appropriate safeguards will be put in place to protect the interests of principals. I commend the Attorney General for his continued good work in delivering outcomes to protect very vulnerable people in our community, for example, children in juvenile detention centres. The Attorney General is now protecting the interests of vulnerable principals who have given the power of attorney to others.

This legislation will ensure that their financial affairs are further safeguarded and that those who are given the power of attorney will continue to act in their interests. This bill will improve the use of the powers of attorney and enable people to decide for themselves how their affairs are to be managed—a very liberal philosophy. I am sure that the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, who is in the Chamber, agrees that it is a good thing to give people that freedom, to empower individuals in our community, to enable them to execute their choices and to ensure that their interests are safeguarded, which is what this amendment seeks to do. I commend the Attorney General and his team for their work in formulating this amendment and commend the bill to the House.

Mr GARRY EDWARDS (Swansea) [11.15 a.m.]: The Powers of Attorney Amendment Bill 2013 contains a number of significant amendments to the Powers of Attorney Act 2003 that, amongst other things, will simplify the process of appointing an attorney as well as allowing a principal more flexibility when appointing two or more attorneys. This bill was prepared after wide public consultation, with assistance from the legal profession and other critical stakeholders, and coordinated by Land and Property Information with the assistance of the Guardianship Tribunal, the Department of Attorney General and Justice, and the Law Society.

As many members would be aware, a power of attorney is a legal agreement that enables a person to appoint someone to make financial decisions on his or her behalf. A power of attorney is often used by people who are unable to make financial decisions themselves but who sign a legal agreement to enable their family members to make those decisions. The first amendment will redesign the prescribed power of attorney form and effectively split the form into two sections: general power of attorney and enduring power of attorney. This

modification to the form has long been sought by individuals because the current prescribed form was deemed to be too confusing. The new proposed prescribed forms contain information as to what is expected of attorneys and is designed to assist and guide them in their duties.

As has been said on a number of occasions by my colleagues in this place, those who are appointed pursuant to power of attorney agreements often have never had any dealings in this area. Basically they are novices so there is a need for them to be educated to ensure that they do not make mistakes and that they do not deliberately go out of their way to do something wrong. These new forms, which have been made available for public consultation, will commence operation in July this year. This amendment will bring the prescribed power of attorney form into line with legislation in other States including Queensland and Victoria.

The bill makes another important amendment to the Act by amending section 46 to enable more flexibility in the appointment of joint attorneys. Under the current Act if a principal were to appoint two or more attorneys to act jointly and one of those attorneys was to die, the power of attorney would be null and void—it would come to an end. The consultation that was undertaken established that people wanted more flexibility to appoint joint family members but they wanted the power of attorney to continue if one of the joint appointees died. Accordingly, the amendment to section 46 will ensure that the new forms give principals the option to continue the power of attorney after the death of a joint appointee.

The bill will amend and clarify the positions of substitute attorneys by including new section 45A. Substitute attorneys are nominated to act if original attorneys can no longer act. Substitute attorneys are not currently dealt with in the Act which makes their current position unclear. This bill will amend the position of substitute attorneys bringing this legislation in line with legislation in other States. The bill will amend section 36, giving the Guardianship Tribunal jurisdiction to consider disputes relating to the revocation of an enduring power of attorney. Due to the wording in the current Act, doubt has been cast as to whether the tribunal has the ability to determine if the validity of an enduring power of attorney extends also to revocation.

The bill will put beyond doubt that the Guardianship Tribunal has jurisdiction to determine such cases. This amendment will allow people to have their cases heard in a less expensive and timely manner by the tribunal, as opposed to having such matters determined in the Supreme Court. I commend the Attorney General and the Minister for Finance and Services for their vision and hard work in introducing this bill. This is yet another example of the O'Farrell-Stoner Government making New South Wales number one again. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [11.20 a.m.]: I support the Powers of Attorney Amendment Bill 2013. As members well know at some point in a person's life he or she may be judged as being unable to make decisions, in particular, financial decisions. A power of attorney enables one person to act for others in financial and other matters affecting their lifestyle and the services that they may receive from government agencies. The issuing of a power of attorney, which has always been a contentious matter, often is not in the best interest of an individual. There will always be debate on this contentious issue which generally results in those who are affected losing their ability to make financial decisions. In many cases they might be aware of what is going on but trust is not always evident. Many of my constituents are often critical of the issuing of a power of attorney and its management by certain individuals.

The bill will make the power of attorney form in New South Wales consistent with the form that is used in other States. It is hoped that through that process some of the contentious issues are resolved and that a continual review of the process results in a more satisfactory arrangement. I have had many dealings with and have great respect for the Guardianship Tribunal and its important revocation powers. This fair and just organisation can make decisions in the best interests of individuals who, in most cases, do not have the ability to do so themselves. It can also make a judgement as to an enduring power of attorney and how it should be managed in an individual's best interests. The Guardianship Tribunal's involvement, which is critical, should be respected as a formal part of the power of attorney process as that instrument has been criticised by individuals and organisations.

The bill deals also with the appointment of principals. When family members are engaged, are given the power of attorney and applicants do not reside nearby it presents many problems. It should be understood that attorneys could be making decisions for principals at any time and that this legislation can work. The Government is taking action to strengthen power of attorney agreements and to give principals much more confidence in that instrument. This bill is a step in the right direction. I commend the Attorney General for proceeding with this legislation.

Mr DOMINIC PERROTTET (Castle Hill) [11.25 a.m.]: I support the Powers of Attorney Amendment Bill 2013. The Government is often attacked by those opposite for conducting too many reviews but it is important to consult with the wider community. This bill is a reflection of community concerns about the current power of attorney form. A review was coordinated by Land and Property Information with the assistance of the Guardianship Tribunal, the Department of Attorney General and Justice and the Law Society of New South Wales and the outcomes of that review were noted by the Government in the formulation of this bill. Some respondents to the review raised concerns about the mandatory auditing of accounts and requested tighter controls on what an attorney is able to do.

Some argued that there may have been some misuse of power by certain attorneys; that was clearly the exception rather than the rule. Predominantly the outcomes of the review acknowledged the valuable role played by attorneys in looking after people's affairs. A major theme of the review revolved around the lack of understanding of the extent of the role played by an attorney and confusion around the current prescribed form of power of attorney, which I will shortly discuss. I turn now to the objects of the bill. The first object of the bill is to make specific provision for the appointment by principals of substitute attorneys, being persons who may act as attorneys under the power of attorney during certain vacancies in the office of specified attorneys.

Currently there is no provision in the Act for a principal to appoint a substitute attorney. It is important to ensure that a principal has certainty that his or her affairs will continue to be dealt with by an attorney. This bill will ensure that someone is legally entrusted to deal with the principal's affairs. New section 45A (1) to (4) provides for the appointment of substitute attorneys. This will result in New South Wales falling into line with a number of States that already have in their legislation a specific reference to the appointment of substitute attorneys. The second object of the bill is to remove the prescribed form for a power of attorney from the principal Act, the Powers of Attorney Act 2003, and enable such forms to be prescribed by the regulations made under the principal Act.

As I said, this arose out of the review that was conducted; there was confusion regarding the completion of the prescribed form. The prescribed form is an important document, as certain statutory protections are only available and provided if the prescribed form is used. The current form does not provide for the execution of a general power of attorney as well as an enduring power of attorney. That can lead to confusion for principals wishing to execute this document. Certain sections of the form need to be crossed out and certain notes on the form are relevant to only one power of attorney and not the other. Splitting the form into two forms will result in clear, succinct and specific notes for the relevant power of attorney that is being executed. It is also a good move by the Government to remove the form from the Act and place it in the regulations. That was probably the major outcome of the review, and it is appropriate that that has been included in the bill.

Thirdly, the bill gives the Guardianship Tribunal the power to review the revocation of an enduring power of attorney. Any issues in relation to a power of attorney are dealt with by the Guardianship Tribunal. However, it is not clear in the Act whether the tribunal has the power to hear matters in relation to disputes involving the validity of a revocation of a power of attorney. Under the current Act, a principal can revoke or terminate a power of attorney by serving notice. However, if there is concern about whether a notice or a revocation is valid, it is not clear whether those matters can be dealt with by the Guardianship Tribunal. As a result, in practice, the majority of these matters have been referred to the Supreme Court, which obviously is not the most appropriate place to have these matters heard, given the costly nature of such proceedings. The bill provides clarification and clarity to ensure that those matters can be dealt with by the tribunal, which, as I said, is the more appropriate place to deal with those matters.

The final object of the bill is to allow a person who appoints two or more persons as joint attorneys under a power of attorney to provide for the continuation of the power of attorney when the office of one or more of the attorneys becomes vacant. That is currently set out in section 46 of the Powers of Attorney Act, which stipulates that if two or more persons are joint attorneys and one of them is terminated or one of them ceases to be an attorney, the power of attorney itself is terminated. There are obvious concerns about that. If a power of attorney has been executed and the principal loses the mental capacity to potentially execute another power of attorney and if a second attorney is stipulated that person should be given the opportunity naturally to continue to have the power that was vested in him or her when the power of attorney was executed initially. The amendment makes sense; it came out of the review. In line with the bill, it illustrates that the Government is forward looking—

Mr Geoff Provest: To the needs of the people.

Mr DOMINIC PERROTTET: —to the needs of the people. That is correct. The Government is not simply making decisions for political purposes. It is consulting with those who have the experience in relevant areas without being concerned to get whatever feedback transpires as a result of that consultation. We are listening to stakeholders and the community. In many ways, this bill is another example of receiving a good policy outcome as a result of that consultation process. I commend the bill to the House.

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [11.34 a.m.], on behalf of Mr Mike Baird, in reply: The Powers of Attorney Amendment Bill 2013 makes small but necessary changes to the operation of powers of attorney in this State. The proposed amendments will assist in making the prescribed power of attorney form easier to understand and will provide greater flexibility to allow a person to make arrangements for the management of their financial affairs. A statutory review into the Powers of Attorney Act conducted by Land and Property Information sought comments from the community, the legal profession and other stakeholders into whether the Act was meeting its objectives. The comments received by the review called for amendments to the Act to iron out some issues that had arisen since its commencement. This bill has come about as a result of the recommendations made by the review.

The Powers of Attorney Act governs a power of attorney if it is created in the prescribed form. This form currently resides in the Act. In its review of the bill, the Legislation Review Committee noted with concern that the bill appeared to introduce a provision enabling the Act to be amended by regulation. This is, however, an existing provision, not a new provision. The Act currently provides that schedule 2, dealing with the prescribed form, and schedule 3, which provides extended meanings for commonly used expressions, can be amended by regulation. The bill proposes to address this issue by moving the prescribed form to the regulation to allow any future changes to be made more quickly and easily. In addition, the prescribed forms that will appear in the regulation will be redesigned completely in response to calls from the community to make the form simpler and easier to understand than it is currently. Instead of one all-purpose form, the regulations will prescribe two separate forms targeted for the purpose required.

Separate forms will eliminate confusion as to what type of power the principal is giving to his or her attorney. For example, the principal would normally use the form titled, "General Power of Attorney" to allow the attorney to act for a specific purpose, such as the purchase or sale of property or shares. A general power of attorney terminates whenever the principal chooses, and it will terminate automatically if the principal loses mental capacity. If the principal wants an attorney to continue to act even though the principal loses mental capacity, the form titled, "Enduring Power of Attorney" must be used. An enduring power of attorney can be a particularly useful tool in planning for later life. It enables people to choose who they want to make financial decisions for them when they are no longer able to do so themselves, thereby giving people greater control over their future welfare.

Another important amendment that this bill makes is to allow specifically for the appointment of one or more substitute attorneys. The new prescribed forms will allow the principal to appoint one or more substitute attorneys to act if the original attorneys vacate office. Where a power of attorney is granted in preparation for the possibility of future incapacity, a principal is encouraged to appoint a substitute attorney to ensure that his or her financial affairs will continue to be looked after. Submissions made to the statutory review found that many people wanted to appoint a substitute attorney, but were not sure that this was allowed under the legislation. The bill will amend the Act to put beyond doubt that a principal may appoint a substitute attorney. It has been suggested that, as well as recognising substitute attorneys, the bill should have included a protection for third parties who rely on actions performed by substitute attorneys. The Powers of Attorney Act does not codify all of the law relating to powers of attorney, and this is a matter already dealt with under the common law.

Once an attorney has been appointed, whether or not as a substitute, things done by the attorney are taken to have been done by the principal. There is therefore no need to address this issue in the bill. The bill will also clarify the appointment of joint attorneys and the effect if one of the joint attorneys dies, resigns or vacates office. Section 46 states that if a principal appoints two or more attorneys to act jointly, and later one of them leaves office, the power of attorney terminates automatically. The review found that in certain circumstances the operation of section 46 caused hardship. The solution is to give the principal the flexibility to choose whether the section is to apply to his or her particular power of attorney. In this regard, the bill will amend section 46 to let the principal decide what is to happen with any joint attorneys. That is a sensible proposal. The new prescribed forms will provide the opportunity to opt out of the operation of section 46.

The Powers of Attorney Amendment Bill will clarify the uncertainty as to whether the Act allows the Guardianship Tribunal to determine issues relating to revocation of powers of attorney. The Act specifies that a

tribunal can determine matters regarding enduring powers of attorney, but it makes no mention of the revocation of such powers. This amendment will remove the doubt and confirm the tribunal's jurisdiction to deal with issues surrounding the revocation of enduring powers of attorney. The proposals contained in this bill are sensible and straightforward. The new prescribed forms have been made in close consultation with the legal profession, organisations involved in elder care and the general community. This bill will improve the use of powers of attorney and will give further choices to people to decide for themselves how their affairs are to be managed. I commend the Powers of Attorney Amendment Bill 2013 to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Ms Pru Goward, on behalf of Mr Mike Baird, agreed to:

That this bill be now read a third time.

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

STATUTORY AND OTHER OFFICES REMUNERATION AMENDMENT (JUDICIAL AND OTHER OFFICE HOLDERS) BILL 2013

Second Reading

Debate resumed from 21 February 2013.

Mr MICHAEL DALEY (Maroubra) [11.41 a.m.]: I lead for the Opposition on the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013. The Opposition strenuously opposes this bill. The object of the bill is to amend the Statutory and Other Offices Remuneration Act 1975 to require the Statutory and Other Offices Remuneration Tribunal to:

give effect to certain government policies declared by the regulations when making determinations under Part 3 of that Act concerning the remuneration of judicial and other office holders.

I note that a draft regulation, the Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013, has been prepared to give effect to this bill once it has received Royal assent. The bill provides that, like all Government employees and other classes of individuals in New South Wales who receive remuneration from the public, judges will be subject to the 2.5 per cent wage and salary cap, unless of course they can—and here is the irony—come up with a savings that would enable them to receive a remuneration that exceeds 2.5 per cent. Under section 13 of the Statutory and Other Offices Remuneration Act 1975, the Statutory and Other Offices Remuneration Tribunal is to make a determination each year on the remuneration as paid to certain office holders from 1 October that year.

"Remuneration" is defined as "salary or allowances paid in money". It is important to note that since 1989 one of the principal features of the remuneration of justices of the Supreme Court of New South Wales is that there has been an agreement between Federal and State governments in relation to the remuneration of State Supreme Court judges and Federal Court judges that links their remuneration to that of a justice of the High Court. The agreement provides that the salary of a judge of the Federal Court and a judge of the State Supreme Court cannot exceed 85 per cent of the salary of a justice of the High Court of Australia. Since that agreement was struck, the Statutory and Other Offices Remuneration Tribunal in New South Wales has consistently maintained the remuneration of a justice of the New South Wales Supreme Court at approximately 85 per cent of the remuneration of a judge of the High Court.

This bill will put an end to that agreement and result in New South Wales judges and other judicial officers who are subject to this bill being the lowest paid among judges and other officers in the land. The best and brightest, if they are minded to do so and all other things being equal, will choose to take up a position on the Federal Court, rather than the State Supreme Court, because the remuneration will be higher. The disparity in remuneration will only become exacerbated over time. This bill is an insult to New South Wales Supreme

Court judges and significantly lowers the status of the New South Wales Supreme Court. It may not interfere with the independence of Supreme Court judges in fact, but it will affect the perception of independence that currently resides with the Supreme Court of New South Wales.

My learned colleague the shadow Attorney General and member for Liverpool and I are not the only people concerned about the provisions in the bill. The learned Chief Justice of New South Wales, Tom Bathurst, has made some stark public utterances regarding the bill. In several articles that were covered in the *Weekend Australian* on 9 March and 23 March, and in the *Sydney Morning Herald* on 9 March he made significant forays into the public discussion of the bill. The *Weekend Australian* described Chief Justice Bathurst's comments as an "extraordinary intervention" and quoted him as describing the bill as:

Bad policy that had been drawn up without consultation by people who did not understand the importance of judicial independence.

The article goes on to quote Chief Justice Bathurst as saying:

It would compromise the judiciary's independence from government by allowing the government—instead of an independent tribunal—to control judges' incomes.

That is the crux of the matter: The Statutory and Other Offices Remuneration Tribunal had two independent officers who determined the remuneration of judicial officers. The Chief Justice continues:

Putting it bluntly it means the government by regulation can effectively control judicial remuneration or impose conditions in relation to it. In relation to the Supreme Court the issue may well be subject to constitutional considerations.

The Government has ambushed the legal fraternity, as it did with WorkCover when it waited until the Chief Justice of the Industrial Relations Commission went on holidays before making announcements about his tribunal. The Government is sloppy and cavalier in its policy making. That attitude leads to situations such as occurred on 29 April this year in the Supreme Court of New South Wales in the case of Goudappel. The retrospectivity provisions of the workers compensation regime were called into serious question in that case, but such issues do not seem to matter to this Government. Chief Justice Bathurst goes on to say:

I am not commenting on the constitutionality of this bill. It would be inappropriate for me to do so. But people coming to the Supreme Court will be aware of that. Because the Supreme Court exercises federal as well as state jurisdiction, its independence from government is guaranteed by chapter III of the commonwealth Constitution.

The article in the *Weekend Australian* on 9 March states:

In an interview with The Weekend Australian, Chief Justice Bathurst said anyone coming before the Supreme Court to challenge a state government decision would not be very happy if they knew that the income of the judge hearing their case was controlled by the state government.

We have now, present company excluded, a very high-quality commercial court. That is something which, if this government wants to increase the attractions of Sydney as a financial services center, is very important.

If they downgrade it

And I say they are—

—then that is a factor people take into account when considering where to invest or, importantly, where to conduct their business.

The article continues:

What it means is the control of judges' salaries directly by the executive, where from time to time the courts review the executive. It's not intended to affect judicial independence, but it poses a threat to judicial independence and is therefore highly undesirable.

One aspect of the bill is quite comical and the comedy was exacerbated by the Treasurer in his second reading speech when he said:

This will mean that, like public service and statutory officer holders, the Statutory and Other Offices Remuneration Tribunal will only be able to award increases in remuneration for a judicial officer that increase certain costs by more than 2.5 per cent per annum, if sufficient savings for the judicial officer have been achieved to offset the increased cost.

Without intending to do so, Chief Justice Bathurst addressed that concern in the *Sydney Morning Herald* on 9 March when he said:

"...the one thing that's been unfortunate is the tendency to treat the courts as another government service provider.

"Let's suppose the government said, 'Judges will get X per cent if they dispose of a particular number of cases'," Justice Bathurst said.

"Or taking a more extreme example, 'Judges' salaries depend on conviction rates'.

"That puts enormous pressure on judges not to act independently but rather to fulfil some sort of performance target which may not be in the interests of the community."

That is the Chief Justice of the highest court in this State, one of the most eminent lawyers this nation has ever seen. There have been others. Phillip Boulton, President of the New South Wales Bar Association has also expressed similar concerns in relation to this bill. As I said earlier, it does not seem to worry this Government when people of that ilk make comments about the content of some of the Government's legislation. They do not consult before they bring in the legislation and they almost pride themselves on sticking a thumb in the eye of the legal profession, whether it relates to workers compensation, changes to green slips, the right to silence or bail laws.

The Government seems to pride itself on rubbing the legal profession up the wrong way. When people like Tom Bathurst and Phillip Boulton make these sorts of comments about one of the pillars of the judicial process not only in New South Wales but throughout Australia—the independence of the judiciary—these concerns should be addressed. However, in its usual cavalier fashion the Government has not addressed them. The Labor Opposition opposes this bill and once again affirms its support for an independent judiciary in New South Wales even if the Government does not.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [11.53 a.m.]: In order to deliver fair wages across the public sector, and in aligning with the State's budgetary requirements, the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013 aims to redress the discrepancy between wage increase caps and wage policy between the general public service and judicial officers. We have heard members opposite make a number of fairly misleading accusations. It is beholden on everyone in this place to act responsibly with the public purse. I commend the Government and the Treasurer for their actions in doing this. Everything members on the side of the House have done since March 2011, when they received an overwhelming mandate from the good people of New South Wales, has been based on acting responsibly. Issues that had been apparent to members on this side for many years have been addressed.

I was one of the speakers to the bill that made changes to the NSW Police Force death and disability scheme. That was a massive issue and there were budgetary requirements, but it also involved looking after the hardworking men and women of the Police Force. I think every member opposite spoke on that bill, and after listening to them one would have thought the sky was about to fall in. They said the bill would create enormous problems right across New South Wales. Nearly 12 months on we have seen crime rates fall and in my electorate I have 25 police who were on long-term sick leave back on deck and able to use handcuffs and guns. In the past two years in this place a lot of fear and misinformation has been spread around, as have claims that suggested the sky would fall in and that the State was heading for disaster. Again, in this case, the comments of members opposite are ill-founded and do not contain any truth. It is up to this Government to act responsibly and take the matter forward.

Since 2011 the Industrial Relations Commission and the Statutory and Other Offices Remuneration Tribunal have been required to apply specific salary determinations to public service employees and certain statutory office holders. This does not extend to wages policy affecting judicial officers, who are also paid out of the public purse, but this bill aims to amend that. Therefore, in requiring the remuneration tribunal to apply the wages policy when it determines the remuneration of judicial officers, this bill requires that the tribunal is to give effect to declared government policy on remuneration of office holders by the regulations when making certain determinations under part 3 of the Act, specifically regarding the remuneration of judicial and other office holders. This extends to any inquiries that are pending in the tribunal on the commencement of this proposed section. Regulations made under this proposed section extend to any inquiries that are pending in the tribunal on the commencement of the regulation unless the regulation provides otherwise.

This amendment will mean that, like public service and statutory office holders, the Statutory and Other Offices Remuneration Tribunal will only be able to award increases in remuneration for a judicial officer under

the cap of 2.5 per cent per annum, and if sufficient savings for the judicial officer have been achieved to offset the increased cost. A key aspect, which was stated by the Treasurer in his second reading speech and is worthy of reiteration, is that this Government notes and deeply respects the independence of the tribunal. But in seeking these amendments through the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013 the Government aims to create an equal wages policy across the public service sector. In this way it is fair to extend increased remuneration limits to judicial officers. I reiterate what the Treasurer said in his second reading speech:

Given the pressures on the State's budget, it is fair then to extend the wages policy to judicial officers. It is important that persons paid from the public purse be subject to the wages policy in order to deliver fair wage increases while also ensuring that the State's budget can be brought under control to facilitate the delivery of infrastructure and services.

That is very important. I know that deep down everyone on this side of the House deeply respects the independence of our judicial officers and the hard work they do continually for the betterment of the New South Wales community. Hopefully they will continue to do that. I believe we have a very good and independent legal system. We have some very smart and intelligent people in that profession, both men and women, who work extremely hard in the delivery of their services. The onus is on the Government to establish an open and fair wages policy for the people of New South Wales. It is public money. In recent times governments have spent willy-nilly on a whim, which has caused enormous problems. The Federal Government has created a huge financial mess through irresponsible spending, which grows daily. I am proud to be part of a Liberal-Nationals team that is acting in a responsible, open and transparent manner. In that context, I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [11.59 a.m.]: I contribute to the debate on the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013. The object of the bill is to amend the Statutory and Other Offices Remuneration Act to require the Statutory and Other Offices Remuneration Tribunal to give effect to certain government policies declared by regulation when making determinations concerning the remuneration of judicial and other office holders. The Opposition opposes the bill. This is a bad bill; it is a stupid bill. It is potentially corrosive of the judiciary's independence from government.

The member for Tweed admonished us all to act responsibly. I agree with that. It is regrettable that he and this Government are not acting responsibly with regard to this bill. It reflects a comprehensive lack of understanding of some of the basic constitutional features of this State. The Government does not understand that judges are not its employees. They are not employed by the Executive and have not been since 1700—since the legislation flowing from the so-called Glorious Revolution following the English Civil War. This bill departs entirely from traditional constitutional arrangements.

The key problem is that the Government is directly setting the wages of judges. The Government, on occasion, will be a litigant before those judges—that is, the Government will be a party to litigation before those people whose salaries it is setting. That must inevitably give rise to a potential conflict of interest—certainly to the perception of a conflict of interest. The other problem is that these are Chapter III courts, which means there are Federal constitutional guarantees about what the courts should do and the nature of the courts. If there is a perceived conflict that derogates from the characteristics of a Chapter III court, then the legislation can be struck down. Decisions by judges can be liable to challenge.

There has been some public discussion of this issue. The member for Maroubra pointed to the comments from the Chief Justice of the Supreme Court about his concerns regarding this legislation. The Chief Justice carefully and properly did not say that there would inevitably be a challenge and it would be successful, but he pointed out that it might be. Assuming there are challenges, the administration of justice in this State will be thrown into chaos. Regardless of whether those challenges are successful, the fact that they are made will cause immense confusion and chaos in this State.

I draw the attention of the House to the comments of George Williams, an eminent constitutional lawyer, who said that if judges' wages are made conditional it is possible that there will be a successful challenge. The comments of the Treasurer in his second reading speech clearly pointed to wage increases being conditional. It seems to me that whoever dreamt up this legislation has no understanding of the constitutional structure and law in this State. I point out that concerns have been expressed not just by the Opposition and me but by the Bar Association and the Law Society. Anyone who has turned their mind to this issue can see how ill-advised and ill-informed the legislation is. It is wrong in principle; it attacks our constitutional structure.

In practical terms it may cause a series of court decisions to be challenged, and that cannot possibly be in the best interests of this State. Breaking the historic nexus between the salaries of Federal and State judges and making the remuneration packages for State judges less attractive has the potential to prompt people to accept appointment to the Federal jurisdiction instead. That cannot be good for the institution of the Supreme Court. It can lead only to a decrease in status for that court, which will serve no good purpose at all. As I said, this is a bad bill and it is a stupid bill. The Opposition opposes it.

Mr JOHN FLOWERS (Rockdale) [12.05 p.m.]: I make a short contribution to the debate on the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013. The object of the bill is to amend the Statutory and Other Offices Remuneration Act 1975 to require the Statutory and Other Offices Remuneration Tribunal [SOORT] to give effect to certain government policies declared by the regulations when making determinations under part 3 of that Act concerning the remuneration of judicial and other office holders.

Since 2011 the Industrial Relations Commission and the Statutory and Other Offices Remuneration Tribunal have been required to apply a government wages policy to salary determinations for the public service and certain statutory office holders while an absolute cap of 2.5 per cent is to apply to increases in remuneration for members of Parliament, mayors and local councillors. However, the Statutory and Other Offices Remuneration Tribunal is not required to apply the wages policy when it determines the remuneration of judicial officers. The legislation is designed to bring the salary increase of judicial officers into line with other statutory office holders insofar as that remuneration can increase by more than 2.5 per cent only if sufficient savings for judicial officers have been achieved to offset the increased cost.

Looking at some of the provisions in the legislation, I note that schedule 1 [1] confines the operation of Section 6AA of the Act to the determination of the remuneration packages for chief executive and senior executive office holders. Schedule 1 [2] inserts new section 6AB into the Act. The new section requires the Statutory and Other Offices Remuneration Tribunal, when making determinations under part 3 of the Act, to give effect to any policy concerning the remuneration of office holders. That is declared by the regulations to be an aspect of government policy that is required to be given effect to by the tribunal and it applies also to the matter to which the determination relates.

The office holders to which part 3 of the Act applies include judicial officers. Schedule 1 [3] enables the Governor to make regulations of a savings or transitional nature consequent upon the enactment of amending legislation, including the proposed Act. Schedule 1 [4] provides that section 5 of the Subordinate Legislation Act 1989 is taken not to apply to the first principal regulation made under the Statutory and Other Offices Remuneration Act 1975 after the commencement of the proposed Act. I note also that the Legislation Review Committee made no comment on the bill in respect of the issues set out in section 8A of the Legislation Review Act 1987.

The Government's wages policy provides that increases in remuneration or other conditions of employment that increase employee-related costs by more than 2.5 per cent per annum can be awarded, but only if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. That is prescribed in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. The wages policy must be applied to salary determinations for the public service and certain statutory office holders, while an absolute cap of 2.5 per cent applies to increases in remuneration for members of Parliament, mayors and local councillors. The Statutory and Other Offices Remuneration Tribunal makes determinations about the remuneration payable to certain office holders and executive office holders and must apply the wages policy as set out in the industrial relations regulation except in relation to the determination of judicial officers' remuneration. It is proposed that the Statutory and Other Offices Remuneration Tribunal also be required to apply the wages policy when it makes determinations about judicial officers' remuneration.

Given the economic pressures being experienced by this State it is important that persons paid from the public purse be subject to the wages policy so that we deliver fair wage increases while also ensuring that the State budget is brought under control to facilitate the delivery of infrastructure and essential services. The Government's public sector wages policy is about delivering fair wage increases to the hardworking public sector. It is also about ensuring that the State budget is brought under control to facilitate the delivery of infrastructure and services to the State and its people. In certain times judicial salary increases have significantly outpaced those of all other public sector officers. Since 2011 the Industrial Relations Commission and the Statutory and Other Offices Remuneration Tribunal have been required to apply the wages policy to salary determinations for the public service and certain statutory office holders.

While an absolute cap of 2.5 per cent applies to increases in remuneration for members of Parliament, mayors and local councillors, the Statutory and Other Offices Remuneration Tribunal is not required to apply the wages policy when it determines the remuneration of judicial officers. This legislation seeks to end that anomaly. It is appropriate to extend the wages policy to judicial officers, who are also paid from the public purse. The Statutory and Other Offices Remuneration Tribunal should be required to apply the wages policy when it determines the remuneration of judicial officers, and this bill will ensure that that is done.

The bill amends the Statutory and Other Offices Remuneration Act 1975 to require the Statutory and Other Offices Remuneration Tribunal to give effect to any policy concerning the remuneration of office holders declared by the regulations when making certain determinations under part 3 of the Act regarding the remuneration of judicial and other office holders, and a regulation is being prepared to declare the wages policy for that purpose. That will mean that, like the public service and statutory office holders, the Statutory and Other Offices Remuneration Tribunal will be able to award increases in remuneration for judicial officers if they increase certain costs by more than 2.5 per cent per annum only if sufficient savings have been achieved to offset the increased costs. I commend the bill to the House.

Mr RON HOENIG (Heffron) [12.15 p.m.]: The Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013 is one of the greatest threats to judicial independence ever seen in this State. The Treasurer's attempt to manage the budget by limiting expenditure is cloaking a fundamental attack on the very fabric of the Westminster system. The doctrine of the separation of powers—the separation between the judiciary, the Executive and the Legislature—is fundamental to the Westminster system. If members opposite think I am talking through my hat, I draw their attention to the views of the Chief Justice of New South Wales, the Hon. Tom Bathurst, who is not given to making controversial public statements. He serves that great office with considerable distinction and does not have a history as a rabble-rouser. An article in the *Sydney Morning Herald* states:

The NSW Chief Justice Tom Bathurst has condemned the state government's plan to control judicial salaries as an attack on judicial independence, warning that taken to its extreme such logic could see judges' pay linked to conviction rates.

It is not in the nature of the Chief Justice nor any of his predecessors, going back probably to 1788, to speak in such strong terms. When the most senior judicial officer in New South Wales, who is the Administrator of New South Wales from time to time, says things of that nature it is time for the other branches of government to listen because some fundamental issues are at stake. This is not about simply limiting wage increases granted by the remuneration tribunal to 2.5 per cent, it impacts on a particular principle. I thought a year ago that enacting legislation that impacted upon some of the other independent statutory officers such as the Solicitor-General, Crown prosecutors and public defenders—and I had a pecuniary interest in that regard—was in itself a huge interference in the administration of justice.

The Executive Government trying to control, for example, the salary of a public defender who spends every day attacking organs of the State is in itself somewhat peculiar, but to extend that to judicial officers of this State is very serious. The High Court has previously held that it is not the role of the judicial arm of government to impose financial obligations upon the Executive Government or the Legislature. It did so when it was asked to consider whether the International Covenant on Civil and Political Rights should apply to the New South Wales Government in relation to a grant of legal aid—that is, whether the State Government should be compelled to fund legal aid services for a particular accused person.

The High Court said that that obligation cannot be imposed upon the Executive Government. While the executive government and the Treasurer might be responsible to this House for the administration of expenditure, the practice in this State historically is not to have the executive government or the Parliament directly control the salaries of judges. Statutory independence was achieved by establishing a remuneration tribunal for that purpose. The Treasurer could have achieved the same result more subtly by amending the Act further or making a regulation in a more subtle way to give greater weight to the Government's policy of trying to limit the expenditure of the State or of the judicial system. The Treasurer did not need to pull out his sledgehammer and in so doing interfere with the concept of judicial independence in the Westminster system.

This legislation is without doubt a reflection on the hardworking judicial officers of this State. We sit in this House and enact legislation of great complexity but then we wash our hands of it. Any member who has spoken privately to judicial officers in this State, particularly those in the highest court in New South Wales, and who knows what they are required to do on a daily basis, understands those officers' almost oppressive workloads. Most judges in our courts, who in the view of some members of our community have excessive holidays, write their reserve judgements during their holidays. There was a stage when judges in this State were falling ill and, in effect, risking their health as a result of their oppressive workloads. The bean counters in Treasury have inveigled the justice system of this State and created an enormous workload for judicial officers.

The Treasurers laughs about that, but I invite him to spend just one or two days with a Supreme Court judge in order to understand his or her workload. The Treasurer needs only to read a judgement in the law reports of the Court of Appeal or the Court of Criminal Appeal to comprehend the amount of work being done by judicial officers in this State and the effort they are expending. The judges do not complain about it. I gather that when most of them exercise their democratic right privately they vote for those on the other side of the Chamber. Most of them are from the establishment that the Treasurer represents. But when this Government interferes with the independence of the judiciary to the point where, according to the *Sydney Morning Herald*, the Chief Justice of this State, and its Lieutenant-Governor, condemns the Government's plan to control judicial salaries, it is time for this House to listen.

The Opposition opposes this concept because it is so fundamentally wrong. Members of this House are required to respect the institution of this House and the Westminster system upon which our democracy rests. We are here only temporarily but we are trustees of the Westminster system and of the doctrine of separation of powers. We must ensure that we preserve and enhance those traditions and create the perception that they are being enhanced. As to this bill, if the remuneration tribunal is to give greater weight to government policy I suggest that there are better ways of doing it than interfering with the independence of the judicial officers of New South Wales.

Mr GUY ZANGARI (Fairfield) [12.25 p.m.]: I note that the purpose of the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013 is to apply to the remuneration of judicial officers the 2.5 per cent wage increase ceiling that the O'Farrell Government has slapped on public sector wages. I reiterate that judicial officers include judges and magistrates. The current system of judicial remuneration is set by the Statutory and Other Offices Remuneration Tribunal, which comprises two independent assessors and a representative of the Department of Premier and Cabinet. Judicial salaries vary from court to court. The pay of each judge is determined as a percentage of that of a Supreme Court justice, which is determined as a percentage of that of a High Court judge. It is currently set at 85 per cent.

This procedural requirement recognises the special place of the judiciary and its officers in the New South Wales legal system in the context of the Australian common law judicial hierarchy. Judicial officers are the linchpin of any common law judicial system. The process that a judge and a magistrate applies in analysing the facts of a given scenario in a legal context and then determining the position of law in that particular scenario could be described as a manifestation of the law. As such, this process, which is vested only in magistrates and judges, underpins the mechanisms of the law. Judicial officers give effect to the legislation that we as members of this Chamber, and those who have come before us, give assent to—a power vested in us by the community.

The sanctity of the judicial system historically has been underpinned by the independence of judicial remuneration from tweaking by the government of the day. A great example of that are the protections given to the remuneration of High Court justices and judicial officers in Federal courts. Section 72 (iii) of the Commonwealth Constitution specifically prevents the Commonwealth Parliament from diminishing the remuneration of a Commonwealth judge during the continuance of their office. Section 72 (iii), it could be argued, places the issue of judicial salary beyond the scope of government policy. The current system in place under the Statutory and Other Offices Remuneration Tribunal, whereby half the tribunal is made up of two independent assessors, provides an element of independence and impartiality that section 72 (iii) of the Constitution embodies.

This instrument seeks to hamstring the independence of the tribunal by placing a ceiling of 2.5 per cent on pay increases for judicial officers, even if the current formula for basing judicial remuneration in New South Wales as a percentage of the pay of a High Court justice is followed by the tribunal. This will effectively prevent application of the current formula, or any other formula, apart from the 2.5 per cent threshold that the Government is seeking to put in place. Furthermore, limiting the pay of New South Wales judicial officers could potentially place a question mark over the value of the service provided by those officers if their remuneration is no longer comparable to that of judges and magistrates from other Australian jurisdictions. However, the real issue is the possibility that the bill contravenes the principle of an independent judiciary. Item [2] in schedule 1 to the bill states:

[2] Section 6AB

Insert after section 6AA:

6AB Tribunal to give effect to declared government policy on remuneration of office holders under Part 3

...

In relation to the Statutory and Other Offices Remuneration Tribunal, new section 6AB (2) states:

- (2) The Tribunal must, when making a determination to which this section applies, give effect to any policy concerning the remuneration of office holders:
 - (a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Tribunal, and
 - (b) that applies to the matter to which the determination relates.

The issue of independence is glaring. Who makes the policies that are embedded in regulations and legislation? The answer is the government of the day—more specifically, Premier Barry O'Farrell and Treasurer Mike Baird. I do not support the bill.

Mr MIKE BAIRD (Manly—Treasurer, and Minister for Industrial Relations) [12.30 p.m.], in reply: I thank all members who contributed to debate on the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013 and state at the outset that the prime concern raised in this debate is fundamentally wrong. The bill does not affect the independence of the judiciary and the Government continues to support their independence. Judicial salaries will continue to be determined by the Statutory and Other Offices Remuneration Tribunal. I note that the Statutory and Other Offices Remuneration Tribunal already is required to apply the wages policy to other independent office holders such as the Ombudsman and the Director of Public Prosecutions—something that was missed in this debate. There will be no change to that independence. Some members referred to comments made by Chief Justice Tom Bathurst. I have heard those comments.

Chief Justice Tom Bathurst is an incredible example of someone who has succeeded in a number of measures. He enjoys a great deal of respect across the legal fraternity and he has many supporters, including me, in the role that he undertakes. However, that does not mean I have to agree with him on this point. I do not agree. The Government is endeavouring to introduce a fundamental basis of fairness across the entire public purse. The New South Wales Public Sector Wages Policy—which was the 2007 wages policy of the former Labor Government—states that to maintain real wages the New South Wales Government will fund a 2.5 per cent annual increase in employee-related expenses. Agencies must fund any increases above 2.5 per cent for annual wages or other employee-related expenses, such as allowances, superannuation, et cetera, through employee-related cost-saving measures.

To take this State forward we need to be able to provide money that we have. Living within one's means is a key part of this equation. The policy of this Government is the provision of fair and affordable wages—a policy of the former Labor Government on which it was unable to deliver. Some Opposition members spoke earlier about the workload of judges. I acknowledge that judges have stresses and challenges. Just as the member for Heffron challenged me to examine that workload I challenge him to examine the work that is done in maternity wards. He should visit schools and police stations to understand the pressures under which those public servants work.

Opposition members wanted to give public servants a 2.5 per cent wages increase, which is exactly what the O'Farrell Government wants to do. This Government is saying that if it is fair and affordable for every public servant, for every member of Parliament and for nurses, firefighters, police and teachers, it is fair and affordable for judges in this State. I make no apology for saying that. It is an independent process. I support the work of our judges and I respect their ongoing contribution, but it is only fair that they should be bound by the same wages policy as every other public servant in this State. The Government considers this to be a fair policy and it should be supported. I am yet again disappointed that those opposite do not support the bill.

Mr Ron Hoenig: Why would we?

Mr MIKE BAIRD: Opposition members should support this bill because I have applied a general principle of fairness. At some stage those opposite will have to tell the people of this State how they propose to win office. How will they fund those promises? If they keep spending money that they do not have and they keep promising infrastructure that is not funded, eventually they will be found out. If those opposite want to contribute to the political debate and have some respect in the community, they cannot continue with their funny money approach. They need to demonstrate where the money is coming from and how it will apply.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Liverpool, the member for Keira and the member for Heffron will come to order. The Treasurer has the call.

Mr MIKE BAIRD: This is yet another example of the Opposition throwing aside any fiscal responsibility for a cheap political stunt. Those opposite are not supporting this bill on the basis of politics, but the O'Farrell Government will continue to operate in the best interests of the taxpayers of this State.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 63

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

Noes, 20

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

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Mike Baird agreed to:

That this bill be now read a third time.

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

JOINT STANDING COMMITTEE ON ROAD SAFETY**Membership**

ACTING-SPEAKER (Mr Lee Evans): 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 Ms Faehrmann be discharged from the Joint Standing Committee on Road Safety and Rev. Mr Nile be appointed as a member of the committee.

Legislative Council
1 May 2013

DON HARWIN
President

**CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT
(INFORMATION SHARING) BILL 2013****Second Reading**

Debate resumed from 27 March 2013.

Mr PAUL LYNCH (Liverpool) [12.43 p.m.]: I lead for the Opposition in debate on the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. The Opposition supports the bill, which aims to amend the Crimes (Domestic and Personal Violence) Act 2007 to, in particular, permit the exchange of personal and health information about alleged victims, who are known as primary persons, and alleged perpetrators, who are referred to as associated respondents. The bill provides, in proposed section 98C, that a support agency that provides domestic violence support services may collect personal and health information about alleged victims and perpetrators if it is lawfully disclosed by police to allow the agency to provide services to the victim. It may also collect this information if disclosed by the primary person, by another support agency or by a non-government support service with the consent of the primary person. The support service can use the information to provide support services to the person with the consent of the person.

The information collected may be disclosed by the support agency to another agency or service if the primary person consents, if the police have referred the primary person to the agency and if it is reasonably necessary. These sections apply only where an interim apprehended domestic violence order has been made, where an order has been sought or a person has been charged with a domestic violence offence. Proposed section 98E provides for the Minister to order protocols dealing with such information. Unless an agency complies with such protocols, proposed section 98C (8) prevents it from being able to use the powers referred to in this bill. Proposed section 98C (4) provides that an agency does not have to provide an associated respondent with any information or make him or her aware of any information collected under this section.

Proposed section 98D goes somewhat further. It provides that an agency may collect, use or disclose personal information or health information about a person without the person's consent if the agency believes on reasonable grounds that it is necessary to prevent or lessen a serious threat to life, health or safety of the person or another person, that the threat relates to the commission or possible commission of a domestic violence offence and that it is unreasonable and impractical to obtain the consent of the person to whom the information relates. As I said, the Opposition supports the bill. I shall make a number of comments that raise some issues that are certainly not meant to suggest we do not support the bill.

I note that some of the issues that have been raised with me by the domestic violence services sector include these. Some women, in particular Aboriginal women, have concerns about the concept of sharing information without consent. They regard that as problematic, granted the historical relationship between police, Aboriginal communities and government welfare departments. Also, there is no description of the protocols that would guide how information is shared, with whom the information is shared, what happens to the information, who has access to the information and other persons with whom the information may be shared, for example, in family law proceedings.

I understand the practical problem with this—but there is no provision that allows women victims in particular to check that the information that is being shared is accurate and how it can be altered if it is not accurate. That is a legitimate concern, although I concede that there are probably practical difficulties about how

one might deal with that. Another issue raised with me is that the sector would like its representatives to be consulted in the development of the protocols. The genesis of the bill can probably be found in recommendation 15 of report No. 46 of the Legislative Council's Standing Committee on Social Issues dealing with domestic violence trends and issues in New South Wales. Recommendation 15 provides:

That the NSW Government introduce legislative amendments to Parliament to enable the sharing of information between agencies about individuals in respect of domestic violence, with appropriate privacy protections by appropriate memoranda of understanding between agencies about how and in what circumstances information is to be shared.

The Attorney referred to this report in his second reading speech. He also referred to the New South Wales Government's domestic violence justice strategy, the domestic violence intervention court model, recommendations from the Auditor-General and recommendations from the New South Wales and Australian law reform commissions. The Attorney's reference to those reports reminds us of how small a part of what is required is contained in this bill. The bipartisan unanimous report of the Standing Committee on Social Issues made 89 recommendations and this is but one of them. This legislation will be of little use unless referrals are actually made.

I invite the Attorney to respond, for example, to the committee's report about domestic violence proactive support services, including the yellow card, which is a system that exists now but tends not to be implemented well across the board. In some places it is implemented well; in other places it is not. It seems to me that all the legislation in the world will make little difference unless there is some real change on the ground. Legislation will be of limited use if there are no best practice programs for referrals in local area commands. I also draw the Attorney's attention to recommendation 45. For this legislation to work, the Government also needs to adopt recommendations 42, 43 and 44.

The recommendations reflect the important role of domestic violence liaison officers and the need to strengthen and expand their role. If the Government is serious about these issues it also needs to implement or at least sensibly respond to recommendations 3, 7, 18, 29, 30, 31, 35, 40, 73 and 80, among others. They require extra resources—that is inescapable. The Government asked for the Legislative Council inquiry and it got the bipartisan report. It has to be implemented and that means more resources. For example, the November 2012 New South Wales Domestic Violence Justice Strategy did not get one new dollar of funding, and no effective time line for implementation. The rhetoric needs to be matched by funding. Having raised those legitimate matters, the Opposition supports the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. It is something that should be supported.

Mr GARETH WARD (Kiama) [12.50 p.m.]: I am delighted to lend my support to the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013, which will amend the Crimes (Domestic and Personal Violence) Act 2007 to provide for information sharing between certain public sector agencies and non-government organisations for the purposes of facilitating access by alleged victims of domestic violence to support services appropriate to their needs. I am sure that most members will have seen in their constituencies the first-hand results of domestic violence. I am fortunate to have two local area police commands in my electorate. Last year I attended a Lake Illawarra briefing with the Local Area Commander Wayne Starling. I was shocked by the statistics he presented relating to domestic violence in our area. Police officers to whom I have spoken about this issue have indicated that domestic violence does not exist in just one socio-economic demographic—it affects the full spectrum of communities.

I am delighted to learn that police will finally be given the power to issue conditional or interim apprehended violence orders directly. In areas such as the Lake Illawarra command and the Shoalhaven command where instances of domestic violence consume considerable police time, the opportunity to issue an interim apprehended violence order gives police the real power they need to address problems directly. An interim apprehended violence order can be overturned at a future date but in the same way that police can already impose certain bail conditions I see no reason why they should not be afforded this power to protect local communities. New South Wales police are employed to keep our communities safe. They are trusted people who already have a range of powers to protect communities. This power will assist police not only in the course of their work but also save them considerable and valuable time. I acknowledge both my local area commanders, Wayne Starling and Joe Cassa—two men for whom I have a deep and unwavering respect for the work that they do in their continual service to the community.

I commend Councillor Kellie Marsh of Shellharbour council who has been a powerful advocate for victims of domestic violence. Councillor Marsh has raised with me her concerns about domestic violence on several occasions and I know how deeply the community appreciates her advocacy in that regard. In November

last year the Attorney General launched the New South Wales Domestic Violence Justice Strategy which aims to make the criminal justice system more responsive to the immediate needs of people who experience domestic violence. This multi-departmental strategy is the result of cooperation between the Department of Attorney General and Justice, together with the NSW Police Force and other key judicial and human service agencies. The strategy strengthens the progress made in areas such as the domestic violence intervention court model—a trial established in 2005 in Wagga Wagga and Campbelltown as a testing ground for strategies to improve the response of the justice system to domestic violence in New South Wales.

Outcomes from the domestic violence intervention court model have informed the Justice Strategy recommendations made by the New South Wales Auditor-General, the New South Wales and Australian law reform commissions and the New South Wales Legislative Council Standing Committee on Social Issues inquiry into domestic violence trends and issues. Those outcomes have also been incorporated into the Justice strategy. These amendments, along with the recently announced reforms that will allow police to issue interim apprehended domestic violence orders, are a key plank in the implementation of the Domestic Violence Justice Strategy.

In 2011 the Auditor-General's performance audit of the response of government organisations to domestic and family violence identified a number of problems in the response to domestic violence. These included an inconsistent response stemming from poorly coordinated approaches to sharing information in domestic violence cases among government agencies in New South Wales and few victims being referred to services, particularly by police, due to the lack of a generally accepted approach to referral. A conundrum that was identified was that when police seek consent to refer a victim to services, many victims are not in a position to provide informed consent at the time of a domestic violence incident. Victims are often also reluctant to give consent to police but would agree to referral if consent were requested by a support service.

A further issue uncovered widespread confusion within government agencies regarding the manner in which the consent of a victim is obtained, a lack of clarity about circumstances when consent is not required, and no consistent procedures for safeguarding personal information. The bill will modify the application of the Privacy and Personal Information Protection Act 1998 (NSW) and the Health Records and Information Privacy Act 2002 to remove restrictions that could limit or prevent interagency collaboration aimed at responding appropriately to the needs of victims of domestic violence.

The bill will allow for the collection of information from police without the consent of the alleged victim or alleged perpetrator by agencies providing domestic violence support services, known as support agencies. This will enable the direct referral of victims by police to support agencies and will facilitate access to services by victims who are often in situations of great need and vulnerability. Following referral by police, support agencies would need to seek the consent of the alleged victim to provide domestic violence support services. Any further disclosures of information to other support agencies or to non-government services providing domestic violence support would occur only when the alleged victim had consented and it was reasonably necessary to provide support to that victim.

The amendments also allow for the collection, use and disclosure of information without consent to address a serious threat to a person's life, health or safety. This would be authorised only when an agency believes, on reasonable grounds, that the collection, use or disclosure of the information is necessary to prevent or lessen a serious threat to the life, health or safety of a person; when the threat relates to the commission or possible commission of a domestic violence offence; and when it is unreasonable or impracticable to obtain the consent of the person to whom the information relates. Given that the sharing of information under these provisions will occur without the alleged perpetrator's consent, careful attention has been paid to the need to balance the rights of the alleged perpetrator against the needs of the alleged victim. Indeed, information sharing between agencies will be permitted only when a case meets a threshold of seriousness, that is, when an apprehended domestic violence order has been sought or made—including the issuing of a provisional or interim order—or a person has been charged with a domestic violence offence.

As a general rule, a victim's consent will be required for all sharing after the initial police referral. Exchanges of information with victim consent will be subject to the requirements of confidentiality. However, in cases of a serious threat to a person's life, health or safety, sharing of information will be possible without consent, as the need to respond to the threat will outweigh the need to protect privacy. Information-sharing protocols will provide further privacy protections, such as ensuring that non-government support services with which information is shared can appropriately manage the personal and health information of individuals. After having considered the key provisions of the bill, I draw the attention of the House to the salient points. Item [1]

of schedule 1 to the bill inserts into the Crimes (Domestic and Personal Violence) Act 2007 a new part 13A to provide for information-sharing between agencies and disclosure and collection to and from non-government domestic violence support services.

The amendments provide for the exchange of personal and health information of alleged victims, known as "primary persons", and alleged perpetrators, known as "associated respondents", in certain circumstances in domestic violence cases. New section 98C sets out the circumstances in which information will be able to be shared in situations other than those involving a serious threat to life, health or safety. The proposed section applies if an interim apprehended domestic violence order has been made, or an apprehended domestic violence order has been sought or made, or a person has been charged with a domestic violence offence. The proposed section applies to the personal and health information of each primary person and associated respondent that is related to the relevant order or offence.

This could include personal information about the criminal history of the associated respondent, previous allegations of domestic violence against the respondent, information about the associated respondent's access to firearms, or health information such as the associated respondent's mental health status or previous and current drug or alcohol abuse. This provision asserts that a support agency may collect personal information or health information about a primary person and any associated respondent that is lawfully disclosed to it by the NSW Police Force for the purpose of the agency providing domestic violence support services to the person. Whilst this information can be provided by the police without the consent of the primary person or the associated respondent, a support agency receiving the information is obligated to seek the consent of the primary person before any use or disclosure of that information.

Further to this provision with respect to the involvement of police, a support agency may also collect personal and health information of the primary person and associated respondent in certain circumstances. Such information can be obtained from another support agency where that support agency has disclosed the information with the primary person's consent, it was reasonably necessary to disclose the information to the collecting support agency for the provision of domestic violence support services, and the primary person was originally the subject of a police referral. Information may also be obtained from a non-government support service when the primary person consents to the non-government support service disclosing that information or from the primary person. [*Extension of time agreed to.*]

A support agency is not obligated to advise a peripheral respondent about its dealings with the information, nor is it necessary to provide the associated respondent with access to the information. This has the effect of relieving support agencies from obligations under New South Wales privacy legislation that require them to make a person aware when his or her personal information is collected, and to give that person access to any personal or health information that the agency holds about that person. This also is to avoid placing victims of domestic violence at increased risk. Understandably, a support agency must obtain the primary person's consent for any disclosure of information under the proposed section, but the associated respondent's agreement is not mandatory.

However, there are caveats on the instances when this can occur: where the primary person was originally referred to a support service by the NSW Police Force; where the disclosure is for the purposes of that other agency or service providing domestic violence support services to the primary person; and where the disclosure is reasonably necessary for the provision of those services. In particular, the last two caveats are to ensure there are clear limitations on an agency seeking to disclose personal and health information. Given that this information is disclosed without the consent of the associated respondent, it is absolutely essential for the support service disclosing the information to consider why and how that disclosure is required for the provision of support services.

Given the obvious concern about the use and abuse of personal and private information, these provisions seek to restrict the potential for irrelevant personal and health information about an alleged perpetrator being shared between agencies and non-government support services. A support agency may use the information collected under the new section to contact the primary person to seek the primary person's consent to use or disclose that information. It may also use the information to provide domestic violence support services to the person once that consent has been obtained. The associated respondent's consent is not necessary for such purposes.

Proposed section 98C is not intended to be a complex or difficult statement of the ways that information relevant to a primary person or associated respondent may be disclosed. Proposed section 98C (9)

clarifies that nothing in the section would restrict or prevent the disclosure of information under any other Act or law. This will ensure, for example, that disclosures required for the protection of the safety, welfare or wellbeing of children or young persons under part 16A of the Children and Young Persons (Care and Protection) Act 1998 will be unaffected by any restrictions set out in section 98C. New section 98D permits the collection, use and disclosure of personal information or health information in cases where there is a serious threat to the life, health or safety of a person.

As I have noted, collection, use or disclosure in the circumstances of a serious threat requires that the agency believes on reasonable grounds that the collection, use or disclosure of the information is necessary to prevent or lessen a serious threat to the life, health or safety of a person, that it is unreasonable or impracticable to obtain the consent of the person to whom the information relates and that the threat relates to the commission or possible commission of a domestic violence offence. This is a new exception to the limits placed on collection, use and disclosure of personal information or health information in the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Protection Act 2002. It responds to a recommendation of the Australian and New South Wales law reform commissions in their joint report titled, "Family Violence—A National Legal Response", which was finalised in 2010.

It will allow agencies to respond appropriately to domestic violence cases where a serious threat to an individual has been identified but in the circumstances it is not possible to obtain consent for the collection, use or disclosure of that information. Proposed section 98E permits the Attorney General to make information management protocols and requires the Attorney General to seek the advice and counsel of the Privacy Commissioner when constructing them. Agencies that collect, use or disclose information under new section 98C must comply with these protocols. The protocols will also contain recommended privacy standards for non-government support services and will prohibit the disclosure of information to services that do not adopt those standards. The affirmation of the privacy protocols on non-government support services that receive information from government agencies under these provisions is required as a safeguard for that information.

Non-government organisations that are not subject to New South Wales privacy legislation need to be able to protect adequately the personal information of both primary persons and associated respondents. I am delighted that the Government takes domestic violence seriously. These provisions, which have been introduced by the Attorney General, seek to provide those extra supports as well as that efficacy of exchange of information that is required for certain agencies. Government should not get in the way when it is seeking to help those who are vulnerable. The bill seeks to do that and I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [1.04 p.m.]: I speak on the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. The aim of the bill is to introduce legislation that will permit the exchange of personal and health information about alleged victims, namely, primary persons, and alleged perpetrators of domestic violence, namely, associated respondents. The bill aims to introduce the following provisions to allow for the sharing of information between particular public sector agencies and non-government organisations in order to facilitate access by alleged victims of domestic violence to the appropriate support services.

A support agency that provides domestic violence support services may collect information without obtaining consent if the information is lawfully provided by the police or disclosed by the primary person or if disclosed by another support agency with consent; a support agency may use collected information to provide support services to the primary person with consent; and a support agency may disclose collected information to a support service with consent if the primary person has been referred to the service. This can only be done if the agency complies with protocols made by the Attorney General. An agency may collect, use or disclose personal information or health information at any given time in a case of domestic violence if it reasonably believes it is necessary to do so to prevent or lessen a serious threat to the life, health or safety of a person.

Too many people fall victim to domestic violence and unfortunately there are many victims who are too afraid to speak out about the abuse. The implementation of the aforementioned provisions will empower the system which provides a range of care and support services to victims of domestic assault by allowing the public sector and non-government bodies to communicate with each other in order to better facilitate the needs of the victims. This information, however, will not be freely available and will be restricted by a particular rule set in order to provide security to the victims and ensure their privacy is preserved.

However, information may be forwarded between the numerous support agencies once it is requested from the police without consent of the victim of domestic violence so long as the agency is providing support to

the victim. The introduction of such measures will allow agencies to have victims of domestic violence referred to them directly from the police in order for the victim to receive the support they require and to facilitate access to the many other support services that may be available. Information may also be collected, used and disclosed should there be a serious threat to an individual's life, health or safety. This would be authorised by an agency that provides assistance and believes on reasonable grounds that the sharing of a victim's information is necessary to prevent or reduce the threat to an individual's health, life or safety where the threat relates to a domestic violence offence.

I commend the courage of the victims of domestic violence who have stood up to their aggressors and sought help to escape the cruel situations they have found themselves in. It saddens me that there are many more people out there who are still victims of this oppression and have yet to find the help they require. Hopefully, legislation such as this will help provide the victims of domestic violence with an easier path to receiving the support they desperately need and deserve. The Opposition does not oppose this bill.

Mr TONY ISSA (Granville) [1.08 p.m.]: I am pleased to support this legislation. Domestic violence is a tragedy and those who are subject to it must have access to as many agencies as possible through which they will be able to receive protection. This legislation was introduced by the Attorney General, and I congratulate him on bringing it to the Parliament. I must say that I am shocked that no such legislation has been introduced into this House before. Statistics have demonstrated that domestic violence is on the rise in New South Wales. Surprisingly, the latest figures revealed a 3.3 per cent rise. According to the Director of the NSW Bureau of Crime Statistics and Research, Mr Don Weatherburn, domestic violence cases seem to increase in the warmer months. However, it is a well-known fact that many incidents of domestic violence go unreported.

Statistics further show that the victim is often attacked by a person closely related to them. Between 2003 and 2008, 42 per cent of the 115 females and 100 males who were killed in domestic homicides in New South Wales were attacked by their partners. In recent newspaper reports we have read about the tragic death of a 32-year-old woman in Mosman. Earlier this year she had reported a domestic violence incident to police. This incident shines the spotlight on domestic violence and the introduction of this legislation is timely. According to a 2010 report by the Bureau of Crime Statistics, more than three-quarters of all offenders of domestic violence homicides were male and almost half of all domestic assaults were inflicted by a man on his female partner. The NSW Rape Crisis Centre Executive Officer, Karen Willis, recently said that there was an urgent need for better communication between agencies such as police and health and welfare services in order to further reduce the incidence of domestic violence. Unfortunately, the victims, mostly women, are scared or do not know where to turn for help.

The bill before the House amends the Crimes (Domestic and Personal Violence) Act 2007 and provides for information sharing between certain public sector agencies and non-government organisations for the purpose of facilitating access to services by alleged victims of domestic violence. This will provide certain agencies the power to direct victims to support services that are appropriate to their needs. The provisions in the bill are part of a strategy implemented by the Government to deal with this enormous social problem. Last year the Government established the New South Wales Domestic Violence Justice Strategy. This strategy aims to make the criminal justice system more responsive to the needs of the victim. Based on a report delivered earlier this year, this legislation is a key part of that strategy. The strategy was developed with the cooperation of many government departments and agencies, including the NSW Police Force, the Department of Community Services and Women's Domestic Violence Court Advocacy Program. It is also the result of extensive consultation and focus group sessions.

The strategy clearly defines outcomes for victims and perpetrators. These outcomes include that the victim's safety is secured immediately and that risk of further violence is reduced; the victims will have confidence in the justice system and will be empowered to participate; and the victims will be given the support they need. The court process for domestic violence matters is efficient, fair and accessible. Abusive behaviour will be stopped and the perpetrators will be held to account. The perpetrators will be required to change their behaviour and reoffending will be reduced or eliminated. These outcomes are also stated in the strategy itself. For this strategy to work effectively laws must be in place to ensure that domestic violence in New South Wales is significantly reduced. In 2011 a performance audit by the Auditor-General of New South Wales showed the number of shortcomings in the current response to domestic violence.

These shortcomings could have devastating effects for victims. The report showed that the system is not providing for the safety of victims as a result of shortcomings such as a lack of coordinated response stemming from inconsistent approaches to sharing information between government agencies. Few victims were

referred to services, particularly by the police, because there was no common approach to referral. A further problem that has been identified raises serious concerns. When police sought consent to refer the victim to a service many victims were not in a position to provide informed consent at the time of the incident. Research has shown that victims fail to give consent to police for various reasons but that they would give the consent if it were requested by a support service.

Support services provide immediate help, such as advice on access to a halfway house. Victims of domestic violence need practical help other than just the issuing of an apprehended violence order. It was also found that there was confusion within government agencies about the necessary procedure to request a victim's consent, a lack of clarity about the circumstances where consent is not required, and no consistent procedure for safeguarding people's information. The bill before the House will streamline these procedures. It will modify the application of the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002 to remove restrictions—

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

COMMUNITY RECOGNITION STATEMENTS

HUNTER REGION SPORTING HALL OF FAME INDUCTEE HEATH FRANCIS

Mr STEPHEN BROMHEAD (Myall Lakes) [1.14 p.m.]: I inform the House that a talented former Paralympic athlete, Heath Francis, from Booral, will be inducted into the Hunter Region Sporting Hall of Fame. At the age of seven, Heath Francis had his right arm amputated following an accident on his family's farm. He first represented Australia at the 1998 International Paralympic Committee World Athletics Championships in Birmingham. Two years later he competed in the Sydney Paralympics where he won gold in the individual 400 metres, two relay gold medals and the silver medal in the individual 200 metres.

In 2004 in Athens, Heath won three silver and two bronze medals. At the 2006 International Paralympic Committee World Athletics Championships he became the first athlete to win the T46 100, 200 and 400 metre treble. In 2008 at the Beijing Paralympics Heath Francis completed a gold treble with wins in the 100, 200 and 400 metre events. In doing so, he broke two world records that had stood for 16 years. He also won a bronze medal in the 4 x 100 metre relay. Francis has described the Beijing Games as the high point of his athletics career, with the 400 metre gold as his best ever race.

ASSYRIAN NEW YEAR FESTIVAL

Mr GUY ZANGARI (Fairfield) [1.15 p.m.]: The Assyrian Australian National Federation, together with the Assyrian Universal Alliance, hosted the Assyrian New Year Festival. The celebrations were held on Monday 1 April 2013 at the Fairfield Showground. The Young Assyrians branch organised the Assyrian art exhibition, which showcased with pride the Assyrian civilisation. Dr John Atto was honoured as the Australian Assyrian of the Year in recognition of his invaluable contribution and commitment towards the community. Assyrian youth groups performed a theatrical piece simulating the arrival of the King and Queen of Assyria from the remote past to bless the festivity. I congratulate the master of ceremonies, Mr Ninos Aaron, as well as Mr Hermiz Sahen, Mr David David, Mr Simon Essavian and the organising committee on hosting a truly memorable event.

SENIORS WEEK COMMUNITY SERVICE AWARD RECIPIENT RON WALESBY

Mrs LESLIE WILLIAMS (Port Macquarie) [1.16 p.m.]: I acknowledge Mr Ron Walesby and commend him for his commitment to aviation and community service. Mr Walesby was a member of the Royal Australian Air Force during the Second World War and has had a lifelong affiliation with aeroplanes. In 1955 Ron was the captain of the first East-West Airlines flight into Port Macquarie. In addition to piloting flights across regional Australia, he has a long history of volunteering for community projects. Ron has been a member of Rotary for 56 years and in 1956 he was a foundation member of the Tamworth West Rotary Club. He is currently a member of the Port Macquarie West Rotary Club and is a Paul Harris fellow. Recently I hosted a morning tea in Port Macquarie to honour a number of award recipients. I was pleased that the Hon. Pru Goward, Minister for Family and Community Services and Minister for Women, joined me in the presentation of those awards. I presented Ron with a Seniors Week Community Service Award, which was very well deserved.

AUSTRALIAN CHINESE BUDDHIST SOCIETY LUNAR NEW YEAR CELEBRATIONS

Mr NICK LALICH (Cabramatta) [1.17 p.m.]: I congratulate the Australian Chinese Buddhist Society on its successful Lunar New Year celebration. I acknowledge the remarkable charity of the Australian Chinese Buddhist Society, which donated \$37,000 to Fairfield Hospital for the provision of new medical equipment. I recognise Mr Vincent Kong, president, Mr Ha Thanh, chairman, Mr James Chan, vice-chairman, and members of the Australian Chinese Buddhist Society for their hard work and dedication and congratulate them on the success of their Lunar New Year celebrations.

ANGUS BARRETT GROUP

Mr ANDREW GEE (Orange) [1.18 p.m.]: I ask the House to congratulate Angus and Sarah Barrett who on 20 April 2013 celebrated the opening of new premises for their saddlery business, Angus Barrett Pty Ltd, at Narrambla in the Orange electorate. With the establishment of new premises, Mr and Mrs Barrett have shown that manufacturing is alive and well in Orange. They believe that well-designed, Australian-made products are the key to surviving in a challenging economic climate against less expensive imports. The Barretts established their business 12 years ago. It expanded rapidly, outgrowing its original premises. They also have opened two new businesses, Barrett Industrial and Basco Water Jet Precision Cutting Service. The couple are now expanding their business to include leather goods, such as iPhone covers, wallets and belts. I commend the Barretts for their enterprise and for helping to build a better future for the great city of Orange.

WALLSEND KRANKIT RIDE 'N' DRIVE MOTOR EXPO

Ms SONIA HORNERY (Wallsend) [1.19 p.m.]: I congratulate the Wallsend Town Business Association and Harleys for Humanity on the inaugural Krankit Ride 'N' Drive Motor Expo, which was held in Wallsend on Sunday 7 April 2013. It was a hugely successful family friendly event with trade stalls, food and wine stalls and entertainment. I thank the owners of the more than 200 custom cars and motorcycles that were on display and the more than 20,000 visitors for making this event such a success. I commend Harleys for Humanity for distributing the proceeds of the day to the Westpac Rescue Helicopter Service and other local charities.

STORAGE KING LANE COVE

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [1.20 p.m.]: I draw the attention of the House to the long-time association that Storage King Lane Cove has had with worthy community groups. These include the Bus of Books, which provides reading material for children in remote communities in New South Wales, and the North Shore Pain Management Centre, a support group for velo-cardio-facial syndrome. I also ask the House to note that Mr David Watson of Storage King Lane Cove has been providing storage space free of charge to these groups, which is a fantastic contribution from a fantastic man. I am truly proud of the strong community spirit present among the local businesses in my electorate.

AFGHAN FAJAR ASSOCIATION INCORPORATED

Mr PAUL LYNCH (Liverpool) [1.21 p.m.]: I draw the attention of the House to the inauguration of a new association in south-western Sydney focusing on the Afghani community. On 20 April a public event was held to mark the inauguration of the Afghan Fajar Association Incorporated. The association particularly looks to the interests of Hazara people and thus will deal with a significant number of refugee issues. Association president Sayed Jawed Hussainizada and other executive members explained the work that the association has already done, including helping to establish an educational institution for Afghan refugees in Quetta and assisting in the construction of water wells in remote areas of Afghanistan. In Sydney it has assisted with settlement issues for new arrivals and has commenced language and cultural classes for children. I look forward to working with the association in the future.

RETIREMENT OF SAM TATSIS

Mr TONY ISSA (Granville) [1.22 p.m.]: I congratulate Mr Sam Tatsis on his initiative in raising the Greek flag for Parramatta City Council. I also thank the council for the opportunity it afforded the Greek community to celebrate its origins and culture. I commend Mr Tatsis on 35 years of loyal service to Parramatta City Council in numerous roles and acknowledge the contribution that he has made to Parramatta since 1979. and I wish him a long and happy retirement.

MOUNT DRUITT ELECTORATE STUDENT ACHIEVEMENTS

Mr RICHARD AMERY (Mount Druitt) [1.23 p.m.]: I was unable to join the Minister for Education last night at an event hosted by the board of the Public Education Foundation entitled "Celebrating the Achievements of Public Education" and held at the Sydney Town Hall. However, I ask the House to note that students from my electorate of Mount Druitt were among the scholars recognised. Those students were Ashlea Ross, Kadiatou Drame and Marieka Hooymans of Rooty Hill High School and Chifley College. I join with the families, the school and the community in congratulating these students and wishing them continued success during their time at school and the years ahead. I offer my congratulations and appreciation to the Public Education Foundation on its efforts in public education and for recognising all students who do public education proud.

AUSTRALIAN HOCKEYROOS PLAYER MARIAH WILLIAMS

Mr GREG PIPER (Lake Macquarie) [1.24 p.m.]: I congratulate Teralba teenager Mariah Williams, who last weekend, at just 17, made her debut for our national hockey team, the Hockeyroos. Mariah came off the bench to contribute to the Hockeyroos 6-1 win over South Korea in Perth on Saturday. She was hoping to make the Australian Jillaroos under 21 side this year but has already surpassed that goal. Her call-up to the senior side is recognition of her enormous talent and potential. Mariah is a star on the rise and has been a leading player for the Souths club in the Newcastle women's premier league hockey competition for several years. Mariah plans to move to the Australian Institute of Sport's hockey base in Perth after she finishes her Higher School Certificate at Hunter Sports High this year, with the Commonwealth Games in Glasgow next year as her primary goal. I wish Mariah the best of luck in this exciting new stage of her career and expect to hear a lot more of her in the future.

BULAHDELAH MEN'S SHED

Mr STEPHEN BROMHEAD (Myall Lakes) [1.25 p.m.]: On Tuesday 2 April I and a large number of locals attended the official opening of the Bulahdelah Men's Shed. I thank the committee, which includes: president John Renfrew; secretary Barrie Bishop; treasurer Milton Williams; and the coordinator, Max Burrows, who instigated the men's shed. I also acknowledge Art Brown. I presented a \$25,000 cheque from the Community Building Partnership Fund to help with the construction of the shed.

LOU'S PLACE COMMUNITY CENTRE

Mr ALEX GREENWICH (Sydney) [1.26 p.m.]: I acknowledge the fantastic work of Lou's Place, a drop-in centre in Potts Point for women in crisis that was established by the Marmalade Foundation in 1999. With more than 50 volunteers, Lou's Place provides a safe and supportive environment for women experiencing homelessness, mental and physical health concerns and violence or abuse who may not have family or friends. Lou's Place provides practical help such as washing facilities, meals and clothing as well as counselling and legal aid. Once urgent needs have been met, women are offered activities such as cooking, sewing, painting and jewellery making. Workers focus on helping the women get back on their feet. I acknowledge Deborah Banks, the executive manager since 2009; Melanie Joyce, a drug, alcohol and mental health worker; caseworker Theresa Desmond, who works with domestic violence survivors; and volunteer hairdresser Bernadette Talbot. I commend all those involved with Lou's Place, which provides vital support to women with complex needs who are facing dire circumstances and need a helping hand.

PORT MACQUARIE PARKINSON'S SUPPORT GROUP CHARITY WALK

Mrs LESLIE WILLIAMS (Port Macquarie) [1.26 p.m.]: I take this opportunity to acknowledge the Port Macquarie Parkinson's Support Group for holding a charity walk between North Brother Mountain in Laurieton and the Port Macquarie Town Green on Saturday 27 April 2013. I commend the efforts of the organisers, including president Stuart Snowden and publicity officer Gregg Faulkner, and the many walkers including Pat Smith, Trish Davis, Marcus Field, Jack Sim, Andrea Pett, Susie Berry, Heather Glasson, Jill Gorrie, Meredith Stewart and Steven Catley. The walkers raised more than \$6,000 for their cause, which is to employ a specialist Parkinson's nurse for the region. The event also helped raise awareness of Parkinson's disease in the community. While I could not attend the walk, I have met with members of this great organisation on a number of occasions and continue to champion the cause for a specialist Parkinson's nurse to be employed in our area with the Mid North Coast Local Health District.

FAIRFIELD CITY MUSEUM AND GALLERY THIRTIETH ANNIVERSARY

Mr GUY ZANGARI (Fairfield) [1.27 p.m.]: The thirtieth anniversary of the Fairfield City Museum and Gallery was celebrated on 6 April 2013. The celebration involved two exhibitions—"Thirty Years of Heritage" and "Caught in Time"—which featured portraits of individuals and families who shaped Fairfield. Fairfield City Museum and Gallery plays an integral role in preserving the culture and history that has shaped the region. Old Fairfield Town is a reminder of how people once lived, were educated, shopped in the general store and repaired machines in the local garage. I congratulate the early volunteers who formed and shaped the museum, which so proudly tells the Fairfield story for all to enjoy. Mrs Carmel Aiello, the museum coordinator and education officer, worked tirelessly to organise the nostalgic thirtieth anniversary celebrations.

ORANGE ELECTORATE SPORTS ACHIEVEMENTS

Mr ANDREW GEE (Orange) [1.27 p.m.]: The sporting talent that is nurtured in Orange was evident last week when netballer Charlotte Jazprizza was selected in the Australian under 17 national development camp squad following the 2013 National Netball Championships held in Darwin. What was remarkable about her selection was the fact that she had to sit out the last four days of the championship after she was knocked out on the third day of action. Charlotte started in four games for New South Wales prior to suffering concussion and made a huge impression in those games to gain selection. She also recently smashed the James Sheen Catholic High School 100 metres sprint record. In other women's sporting achievements, hockey star Edwina Bone played her first full international for Australia on Anzac Day in Perth against Korea. I am also pleased that Orange's Jade Warrender, who was cruelly ruled out of selection for the London Olympics, recently returned from an anterior cruciate ligament injury after 11 months and is also in the Hockeyroos squad.

VIETNAMESE LUNAR NEW YEAR CELEBRATIONS

Mr NICK LALICH (Cabramatta) [1.28 p.m.]: I congratulate the Vietnamese Community in Australia, New South Wales Chapter, and President Thanh Nguyen on organising this Lunar New Year event and the Vietnamese community who attended to celebrate the Lunar New Year and show their support. I acknowledge that 2013 is the Year of the Water Snake, which is of great significance to Vietnamese and Chinese Australians. I also congratulate the 2012 Higher School Certificate students who were recognised for their great achievements at the 2013 Tet Festival.

RYDE ATHLETICS CLUB

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [1.29 p.m.]: I draw the attention of the House to the success of the Ryde Athletics Club at the Australian Junior Track and Field Championships in Perth. Kate Spencer's record-breaking performances in winning the under 20 women's 3,000 metre steeplechase race and the under 20 5,000 metre race were particularly strong. I hope this is an indication of a long career for her in athletics. I also note the strong performances of Sierra Collender, Maddy Bergfield, Sachi Kayama, Johanna Volos, Ben Cox, Sarah Kelland, Zoe Latham, Nicola Bowtell, Georgia Winkcup, Harrison Wade and Ed Penrose. I also draw to the attention of the House that for the first time an Australian gymnastics team will be representing this country in sports acrobatics at the World Games being held in Columbia in July. As the member for Lane Cove, I am proud of the Gladesville gymnastics senior international trio of Ingrid Dunkerley, Annelise Olsson and Melanie Byrne, who will be representing Australia. I also acknowledge the contribution of Gladesville RSL in nurturing gymnastics over many years.

HUNTER REGION SPORTING HALL OF FAME INDUCTEES

Ms SONIA HORNERY (Wallsend) [1.29 p.m.]: I recognise the 12 outstanding sportspeople inducted into the Hunter Region Sporting Hall of Fame this year. The exceptional individuals inducted this year are: Paul Cannon, Anthony Ekert, Heath Francis, Bill Gardner, Herb Jefferson, Sam Laguzza, Tobie McGann, Ernie Patfield, John Roberts, Ron Russ, John Wade and June Walsh. I applaud the outstanding achievements of these great Hunter sportspeople and wish them all the best in their future endeavours.

Community recognition statements concluded.

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

DEATH OF DONALD JOHN BOWMAN, A FORMER MEMBER FOR SWANSEA

The SPEAKER: It is with regret that I have to inform the House of the death on 30 April 2013 of Donald John Bowman, a former member of the Legislative Assembly, who served as the member for Swansea from 19 September 1981 to 22 February 1988 and from 25 May 1991 to 3 March 1995. On behalf of the House I extend to the family the deep sympathy of the Legislative Assembly in the loss sustained. I ask members and officers to stand as a mark of respect.

Members and officers of the House stood in their places as a mark of respect.

QUESTION TIME

[Question time commenced at 2.25 p.m.]

NSW POLICE FORCE CHILD ABUSE SQUAD

Mr JOHN ROBERTSON: I direct my question to the Premier. Given that a police report states that children were put at risk because of understaffing in the Child Abuse Squad and that the Minister for Police and Emergency Services said yesterday, "There is no doubt that any delay in investigation poses a risk", does the Premier stand by the answer he gave yesterday that no child was put at risk because the arrest of 50 known child abusers was delayed?

Mr BARRY O'FARRELL: I stand by the answer I gave yesterday that I was advised by Deputy Commissioner Catherine Burn that no child's safety was at risk.

WORKERS COMPENSATION SCHEME

Mr ANDREW CORNWELL: I address my question to the Premier. What has the Government done to increase employment in New South Wales?

Mr BARRY O'FARRELL: That is a good question but employment is not created by government, employment is created by the business community. The member for Charlestown well knows that hardworking people in businesses of all sizes create employment because before coming to this place he was a small employer within his community. The member for Charlestown also well knows the importance of governments creating environments that give people the confidence to open and grow businesses, thereby giving communities like Charlestown the jobs that families rely upon. It is a matter of record that under those opposite WorkCover was a basket case. This time last year we were told that its deficit was projected to be \$4.2 billion. That would have provided no assurance to any worker injured in this State of the sort of attention they would deserve should they have been injured in the workplace.

But worse than that, the Government received advice that in order to overcome that \$4.2 billion deficit and make WorkCover solvent it needed to increase premiums by 28 per cent. As the former Labor-appointed chairman of WorkCover said in his farewell letter, WorkCover had been neglected by Ministers in the former Labor Government, in a State the premiums of which are between 20 per cent and 60 per cent higher than those of Queensland and Victoria. What is the import of that? If our WorkCover premiums for employing people are 20 per cent to 60 per cent higher than those of our neighbouring eastern States, where will the people go? They will not come to Sydney; they will go to wherever they will get the best deal.

The Treasurer said earlier that if the Government had taken no action, the increase in WorkCover premiums would be far greater today than the 28 per cent projected last year. Further, the New South Wales Business Chamber estimated that the result of the Government increasing WorkCover premiums by 28 per cent last year would have been the loss of more than 12,000 jobs across this State. Some 12,000 breadwinners in families across this State would have suffered because of the incompetence of those opposite, who allowed the neglect to WorkCover that saw its projected deficits extend to \$4.2 billion.

[Interruption]

I hear the worker's friend: the member for Marrickville—an electorate in which the best baristas in this city are to be found. I would like the member for Marrickville to explain to workers, whom she claims to stand up for, how a \$4.2 billion and growing deficit in WorkCover was going to guarantee any worker—barista or railway worker—the support they deserved if they had been injured in their job at that time.

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

Mr BARRY O'FARRELL: No government can continue with that sort of projected deficit and offer any assurance. I am delighted with the tough but responsible reforms that we put in place last year to ensure that injured workers who are capable of going back to work would be encouraged to go back to work and that those injured workers who could not go back to work would be given assistance. For instance, under Labor, someone who suffered a spinal injury in a workplace accident would have received \$432 a week in benefits. Under the scheme we reformed that benefit is now \$736—an increase of more than 65 per cent.

[*Interruption*]

The SPEAKER: Order! The member for Cessnock will cease shouting and come to order.

Mr BARRY O'FARRELL: In the process we have sought to reduce the costs associated with both doctors and lawyers within the existing administration of the WorkCover scheme.

Mr Michael Daley: Insurance companies will have a field day.

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

Ms Linda Burney: Who's making the money?

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

Mr BARRY O'FARRELL: The member for Maroubra—he is known as "Little Fingers", the master of the coin, for those of us who are fans of *Game of Thrones*—had his chance. At one stage he was the Minister responsible for WorkCover. And what happened? The deficit blew out to \$4.2 billion. So let us not have any lectures from members opposite. The good news is that as a result of those tough but responsible reforms and better administration of the scheme we are able to say that premiums will not increase for employers across the State this year and for two-thirds of the State's employers premiums will increase by 7.5 per cent on average. That is good news for people who want jobs in this State. [*Extension of time granted.*]

It is good news in particular for young people because often the sorts of jobs we are talking about in cafés and the like are the jobs that young people will take. This morning I was delighted to be sitting with the member for Coojee in one of the best-looking electorates in this State outside the wonderfully named Morning Glory Cafe doing a press conference.

[*Interruption*]

We have heard from the bearded member for Toongabbie, and I am reminded of the old adage: When he starts to put on weight we will know he is running for the leadership. The Morning Glory Café is owned by Vicki; she has owned it for a number of years. She employs 12 people: three people full time and nine people part time or casual. Hers is one of the numerous businesses in New South Wales whose WorkCover premiums are coming down as a result of our changes. That is good news because Vicki is now considering employing additional people, including families that need such jobs. This is a direct result of the sorts of reforms that we have been putting in place.

Recently we have seen the great work of the Minister for Resources and Energy to ensure that network businesses have reduced their costs and cut waste and mismanagement. As a result electricity price rises are projected to be much lower than they have been under successive governments over the past 10 years. That is a tribute to the Minister for Resources and Energy. Here we see a tribute to the Minister for Finance and Services, who has properly managed WorkCover to ensure that we have an environment in which employers, as was the member for Charlestown, can have confidence about the costs of employing staff and start to employ people and provide jobs in communities across the State.

NSW POLICE FORCE CHILD ABUSE SQUAD

Mr MICHAEL DALEY: My question is addressed to the Treasurer. At any stage in the past two years has the Government received a request, either through maintenance of effort bids or otherwise, for additional funding to provide the Child Abuse Squad with additional resources, given that a report into the squad stated that an increase of 175 extra officers would "see an improvement in the organisational response to child abuse"?

Mr MIKE BAIRD: The simple response is none that I am aware of. But we on this side of the House have a responsible approach to budget management. Members opposite do not understand what is a responsible approach to budget management. The simple answer is, not that I am aware of—

Mr Michael Daley: Point of order—

The SPEAKER: Order! I caution the member about taking a point of order along the lines of his interjection.

Mr MIKE BAIRD: As the Premier said, we have every confidence in the police Minister and the police commissioner, and we take that seriously.

The SPEAKER: Order! Question time is not an opportunity for a two-way debate.

NORTH WEST RAIL LINK

Mr KEVIN CONOLLY: My question is directed to the Minister for Transport. What progress is the Government making on the North West Rail Link?

Ms GLADYS BEREJIKLIAN: I thank the member for Riverstone for his ongoing interest in delivering this vital piece of infrastructure. I take this opportunity to thank all of his colleagues in the north-west who have represented community views on this important piece of infrastructure. Today marks an important milestone in this important project. I am pleased to announce that the New South Wales Government has shortlisted two consortiums to move forward to the next stage of the operations, trains and systems contract following an extensive expressions of interest process over the past five months. As members would know, this is the third major contract for the North West Rail Link. Tenders have already closed on the \$1 billion tunnelling contract, and tenders were called in mid-April for the skytrain and surface civil works contract.

I am pleased that we now have the cream of the crop from across Australia and the globe competing to deliver this world-scale project for the people of Sydney. I am pleased to announce to the House this afternoon that the two shortlisted consortiums, made up of almost 30 companies from Australia and around the world, are the following—and I must stress that they are in no particular order. Firstly we have the Northwest Rapid Transit consortium, which consists of MTS Corporation, John Holland, Leighton Contractors, UGL Rail Services and the Plenary Group. Secondly we have TransForm, which consists of Serco Australia, Bombardier Transportation Australia, SNC-Lavalin Capital, McConnell Dowell Constructors (Australia), John Laing Investments and Macquarie Capital Group.

For the benefit of all members, the operations, trains and systems contract includes building eight new railway stations and delivering 4,000 new car parks. On that front, after consultation with the community the Government changed its plans from providing six railway stations to providing eight railway stations. In relation to car parks, we took on board feedback from the community and, rather than providing 3,000 car spaces, we are now providing 4,000 car spaces. The contract also involves supplying the new generation rapid transit single deck trains; building and operating the stabling and maintenance facility at Tallawong Road; installing tracks, signalling, mechanical and electrical systems; converting the Epping to Chatswood rail link for the new rapid transit system; and operating the North West Rail Link, including all the maintenance work.

Over the coming months these two consortiums will be formally issued with a Request for Proposal, where they will put forward how they would deliver the contract. The proposals will be due at the end of this year, with the contract expected to be awarded in the third quarter of next year. An intensive shortlisting process has seen the North West Rail Link project team assess world-class applications from consortiums comprising, as I said, companies from across Australia and around the world. In contrast to Labor, this Government has done much work to restore industry's faith in New South Wales, and the quality of these bids shows that. Unfortunately, we know that the cancellation of projects by the former Government, such as the Rozelle Metro, the Parramatta to Epping rail line and various incarnations of the north-west rail line, did not occur without impacting on the confidence of industry in the State's ability to deliver major projects.

That is why the Government is grateful to all those companies that have taken part as we move forward to the next stage of this major contract process. Progress to date on this project is in stark contrast to what members opposite demonstrated when they were in government. They left a trail of destruction and wasted hundreds of millions of dollars while the State's infrastructure backlog grew. On this project alone, we have

already issued 24 tenders and 44 major contracts. We have demolished buildings, we have planning approval and construction sites have been established. I am happy to confirm that tunnel boring machines will be in the ground by the end of next year.

Mr John Robertson: Bring it on.

Ms GLADYS BEREJIKLIAN: Yes indeed, we are bringing on what those opposite could not. The Government is getting on with the job. Not only will this project benefit the north-west, it will also benefit many communities in western Sydney that will have extra spaces on the western line. I look forward to providing further updates to the House on this important project.

ST GEORGE HOSPITAL BOWEL CANCER SURGERY

Dr ANDREW McDONALD: My question is directed to the Minister for Health, and Minister for Medical Research. Does she stand by her statement that patients have never had it so good, when 16 cancer patients were forced to wait longer than clinically recommended time frames for bowel cancer surgery at St George Hospital, because she cut back the number of surgeries that could be performed? This includes Sara Bowers, a peritonectomy patient, who is here in the gallery today.

Mrs JILLIAN SKINNER: I thank the member for Macquarie Fields for the question. It is one he has asked in this House before. He cannot find new questions to ask so he has to recycle them.

The SPEAKER: Order! The Leader of the Opposition and the member for Canterbury will come to order.

Mrs JILLIAN SKINNER: The answer is that the service provided at St George Hospital is under discussion with the other local health districts and health providers to try to ensure that we can provide an ongoing service. The reality is that this is a rare and complex procedure. There is only one place in New South Wales where it is performed. We treat patients from all over Australia and provide a sufficient budget for all our patients. There is demand from patients from interstate and patients are treated on the basis of clinical priority, which is determined by the doctor. As a practitioner, the member opposite should know that. I do not determine priority; it is the doctor who determines priority. The Government has provided substantial money across that district and to that hospital to treat those patients. Each year St George Hospital treats 72 peritonectomy patients. In the past two years many of those patients have come from interstate and are prioritised by clinicians. One of the things people should understand is that this is a rare and complex treatment.

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

Mrs JILLIAN SKINNER: If those opposite were interested in the welfare of these patients they would listen. Just be quiet and listen. These patients require up to three weeks in the intensive care department. That means the beds in the intensive care department are not able to be used by other patients.

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

Mrs JILLIAN SKINNER: It is a requirement from the clinical council of the hospital that it looks carefully at how resources are allocated for patient treatment. The Government is working with the hospital to ensure that we come up with a solution that provides for peritonectomy patients. A great number of them are private patients who are treated in the public system because St George Private Hospital no longer provides this treatment.

The SPEAKER: Order! This is not an opportunity to debate the matter. The member for Macquarie Fields will come to order.

Mrs JILLIAN SKINNER: We are working within the Ministry of Health to find a solution to ensure that patients can get the required treatment, and that resources are allocated fairly so that we can provide for the treatment of patients from all over the country. I am proud that we have this service in New South Wales, but we have to make sure that it does not eat into the care of other patients in that hospital.

PORTS TRANSACTION BENEFITS

Mrs TANYA DAVIES: My question is addressed to the Treasurer, and Minister for Industrial Relations. How has the Ports transaction delivered benefits for the people of New South Wales?

Mr MIKE BAIRD: I thank the member for her question and for her interest in delivering infrastructure across western Sydney, because that is what this transaction does across the State. The Ports transaction presents a clear contrast between the actions of a responsible Government and the actions taken by the reckless former Labor Government. The Ports transaction result is simple: A problem exists where infrastructure needs to be built but revenue is falling, so how does the Government deal with that and continue to maintain the triple-A rating? The Government must look at the balance sheet, take an asset and turn it into new assets for the people of New South Wales. That is what this Government has done. The strategy is working and it can be seen in the solution provided by the Ports transaction.

We need a quick case study because case studies help us all to understand these matters. Let us call it the gentrader case study. How does one compare the gentrader transaction with the Ports transaction? It is a fair thing to do when one wants to understand the way things used to work. What did the former Government do with the gentrader transaction? It shut down Parliament. The directors stood up and resigned over it. What happened with the Ports transaction? The Government came to Parliament, presented the legislation and got it through—a clear and transparent approach. What happened with the price? In the gentrader transaction those opposite sold the assets for below the retention value. What happened under the O'Farrell Government? The Ports transaction comfortably exceeded retention value. That is a responsible thing to do.

When one looks at the value, what was the value under the gentrader transaction case study? These are not my words but the words of the Auditor-General, who said: "They sold the assets for less than half of what they were worth". That is what those opposite did. What happened when we on this side of the House had the opportunity? The assets were leased for 25 times annual earnings. What does that mean? The port of Brisbane sold for 16 times annual earnings but \$2 billion extra came to New South Wales by handling the transaction in a proper and responsible manner.

It is worth looking at the reaction. Again, we will look at the Gentrader case study and it is good to look at the directors' words at the time. They said that it was a "dud deal; "the Government stands condemned for pulling a rort", "it looks smelly; it is smelly; it's a shocker". That is the reaction to the Gentrader transaction. What happened with the Ports transaction? The *Sydney Morning Herald*—that fine newspaper—reported, "A stunning 25 times earnings". The *Australian Financial Review* reported, "The timing has been exquisite". That paper said that the Government has used the right fiscal approach to resolve the problems of this State that we inherited from those opposite.

What does that mean for the people across the State? It means that no longer do they just have plans for infrastructure; they have the funding to deliver it. And that is what the Government has done through this transaction. An amount of \$1.8 million is in the bank allocated to the WestConnex project; \$400 million has been allocated to the long overdue duplication of the Pacific Highway—something that the member for Coffs Harbour often speaks about; and \$170 million is going towards the upgrade of the Princes Highway. The member for Kiama is constantly fighting for the Princes Highway as well as the member for Bega and you, Madam Speaker—you have long been an advocate for the Princes Highway. An amount of \$135 million is going towards the Bridges for the Bush project to build long-overdue bridges across regional New South Wales. I say, "Well done", to the member for Murray-Darling.

I love the principles of those opposite. They come into the House and say they are against the transaction: "Opposed, opposed, opposed". But when the money comes through, what do they want? "Oh, by the way, we know we said we were against it but can we have some of the money?" The Deputy Leader of the Opposition wants some money; our old mate the member for Keira cannot help himself, "Give me the money." Even the member for Shellharbour has a smile on her face—the member for Wollongong is not here, so the member for Shellharbour wants the money. And the great thing for the people of the Illawarra—on the back of the efforts of the member for Kiama—is that \$100 million is going to extra infrastructure for that area. But importantly, infrastructure is being built across the State. The O'Farrell Government is proud to take the right and responsible decisions to get this State moving.

ST GEORGE HOSPITAL BOWEL CANCER SURGERY

Ms CHERIE BURTON: In view of the life-threatening nature of surgery delays, will the Minister for Health give a guarantee today that all patients currently waiting for a peritonectomy will have their surgery within clinically recommended time frames?

Mrs JILLIAN SKINNER: As I indicated in my previous answer, we are working on a solution that I believe will provide an answer not only for public patients but also for private patients and those from

interstate, which will mean they will continue to have access to this fantastic service. St George Hospital has done a wonderful job in providing this service, but we are looking for an alternative because of the huge demand. The member for Kogarah has given notice of a motion relating to St George Hospital, but the last time St George Hospital underwent a major upgrade was in the late 1980s under the regime of Peter Collins when he was Minister for Health. There was \$200 million to upgrade the hospital, yet the member has the nerve to come into this place to talk about the need to upgrade the hospital.

Ms Cherie Burton: Point of order: The Minister obviously is not being relevant. I asked a very specific question.

The SPEAKER: Order! The Minister has been relevant to the question the member for Kogarah asked. There is no point of order.

Mrs JILLIAN SKINNER: It is about St George Hospital where this peritonectomy service is provided. It is about maintaining those services and making sure we upgrade the hospital. In fact, just recently I was at the hospital with the member for Oatley who is doing a wonderful job promoting that hospital and the \$39 million upgrade to the emergency department, which is underway. I was really pleased that the Chairman of the Board of the South Eastern Sydney Local Health District, the Hon. Morris Iemma, took me aside at the turning of the sod and said, "This is a much better deal than would have been provided under the former Government." He said the former Labor Government was only going to put in \$12 million. It would have been a dud. We have put in \$39 million.

Ms Cherie Burton: Point of order: My question was very specific. The Minister is going into a rant.

The SPEAKER: Order! I have been listening carefully to the Minister. She has been relevant and has answered the question to the best of her ability. I note the Minister has completed her answer.

GONSKI EDUCATION REFORM

Mr ANDREW FRASER: My question is to the Minister for Education. What difference will the \$5 billion funding for Gonski reforms make at a school level over the next six years?

Mr ADRIAN PICCOLI: I thank the Minister for Coffs Harbour for his question. That is the key question. We can throw money at education, but without the reforms underpinning those additional dollars we will not see the difference that those dollars can make to schools. Of course the money is welcome. I was with the member for Castle Hill this morning when we met with a dozen principals. I have to say that extra money was barely raised other than to thank the New South Wales Government for doing the deal with the Commonwealth. Last Tuesday was a great day for education across this State for government and non-government schools. It is a great example of what can be done when there is proper collaboration. It is often said in this House, as those who have been here for some time will know, that members need to get on the phone to their colleagues in Canberra. That is precisely what the Premier and others in the Government did over the past couple of weeks. It is great to see that a Minister from The Nationals and a Liberal Premier can do a deal with a Labor Prime Minister in the best interests of students.

Parents want to know the answer to the question: What difference will this money make to my child at school? That is a question we have been addressing over the past couple of years with the reforms that this Government has introduced in education. Under Local Schools, Local Decisions we have changed the transfer system. Terranora Public School in Tweed Heads has not chosen a teacher through a merit selection process for 21 years but this year, as a result of the changes we have made, they have been able to merit select a staff member to suit the needs of that school. We have allowed principals to decide the mix of staff within their schools. Newtown High School of the Performing Arts has created two additional head teacher positions to enable the delivery of enhanced student engagement and performance, including gifted and talented, literacy and numeracy, student attendance and curriculum engagement. That is a big win for the parents who send their kids to Newtown High School of the Performing Arts.

At Burke Ward Public School the focus is on meeting the literacy needs of students, including the employment of a teacher/mentor to work with teachers. They are accessing speech pathology expertise in partnership with the University of Sydney. They are doing that because we gave them the flexibility to use the funds in the way they decide is in the best interests of their students. Every Student, Every School is a strategy to support students with disabilities. Corindi Public School in the Clarence electorate went from having no

support for students with disabilities to having a specialised teacher for the first time. That is a big win for the parents at that school. All of these reforms can be deepened and accelerated with the additional dollars that the Gonski deal provides. Chifley College Mount Druitt Campus gained two additional specialist teachers as a result of our reforms to help students with additional needs, as well as \$95,000 in additional funding so that the principal can use flexibly.

Connected Communities is the innovative strategy we have put in place for 15 schools across mostly remote parts of New South Wales and it has given them the most highly paid public school principals in the State. We tapped some of the best principals in the State on the shoulder and said, "We need you to go to those schools because they need the kind of leadership that you can deliver." Muriel Kelly at Moree East Public School doorknocked homes throughout the Moree community, particularly in the Aboriginal community, and as a result the school has had two kindergarten classes since the beginning of this year.

Kindergarten enrolments at Hillvue Public School in the electorate of Tamworth have increased from 20 to 45. Attendance rates at schools such as Bourke Public School and Coonamble Public School at this stage are higher than they were last year. We are at the end of the first term of Connected Communities, but already we are starting to see the results of the initiatives we have put in place. As I said, it is the Gonski dollars. It has been slow to ramp up, with \$150 million this year, but in the fifth and sixth years we start talking \$1.5 billion. It allows us to accelerate and deepen our reforms and have even greater impacts that parents want for their students. [*Extension of time granted.*]

Bourke Public School is a great example of what parents will see as a result of our reforms. It has opened a medical dressing clinic in the school conducted by the local Aboriginal Medical Service to attend to cuts and sores that students have when they come to school, which leaves school staff free for classroom duties. We announced the Great Teaching, Inspired Learning reforms a couple of months ago and in 2015 we will see higher standards in place for students going to university to do teaching. Parents will see teachers coming to their schools to teach their children who are of a higher standard than we have seen over recent years. These are the kinds of demands that parents have been making for some time.

There are 47 specific actions about mentoring first-year teachers. We are establishing a literacy and numeracy test at the end of third year for teacher-training students to lift the standard of teaching because that makes the biggest difference in classrooms and to the performance of students. Now that we are going to see additional dollars in education across the government and non-government sectors there is an expectation that we will see improvements. We are going to use those Gonski dollars to deepen and accelerate the reforms we have put in place to achieve the bottom-line objective of everyone in this House—improved student performance across all schools in this State.

HUNTING IN NATIONAL PARKS

Mr JAMIE PARKER: My question is to the Premier. Considering that thousands of people marched against the Government's hunting in national parks policy just two weeks ago, a policy also opposed by National Parks staff and many hunters, when will the Government finally dump this unscientific, unpopular and dangerous policy?

Mr BARRY O'FARRELL: I thank the member for his question and advise him that there has been no change to the Government's position. Let me take the opportunity to clear up a few inaccuracies peddled by the Labor Party, the unions and, I regret to say, The Greens. First, shooting in forests was introduced by those opposite almost a decade ago. Secondly, the program relating to pest eradication in New South Wales has been operating successfully in Victoria and South Australia for a number of years. It was introduced by Labor Party governments. The feral pest eradication program will operate in fewer than 10 per cent of the State's national parks—just 75 of the State's 799 national parks, nature reserves and State conservation areas.

The program will not operate or be permitted in or near metropolitan areas or in any wilderness area or world heritage area, including the Blue Mountains National Park. The Minister for the Environment will have ultimate control over where, when and how volunteer pest management takes place. There will be strict controls. Risk assessment is still being conducted, but safety is paramount. The other fact that needs to be considered—and I would have thought The Greens would understand this—is the damage that feral animals do not just to our national parks but also to the adjoining farmlands. These pests damage habitat, kill native animals, kill stock, rob stock of feed and damage crops across the State. They do not stop when they get to boundaries. They go out of national parks into farmland.

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

Mr BARRY O'FARRELL: The Lannisters and the Starks still long for the Seven Kingdoms. The one to watch, of course, is Prince Joffrey, the member for Keira. Pests do not respect boundaries. They destroy habitat within national parks, but they also destroy stock within properties of New South Wales, costing \$70 million a year to farmers across the State. I have been perfectly up-front from day one as to why this is happening. We made a commitment to the electorate that we would build the infrastructure that it required after 16 years of neglect by those opposite. The people who use the national parks want us to get on with the job of building infrastructure for public transport, health services, education, and law and order. As I have said previously, the voters of New South Wales did not deliver us a majority in the other House, but people expect us to get on with the job and the program we were elected to offer. We need it, as the Treasurer has indicated, to unlock the asset value—in this case, the State's generators—to release additional billions of dollars for the economic infrastructure this State needs, not only to reduce funding to maintenance, but also to create additional jobs.

Following allegations of inappropriate behaviour by Game Council NSW employees in February, an independent review into the governance of the Game Council was announced. It is to be conducted by Steve Dunn, a former Chief Executive of the NSW Maritime Authority and a former Director General of NSW Fisheries. At the time I also announced that in light of the proposed role the Game Council will play in the implementation of the supplementary pest control program in national parks, it would not commence until the review had been completed and the Government had responded. I inform the House that Mr Dunn has requested a two-week extension. If additional time is required to ensure a robust and proper consideration of the issues, I am happy to grant the request. I anticipate a Government response as soon as practical after the Dunn report has been presented.

QANTAS TOURISM PARTNERSHIP

Mr ROB STOKES: My question is directed to the Minister for Tourism and Major Events, Hospitality and Racing, and Minister for the Arts. How will the recently announced record tourism deal between the New South Wales Government and Qantas benefit our State?

Mr GEORGE SOURIS: I thank the member for Pittwater for his question. I advise the House that on 22 April the Premier and I, together with Qantas Chief Executive Officer Alan Joyce, announced a \$30 million three-year partnership with Qantas and the New South Wales Government to promote Sydney and regional New South Wales to the world. It is the largest tourism and major events airline marketing partnership in which any State or Territory has ever been involved.

The SPEAKER: The Leader of the Opposition will come to order. I remind the member for Canterbury that she is on two calls to order.

Mr GEORGE SOURIS: These are partnerships that had never been contemplated by those opposite in 20 or 30 years, or more. It is a groundbreaking deal and should be recognised as such.

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

Mr GEORGE SOURIS: Members opposite really hate good news. Let the story unfold. This deal involves Qantas matching Destination NSW dollar for dollar to attract more international visitors, particularly from the United States, the United Kingdom, Continental Europe, China, South-East Asia, Japan, and New Zealand. Destination NSW and Qantas will be aggressively targeting big spending leisure and business travellers from overseas, which will be a boon to our hotels, restaurants and retail sector. It will build on our standing as the nation's leader for international visitation and expenditure, and the preferred destination for key emerging markets.

Qantas is Australia's national airline, flying from Sydney to every continent on earth and to every corner of Australia, servicing 54 domestic destinations, 20 international destinations from Sydney and with its airline partners, including Emirates, serving 150 international destinations. It is the biggest private investment in tourism promotion in Australia by a long way. Qantas also employs 15,000 people in New South Wales. In 2012, Qantas brought 1.2 million international visitors to New South Wales, which is double that of any other airline. The arrival statistics strongly indicate Sydney's position in the Australian market whereby 2.8 million international visitors arrived via Sydney, 2 million visitors arrived via Brisbane, and only 1.8 million visitors

arrived via Melbourne. Sydney is the gateway to Australia, with more than 50 per cent of all international visitors to Australia arriving at Sydney airport, so it is fitting that this is the largest partnership Qantas has ever entered into with any State Government.

The partnership's activities will include international advertising and marketing campaigns, marketing activities around major events and joint public relations activities. There will be a strong focus on digital platforms, including online and social media. Details of the initial campaigns to be conducted under the partnership are being finalised but are expected to commence in September in multiple markets. Importantly, the partnership has a strong domestic component that has been designed to encourage more Australians to visit New South Wales and the regions for business and leisure travel. Qantas customers will be able to enjoy the best that regional New South Wales has to offer, with a streamline service on QantasLink to a wide range of New South Wales regional destinations, including Albury, Coffs Harbour, Dubbo, Lord Howe Island, Port Macquarie, Tamworth and Wagga Wagga.

Destination NSW and Qantas will also work together to promote events and festivals across regional New South Wales that visitors can reach easily using the QantasLink network. It has generated unanimous support from the tourism industry, unlike what we have heard here this afternoon, which is unedifying. Mr Andrew Jefferies, the General Manager of the Tourism Industry Council NSW, described it as "an excellent deal for the State's tourism industry". Felicia Mariani, the Managing Director of the Australian Tourism Export Council, stated:

This collaboration between the NSW Government and Qantas will provide the industry with a much-needed boost to drive demand from our key overseas markets, allowing for greater engagement in both the traditional markets of the west and the new emerging markets of the east.

[Extension of time granted.]

Mr Richard Amery: Well done, George.

Mr GEORGE SOURIS: What was that again? Did I hear, "Good on you, George"? Thank you very much. Patricia Forsythe, the Managing Director of the NSW Business Chamber, the peak business organisation of New South Wales, has described the \$30 million partnership between Qantas and the New South Wales Government to promote Sydney and regional New South Wales to the world as a boon for the State's tourism economy. I applaud Alan Joyce and his team, Sandra Chipchase and Destination NSW—the State's tourism and major events agency that this Government established almost two years ago—on brokering this historic partnership. Tourism is one of the major planks of this Government's plans to boost the State's economy. We take the tourism industry very seriously and will continue to support and promote it. That is an experience it will find interesting, novel and very encouraging.

Question time concluded at 3.10 p.m.

COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION

Government Response to Report

The Clerk announced the receipt of the Government's response to report No. 6/55 entitled, "Report on the use of anti-personnel spray and batons by Police Integrity Commission Officers", received on 1 May 2013.

PETITIONS

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

Albion Park Aeromedical Services

Petition requesting the retention of aeromedical services at Albion Park, received from **Mr Gareth Ward**.

Sydney Electorate Public High School

Petition requesting the establishment of a public high school in the Sydney electorate, 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**.

Rooty Hill Railway Station Access

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

Pet Shops

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

Slaughterhouse Monitoring

Petition requesting mandatory closed-circuit television for all New South Wales slaughterhouses, 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**.

St George Hospital

Petition requesting increased funding for St George Public Hospital, received from **Ms Cherie Burton**.

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

Yaralla Estate Community Horses

Petition opposing the removal of horses currently located at the Yaralla Estate in Concord West and calling for maintenance of the current level of community access to the estate, received from **Mr John Sidoti**.

Tourist Drive 8

Petition requesting reinstatement of the classification of Bulga Road as a regional road and extension of the link to Comboyne to assist access to Tourist Drive 8, received from **Mr Andrew Stoner**.

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

Mr TIM OWEN (Newcastle) [3.12 p.m.]: I move:

That General Business Notice of Motion (General Notice) No. 2574 have precedence on Thursday 2 May 2013.

I will not speak at length because I understand that all members support this motion. Tony Tamplin served the Newcastle and Hunter communities for more than 30 years in the NSW Police Force and was the face of the force for many years. He was a valued member of the community and was highly respected across the Hunter and throughout New South Wales. He made a significant contribution to a number of worthwhile charities across the State and Australia, including the Variety Bash. I know that all members—and that certainly includes my colleagues from the Hunter—agree that Tony Tamplin served the community impeccably. Tony's funeral will be conducted, with full police honours, at 10.00 a.m. tomorrow. Clearly, the eight members from both sides of the Chamber who represent the Hunter region will not be able to attend and we would like to commemorate him while the funeral is being held.

Mr CLAYTON BARR (Cessnock) [3.15 p.m.]: The Opposition supports this motion to reorder the business of the House so that we can honour Tony Tamplin's 35 years of incredible service while his funeral is

being held tomorrow morning. Hunter news is generally streamed from Newcastle and Tony was the face of the NSW Police Force on television and its voice on the radio, and he was quoted in newspapers on a daily basis. He provided the facts to people throughout the Hunter region. Tony Tamplin was a giant in the Hunter and it is appropriate that we honour him tomorrow morning while his funeral service is being conducted in Newcastle.

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

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Workers Compensation Scheme

Mr JOHN BARILARO (Monaro) [3.16 p.m.]: My motion calls on the House to note that:

- (1) as a result of the Government reforms to workers compensation, premiums have been reduced by an average of 7.5 per cent;
- (2) without these reforms premiums would have been increased by 28 per cent, costing an estimated 12,600 jobs;
- (3) the reforms have delivered a fairer system with more generous payments to people severely injured at work and incentives for businesses to improve workplace safety; and
- (4) the Opposition has committed to ripping up these reforms, increasing the cost of doing business and costing jobs in New South Wales.

It is the Government's responsibility to provide an environment that encourages business to continue to invest and to create jobs, and the only way it can achieve that is to reduce the burden of red tape and costs. It must also ensure that local businesses remain competitive across the country and internationally. The reforms to workers compensation legislation that the Government introduced last year have already resulted in the premiums paid by 167,000 employers being reduced by 7.5 per cent, which will save them more than \$200 million each year. That is good news for business in New South Wales. Reducing the cost of doing business delivers a stronger economy, and we all know that that results in the delivery of the services and infrastructure that the people New South Wales want. Of course, we also need a fairer system. This Government's reforms have delivered a fairer system that provides more generous payments to severely injured workers while providing incentives to businesses to provide safer workplaces. That was this Government's commitment and the reforms deliver it.

The reforms include the employer safety incentive scheme, which rewards employers with a 10 per cent discount for paying premiums upfront and by the due date, thereby reducing the cost of doing business. This Government understands what small business in this State needs and acknowledges that it is the engine room of both the State economy and the national economy. Members opposite, supposedly the champions of workers and workplace safety, rejected the Government's reforms and mocked them. On 14 July 2012 the Leader of the Opposition said that the first act of a new Labor government would be to scrap Barry O'Farrell's workers compensation legislation. If he were to be elected he would scrap 12,600 jobs in this State. That would increase the cost of doing business in New South Wales and continue to cripple businesses and the economy in this State. That is the Leader of the Opposition's answer to supporting workers in this State.

The SPEAKER: Order! I remind the Leader of the Opposition that interjections are not permitted during the three minutes in which a member is seeking to establish priority for his or her motion.

Mr JOHN BARILARO: I have the WorkCover annual report of 2006-07, when the Leader of the Opposition was a director. He was entitled and eligible to attend 10 WorkCover meetings. How many did he attend? Zero. That is the level of contempt he showed for the workers of this State. That shows how much he genuinely cares about worker safety in this State. Those opposite would oppose the reforms that the Government has put in place that are producing net benefits. That is why this motion should be accorded priority. I want to hear the Leader of the Opposition and those opposite rescind their statements and support the reforms of the O'Farrell Government.

St George Hospital

Ms CHERIE BURTON (Kogarah) [3.19 p.m.]: My motion deserves priority because St George hospital is now unsafe for patient care. In fact, the minutes from the St George Hospital Medical Staff

Council's February meeting state it is "self-evident that the hospital had become rundown and dilapidated. This included long distances of unsafe areas where patients have to walk, as well as the infection risks associated with shared toilets and a lack of single rooms". Klaus Stelter, President of the St George Division of General Practice, said, "the division has concerns that the building deficiencies were affecting patient care".

Even the Government's report, which is available on the website, says that the hospital's building infrastructure received an overall rating of poor—a code red. It is the only hospital in the whole area health service to get that rating. It says, for example, that the current intensive care unit is over capacity, is landlocked and there is one bathroom for 15 critical care patients. There is a high risk of infection control and the service demands cannot be met. This is one of the busiest hospitals in New South Wales—a major trauma centre—and our hero doctors and nurses are working in diabolical conditions. During Labor's time in government it upgraded or rebuilt nearly every major hospital in New South Wales.

The SPEAKER: Order! I remind Government members of my previous ruling. Government members will cease interjecting.

Ms CHERIE BURTON: There is a laundry list of Labor's achievement: \$500 million for Royal North Shore Hospital, \$500 million for Liverpool Hospital, \$80 million for the rebuild of Canterbury Hospital—which the Government was going to close—

Mr Barry O'Farrell: Point of order: I simply seek to bring the member back to her motion, which was about St George Hospital. What upgrade or major redevelopment did Labor deliver for St George Hospital?

Ms CHERIE BURTON: I will get to it—if the Premier stops eating up my time. We funded the complete rebuild of Auburn Hospital, which those opposite also planned to close. They do not like the truth. We spent \$400 million on the complete rebuild of Royal Prince Alfred Hospital and \$100 million on the development of Sutherland Hospital, and we brought Port Macquarie—which the Coalition sold off—back into public hands. Over the years Labor members in the St George area have campaigned hard to secure additional buildings and services for St George Hospital—

Mr Barry O'Farrell: Point of order—

Ms CHERIE BURTON: Those opposite do not want to hear it. I am getting to it. The Premier does not want to hear it.

Mr Barry O'Farrell: Point of order: I repeat that this motion is about St George Hospital. What did the member for Kogarah deliver for St George Hospital?

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

Ms CHERIE BURTON: Over the years Labor members from the St George area have campaigned hard to secure additional buildings and services for St George Hospital—for example, the psychiatric unit, the medical research unit and the St George Cancer Care Centre.

The SPEAKER: Order! Members will come to order. I cannot hear the member for Kogarah.

Ms CHERIE BURTON: But more must be achieved at St George Hospital. Things were achieved at the hospital only through strong local campaigns. So I say to the member for Oatley and the member for Rockdale: Here is your chance not to tow the party line or hide behind the Government Whip. They know the hospital needs an upgrade. It is time to support this motion.

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

The House divided.

Ayes, 63

Mr Anderson	Mr Flowers	Mr Provest
Mr Annesley	Mr Fraser	Mr Roberts
Mr Aplin	Mr Gee	Mr Rowell
Mr Ayres	Mr George	Mrs Sage
Mr Baird	Ms Goward	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 Brookes	Mr Humphries	Mr Stokes
Mr Casuscelli	Mr Issa	Mr Stoner
Mr Conolly	Mr Kean	Mr Toole
Mr Constance	Dr Lee	Ms Upton
Mr Cornwell	Mr Notley-Smith	Mr Ward
Mr Coure	Mr O'Dea	Mr Webber
Mrs Davies	Mr O'Farrell	Mr R. C. Williams
Mr Dominello	Mr Page	
Mr Doyle	Ms Parker	
Mr Edwards	Mr Patterson	<i>Tellers,</i>
Mr Elliott	Mr Perrottet	Mr Maguire
Mr Evans	Mr Piccoli	Mr J. D. Williams

Noes, 22

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

Question resolved in the affirmative.

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

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.30 p.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) forthwith, the giving of a notice of motion of censure of the member for Kogarah;
- (2) the notice to be considered immediately following consideration of General Business Notice of Motion (General Notice) No. 2574 on Thursday 2 May 2013; and
- (3) the notice to be considered general business.

Today the member for Kogarah has perpetuated the lies, myths and mistruths that she has been circulating in her electorate. She has used taxpayer funds to disseminate those lies. The member for Kogarah has used both her taxpayer-funded electorate office and taxpayers' money, which is meant to be used to convey the truth to her constituents, to perpetuate lies.

The SPEAKER: Order! The member for Canterbury will come to order. If she continues her disorderly conduct she may find herself outside the Chamber.

Mr BRAD HAZZARD: I inform the House that if my motion is supported then tomorrow I will move the following motion:

That this House assert and censure the member for Kogarah for:

- (1) deliberately and contemptibly misleading the electors of Kogarah by falsely asserting that when Labor was in government every major hospital was rebuilt or upgraded across the State—

that is what she wrote and it is absolutely untrue—

and

- (2) improperly using taxpayer-funded office resources to make misleading assertions to the residents of Kogarah.

The SPEAKER: Order! The member for Murray-Darling will come to order. The member for Kogarah and Opposition members will have an opportunity to respond.

Mr BRAD HAZZARD: History speaks for itself. It is clear that former Liberal-Nationals governments and the current Government have put more focus on and more money and resources into St George Hospital. One need only read the hospital's commemorative plaque to see that the hospital was opened in 1991 by the Hon. Nick Greiner and - substantial money was spent on it under the government of the Hon. John Fahey. But under Labor St George Hospital was held together by chicken wire.

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

Mr BRAD HAZZARD: Chicken wire was holding St George Hospital together—that was the contribution of Labor and of the member for Kogarah. Now—and this is acknowledged by a former Labor Premier—the Liberal-Nationals Government is putting money and resources into St George Hospital. Clearly the House should thank the member for Oatley and the member for Rockdale for doing the work that Labor failed to do for 16 years. It is appalling that the member for Kogarah has told lies and mistruths in this House and, equally importantly, used taxpayer-funded assets to perpetuate those lies to her constituents when Labor did nothing for 16 years. The constituents of Kogarah deserve better.

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

Mr BRAD HAZZARD: I will quote from a letter that the member sent to her constituents, in which she says, amongst other things, "When Labor was in government every major hospital was rebuilt or upgraded across the State." Wrong, wrong, wrong. The member for Kogarah further said, "We have now seen \$3 billion in cuts to the health system under the O'Farrell Government." Wrong, wrong, wrong. The behaviour of the member for Kogarah both in this place and in her electorate is not appropriate behaviour for a member of Parliament. She has got it wrong if she thinks she can repeat in this place the lies that she thought she could perpetuate under the cover of her local electorate. The Government is quite prepared to debate this issue. Right now the O'Farrell Government is spending \$39 million on the emergency department at St George Hospital and it is on the forward assets list for upgrades. I remind the House that Cherie Burton and her Labor colleagues gave people in the electorates of Kogarah and Rockdale chicken wire and lies. We look forward to debating this motion tomorrow and ensuring that the member for Kogarah is held accountable for her lies and misleading conduct in her electorate.

Mr MICHAEL DALEY (Maroubra) [3.35 p.m.]: Madam Speaker—

The SPEAKER: Order! Government members will come to order. The member for Monaro and the member for Kiama will come to order.

Mr MICHAEL DALEY: What a glass-jawed bunch of sissies we have on the other side of the House. What a reactionary bunch of glass-jawed pudding puffs you are.

The SPEAKER: Order! Government members will come to order.

Mr MICHAEL DALEY: The break-up of Government and Opposition members in this place is 69 and 20. The Government has \$60 billion in revenue at its disposal to sell its messages but the people of New South Wales who have been unfortunate enough to watch proceedings in this place over the past hour have seen the unedifying spectacle of no less than the Premier of New South Wales rising to take two dodgy points of order to silence the member for Kogarah.

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

Mr Brad Hazzard: Point of order: What the member for Maroubra asserts was a "dodgy" point of order was validated by the Speaker. It was not a dodgy point of order; it was a valid point of order.

The SPEAKER: Order! The member's assertion is not quite correct. The member for Maroubra has the call.

Mr MICHAEL DALEY: The Premier, the Leader of the House, the other 67 members opposite and anyone else who supports this motion and the censure motion tomorrow can be assured that it will take more than an unedifying and embarrassing spectacle involving the Premier and a motion of censure to shut up the member for Kogarah and stop her sticking up for her constituents. The member for Kogarah has been around for a long time and she has looked after her constituents to such an extent that she has been re-elected time and time again. The Government can use its numbers in this place to pass whatever motion it wants but it will never stop the member for Kogarah or any other Opposition member raising in this House issues of concern on behalf of his or her constituents.

The SPEAKER: Order! I call the member for Wyong and the member for Oatley to order.

Mr MICHAEL DALEY: The Leader of House asserts that the member for Kogarah made a misleading statement. If that was a prerequisite for moving a motion of censure in this place there would be a conga line of such motions.

The SPEAKER: Order! I remind the member for Wyong and the member for Oatley that they have been called to order.

Mr MICHAEL DALEY: Yesterday the Premier told us that the Government had employed an additional 1,700 police officers. That is not true. Some 1,700 police officers may have graduated but 1,700 extra police officers have not been employed.

Mr Greg Smith: Point of order: My point of order is relevance. That has nothing to do with the motion. I ask that the member for Maroubra return to the leave of the debate.

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

Mr MICHAEL DALEY: Earlier today the Premier, seeking to mislead the House, said that if it had not been for the reforms to workers compensation then workers compensation premiums would have risen by 28 per cent. That is a bald-faced lie.

Mr Brad Hazzard: Point of order—

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

Mr Brad Hazzard: I ask that the member for Maroubra be drawn back to the leave of the debate. It is about a motion of censure.

The SPEAKER: Order! The member for Maroubra is being generally relevant to the debate.

Mr MICHAEL DALEY: The Government simply does not like what the member for Kogarah said about the maltreatment of her electorate. That is the crux of the matter. The Government wants to use its numbers in this place to move a censure motion to silence the member for Kogarah. The Government will not silence her and it will not silence us.

The SPEAKER: Order! The member for Monaro will come to order. The member for Kiama and the member for Wyong will come to order or they will find themselves out of the Chamber.

Mr MICHAEL DALEY: When the censure motion is debated we will have plenty to say about the state of health in New South Wales. The Government can bring it on. We do not agree to this motion. When the Government comes for us we will be ready.

Ms Linda Burney: Their skins are so thin today. I wonder why.

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

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.40 p.m.], in reply: Not a solitary word said by the member for Maroubra indicated that the member for Kogarah had not used her resources exactly as we are asserting, that is, improperly and unreasonably. To verify that, and to ensure that members and, indeed, members of the public understand what we are talking about, I will table a letter that Cherie Burton sent to her electorate. The bottom of the letter clearly states, "Authorised by Cherie Burton MP, 22-24 Regents Street, Kogarah".

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

Mr BRAD HAZZARD: The operative words are "using parliamentary entitlements". This means that the member for Kogarah has used taxpayers' money to put out untruths. I make that letter available for the information of members.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 62

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

Noes, 22

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

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE**Notice of Motion**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.49 p.m.]: I give notice that tomorrow I shall move:

That this House censures the member for Kogarah for:

- (1) deliberately and contemptuously misleading the electors of Kogarah by falsely asserting that when Labor was in Government every major hospital was rebuilt to upgrade across the State;
- (2) improperly using taxpayer-funded office resources to make misleading assertions to the residents of Kogarah.

This will be done by way of a general notice of motion so the allocated speaking times would be seven minutes for the mover—

Ms Tania Mihailuk: No.

Mr BRAD HAZZARD: Yes, and seven minutes for the next speaker.

Mr John Robertson: So it is not a real censure motion at all; it is a stunt.

The SPEAKER: Order! If the Leader of the Opposition listened perhaps we could clarify this. This motion will be treated as a general business notice of motion with the time limits that apply to such motions.

Mr BRAD HAZZARD: I think the Leader of the Opposition should listen to what I am about to say. Four members will speak for four minutes and the replier for four minutes. If after hearing the matter the member for Kogarah wishes to seek leave to deal with the motion we will agree to her request.

Mr Michael Daley: Point of order: Standing Order 114 sets down the procedure for a motion of censure. Standing Order 114 prescribes how a member should be censured.

The SPEAKER: Is the member for Maroubra taking a point of order on the time limits for speaking?

Mr Michael Daley: Correct. That is the way to censure a member. Our contention is that what the Leader of the House has tried to do does not accord with standing orders.

Mr BRAD HAZZARD: I understand what the member for Maroubra is saying but the point he is missing is that earlier I suspended standing orders and stated clearly the way in which we will be proceeding. If the member for Maroubra reads the words in my earlier motion he will see that that is clearly stated.

Mr Michael Daley: You suspended standing orders. You were to move a motion of censure.

Mr John Robertson: The words are very clear: notice of motion of censure.

The SPEAKER: Order! I clarify for the member for Maroubra that paragraph (3) of the motion moved earlier by the Leader of the House states that the motion is to be considered as general business. That paragraph of the motion was just agreed to.

Mr BRAD HAZZARD: The Government does not have to proceed down that path. We made the decision, which I indicate to the member for Kogarah is that if she wishes to have the right of reply I am happy to accede to that request in the morning.

Mrs Barbara Perry: Delete the word "censure".

The SPEAKER: Order! Members will come to order.

Mrs Barbara Perry: Is it a censure or is it not?

The SPEAKER: Order! The member for Auburn will come to order. I have tried to explain what motion for the suspension of standing orders means.

Mr Michael Daley: But it is clearly not.

The SPEAKER: Order! It is a suspension of standing orders.

Mr BRAD HAZZARD: I am sorry if those opposite do not understand what is going on; it is pretty simple.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Motion Accorded Priority

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.54 p.m.]: I move:

That standing and sessional orders be suspended to permit the conclusion of the motion accorded priority prior to the commencement of government business.

Normally standing orders require that debate on the motion accorded priority be concluded at 4 o'clock. This motion will enable debate to proceed to its conclusion.

Mr MICHAEL DALEY (Maroubra) [3.55 p.m.]: I seek leave of the House to move a motion to allow the member for Kogarah a right of reply tomorrow for the same length of time as is afforded the mover of the so-called motion of censure. Do those opposite want her to reply or not? Will they give the member for Kogarah the right of reply? They said that they would.

The SPEAKER: Order! I ask the Leader of the House to clarify a point.

Mr Brad Hazzard: I reiterate that the Government is prepared to allow the member for Kogarah to make such a request and we will accede to her request.

The SPEAKER: Order! The indications that have been given are fairly clear. The motion that was moved by the Leader of the House was to extend the priority motion beyond 4 o'clock. That is the motion we are voting on. Any points of order relating to any censure motion or matters pertaining to it are irrelevant to that debate. The motion moved by the Leader of the House relates only to the motion accorded priority.

[Interruption]

The SPEAKER: Order! Members are not entitled to speak when I am speaking—it is disorderly. I will allow other speakers to speak about that matter when I have finished. Does everybody understand? I will say it again: The motion that the Leader of the House just moved related to the priority motion that will be debated and led by the member for Monaro going beyond 4 o'clock because otherwise it would cease at 4 o'clock and we would move into government business. Is everybody clear on what I have just said? Have I clarified that?

Mr MICHAEL DALEY: This motion is an attempt by the Government to save itself, which demonstrates that it has nothing to do. We just spent 30 minutes debating a motion that is not a censure motion. If this is a censure motion the Government should bring it on so we can have guns blazing across the table.

The SPEAKER: Order! Government members will come to order.

Mr MICHAEL DALEY: Instead the Government moved a plastic motion of censure that will truncate debate and not give Opposition members enough time to respond to a very serious accusation. Obviously this is a stunt and a joke. If the Government knew what it was doing and it had not tried to bring on this nonsense we would not have had to debate a motion relating to the motion accorded priority; we would be in the middle of debate on the censure motion. The Opposition does not support this motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 62

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

Noes, 22

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

Question resolved in the affirmative.

Motion agreed to.

MEMBER FOR KOGARAH CENSURE MOTION**Point of Privilege**

Ms CHERIE BURTON (Kogarah) [4.02 p.m.]: Point of privilege: Serious allegations have been made in the Chamber today. I ask that I be afforded adequate time to defend myself, as I would be in a normal censure motion. Time and again when somebody says something opposing this lot opposite he or she is gagged. This is a democracy.

The SPEAKER: Order! The member for Kogarah must establish privilege, not debate the motion that has been agreed to. This is a point of privilege.

Ms CHERIE BURTON: They are trying to prevent me—

The SPEAKER: Order! Government members should be aware that this is a very serious issue. The member for Kogarah is entitled to argue for privilege.

Ms CHERIE BURTON: They are trying to prevent me from carrying out my duties as the member for Kogarah. I feel I deserve the time that is allocated when a censure motion is moved against a member to be able to place my comments on record and clear up certain allegations that were made earlier. That is what I should be

entitled to do as the member for Kogarah in representing my constituency. Not to be able to do that means members opposite are trying to gag me and hinder me from effectively representing my electorate. That is the point of privilege.

The SPEAKER: Order! It is not clear that the member for Kogarah has established privilege, but it is my understanding that even under a general business notice of motion she will have the opportunity to speak to that motion tomorrow.

Ms CHERIE BURTON: Not the same amount of time, though. I get 25 minutes under a censure motion and tomorrow I will be given only 11 minutes.

The SPEAKER: Order! The member for Kogarah has not established privilege. That is the first point. Privilege is a distinctly different area. I will consider what she has said, but her rights to speak have not been impeded. If they had been that would be a matter of privilege. The member for Kogarah will resume her seat. Does the Leader of the House wish to clarify the speaking rights of the member for Kogarah? Privilege will be impeded if the member does not have the right to speak, that is clear, but it has not been impeded because there has not been any denial of the member's right to speak.

Ms CHERIE BURTON: But I am not being allowed the time allocated under the standing orders.

The SPEAKER: Order! The House has resolved this way. Even though the member for Kogarah may not be content with the amount of time she has been given to speak, both she and the Government will be given equal time tomorrow to establish the case. There is no point of privilege.

WORKERS COMPENSATION SCHEME

Motion Accorded Priority

Mr JOHN BARILARO (Monaro) [4.05 p.m.]: I move:

That this House notes that:

- (1) as a result of the Government reforms to workers compensation, premiums have been reduced by an average of 7.5 per cent;
- (2) without these reforms premiums would have been increased by 28 per cent, costing an estimated 12,600 jobs;
- (3) the reforms have delivered a fairer system with more generous payments to people severely injured at work and incentives for businesses to improve workplace safety; and
- (4) the Opposition has committed to ripping up these reforms, increasing the cost of doing business and costing jobs in New South Wales.

One does not have to spend a lot of time watching the news media at the moment to hear about companies closing, the cost of doing business in this country being very high, jobs being lost, the high Australian dollar and of course the carbon tax and the mining tax putting excess pressure on businesses and sending them to the wall. Unfortunately, in this State over the past 16 years we had a Government that was prepared to sacrifice jobs by pushing businesses out of the State. When the Opposition was in government it was cowed by its union masters and it ensured that businesses struggled on every front. If anyone had been given a report when the member for Maroubra was the Minister for Finance that indicated that the Workers Compensation Scheme was in dire straits and running at a deficit of about \$4 billion and not sustainable one would think that they would get on with the job and make the tough decisions to reform it.

One would think they would ensure that we had best practice, not just to support businesses by keeping premiums down but to support those injured at work who rightly deserve to be looked after, and make sure they were rehabilitated so they could return to the workplace or be compensated so they could get on with their lives. If the scheme is not viable and sustainable there is no chance of supporting those that Labor claims to support, and that is exactly what happened under the Labor Party. Last year the former chairman of WorkCover, Mr Greg McCarthy, was reported in the *Sun-Herald* as saying the "neglect" of former Labor finance Ministers Joe Tripodi and Michael Daley had left the scheme's finances in a parlous state.

He said, "They just weren't interested and did not listen to my warnings." He said he had been constantly ignored and that WorkCover's executive management had been given no leadership from the former

Government over the past few years. The alarm bells should ring. We should wonder why the former Labor Government did nothing about it. The O'Farrell-Stoner Government came into power and made the tough but the right and fair decision to get on with the job of putting together a system that will look after business but, most importantly, those who are hurt. Let us look at examples of what it means. First, businesses: An electrical services company in western Sydney has a wages bill of \$851,000. Previously, the workers compensation premium for the company would have been \$32,000.

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

Mr JOHN BARILARO: Under the current scheme, that company now has a workers compensation premium of \$16,300, which is half of what the premium was under the old scheme. It is not just about businesses. It is also about the individuals who are hurt. I will use Tom, who was seriously injured and suffered a spinal cord injury, as an example. [*Quorum called for.*]

Mr Richard Amery: Point of order: The issue is that there is no quorum for matters—

Mr Brad Hazzard: To the point of order: I understand the member's earnest desire for a quorum and, in days gone by, it would have been possible. Standing Order 45 states:

Members shall not be permitted to call attention to the want of a quorum:

- (1) During Private Members' Statements or Community Recognition Statements;
- (2) During Matters of Public Importance or the Discussion on a Petition signed by 10,000 or more persons;
- (3) During the establishment of and debate on a Motion Accorded Priority; or
- (4) Before 10.30 a.m. on any sitting day.

The member sat at those meetings and agreed to it. I thank the member for his suggestion, but it does not apply.

Mr Richard Amery: Further to the point of order: I understand that no quorums can be called during the three minutes in which a member has to establish priority. But we are now debating the substantive motion. I think a quorum was called about two weeks ago in similar circumstances.

Mr Brad Hazzard: Further to the point of order: I will reread the standing order so that the member for Mount Druitt understands why it is inappropriate to call for a quorum. Standing Order 45 (3) states:

During the establishment of and debate on a Motion Accorded Priority.

The member should take that down in his notebook and use it for future reference.

The SPEAKER: I rule that there is no point of order. We have a quorum. The member's time has expired. The member for Monaro will have an opportunity to contribute further in his reply.

Mr MICHAEL DALEY (Maroubra) [4.10 p.m.]: I receive letters from constituents all over the State in my capacity as shadow Minister for Finance. I hasten to take a guess that there is not a single member in this place that does not get letters from time to time from their constituents who are complaining about the injustice of the current WorkCover system. On 18 April I received a letter from a lady in Cootamundra, who says—

Mr David Elliott: Is that a form letter that came from a union member?

Mr MICHAEL DALEY: This is not a form letter, you silly bugger. This is from a lady in Cootamundra. The letter states:

I am extremely concerned about the new changes to WorkCover reforms.

I started working at an Ageing Disability Home Care residential group home in Cootamundra in 1991 and on 14 December 2002 I had a fall at work and injured my back and right shoulder but I continued to work.

I will truncate the letter. She reinjured her back and right shoulder. She was off work until 2003. She returned to the same position. She no longer had the physical capability to undertake that position. She was stood down when she requested that she be moved to another group home with lighter duties. Time went by and she was ultimately unable to work because of her injuries and, in her words, she was medically retired in 2007, which means she was not working. She had several rehabilitation companies work for her and, under the former scheme, she stated:

I was told by my solicitor that I was entitled to be paid until I was 66 years of age.

Indeed she was—one year after retirement age. She received the letter on 5 May 2009. She has been told by her insurance company that she will no longer be paid any benefits from 5 July 2013.

I live in a small community, and because of my medical restrictions and age, it is impossible to find work. My husband is on a low income and we have relied on this money to make ends meet and this is so, so unfair, not only for me but all injured workers. This is discrimination.

At 61 years of age this is extremely disturbing to me, and my anxiety attacks and depression are causing my family great concern.

I would just like to know how on earth we are going to financially survive.

I get a letter like this one almost every day.

Mr David Elliott: Table it.

Mr MICHAEL DALEY: I would not like to table it because of confidentiality concerns. She has not asked me to do that. Please do not suggest that this is a fabrication. Only a request for tabling would suggest that. My friend is probably getting them as well. The offering today—not only from the Premier in question time but also from the member for Monaro—proceeds upon what is an untruth. That is, unless changes were made to the scheme, workers compensation premiums were going to have to rise by 28 per cent. That is not true. In the Government's report, "Executive Summary: Actuarial valuation of outstanding claims liability for the NSW Workers Compensation Nominal Insurer as at 31 December 2001", prepared by its actuary, PricewaterhouseCoopers, Michael Playford and David Wright talk about premium adequacy. On page 2 they state that in respect of the buffer between a collection of premiums and payouts it "is not sufficient to return the Scheme to surplus within a reasonable time". I fix on that—"a reasonable time". They further state:

The projections indicate that (with no other changes) aspiring to return to full funding by:
5 years would require a premium rate increase of the order of 28%.

What is a reasonable time? They go on to say that aspiring to return to full funding by 10 years would require a premium rate increase in the order of only 8 per cent. These are the words of the Government's actuary. In their words a reasonable time frame is 10 years, and if nothing else is done other than to raise premiums, it has to be raised by 28 per cent in five years. I was a member of the joint select committee, which received 53 submissions. We had three full days of hearing and heard oodles and oodles of suggestions about what is wrong with the scheme. One of the great complaints made by almost every witness was that there were inefficiencies with the scheme's agents. This Government has done nothing to the scheme's agents or the insurance companies. It pulled only one lever and that was to rip benefits off workers. Only 1 per cent of workers are better off under the new scheme. People in the same or similar position to the lady from Cootamundra will multiply in New South Wales. [*Time expired.*]

Mr DAVID ELLIOTT (Baulkham Hills) [4.13 p.m.]: Here we go again, more crocodile tears from the Australian Labor Party. These members who hopefully have been condemned to the Opposition benches for twice as long as they were on the Treasury benches have once again offered up their crocodile tears. When I was working in industry those opposite were on the Government side. When they had \$10,000 to spend at Labor Party fundraisers, they would privately come to industry and say, "We know WorkCover is stuffed. We know WorkCover is costing the Government money. We know WorkCover is going to be an unmitigated disaster to the New South Wales economy."

The SPEAKER: The member for Maroubra has had his opportunity to contribute to the debate.

Mr DAVID ELLIOTT: I would love to be able to quote some of the members opposite who approached me when I was working in industry and said, "Mate, I want to fix WorkCover but I can't. The unions and the caucus won't let us. We don't have the political capital to spend because we are about to be in opposition." The Labor Government's workers compensation record is disastrous. It is hard to believe that any government would allow a scheme to function as badly as the old scheme did and for so long. How could the former Labor Government in all good conscience have allowed the scheme to chalk up a deficit of \$4 billion? Members opposite abuse the Government for the economic rationalist measures that it must implement, but they should think about how little they would have had to do if they had not wasted that \$4 billion.

Under the former Labor Government's watch the workers compensation scheme was unsustainable and financially unstable; injured workers were in peril. It was in crisis. Now that the Labor Party is in opposition it will not support the reforms that must be implemented to clean up the mess that it left behind. It is even more astounding that members opposite have committed to ripping up this Government's reforms if they are

re-elected. The workers of this State would have faced a hideous disaster if the Coalition had not been elected and implemented these reforms. The Government has reduced workers compensation premiums by 7.5 per cent and thereby saved companies money.

Under Premier Barry O'Farrell's stewardship, workers compensation is being cut in real terms. As a WorkCover director in 2006 and 2007 the now Leader of the Opposition could not be bothered to show up to even one directors' meeting. Despite that, he dictates to members opposite. Beyond the fact that such behaviour is outrageous from a governance point of view, it illustrates a callous disregard for workers compensation and the people who depend on it. With that in mind, perhaps we should not be surprised that the Australian Labor Party's workers compensation record is so appalling. I commend the motion to the House.

Ms ANNA WATSON (Shellharbour) [4.16 p.m.]: The member for Monaro and the member for Baulkham Hills have been gilding the lily. I have never heard so much rubbish. I am disgusted that the member for Monaro has moved this motion; he should know better. We have heard the usual rhetoric from this slash-and-burn Government, but Barry O'Farrell's real motivation for slashing workers compensation has been exposed today with the announcement of a 7.5 per cent average premium reduction for employers. The O'Farrell Government's spin was that the scheme was unsustainable and that premiums would soar if changes were not made.

However, less than 12 months after the Government took the knife to the rights of injured workers its real agenda has finally been exposed. There is nothing that this treacherous Government loves more than rewarding the business community with lower workers compensation premiums that pay no regard to injured workers or their families. Those workers have turned to friends, families and charities to support them financially and emotionally because this Government took the knife to the scheme that offered protection to them and their families. I will remind the House what Barry O'Farrell and his Government have axed.

Mr Bruce Notley-Smith: Point of order: The member for Shellharbour should address the Premier using his correct title; that is, as the "Premier" and not as "Barry O'Farrell".

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Shellharbour will refer to the Premier by his correct title.

Ms ANNA WATSON: This Government has abolished coverage for workers when they travel to and from work, weekly payments have been scrapped for injured workers after 13 weeks for up to two years, medical payments for injured workers have been capped, and partners of those killed at work can no longer claim compensation for nervous shock. That is typical conservative government behaviour. Members opposite are crowing about the reduction in workers compensation premiums. Of course, that is a huge gift to the business community that is being paid for by the injured workers of New South Wales and their families. Members opposite should hang their heads in shame. If they were to go to any meeting of workers and repeat what they have said today in this place they would be howled down.

Mr JOHN BARILARO (Monaro) [4.19 p.m.], in reply: I have never heard so much garbage from the member for Shellharbour. This Government's reforms have reduced costs for business while providing better benefits to injured workers. I will provide a couple of examples. Tom suffered a serious spinal cord injury in 2010.

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

Mr JOHN BARILARO: Under the old scheme he received \$432 a week, but under the new scheme he receives \$736, which is an additional \$9,735 each year. Julie was injured and has less than 20 per cent whole-person impairment. She has been off work since April last year and will undergo a work capacity assessment in 2013. Under the old scheme she would have received \$432. If her work capacity assessment indicates that she can return to work for more than 15 hours a week she will start receiving a top-up of up to \$891 a week and the benefit of returning to work. This Government wants a scheme that will rehabilitate workers and return them to the workplace, which is what they want. At the same time, the new scheme reduces costs for business. We now have a sustainable and viable scheme that protects the workers of this State.

When I moved this motion I hoped that members opposite, who claim to represent working families and battlers, would offer their support for the scheme and thereby protect jobs. If members opposite ever return to the Treasury benches—which will not be for a long time—and rip up these reforms, 12,600 jobs will be lost. That will be only the start because it will also mean injured workers will receive less support. Does that sound

like a party that supports workers? No, it does not. This Government's reforms have produced a fairer system for workers that will enable them to return to work and to be compensated appropriately. At the same time, it ensures that businesses are viable and sustainable.

We all know about the burden being imposed on businesses by the Federal Government because of the carbon tax. Business insolvencies are increasing across the country and we hear daily about job losses. Businesses were being held to ransom by the former Labor Government and they are now being held to ransom by the Federal Government because they kowtow to their union mates, who have no interest in supporting business in this country. It is no wonder that manufacturing is declining and retail stores are closing. The O'Farrell Government's workers compensation reform program has been a great investment in the people of New South Wales.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 62

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

Noes, 21

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

Question resolved in the affirmative.

Motion agreed to.

**CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT
(INFORMATION SHARING) BILL 2013**

Second Reading

Debate resumed from an earlier hour.

Mr TONY ISSA (Granville) [4.35 p.m.]: The Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013 will streamline procedures. First, it will modify the application of the Privacy

and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002 to remove restrictions that may limit interagency collaboration aimed at responding quickly and efficiently to the needs of victims of domestic violence. Often, people in those situations are scared and vulnerable. They are desperate for immediate help; under the present system they are not receiving it. This bill will give police automatic access to information without the consent of the victim or the perpetrator. This is an important breakthrough in the system because it will allow for the direct referral of victims from police to service agencies, which will give victims of domestic and personal violence a safe place to go. Those agencies will then have the power to provide domestic violence support services.

In my electorate of Granville many women come to my office and seek my support because they have been the victim of domestic violence and usually children are also involved. I know these events have left them traumatised. With the passage of this legislation, I will be in a greater position to offer firsthand assistance. The legislation further provides that information may be collected and disclosed without consent if a person's health or safety are threatened. Under this provision this would only be authorised if it was believed that such action would reduce the threat to the safety of a victim. Given that the sharing of the information under these provisions will occur without the alleged perpetrator's consent, careful attention has been paid to the need to balance the rights of the alleged perpetrator against the needs of the alleged victim. In cases where a domestic violence order has been imposed and including the provisional order, this information sharing will be permitted.

This provision has been incorporated because if an order has been imposed, it automatically implies the seriousness of the offence. The need to protect a victim's life, health and safety will always take precedence over the need to protect privacy. Information sharing is what this legislation is all about. It is similar to many other laws that have passed by the O'Farrell Government that link agencies better so they are more user friendly. In the case of domestic violence, this is of the utmost urgency. Under this legislation if an interim domestic violence order has been made or an apprehended violence order has been sought or made, a support agency will have the ability to collect personal information from the police. This information may include the criminal history of the perpetrator, his or her access to firearms and current drug or alcohol issues. A support agency is not required to inform the alleged perpetrator about its dealings with the information collected, nor is it required to provide the associated respondent with access to the information it has.

Sharing of information includes interagency dealings, not those between the victim and the perpetrator. Under the bill the term "perpetrator" applies also to the respondent and the support agency will not be required to inform an associated respondent about its dealings with the information. This has the automatic effect of relieving support agencies from obligations under the New South Wales privacy legislation. That legislation requires agencies to make a person aware when his or her personal information is collected. I take this opportunity again to congratulate the Attorney General on the work that he and his department have done in developing this legislation. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [4.40 p.m.]: I make a brief contribution to debate on the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. I state at the outset that the Opposition will not oppose the bill. Domestic violence is an issue of concern for every community in this State. Since becoming the member for Bankstown I have sought to improve domestic violence services in the greater Bankstown area. At the end of last year a domestic violence roundtable was held. The roundtable looked at the domestic violence services provided in Bankstown and attempted to establish a women's refuge in the greater Bankstown area. A number of key groups and individuals who work in this area attended the roundtable, including the Bankstown Women's Health Centre, Mary's Place, St Jude's Refuge, the Muslim Women's Association, the Sydney Women's Counselling Service, the family and domestic violence section of the South West Area Health Service, Bankstown police, the Benevolent Society and the Chester Hill Neighbourhood Centre.

Several issues became apparent. First, despite our great service providers, there is a gap in the domestic violence services provided in the greater Bankstown area—in particular, we do not have women's refuge crisis accommodation. Secondly, domestic violence support services are regularly inundated with requests for assistance and are unable to cope with their growing workload. Thirdly, the services have difficulty gathering and sharing information in order to support victims of domestic violence. This bill relates to the sharing of personal and health information about both the alleged victims—referred to as "primary persons"—and perpetrators of domestic violence. The sharing of information concerning victims and perpetrators of domestic violence is a sensitive matter in security and judicial processes.

However, a number of studies and reports have identified the need to reform processes for sharing this information. Indeed, the New South Wales Auditor-General, the Australian Law Reform Commission, the New

South Wales Domestic Violence Justice Strategy and the Legislative Council Standing Committee on Social Issues have called for amendments to this area of law. The Labor Party has also called for such amendments. I turn now to the key features of the bill. The bill allows for domestic violence support agencies to collect information without obtaining consent in those instances where the information is lawfully provided by the NSW Police Force or disclosed by the primary person or another support agency that has consent.

The support agency may use that collected information to provide support services to the alleged victim with their consent. Support agencies may disclose information to support services with consent if the primary person—the victim—has been referred to that service. Furthermore, agencies may collect, use or disclose personal health information in cases where it is reasonable to believe it is necessary to lessen the threat to life, health or safety of a person. It is important that members give bipartisan support to this type of legislation to assist victims of domestic violence in order to stop incidences of domestic violence in this State. I commend the bill to the House.

Mr KEVIN CONOLLY (Riverstone) [4.45 p.m.]: I speak in support of the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. The purpose of the bill is to facilitate the sharing of personal and health information about victims and perpetrators of domestic violence for the purposes of providing victims with domestic violence support services. As previous speakers have said, this significant and ongoing social problem causes an enormous amount of pain and suffering to many in our community. Sadly, a huge proportion of the day-to-day work of our Police Force is generated by domestic violence. It would be to the benefit of all if we could find ways across the community to assist police and other support agencies to short-circuit the incidence of domestic violence.

I recently hosted a visit to Windsor by Ms Pru Goward, the Minister for Family and Community Services, and Minister for Women. We visited the community services centre and the Nurreen housing advisory service. We spent some time listening to the workers on the ground who assist the people of the Hawkesbury district, particularly women and children, who find themselves in difficult and unpleasant situations. Time and time again domestic violence is the epicentre of their problems. We all need to rise to this challenge. At various times of the year—for instance, White Ribbon Day—men are asked to stand alongside women and say that domestic violence is unacceptable in our society. As legislators, we have a responsibility to improve how the system works and to provide as much assistance as we can to those on the front-line who try to prevent domestic violence incidents.

The amendments being considered today form a key part of the implementation of the New South Wales Domestic Violence Justice Strategy. In 2011 the Auditor-General's performance audit of the Government's response to domestic and family violence found that there was no coordinated response across government agencies in New South Wales relating to domestic violence cases and that this stemmed from inconsistent approaches to sharing information. The bill aims to clarify the manner in which information is shared and when it is necessary to obtain consent from an alleged victim. This is achieved through the schedule to the bill that inserts part 13A into the Crimes (Domestic and Personal Violence) Act 2007.

New section 98A sets out a number of definitions used throughout part 13A. New section 98B defines what is meant by a "primary person" and "associated respondent". A "primary person" is someone for whose protection an apprehended domestic violence order [ADVO] is sought or made, or a person who is alleged to be the victim of a domestic violence offence. An "associated respondent" is the person against whom the order is sought or made, or the person who has been charged with a domestic violence offence. New section 98C governs the manner in which the shared information relating to personal and health records can be dealt with. This section applies in the following situations: if an interim apprehended domestic violence order has been made, if an apprehended domestic violence order has been sought, or if a person has been charged with a domestic violence offence.

New section 98C (2) allows a support agency to collect personal information or health information about a primary person and any associated respondent without their consent as long as the information is lawfully disclosed by the NSW Police Force for the purpose of the agency providing domestic violence support services to the primary person. This ensures that a referral can be made to a support agency without having to obtain the victim's consent. In some circumstances waiting to obtain consent would delay necessary support; in other circumstances a victim may feel conflicted about giving that consent, given the relationship they had with the perpetrator. Again, that is an obstacle that is often in the way of providing help to those who suffer from domestic violence. The bill addresses that difficulty by allowing information to be provided without consent in appropriate circumstances.

The bill does not require a support agency to inform an associated respondent about its dealings with the information or to provide them with access to the information. If a support agency wants to use the information collected under new section 98C to provide the primary person with domestic violence support services, then it must obtain consent. It is not necessary for the same consent to be sought from the associated respondent. New section 98C (6) allows a support agency to disclose the information collected under this bill to another support agency for the purpose of enabling that agency to provide domestic violence support services, but only if the primary person consents to the disclosure, the primary person has been referred to the support agency by the NSW Police Force in relation to an order or charge to which the information relates, and it is reasonably necessary to disclose the information to the other agency for the provision of services.

New section 98D permits any agency to collect, use or disclose personal information or health information about a person without their consent if the agency believes the information is necessary to prevent or lessen a serious threat to the life, health or safety of any person and it is unreasonable or impractical to obtain the consent of the person in question. This important provision will ensure that those involved in protecting people from domestic violence or providing services to those affected by domestic violence have the opportunity to intervene when there is a serious risk to the life or health of a person.

It is important that this House takes the lead in preventing domestic violence. This legislation is supported by both sides of the House and by members in the other place. Domestic violence transcends politics. We would all like to reduce, and if possible eliminate, domestic violence in our society. To the extent that we are capable through legislation to lend our weight to that cause, obviously we should be doing so. The bill implements a number of important changes and clarifies the manner in which information is shared to ensure that victims of domestic violence receive the best possible support from agencies across New South Wales. I commend the bill to the House.

Mr ROBERT FUROLO (Lakemba) [4.52 p.m.]: I am pleased to join all members in supporting the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. The object of the bill is to permit the exchange of personal and health information about alleged victims—primary persons—and alleged perpetrators of domestic violence. The bill will enable an agency that provides domestic violence support services to collect such information without the consent of those persons if the information is lawfully disclosed to it by the NSW Police Force, is disclosed to it by the primary person or is disclosed, with the consent of the primary person, by another support agency or a non-government support service. It is clear that in terms of domestic and family violence, we need to do all we can as a society and a community. Domestic violence remains one of the most challenging crime-related problems in our community. The impact of domestic violence on victims and the family unit often leaves not only physical scars but also deep emotional and psychological trauma.

Domestic and family violence is not a problem for one sector of the community; rather, it touches families across social, cultural and economic spectrums. The good news—if there can be any good news in this area—is that as a society and within our communities we are becoming more aware of the problem and more sensitive to the needs of victims. More and more resources are being targeted to help victims of domestic violence and their families. More broadly, efforts are being made to change perceptions about this type of crime and to make it clear that there is no excuse—ever. At this point I acknowledge my predecessor in the electorate of Lakemba, the Hon. Morris Iemma, who as Premier of New South Wales oversaw the introduction of a bill to ensure that those convicted of a domestic violence offence would have their criminal record reflect that the assault was a domestic violence offence and not simply assault. That was another step in distinguishing this crime from more general assault, and reflected the community's view that domestic violence is more than just common assault.

In my local area I acknowledge the hard work of the Campsie Local Area Command and the police who dedicate themselves to tackling this troubling issue. However, statistics show that one of the few crime areas to be moving against the trend of falling crime rates is domestic violence. Over the past five years there has been a 4.9 per cent increase in reported domestic violence in the Canterbury local government area. The Canterbury area now has a rate of 330 incidents per 100,000 people. That figure is too high. However, it has been suggested that the rise in the statistics represents an increase in the willingness of victims to report the crime, rather than necessarily an increase in the number of incidents. I am sure we hope that is the case. If it is, it suggests that the hard work of police and the array of fantastic non-government support services are giving victims the confidence to report incidents, knowing that they will have access to the services and protections they need. The bill will help the work of those service providers by enabling the sharing of vital information in the interests of victims. I commend the Minister and the Government for introducing this bill, and join my colleagues in supporting it in this place.

Mr STEPHEN BROMHEAD (Myall Lakes) [4.56 p.m.]: I support the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. I congratulate the Attorney General. Obviously he is a workaholic, given the amount of work that he puts before Parliament. This bill is another example of Greg Smith—action man. It is good to see a Liberal-Nationals Government changing the situation in New South Wales by introducing legislation that promotes good governance and protects the people of this State. Several speakers have talked about the problem of domestic violence in our community. I am proud to say that I am a White Ribbon Ambassador, and have been for several years.

Domestic violence is not only a problem in the community; it is a tremendous issue for police and the courts to deal with. One of the most dangerous situations a police officer can walk into is a simple domestic incident. If there has been an issue between a man and a woman, one or both of them can turn on the police when officers arrive. Many police have been injured when attending domestic violence incidents. Over the years police officers have sustained serious injuries and even died when attending a domestic violence incident. Some courts now dedicate an entire day simply to dealing with the list of people appearing before the court when the only question asked is whether they consent to an order being made. If they consent, the order is made; if they do not consent, the matter is adjourned to another day. For an entire day people go to the microphone to say whether they consent. One can only imagine the number of these matters that go through courts across New South Wales.

These amendments are the result of a review of the New South Wales response to domestic violence in 2011. The New South Wales Auditor-General found that barriers to information sharing were impairing the ability of government agencies to work together to keep victims safe and hold perpetrators accountable. The Auditor-General identified restrictions on privacy laws as an impediment to sharing information about domestic and family violence. It was also identified that few victims were being referred to services by police. The Auditor-General recommended that protocols be established for the sharing of information, as well as the introduction of a privacy code of practice or appropriate legislative reform for the appropriate sharing of information to promote victims' access to support services.

The New South Wales and Australian law reform commissions have also recommended amendments to privacy laws that will improve the ability of agencies to share information in cases where domestic violence poses a serious threat to the life, health or safety of the victim. The bill aims to allow information sharing between public sector agencies and non-government organisations to help alleged victims of domestic violence access appropriate support services. The amendments proposed in the bill are a key part of implementing the New South Wales Domestic Violence Justice Strategy, which aims to make the criminal justice system more responsive to the immediate needs of those experiencing domestic violence. Other issues identified by the Auditor-General include the following:

1. At the time of a domestic violence incident, many victims are not in a position to provide informed consent to NSW Police to enable them to be referred to appropriate support services. Victims would also prefer to consent to receiving support services if the service itself requested their consent, rather than NSW Police.
2. There was confusion within government agencies about procedures for requesting a victim's consent and the circumstances in which consent is not required.
3. There were also no consistent procedures for safeguarding an individual's information.

The bill permits:

The exchange of personal information and health information about alleged victims (primary persons) and alleged perpetrators of domestic violence. In particular:

- (a) an agency that provides domestic violence support services (a support agency) may collect such information, without the consent of those persons if the information is lawfully disclosed to it by the NSW Police Force, or is disclosed to it by the primary person or, with the consent of the primary person, by another support agency or a non-government support service, and
- (b) A support agency may, with the consent of the primary person, use the information it has collected to provide domestic violence support services to the primary person, and
- (c) a support agency may disclose the information it has collected to another support agency or non-government support service if the primary person consents and the primary person has been referred to a support agency or non-government support service by the NSW Police Force and the disclosure is necessary for the provision of domestic violence support services to the person, and
- (d) any such collection, use or disclosure in paragraphs (a)-(c) may be done only if the agency complies with protocols made by the Attorney General, and
- (e) an agency may collect, use or disclose personal information or health information at any time in domestic violence cases if it reasonably believes it is necessary to do so to prevent or lessen a serious threat to life, health or safety of a person.

The amendments will ease the process of police referral of victims of domestic violence to appropriate support services. The purpose of a referral to a support service is, first, to assist the victim through court procedures. The support service can also assist the victim in reconciling with the alleged perpetrator, if that is what the parties want. In domestic violence cases there is often a cyclical pattern of break-up and reconciliation, with the cycle of domestic violence continuing. With the support of a government agency, it is possible to break that cycle. Victims may be too traumatised to provide informed consent immediately after a domestic violence incident and may be unwilling to accept an offer of support from police. Police presently have an exemption from New South Wales privacy legislation that enables them to disclose information to agencies or non-government support services.

These amendments will allow support agencies to receive this information and approach alleged victims to offer support and gain consent for the provision of services to them. It will help to ensure that victims are in a better position to consider an offer to link them with services and to provide informed consent. A survey of individuals accessing domestic violence support services undertaken in January 2012 found that 92 per cent of victims who responded would be willing to have their details passed on automatically to police. When this legislation came before the Legislation Review Committee, it examined the privacy issue and the trespassing of personal rights and liberties by the legislation in relation to privacy.

The committee noted that the proposed information-sharing scheme contained safeguards such as prescribing the circumstances in which information can be shared, limiting the kinds of government agencies and non-government organisations that can share information under the scheme, and requiring the Attorney General to seek the Privacy Commissioner's advice when making domestic violence information management protocols. The committee referred to Parliament the issue of whether that was a sufficient safeguard. The Attorney General will obtain the assistance of the Privacy Commissioner in drafting the protocols. Between now and the end of the year, when the legislation takes effect, the protocols can be drafted and documents prepared for the legislation. Police, courts and judicial officers will also need to receive training in the new protocols. I commend the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013 to the House.

Mr GUY ZANGARI (Fairfield) [5.06 p.m.]: I support the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013, which addresses an important issue to our community. The bill amends the Crimes (Domestic and Personal Violence) Act 2007 to provide for information sharing between specific public sector agencies and non-government organisations. The purpose of the bill is to provide greater access to support services to alleged victims of domestic and personal violence. Violence against another human being, at any level, should not be tolerated. However, domestic and personal violence is both an evasive and pervasive issue in the community because we do not really know how prevalent it is.

The 2005 Personal Safety Survey of the Australian Bureau of Statistics found that 2 per cent of women and 1 per cent of men had experienced violence from a current partner from the age of 15, whilst 15 per cent of women and 5 per cent of men had experienced violence from a former partner. The issue with these figures is that statistics in this area are contingent upon people having the courage to call the police or reach out to the community for help. The perpetrator of violence is often someone who is close to the alleged victim and their family or, worse, is a member of the alleged victim's family. At times the alleged victim may come from a culture with an ingrained attitude of tolerating such crimes.

Victims of abuse often face the daunting task of not only escaping the violent perpetrator but also having to abandon the world they know. This could be more daunting than summoning the courage to stand up against violence or reach out to someone for help. That is why the mechanism this legislation espouses is so important. Allowing for the sharing of information between the support services to which alleged victims of abuse reach out—police, the local hospital or other government agencies that provide support—makes it easier for victims to escape the horror in their lives. Avenues of escape are provided and victims are given the opportunity to rebuild their lives.

I turn now to the specifics of the legislation. The bill seeks to make modifications to the application of the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002. The modifications are intended to pave the way for collaboration between government agencies and non-government service providers. The bill will allow agencies that provide domestic violence support services to collect information without the need to obtain the alleged victim's consent if the information was lawfully provided by the police or disclosed by an alleged victim or if it was provided by a support agency, with the

victim's consent. According to the Attorney General's second reading speech, this instrument will allow for the collection, use and disclosure of information without consent to address a serious threat to a person's life, health or safety.

This sharing of information is premised upon the agency having a reasonable belief that such information is pivotal to the life and welfare of a person. The Act sets a high threshold for the collection, use or disclosure of personal or health information without the consent of the person. Proposed section 98D (a) provides that agencies can only handle a person's private information if they believe on reasonable grounds that it is necessary to prevent or lessen a serious threat to the life, health or safety of a person by another. Paragraph (b) confines the threat to relating to the commission or possible commission of a domestic violence offence. Under paragraph (c) an agency can only do so where it is unreasonable or impractical to obtain the consent of the person involved. As is evident, there are restrictions in place to govern the handling of a person's private information.

Very briefly, the bill also will allow a support agency to disclose information it has collected to a support service provider if it receives the consent of the alleged victim. A support agency may disclose collected information to a support service provider if the person who is the alleged victim of the violence has been referred to that service and that person consents. However, this is contingent upon the support agency complying with the protocols set in place by the Attorney General. I acknowledge that the bill is the result of a great deal of work over a long time by people representing both sides of this House. This legislation follows the Domestic Violence Intervention Court Model installed at Wagga Wagga and Campbelltown under the former Labor Government in 2005. I await in anticipation the release of the timetable and budget specifications for the implementation of this instrument. I support the bill.

Mr BART BASSETT (Londonderry) [5.11 p.m.]: I support the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. The bill amends the Crimes (Domestic and Personal Violence) Act 2007 to enable the sharing of information between certain public sector agencies and non-government organisations that will allow alleged victims of domestic violence to be able to access essential support services. Domestic violence is a heinous act against another individual or individuals and as a decent society we have to ensure that this crime is not tolerated in any form. Reducing the unacceptably high levels of domestic violence requires a multifaceted approach involving legislation that both strengthens punitive measures and also puts in place a framework to facilitate greater cooperation and coordination of strategies to deal with domestic violence. It will allow the sharing of information between government and non-government agencies to assist those who have had to endure forms of physical and emotional abuse to access a range of services.

The bill before us comes out of the findings of the New South Wales Domestic Violence Justice Strategy, which aims to make the criminal justice system more responsive to the needs of people who have suffered from domestic violence. A number of government departments and agencies had input into developing the Domestic Violence Justice Strategy, including the Attorney General's Department, the NSW Police Force and the Department of Family and Community Services. Both those agencies see firsthand the terrible effects of domestic violence on society—the broken homes, the shattered lives and especially the children who live in fear. In addition, a number of recommendations that helped frame the strategy came out of the experiences of the Domestic Violence Intervention Court Model that was established in 2005 with two trial models used to test the strategies adopted.

I speak also as a member of the Public Accounts Committee that has oversight of the Office of the Auditor-General. In 2011 the Auditor-General conducted performance audits of government organisations' responsiveness to domestic and family violence and identified a number of issues and problems in the current response to domestic violence, including lack of a coordinated response due to inconsistent methods for information sharing and collaboration and low rates of referrals of victims to services by government agencies as there are no real procedures or policies in place to manage referrals. The Auditor-General also identified a number of other problems such as informed consent for a referral and the reluctance of victims to give consent to police for referrals to services whereas they would agree if requested by a support service.

There appears to be widespread confusion amongst government agencies about the procedures for requesting victims' consent and a lack of clarity about when consent is not required. There seem to be no consistent procedures for protecting people's private information. The last statistics produced in relation to domestic violence victims were in the Australian Bureau of Statistics Personal Safety Survey in 2005, and they paint a dire picture. The survey found that over half a million Australian women had reported acts of physical or

sexual violence in the preceding 12-month period. It also found that over a million Australian women had experienced a form of domestic violence. The Australian Bureau of Statistics is currently updating the data with new research undertaken in 2012 that is being assessed and will be published later this year. Hopefully that will show a reduction in domestic violence.

Domestic violence occurs across all sections of society. Unfortunately it is all too present everywhere and occurs behind too many closed doors, and often victims suffer in silence. A number of responses are required to address the high rate of domestic violence, including working on education and awareness programs in different cultural communities, teaching children through the education system that physical violence is not an acceptable form of behaviour, and what we are debating here today—a legislative response. There is also a way of ensuring that people who look at the internet understand that that must be done in a responsible way, especially children who use the internet. There is an internet focus group, the Internet Watch Foundation which operates in the United Kingdom, which has a very good relationship with the United Kingdom Government.

On one day every year it educates children about the good and bad aspects of the internet. I will certainly be supporting and working towards the development of that program in New South Wales, having seen what it is doing in the United Kingdom. It is essential that we develop a framework that allows for cooperation, collaboration and better coordination amongst government agencies and service providers but that also contains measures that protect and respect the individual's right to privacy and confidentiality. It also is vital that we learn from the findings of the Auditor-General and ensure that there is a culture in place to encourage government agencies and law enforcement officers to share information and be equipped with the skills and knowledge to be able to provide better support to victims.

The bill will amend the application of the Privacy and Personal Information Act 2002 to remove restrictions that could limit or prevent interagency collaboration. The bill will enable the collection, use and disclosure of information without the consent of the alleged victim or the alleged perpetrator in extreme cases where there is a fear for the person's life, health or safety. Careful consideration has been given to ensuring that this information will only be shared when it meets a threshold in the granting of an apprehended violence order. New section 98D permits the collection, use and disclosure of personal information or health information in cases where there is a serious threat to the life, health or safety of a person if the agency believes on reasonable grounds that the collection, use or disclosure of the information is necessary to prevent or lessen a serious threat to life, health or safety of the person.

The bill before us contains provisions to enable the Attorney General to develop appropriate management protocols with agencies that collect, use or disclose information under proposed section 98C, with which protocols they are required to comply. The protocols will contain recommended privacy standards for non-government support services and will prohibit the disclosure of information to services that do not adopt those standards. The protocols will deal with matters such as procedures for gaining consent from the primary person, handling and storage of information, sharing of information between agencies and non-government support services, a complaints handling procedure if any of the required privacy standards are breached, and compliance audits.

There will be consultation about the proposed protocols with stakeholders that provide domestic violence support services as well as relevant non-government support services. The number of people who are victims of domestic violence is unacceptable. In this instance, just one person who is a victim of domestic violence is unacceptable. As a decent society that lives by the rule of law we need to remain vigilant. More importantly, as legislators, we need to take appropriate steps to ensure that the legislative framework is in place to give government and non-government service providers the tools, resources and ability to do their important work, respond in an efficient and timely manner to allegations and take action where required to remove an individual or individuals from risk. For all these reasons I commend the bill to the House.

Mr RYAN PARK (Keira) [5.19 p.m.]: The Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013 is an important piece of legislation. Anything that we as legislators do to improve the support provided predominantly, but not always, to women who have suffered domestic violence should always have bipartisan support in this place. This bill is about enabling the sharing of information that can then be used to provide better support services for victims and that can be forwarded to police, where necessary. Similar to the abuse that occurs against children, domestic violence is often allowed to flourish under environments of secrecy. This bill will dissipate some of that secrecy and enable information to be exchanged more readily and appropriately. Obviously there are safeguards to be considered. I do not think one person in this House would want a bill such as this one to be passed without reasonable standards concerning privacy being considered. That is in place. The most important thing that all members want is for victims of domestic violence to get access to the support they need and that those support services are targeted and effective.

In addition to those support services we want the information of victims to be communicated to law enforcement personnel to ensure that perpetrators of domestic violence are brought before the courts and dealt with appropriately. Domestic violence is not isolated to one suburb, one community or one area of New South Wales; it occurs in every electorate. It jumps across cultural divides. It moves through the wealthy suburbs to the not so wealthy suburbs, to the middle class and beyond. It touches everyone. I do not think there would be one person in this House who does not know of a friend, family member or colleague who has not had to deal with domestic violence. Anything that we as legislators can do to enable information to be exchanged more readily to provide better support services to these people should always be supported.

The member for Toongabbie and former Premier who is in the Chamber today is extremely passionate about domestic violence issues. In his role as Premier and in other ministerial roles he was determined to ensure that perpetrators of this type of crime were brought before the courts. Like many Opposition members he does not want this type of behaviour to be hidden or brushed over. We want more legislation such as this that aims to support the needs of victims. Support services should be designed and targeted specifically at them and legislation should enable information to be exchanged with necessary agencies. It is important to ensure that information about victims is passed on to the police. We want the perpetrators of domestic violence who, unfortunately, predominantly are men, brought before the courts and dealt with swiftly and to the full extent of the law. We should not use bureaucratic walls to make someone who has been subjected to domestic violence any more of a victim.

I acknowledge the work of the Wollongong Women's Refuge in my electorate of Keira—a place that I have supported financially. I have had the pleasure of visiting that refuge on two separate occasions and I am aware that the work that is done there is nothing short of remarkable. Women who come from extremely tense environments or violent households are dealt with so compassionately that it needs to be witnessed to be believed. The workers at the refuge who are passionate women go about their job in a professional but caring manner. They want to ensure that domestic violence is eradicated from our community and that women who find themselves in these difficult circumstances have access to the best possible support and do not feel as though they have to remain in such a destructive environment. Anything that eases the burden of domestic violence victims and brings the perpetrators of domestic violence before the courts will always have the support of the men and women in the New South Wales Labor Party.

Mr GLENN BROOKES (East Hills) [5.25 p.m.]: The Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013 will amend the Crimes (Domestic and Personal Violence) Act 2007 and give certain government and non-government organisations the ability to supply and exchange information for the purpose of ensuring that victims of domestic violence have access to support services. In the East Hills electorate I have seen many cases of domestic violence where the victims do not realise that they can access certain programs or organisations that can help them through their ordeal. As a Government we have the responsibility to be proactive to ensure that victims of domestic violence are made aware of every possible avenue available to them at the time they need it most. This bill does just that. Real solutions will be provided to victims who traditionally feel isolated and helpless.

In 2011 the Auditor-General's performance audit identified problems in the current response to domestic violence by New South Wales agencies. In particular, there is a problem with the referral of victims to services by the NSW Police Force because there was no common approach to referrals. The bill will help our boys and girls in blue to better exercise their duty of care to the victims of domestic violence. It also will lift the stigma of embarrassment and the fear that domestic violence victims feel when thinking about getting aid from an agency or support program. This bill will amend other Acts to allow the relevant information to be exchanged between agencies without the consent of the victim or the alleged criminal. A support agency will not be required to inform any associated respondent about its dealings with the information or provide access to that information, which will ensure that victims are no longer threatened or subjected to increasing stress. This amendment will provide desperately needed reform. I commend the bill to the House.

Mr NATHAN REES (Toongabbie) [5.30 p.m.]: I lead for the Opposition in debate on the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. I acknowledge the heartfelt, sensible, and considered contributions of all the previous speakers. I am willing to bet that all members have had representations in their electorate offices from people who are victims of domestic violence or who are related to victims of domestic violence. As Premier I made it my business to attend the Premier's Council on Preventing Violence Against Women meetings. We have progressed with the key recommendations made by the committee—which was chaired by then Minister Verity Firth—with regard to a review of homicides arising from domestic violence. This bill is another manifestation of the determination of all members to tackle this issue.

Most of us are lucky enough to be born in a household in which domestic violence does not occur. Regrettably, a significant number of women and children across Australia are not in that position. I cannot begin to imagine what it would be like as a child to go home every night afraid because my father—and in most cases it is the father—will wreak physical, emotional and often structural havoc in a place where I am entitled to feel safe. Some members have ribbed me for not wearing the various awareness-raising ribbons that are available. I feel so strongly about domestic violence that the ribbon signifying White Ribbon Day is the only ribbon that I wear. That is not because I want to diminish the importance of those other causes but because I want to emphasise the importance of White Ribbon Day.

This bill provides for appropriate information sharing between agencies, even when consent has not been given, which is a significant step in the right direction. That process must be monitored, and I am confident that the agencies involved will do so. This bill will not only ensure better delivery of services but also allow a multitude of services to be better coordinated. My electorate has safe homes which no-one knows exist and which provide refuge for mums and kids who are victims of domestic violence. All members would have doorknocked houses at which the residents are not on the electoral roll. In many cases that is because they are afraid of being found by an alleged or real domestic violence perpetrator—I will not use unparliamentary language in reference to such people—who is intent on haunting them. That is a real issue.

The complexity of this situation is manifest for all to see. The emotional and financial dependence involved in these damaging relationships sometimes means that women must remain in the home with the perpetrator when ideally they would flee. This bill goes some way towards providing the support and empowerment that people need to deal with these situations. I have heard people assert that domestic violence has a cultural basis. That is an offensive, insulting and demeaning falsehood perpetrated by people who should know better. There is no excuse, regardless of a person's background, for domestic violence—the end. Those who use culture as an excuse or a mitigating factor are having themselves on and perpetuating a falsehood, and they should be publicly condemned. I support this bill in its entirety and I congratulate the Government on its good work.

Mr CHRIS PATTERSON (Camden) [5.34 p.m.]: I support the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013, which amends the Crimes (Domestic and Personal Violence) Act 2007. The purpose of the amendments in this bill is to allow support agencies—being certain public sector agencies and non-government organisations—to respond appropriately to the needs of and provide support services to victims of domestic violence by sharing information on the alleged victims and perpetrators. Domestic violence comes in many shapes and forms and people from all walks of life can be and are victims of domestic violence. It is heartbreaking that it occurs so often and that it is not always reported for many and various reasons.

I acknowledge the heartfelt contributions that members have made to this debate. The House obviously supports any measures that will help to stamp out domestic violence. As the member for Toongabbie said, domestic violence is not normal. It is hard to comprehend that young children and mothers—in fact, people of all ages—are subjected to violence in their own home. It is horrific for the victims, their families and their friends. As a Parliament we must work together to stamp out domestic violence in all its forms. Like the member for Toongabbie, I am a White Ribbon Day ambassador. The campaign was initiated by men to stop violence against women.

I acknowledge that men are also victims of domestic violence. The International Violence Against Women Survey revealed that 57 per cent, or nearly two-thirds, of Australian women reported experiencing at least one incident of physical violence perpetrated by a man during their life. That is totally unacceptable. I stress that that figure obviously does not include incidents that go unreported. As a society we must work together to ensure that domestic violence is stamped out. That is an alarmingly high number and does not include violence experienced by men or children. There are many more alarming statistics, but that figure gives an insight into the huge problem facing all communities. The damage it does to individuals, families and society as a whole is immeasurable.

Because of awareness-raising initiatives such as White Ribbon Day our society is changing its attitude towards taking a stand against domestic violence. We are starting to talk about it and we are now aware of something which in days gone by was never referred to and which we felt was none of our business. Last year the Attorney General launched the New South Wales Domestic Violence Justice Strategy. A key aim of that strategy is to make the criminal justice system more responsive to the immediate needs of victims of domestic violence. The Department of Attorney General and Justice, the NSW Police Force and the Department of

Family and Community Services have worked together to develop the strategy. The Auditor-General, the New South Wales Law Reform Commission, the Australian Law Reform Commission and the Legislative Council Standing Committee on Social Issues also made recommendations.

The Auditor-General's response to domestic violence in 2011 found that there were barriers to information sharing that were impairing the ability of government agencies to work together to keep victims safe and to make perpetrators accountable. Restrictions in privacy laws were found to be an impediment to sharing information around domestic violence. It was also found that few victims were being referred to services by police. As a result of these findings it was recommended that protocols should be established for the sharing of information, as well as the introduction of a privacy code of practice or appropriate legislative reform for the appropriate sharing of information to promote victims' access to support services. Recommendations were also made by the New South Wales and Australian law reform commissions that improve the ability of agencies to share information in cases where domestic violence poses a serious threat to the victim's life, health or safety.

This bill will modify the operation of the Privacy and Personal Information Protection Act and the Health Records and Information Privacy Act to allow these recommendations to be applied. This bill will enable an agency that provides domestic violence support services to collect the personal and health information of alleged victims or alleged perpetrators without their consent if the information is lawfully disclosed to it by the NSW Police Force, or is disclosed by the alleged victim or by other support agencies or non-government organisations providing domestic violence support with the consent of the alleged victim. A support agency may use the personal and health information of alleged victims and alleged perpetrators to provide domestic violence support services to the alleged victim, but only with the consent of the alleged victim.

A support agency may disclose the personal and health information of alleged victims and perpetrators to another support agency or non-government support service if the alleged victim consents and the alleged victim has been the subject of a referral by the NSW Police Force and the disclosure is necessary for the provision of domestic violence support services to the alleged victim. Any collection, use or disclosure in the ways described may be done only if the agency complies with protocols made by the Attorney General. These protocols must be made in consultation with the Privacy Commissioner, and can regulate the disclosure of personal and health information to non-government support services as well as matters including procedures for seeking and gaining consent, procedures for sharing information between agencies and between agencies and non-government support services, complaint handling procedures and compliance audits.

An agency may collect, use or disclose the personal or health information of a person at any time in domestic violence cases if it reasonably believes that it is necessary to do so to prevent or lessen a serious threat to the life, health or safety of a person, and it is unreasonable or impracticable to obtain the consent of the person to whom the information relates. The amendments in this bill, coupled with the announced reforms to allow the police to issue provisional apprehended violence orders, form the key platform for the aims of the Domestic Violence Justice Strategy. The Camden Local Area Command has two very qualified and experienced domestic violence liaison officers: Senior Constable Sharon Pateman and Senior Constable Lyndall Blackmore.

The Camden Local Area Command takes a very positive and proactive approach to domestic violence in its area and the whole of the Macarthur area. Senior constables Sharon Pateman and Lyndall Blackmore are extremely hardworking, dedicated and proud members of the NSW Police Force who do an outstanding job for our local community, as does the whole of Narellan Local Area Command, led by Chief Superintendent Peter Gillam. Camden is lucky to have an extremely proactive police force that is attempting to stamp out domestic violence. I commend the Attorney General and this Government for their work with victims of domestic violence. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [5.44 p.m.]: The Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013 is another important step taken by the Government. I concur with the comments made by previous speakers about these horrendous criminal acts of physical and psychological violence in the home. In my local area and also in Sydney I accompany our hardworking men and women of the NSW Police Force on their night shifts. Unfortunately, all too often that is where I witness real scenes of domestic violence. It is very upsetting to attend a scene of domestic violence at 3.00 a.m. or 4.00 a.m., to hear children crying and to witness the physical and emotional damage as a result of domestic violence, generally to female victims. I have seen babes as young as 12 months old who have been victims of domestic violence. I have heard young children crying in their beds, too scared to leave their bedrooms even to talk to police officers. We should all prevent that from occurring and establish better protocols to deal with the problem.

When I was a club manager of the very great Revesby Workers' Club at Bankstown we were very supportive of women's refugees. We held various events for the children and mothers in those refugees; it was great to see the smiles on their faces. The women at the refugees are fairly secretive about their location and for very good reason. It behoves all of us to continually work to stamp out the scourge of domestic violence on our local community. The national rugby league has taken a great step by appointing some of its senior, well-known footballers as ambassadors on White Ribbon Day, which aims to stamp out domestic violence.

This bill aims to improve the provision of information between police, government and non-government domestic violence organisations to give victims better access to domestic violence support services. This bill encompasses a range of inquiry and report findings and recommendations, as well as policy focuses outlined in the strategy paper released by the Attorney General in November 2012. Following a review of the response to domestic and family violence in 2011 in New South Wales and the New South Wales and Australian law reform commissions' recommended amendments, this bill proposes to modify the application of New South Wales privacy legislation to permit the exchange of personal and health information about alleged victims and alleged perpetrators of domestic violence in certain circumstances.

This will come into line with development of the Government's new domestic and family violence framework to reform the approach to domestic violence, which is a response from the November 2011 Auditor-General's Performance Report responding to domestic and family violence, and the New South Wales parliamentary inquiry into domestic violence trends and issues report released in August 2012. Alongside this reform framework is the Attorney General's NSW Domestic Violence Justice Strategy released in November 2012, which aims to make the criminal justice system more responsive to the immediate needs of victims of domestic violence, and in that way improve victims' access to services and ensure perpetrator accountability.

The justice strategy was informed by outcomes from the Domestic Violence Intervention Court Model, as well as recommendations made by the New South Wales Auditor-General, the New South Wales and Australian law reform commissions and the New South Wales Legislative Council Standing Committee on Social Issues Inquiry into Domestic Violence Trends and Issues. Overall, these reports and strategies highlighted the fact that better capacity to share information between agencies would increase collaboration and coordination of services for victims of domestic violence. The bill proposes amendments to the Privacy and Personal Information Protection Act and the Health Records and Information Privacy Act.

The amendments will allow support agencies to collect information from police without consent where a victim has been referred to that agency by police. The amendments will also allow support agencies to use the personal and health information of alleged victims and perpetrators to seek the victim's consent and to provide support services to the victim. They will also allow support agencies to disclose personal and health information to other support agencies and non-government support services as long as a victim has consented. Support agencies will also be able to collect personal and health information of an alleged victim and perpetrator from other support agencies, non-government support services and from the victim when consent from the victim has been received.

Apart from the exchange of information in the above circumstances, information will also be able to be shared in domestic violence cases where an agency has a reasonable belief that a person's life, health or safety is under serious threat and it is unreasonable or impracticable to get the person's consent. Sharing information in this situation must be for the purpose of preventing or lessening the risk. Current practice limits the capacity of agencies to respond to serious threats to the life, health or safety of individuals arising from domestic violence because under the Privacy and Personal Information Protection Act and the Health Records and Information Privacy Act information is to be used only to prevent or lessen a serious and imminent threat to a person. In many cases of domestic violence, particularly those involving a long history of violence and assault, establishing the imminence of a threat to one's safety or health can be difficult. The amendments would allow for intervention to address a serious risk without the need to show that it was imminent.

The amendments also provide for the making of information management protocols. These will regulate disclosures to non-government domestic violence support services, prohibiting disclosure where a non-government organisation cannot demonstrate that it can manage and protect personal information appropriately. Overall these amendments will create a common approach to referral for victims and coordinate this system of information sharing between New South Wales government bodies and non-government agencies. These amendments therefore facilitate critical change to the current system; change that will see victims of domestic violence better supported and provided for in these terrible instances. Finally I compliment

the Attorney General and his hardworking staff for developing this legislation, which reflects the current view of our communities for the protection of those who suffer family and domestic violence. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [5.53 p.m.]: Whilst the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013 appears to be modest, it is a significant bill. Previous speakers have spoken extensively about the mechanics of the bill so I will not address them. The performance report of the Auditor-General responding to domestic and family violence and the report of the Legislative Council Standing Committee on Social Issues explored this issue in detail. Significantly, it was reported that the NSW Police Force emphasising the inability to share information was "arguably the single biggest issue" that requires addressing in respect of family and domestic violence. We hear a lot about resourcing and about culture, and while this is significant a lot more needs to be done.

Men should participate in White Ribbon Day. I am a White Ribbon Ambassador in my electorate. I work closely with my local area commander and others, and I have made speeches in this place about White Ribbon Day. I take this opportunity also to acknowledge the role played by domestic violence liaison officers—those who deal with the victims and families who suffer domestic violence. In the Leichhardt Local Area Command, which covers one of the key areas in my electorate, it is very clear that the work of the domestic violence liaison officers and other officers is absolutely critical, particularly when alcohol is included in the mix. In a recent speech given by the Assistant Commissioner of Police he made it clear that there is family and domestic violence, then there is daylight, and then there are other crimes for police to investigate and manage. This bill will play an important role in the collaboration, coordination and collection of information.

The bill provides an opportunity to reduce the load on those organisations that pick up the pieces from family and domestic violence. For instance, the Elsie Refuge in my electorate was a groundbreaking feminist initiative in what was the Glebe Estate. The Elsie Refuge still exists and it continues to provide fantastic services to women and their families. In fact, we were proudly able to gain significant funding to upgrade the kitchen of the Elsie Refuge as part of the Community Building Partnership program. The Elsie Refuge, Detour House and other organisations in my community pick up the pieces after domestic and family violence. It is important that any type of family and personal violence be minimised, but we also must change the culture and attitude of men to ensure that this violence that is predominantly perpetrated against women is stopped.

I add my name to the call from all the members who have represented The Greens today and also the call from my electorate that domestic violence must stop. We must be vigilant and do what we can to create a more just, tolerant and equal society. In conclusion I thank the Attorney General and the hardworking staff of his department for their work in developing this bill. I acknowledge that a lot of the heavy lifting was done by the Auditor-General and the Legislative Council Standing Committee on Social Issues, but it is always up to ministerial and departmental staff to make it happen. I look forward to discussing matters of family and domestic violence in the future and to adding our voice in support of opportunities to campaign against this terrible action that has such significant impacts on our community. I commend the bill to the House.

Dr GEOFF LEE (Parramatta) [5.57 p.m.]: I support the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. The object of the bill is to provide for the sharing of information between police, government and non-government domestic violence support services to facilitate access to domestic violence support services by victims of domestic violence. This timely legislation follows the New South Wales review of domestic violence in 2011 and responds to the findings of the New South Wales Auditor-General that barriers to information sharing were impairing the ability of government agencies to work together to keep victims safe and make perpetrators accountable. The Auditor-General recommended that protocols be established for the sharing of information—that is exactly what this legislation aims to do. The bill also provides legislative reform for the appropriate sharing of information to promote victims' access to support services.

The (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013 is good legislation for the victims of family and domestic violence, and I am pleased that the Opposition has indicated that it will support the bill. The Government has listened to the Auditor-General, Peter Achterstraat, who does a great job. His views are particularly pertinent to the debate because family and domestic violence is a significant problem in our community. Domestic and family violence damages many people. Indeed, in 2010 New South Wales police responded to more than 126,000 incidents involving domestic and family violence.

It is such a significant problem that nearly half of the more than 92,000 victims and 81,000 perpetrators who came to the attention of police in 2010 had a history of domestic and family violence incidents in preceding

years. That shows that domestic violence is not a one-off problem; it is a perpetual insidious crime. This legislation is necessary to help sort out some problems. Dealing with domestic violence involves not only police but also not-for-profit stakeholders and government agencies. We know that two out of three victims of domestic violence do not go to the police, and little progress has been made in reducing this high level of under-reporting.

According to the Auditor-General, many people who do not go to the police seek help from doctors, charities, welfare agencies and other government and non-government organisations, and friends. A coordinated response is required. This legislation partly addresses the need for a coordinated response. The Government is trying to resolve the problems relating to information sharing so that government and non-government staff can work together locally to help victims and to bring perpetrators properly to justice. Organisations generally work together to improve the safety of victims. There is an overt and serious crisis, particularly when children are involved. I totally agree with the findings of the Auditor-General, Mr Achterstraat. Domestic violence is a significant issue in the community. The Government must do everything it can, and the information-sharing protocols that will be established will do some part of that.

Recently I had the opportunity to visit Parramatta Mission, and the hostel and accommodation it provides for the community under the great stewardship of Reverend Keith Hamilton, assisted by Deborah Carr and Tanya Gadiel. For those who do not know, Tanya is the former hardworking member for Parramatta. She now looks after many of the community services provided by Parramatta Mission, including a women's refuge in western Sydney. It was good to see the quality of services provided by the mission, not only accommodation but also counselling, support, and training if required not only for parents but also for children. I note that in 2012 Parramatta Mission's domestic violence refuge consisted of seven furnished two-bedroom apartments that could accommodate up to six children each. In 2012 it housed 46,083 children in western Sydney. The mission continues to upgrade those facilities.

While inspecting the site I noted that the refuge is all about the security and anonymity of the area so that perpetrators cannot find where their victims are living. Perpetrators often stalk their victims. Parramatta Mission is doing a fantastic job in supporting women who are victims of domestic crime. I commend Reverend Keith Hamilton for his great work at Parramatta Mission. The mission not only provides crisis support in terms of domestic violence; it also provides accommodation for people who may be homeless. The mission has coordinated programs to help homeless people; food programs for those who cannot afford to buy food, as well as providing lunches in Parramatta; programs for people with disabilities; community outreach programs; and rehabilitation services. And the list goes on. Parramatta Mission is highly respected.

In conclusion, I congratulate Parramatta Mission. I also congratulate the Attorney General on introducing this timely and proper legislation to help tackle domestic violence. I cannot understand how a person can perpetrate such a heinous crime as domestic violence. I cannot understand what would force that. However, we must realise that enabling the situation to continue is intolerable. The police, parliamentarians and the whole community must find ways to stop domestic violence so that we do not have hundreds of thousands of cases, as has happened over the years. Domestic violence is a blight on our society. We should continue our fight against domestic violence in our community and never relax our stance on it.

Ms CARMEL Tebbutt (Marrickville) [6.05 p.m.]: I will speak briefly in support of the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013, which permits the exchange of personal information and health information about alleged victims and alleged perpetrators of domestic violence. The provisions of the bill include some exemptions from the Privacy and Personal Information Protection Act and from the Health Records and Information Privacy Act to allow the exchange of information to improve support services for victims of domestic violence. Along with other members of the House, I support anything we can do to improve support for victims of domestic violence. No doubt domestic violence is one of the most heinous crimes committed in the privacy of someone's home, causing the most terrible distress, grief and after effects not only for the victims but also for their children, who are also effectively victims of domestic violence.

The legislation responds to the Auditor-General's findings that there were barriers to the appropriate sharing of information that need to be addressed. Strong privacy laws are essential, but we also know that if they are in some way impeding support for some of the most vulnerable members of our community that needs to be addressed, and that is what this legislation seeks to do. Many members have spoken in this debate about White Ribbon Day. White Ribbon Day and White Ribbon events have been incredibly important in raising awareness

about domestic violence, getting broader community involvement in the issue, community members taking the pledge and ensuring that those who are victims of domestic violence understand that domestic violence is a crime and there will be support if they come forward to take action against the perpetrators.

For example, every year in my electorate a White Ribbon Day event is organised by a group of women, the Multi Mix Mob, who have come together out of a supported playground that was run in a local school in my electorate. This group of extraordinary women has done much to improve support for families in the Marrickville area. The White Ribbon Day event is only one of many things they organise to strengthen the community I represent. This important legislation will assist them. We need to ensure that appropriate information sharing can occur so that victims of domestic violence can be better supported. We also know that much more needs to be done. For example, one factor that is driving the increased reports of children at risk of harm to the Department of Community Services is domestic violence incidents.

Better resourcing for the Department of Community Services must also be part of a response to reducing domestic violence and improving support for victims. Better early intervention services and more early intervention services are critical. Improved support for refugees and better access to affordable housing are also part of what needs to be done to better support victims of domestic violence. I support this legislation, but I also look forward to further reform in this area to better support domestic violence victims and to ensure that perpetrators are brought to justice so that we can see a diminution in incidents of domestic violence into the future.

Mrs LESLIE WILLIAMS (Port Macquarie) [6.09 p.m.]: I am pleased to have the opportunity to speak in support of the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. Like other members of the House, I welcome these amendments that will reduce information-sharing barriers between government agencies and non-government organisations regarding alleged victims of domestic violence. This legislation, introduced by the Attorney General, and Minister for Justice, Greg Smith, will help facilitate access to support services for alleged victims of domestic violence. In 2011, following a review of the response of New South Wales to domestic violence, the New South Wales Auditor-General found that barriers exist to information sharing that are impairing the ability of government agencies to work together. It is important that everything possible is done to keep victims safe and to hold perpetrators accountable. In order to do this, it is imperative that the amendments in the bill are implemented.

The Auditor-General specifically identified restrictions in privacy laws as a barrier to the sharing of information in situations of domestic and family violence. He recommended that protocols be established for the sharing of information as well as the introduction of a privacy code of practice to allow the sharing of information to promote access by victims to support services. The amendments will allow support agencies to disclose and collect the personal and health information of an alleged victim and an alleged perpetrator on the condition that the victim provides consent. The bill will modify the application of the New South Wales privacy legislation as it applies to agencies to permit the exchange of personal health information about alleged victims and alleged perpetrators of domestic violence. Specifically, it will allow an agency that provides domestic violence support services to collect the personal and health information of alleged victims or alleged perpetrators with their consent, if the information is lawfully disclosed to it by the NSW Police Force.

Such a support agency may use this information to provide domestic violence support services to the alleged victim but only with the consent of the alleged victim. The support agency may also provide this information to another support agency or non-government support service if the alleged victim consents and the disclosure of such information is necessary for the provision of domestic violence support. Under the amendments, any disclosure in the manner described may occur only if the agency complies with the protocols made by the Attorney General. Finally, an agency may collect, use or disclose the personal health information of a person at any time in domestic violence cases if it reasonably believes it is necessary to do so to prevent or lessen a serious threat to the life, health or safety of a person and it is unreasonable or impractical to obtain the consent of the person to whom the information relates.

A recent report by the Bureau of Crime Statistics and Research highlighted the urgency with which this issue must be addressed, particularly for people in the Port Macquarie electorate. According to the report, the mid North Coast area has had a 16.7 per cent increase in domestic violence-related offences over the period January 2011 to December 2012. The report presented data on crimes reported to the NSW Police Force between January 1995 and December 2012. This upward statistical trend of domestic violence on the mid North Coast over the final 24 months of the reporting period highlights the need to address the problems faced by government and non-government agencies when dealing with the personal and health information of alleged victims and perpetrators of domestic violence.

The amendments in the bill offer a positive change for non-government agencies in the Port Macquarie electorate. The Hastings Women and Children's Refuge is such an organisation. It provides an invaluable support service to victims of domestic violence in our local area. I acknowledge the work of the Hastings Women and Children's Refuge. It is strongly supported by the local community and many local service organisations and community groups make regular donations to the refuge and assist it wherever they can. I assure the committee that runs the refuge that it will continue to receive my personal support. I will continue to seek additional funds and ways to support it in the future. The Hastings Women and Children's Refuge provides accommodation and support to women and their children who are escaping domestic violence or who are in crisis. The refuge offers a range of support services such as crisis accommodation, outreach services to women and children in their homes, specialist child support services, and a referral and advocacy service.

I am pleased that I have been able to provide the refuge with some financial support, in partnership with the Hastings Business Women's Network. Each year, together with the network, on International Women's Day I host a signature event—often a cocktail function—to raise funds for the refuge. It is a worthwhile cause and we will continue to provide that support in years to come. This year we raised more than \$6,000. That money will go to the refuge, which will use it to refurbish the kitchen. It will be money well spent. I was also able to provide some funds to the refuge this year through the Community Building Partnership grants program, which it will use to install solar panels on its house and thus lower electricity costs.

The refuge works closely with a number of other services in the community, offered by Liberty Cottage and our local police. I thank Kylie Dowse and Gemma Morley, two energetic and passionate women, who, together with their dedicated domestic violence committee, have worked tirelessly. They have been able to provide integrated support services to victims of domestic violence in Port Macquarie. The provision of specialist support rooms in our local police station is an excellent initiative, giving women who are experiencing domestic and family violence the opportunity to receive professional support. Women seeking protection from the police as a result of domestic violence now have a quiet, safe area where they can get assistance and explore the options available to them to protect themselves and their children from further abuse.

In Port Macquarie there is a fantastic program called LoVE BiTES, an early intervention and prevention program for our local high school students. The Minister for Family and Community Services, and Minister for Women, Pru Goward, visited the electorate a few weeks ago. She also visited Port Macquarie last year. Ms Goward met the refuge's management committee chair, Lesley Tierney, and a number of staff to discuss ways that we might be able to improve services for women and children who have been affected by domestic violence. We also discussed statewide initiatives and improvement options for addressing the needs of victims. This legislation will help to facilitate communication not only between the Hastings Women and Children's refuge, Liberty Cottage and of course our local police but also between other government agencies. It also means that there will be more effective collaboration between non-government agencies and other support services in our local community. I am pleased to have the opportunity to speak to the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013, and I commend it to the House.

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [6.18 p.m.]: I make a brief contribution to debate on the Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2013. I congratulate the Attorney General on introducing this legislation. I hope it is the first step in many to try to reduce the incidence of domestic violence in our electorates. Members of The Nationals who represent people from lower socioeconomic backgrounds know that domestic violence incidents are increasing. The member for Port Macquarie mentioned that domestic violence on the mid North Coast increased by 16.7 per cent between 2011 and 2012. There is nothing more cowardly than a man coming home and beating his wife or his children. The man is often in a drunken state. If the economy is poor, alcohol is cheap and jobs are hard to find, such men often take out their frustrations on their families rather than seeking support.

This legislation is a step in the right direction but all we are doing is legislating in line with the Auditor-General's report, which recommends greater sharing of information between agencies, both government and non-government, to ensure that the victims of domestic violence get support and the perpetrators are dealt with appropriately. I have heard from many members on both sides of the House in this debate that the legislation is designed to keep victims safe and hold perpetrators accountable. Unfortunately, often domestic violence, especially against women, is transferred from generation to generation or from culture to culture. I note the member for Toongabbie said it was totally unacceptable to say that because someone comes from a paternalistic society or culture it is therefore alright to commit domestic violence against a spouse or children. Domestic violence is totally unacceptable and this Parliament and our Government need to send that message loud and clear to everyone in society, not just cultural groups.

It is appalling that within the electorates of each and every one of us there is a need for at least one women's refuge.. I commend the people at Coffs Harbour women's refuge for the great job they do and the great support they provide to those women and children who have suffered badly at the hands of people who have been violent towards them. I appeal to the Attorney General to ensure we continue this push and that a very strong message is sent to perpetrators that society does not accept this sort of behaviour from anyone under any circumstances. We must ensure that we do everything we can to stamp out domestic violence in our community. I commend the bill to the House.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [6.21 p.m.], in reply: I thank members representing the electorates of Liverpool, Kiama, Cabramatta, Granville, Bankstown, Riverstone, Lakemba, Myall Lakes, Fairfield, Londonderry, Keira, East Hills, Toongabbie, Camden, Tweed, Balmain, Parramatta, Marrickville, Port Macquarie and Coffs Harbour for their contributions to the debate. All members expressed sincere feelings about the widespread problem of domestic and personal violence and how the legal system has had great difficulty in coping with it. This legislation will assist in that regard. The member for Liverpool raised concerns about the accuracy of information collected. I thank the member for expressing those concerns.

The purpose of facilitating information sharing between agencies in this bill is to enable support agencies to provide their services to victims as quickly and as efficiently as possible. It is not so much about assisting with prosecutions, where obviously ensuring the accuracy of the information so that it can prove a case beyond reasonable doubt would be necessary. Rather, the objective of the bill is to increase and facilitate easy access to support for victims by removing unnecessary red tape. Naturally accuracy is important, and that will be emphasised to the various people who exercise these functions. The bill amends the Crimes (Domestic and Personal Violence) Act 2007 to facilitate information sharing between agencies providing domestic violence support services to victims of domestic violence. This will assist agencies to work together to respond appropriately to the needs of victims of domestic violence and help them to access appropriate services. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Greg Smith agreed to:

That this bill be now read a third time.

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

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) [6.25 p.m.]: I move:

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

- (1) For the following routine after the conclusion of private members' statements:
 - (a) matter of public importance;
 - (b) introduction and Minister's second reading speech on the Bail Bill; and
 - (c) the House to adjourn without motion moved.
- (2) That from 7.00 p.m. until the rising of the House, no divisions or quorums be called.

We will break shortly for dinner and the House will resume at 7.00 p.m. In the normal course of events private members' statements would then be taken, which would be followed by Government business and discussion of

the matter of public importance. I propose to vary that arrangement as set out in the motion. The Government business will consist of the Attorney General's second reading speech on the Bail Bill 2013, which I understand will take a reasonable length of time. The House will rise at the conclusion of the Attorney General's speech.

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

Motion agreed to.

[The Deputy-Speaker (Mr Thomas George) left the chair at 6.28 p.m. The House resumed at 7.00 p.m.]

RACING LEGISLATION AMENDMENT BILL 2013

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

SMALL BUSINESS COMMISSIONER BILL 2013

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

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

LAW ENFORCEMENT AND NATIONAL SECURITY (ASSUMED IDENTITIES) AMENDMENT BILL 2013

ROAD TRANSPORT AMENDMENT (OBSTRUCTION AND HAZARD SAFETY) BILL 2013

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

Second readings set down as an order of the day for a future day.

PRIVATE MEMBERS' STATEMENTS

CASTLE HILL RSL CLUB

Mr DAVID ELLIOTT (Baulkham Hills) [7.02 p.m.]: I will make some remarks about the role of RSL sub-branches and their relationship with RSL clubs. I make these comments in the context of the recent commemoration of Anzac Day. Members will recall that just over 98 years ago our forces landed on the beaches of the Dardanelles. Last night I was reminded by the Consul General of Turkey that Australia has been honoured by having that area of Turkey named "Anzac Cove". One would have to work hard to trawl through history to find a former enemy that named a geographical location after the invading force.

On the point at hand, I speak about my community's role in the Anzac Day commemorations, particularly the role of the Castle Hill RSL Club. Over the years it has become one of the Hills district's great community institutions. Few organisations have had such an astounding and commendable record of continuous community service in the Hills as Castle Hill RSL Club. With more than 32,000 members, including more than 600 sub-branch members, in many ways Castle Hill RSL is the backbone of the Hills community. As a returned serviceman, I have been rewarded by serving as a director of the Castle Hill RSL Club, and I am very proud to be associated with this great club that serves the Hills district.

Each year the Castle Hill RSL Club makes significant contributions to almost every community cause imaginable. It has been particularly pleasing to witness this community contribution. The club genuinely believes in the ethos of the RSL movement so the biggest beneficiaries of the Castle Hill RSL Club's success are our veterans—and rightly so. The club gives away approximately \$1 million a year, but a good proportion of that support goes to the veterans in our community. Each year the Castle Hill RSL Club contributes around \$250,000 to veteran support and welfare services. As part of this commitment to our veterans, Castle Hill RSL Club has even appointed our own veterans' welfare officer. In addition, the Parramatta RSL Club, as part of the Castle Hill RSL Club Group, invests more than \$60,000 in Veterans Welfare and Counselling Services annually.

The Castle Hill RSL Club also makes an important investment to support the Anzac legend, especially in the minds of our next generation. To this end, each year the club distributes Anzac educational kits to educate

our children about the spirit of Anzac Day and the significance of veterans to our national culture and history. Every member of the Castle Hill RSL Club's board is a former member of the Defence Force. I pause to recognise the role of Major General Warren Glenn, a Vietnam veteran and retired commander of the 2nd Division, and Colonel Donald Tait, a Vietnam veteran. Both gentlemen served on the RSL Club board. It goes without saying that the Castle Hill RSL Club is very proud of its service heritage. Our recent election saw the return to the board of a serving warrant officer from the Royal Australian Air Force base. The board takes particular interest in the welfare of service men and women in all three arms of the military.

It was disappointing to see recent media reports that suggested that all RSL clubs neglected their respective RSL sub-branches and the welfare of their veterans. Naturally this has upset quite a few veterans in my electorate. The Castle Hill RSL Club could not be accused of neglecting its veterans or RSL sub-branch members. Such media speculation is unhelpful and undermines the good work that the Castle Hill RSL Club is doing to support its veterans. I was most disturbed that this occurred in the days leading up to Anzac Day.

Earlier today I met with Mr Don Rowe, OAM, President of the NSW Branch of the RSL. He acknowledged that the Castle Hill RSL Club has done a lot in support of veterans and was certainly not one of those offending clubs that the media speculated had failed to serve their veterans. I want to make sure that residents of the Hills district are aware that the Castle Hill RSL Club takes its responsibilities to our veterans very seriously. There should be no doubt in the public mind of the contribution made by the Castle Hill RSL Club to support the welfare of veterans. I commend all those who support veterans, particularly those from the Castle Hill RSL who participated in the Anzac Day march and commemoration. I look forward to this record of support continuing well into the future.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.07 p.m.]: I congratulate the member for Baulkham Hills on speaking about the importance of Anzac Day and the contribution that the RSL sub-branches make to our communities. Wonderful commemoration services were held across New South Wales on Anzac Day. I express my gratitude to all sub-branches for organising the important events that took place. Large crowds of people gathered to show their respect and demonstrate their gratitude for the freedom we enjoy every day of our lives. It was inspiring to see the veterans marching down our streets. We are grateful for their sacrifice. Wars will continue to occur, but our returned service men and women have made Australia a great country to live in.

LAKEMBA ELECTORATE EMERGENCY SERVICES

Mr ROBERT FUROLO (Lakemba) [7.08 p.m.]: I bring to the attention of the House the concerns expressed by more than 1,000 residents of my community about essential emergency services in the electorate of Lakemba. As the elected representative of my community, I take seriously the responsibility I have to be the voice of local residents. So when I receive a petition with more than 1,000 signatures, I know it is an issue of deep concern to local residents. The people of my community are angry and disappointed that the O'Farrell Liberal Government has determined that saving money on overtime is more important than keeping essential emergency services open to serve the community. Who would have thought the fire station in Lakemba that has been serving the community for decades is now open only if no-one calls in sick? And who would have thought that families in Riverwood and Peakhurst, who rely on the Riverwood Fire Station, would get no response from their local brigade because one staff member was unable to go to work?

People have a right to expect these essential services. They cannot be outsourced; we look to our government to deliver these services so that we can sleep safely at night. Unfortunately, due to another round of budget cuts and questionable priorities, the families of my electorate have been let down again. Let us consider the record of the O'Farrell Government in two short years: cuts to the Rural Fire Service staffing budget; a \$1.7 billion cut to public, independent and Catholic schools and TAFE colleges; 1,800 job cuts for public schools and TAFE; TAFE fees up 9.5 per cent and subsidies cut for many TAFE courses; the Higher School Certificate advice line scrapped; cleaning hours cut back at 601 schools; special needs funding cut at 272 schools; \$14.3 million already cut for school infrastructure in 2012; preschool hours cut to 15 hours a week at public preschools; fees introduced for what was a free public preschool service; a \$3 billion cut to the Health budget; and \$500 million cut from Community Services.

The Government is now slashing \$64 million from the fire brigade's budget and forcing local stations to close if someone calls in sick. Is there nothing that the O'Farrell Government will not cut? To be honest, I did not really believe that the O'Farrell Government would go this far. Therefore, I asked the Minister on notice how

many times fire stations in my electorate had been affected by these budget cuts. I was staggered to learn that since July last year Riverwood fire station has been closed five times and Lakemba fire station has been closed three times. Lakemba and Riverwood fire stations play a vital role in protecting our community.

Since the beginning of this financial year firefighters from those two stations have responded to more than 2,100 separate incidents. Taking these stations that play such a key role in protecting our community offline makes no sense. That is why more than 1,100 local residents who have been so incensed by the O'Farrell Government's savage cuts have joined the campaign to keep our fire stations open and staffed. I acknowledge all the residents who signed the petition and who have shown their support for this basic service to be protected. I will read onto the record comments made by local residents who are dismayed by this decision. Kathleen Thompson of North Peakhurst states:

The idea of closing the fire station at Riverwood is ridiculous. It is so close to the brush fires which often occur on Henry Lawson Drive and a lot of properties more than likely have been saved by the efficiency of this station.

Mr and Mrs Morgan of Lakemba state:

In April 1996 a fire started above our residence ... Our family was not at home. The speedy and prompt response by the fire station at Lakemba enabled the fire fighters to rapidly confine the intense fire to be confined to 2 rooms only, the remaining rooms suffering smoke and water damage. If Lakemba fire station's response had been delayed by not being completely operational at all times and/or the need to rely on other fire stations further away, the damage, which was severe enough, would have been far worse.

As a member of Parliament I recognise the difficult challenges that governments face, and providing the services needed and expected by the community with finite resources is the biggest challenge of all. However, spending less on protecting families in our community than was spent last year or the year before makes no sense at all. Cutting overtime payments for firefighters when one of their colleagues calls in sick could result in disaster. The hardworking families—the men and women—of my electorate are disappointed by the Government's decision, but many are not surprised. The O'Farrell Government has demonstrated that when tough decisions need to be made the vulnerable will pay the price. On behalf of the families of Lakemba—those living in Riverwood, Peakhurst, Lakemba, Narwee, Punchbowl, Wiley Park, Belmore, Kingsgrove and Roselands—I call on the Premier and the Minister for Emergency Services to reverse this crazy decision and to ensure that all local fire stations remain open at all times.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.13 p.m.]: I congratulate our emergency services personnel on the hard work that they do across the State. They work with local communities and local councils when fires threaten homes and properties and they provide essential services to our communities. The Government has made substantial investments in emergency services, including building new fire stations across the State, and it is ensuring that firefighters have the right equipment. New tankers have been provided to support our communities and millions of dollars are being spent on new radio equipment. The Bathurst fire station is now manned 24 hours a day. The member for Lakemba forgot to mention the positive things being delivered by the O'Farrell-Stoner Government.

VILLERS-BRETONNEUX ANZAC DAY SERVICE

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [7.14 p.m.]: My wife has always complained that over the 22 or 23 years that I have spent in this place I have never taken time off, except between Christmas and New Year. This year she booked a one-month holiday in France because our daughter Elizabeth now lives in Paris. My one stipulation was that we attend the Anzac Day service at Villers-Bretonneux on 25 April because my grandfather, Cyril Morrison—serial number 901—fought with the First Australian Imperial Force as a member of the 54th and 55th Heavy Artillery Battalion at the Somme. Apart from having a great holiday we were lucky enough to get to Villers-Bretonneux for Anzac Day. I thank the Minister for Citizenship and Communities, the Hon. Victor Dominello, for arranging for me to lay the wreath on behalf of the Government and the people of New South Wales at that service. I also thank Jack and Rod Bedford, whom I met a month or so before the trip, who run a battlefield experience business in Villers-Bretonneux and who picked us up at our accommodation at 3.30 a.m. and got us to the service on time. I also thank Darren Mitchell from the Department of Veterans' Affairs for arranging the wreath and the appropriate seating.

Kerry, Elizabeth and I joined thousands of other Australians at the service. The number was breathtaking, given the cold conditions. It was one of the best organised Anzac Day services I have ever attended—and I have been attending Anzac Day services since I was five. I was asked to look out for children and teachers from McAuley Catholic College, Grafton; in fact, they addressed the gathering. Grace Draper from

Dorrigo also asked me to take a photograph of panel 126, which has the name of her great uncle, Corporal Arthur Herbert Corpse, whose body was never found. I was lucky to find the panel because 770 Australians and others are buried in the cemetery at Villers-Bretonneux. The memorial wall contains more than 11,000 names of Australians who lost their lives but who have no grave. The Australian flag flies at the local school to remind the children of the great sacrifices made by Australians during the Great War of 1914-1918.

Anzac Day this year was also the twenty-fifth anniversary of my father's death. Dad was a great supporter of Legacy and Anzac Day and it was ironic that he passed away on that day. The memorial at Villers-Bretonneux is located in a beautiful part of the country. It is hard to believe that the sound of the heavy artillery that my grandfather and his mates were firing in Flanders could be heard in London. My grandfather was injured twice during the war, but he did manage to get home. However, he died soon after, leaving my grandmother with four young children who were educated with the help of Legacy and the local Masonic lodge. I owe a personal debt of gratitude to those organisations.

Representing the people of New South Wales and laying the wreath on Anzac Day on the battlefield where so many Australians perished at Villers-Bretonneux was probably one of the most poignant moments of my life. *Somme Mud* describes the terrible conditions endured by the soldiers who fought there, but it is hard to believe that such terrible things happened in what is now such a beautiful place. My younger brother, Simon, who is a senior member of the NSW Police Pipe Band, played at the Anzac Day service in Sydney last week and I understand that he will be playing at a passing out parade at the Police Academy at Goulburn this week. I thank everyone who gave me the opportunity to attend the service at Villers-Bretonneux and to lay the wreath. I commend all those who have served their country, lost their lives or been injured in war.

LAKE ILLAWARRA MANAGEMENT REVIEW

ILLAWARRA NURSING STAFF NUMBERS

Ms ANNA WATSON (Shellharbour) [7.19 p.m.]: This evening I draw the attention of the House to two issues: Lake Illawarra and the campaign by nurses to improve patient-to-nurse ratios at hospitals in rural and regional areas. Lake Illawarra is a beautiful waterway in the heart of my electorate. It essentially splits the communities around Dapto and West Dapto from the suburbs around Shellharbour city. Over the past 25 years Lake Illawarra has been under the management of the Lake Illawarra Authority—an independent statutory authority. When the Lake Illawarra Authority was established the lake was a smelly clogged-up mess. Many projects and works have been undertaken over the past 25 years to improve the foreshore and water quality of Lake Illawarra, from the construction of jetties and foreshore walkways to works that will permanently open the lake's entrance to the Pacific Ocean.

The Lake Illawarra Authority has been the coordinator of various New South Wales Government agencies and the two local government authorities, whose communities bound the lake, are Shellharbour and Wollongong city councils. Last year the New South Wales Government announced a review into the management of Lake Illawarra which was commissioned by the Deputy Premier and Minister for Regional Infrastructure and Services and conducted by his Parliamentary Secretary. The deadline for the review was 31 January this year. We are still waiting for the results of that review.

Last year I wrote to the Parliamentary Secretary indicating my support in principle for the review but I cautioned him against any cooked-up outcome in his report. If there was to be a review it should be open and transparent, which is what the Liberal-Nationals Coalition promised prior to the March 2011 election. Last month I even placed a question on the *Questions and Answers* paper asking when the report was to be released. The Deputy Premier told me that he had not received the report. Members of the local media asked the same questions. In an attempt at damage control the Minister said that the delay was due to the overwhelming number of submissions received. This illustrates just how popular Lake Illawarra is and how important it is to the communities that border it.

Excuses for the delay are wearing thin. It is now three weeks since the Deputy Premier and Parliamentary Secretary told us the report would be released. It is time to stop the delay. It is time to ensure that the report and its recommendations are publicly released. I have called on the Deputy Premier to ensure that there are extensive consultations prior to any final decision being made by the New South Wales Government on the report's recommendations. The local community has waited long enough. It is time that the New South Wales Government released this important report, consulted with the local community on the future management of Lake Illawarra and, following those consultations, implemented a plan of action.

The second issue I raise relates to the campaign by nurses at Shellharbour Hospital, which is located in my electorate, to improve patient-to-nurse ratios at rural and regional hospitals. Last Friday nurses and community supporters, including my parliamentary colleague the member for Kiama, Gareth Ward, and I took part in a rally outside Shellharbour Hospital. I am pleased that the member for Kiama attended to hear firsthand the concerns of local nurses. He joined me and told the nurses that he backed them, which was good news. In today's *Illawarra Mercury* a nurse published an account of a 12-hour shift in an emergency department at Wollongong Hospital. I do not have the time tonight to go much further into the article but I urge all members to read it. Nurses in members' own local hospitals would be working in the same pressure-cooker environment. Shellharbour Hospital nurses deserve the same rights as nurses serving in city hospitals. They are simply asking for a 1:3 ratio in the emergency department and a 1:4 ratio in wards.

Presently the upgrade of the Shellharbour Hospital to a metropolitan hospital is being considered. It will treat the growing population of the southern Illawarra and expand the medical and health services that are available. This will be good news for patients and potential patients in my electorate. But at the same time we also need to get the nurse-to-patient ratio right. The communities in my electorate ask for nothing more than a fair go. Nurses are a part of the community; they care for us and we should care for them. I endorse the campaign by the New South Wales Nurses and Midwives Association and congratulate the members of that association on their rally last week at Shellharbour Hospital. I also look forward to working cooperatively with the member for Kiama in lobbying the Minister for Health to conclude negotiations and achieve a positive outcome for nurses based in rural and regional hospitals.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.24 p.m.]: The Deputy Premier and the Government are focusing on consulting the community without doing the backroom deals that were done by the former Labor Government. This Government believes in community consultation and correct process to ensure transparent policy and legislation. The member for Kiama, who has fought hard for nurses in his electorate, has been speaking to the Minister on their behalf. To date, this Government has recruited over 3,000 nurses, surpassing its commitment to increase nurse numbers by 2,475 over four years. In its first year in office this Government allocated over \$5 billion to upgrade hospitals. This Government is committed to supporting the health system and nurses in this State.

DRUMMOYNE FERRY WHARF UPGRADE

Mr JOHN SIDOTI (Drummoyne) [7.25 p.m.]: Tonight I speak about an issue that I have spoken about on a number of occasions in this House—the importance of public transport and public transport infrastructure. Last week I was doorknocking in the Drummoyne electorate and talking to locals about a diverse range of issues. One issue that surprisingly arose regularly was the need to upgrade the Drummoyne ferry wharf. The Transport Access Program is about delivering accessible, modern, secure and integrated transport infrastructure where it is needed and approximately \$770 million will be spent over a four-year period. The money will be used for station upgrades, better interchanges, ferry wharf upgrades and commuter car parks.

Hundreds of millions of dollars have been allocated under the Transport Access Program which will result in improvements to infrastructure at many locations. It is part of the New South Wales Government's commitment to improving public transport services and providing a world-class transport system that the people of New South Wales deserve. If we want people to use public transport it must be affordable, clean, efficient and safe. That is certainly something that the Minister for Transport, the Hon. Gladys Berejiklian, has emphasised in this House on a number of occasions. Roads and Maritime Services owns and maintains 49 commuter ferry wharves on Sydney Harbour. The Government has committed an additional \$7.5 million over four years for commuter wharf upgrades in addition to the budget that was available prior to it taking office.

Having spoken to a number of constituents and having looked at four ferry wharves in my electorate I am aware that the Cabarita ferry wharf has been upgraded and is now a state-of-the-art facility. It caters for the Breakfast Point, Concord and Mortlake community. This Government has delivered 25 additional ferry services per week on that commuter wharf alone, which has been welcomed by the community. Issues relating to fishing off the wharf were addressed by the Hon. Duncan Gay by installing gates that are now closed in the evening to deal with the problem of rowdy and antisocial behaviour by fishermen who show those living in the area no consideration.

Abbotsford and Chiswick ferry wharves are also fully-functioning state-of-the-art wharves. Most of the wharves are located in densely populated areas. The Drummoyne ferry wharf received maintenance work

1½ years ago but that wharf, which will soon reach the end of its life, does not match the facilities available in the rest of the electorate. I place on the record the need to upgrade Drummoyne ferry wharf, which is located in one of the most densely populated areas in the inner west—in particular, St Georges Crescent which contains many unit blocks. I urge the Minister to take into account the Drummoyne ferry wharf when the Government conducts its ferry wharf review because I believe it is a necessary upgrade to improve public transport.

Since being elected, this Government has delivered more than 3,000 new public transport services, including approximately 2,800 bus services, 165 ferry services and in excess of 107 train services that run each week. This Government has introduced the Opal card, a new electronic ticketing system that will transform the way people move around this city. I am happy that three of the four railway stations in my electorate will have easy access, enabling the disabled and the elderly to use public transport. Concord West railway station facilities will be delivered very shortly as part of the northern upgrade. I agree with the article in the local newspaper about the need to upgrade this station and with the comments of Councillor Michael Megna of the City of Canada Bay Council about the need to upgrade the wharf.

GLENRAY INDUSTRIES CHARITY WALK

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.30 p.m.]: I refer to a wonderful charity walk on 29 May that will be held in my electorate to raise money for Glenray Industries. Glenray Industries caters for the residential and vocational daily needs of more than 70 people with intellectual disabilities. Glenray Industries, which was established in 1957, has evolved from a sheltered workshop and small washhouse into a commercial cabinetry and laundry business that currently employs approximately 70 people with disabilities. Glenray has four group homes and provides a day program and respite services. Across the board it supports more than 100 people with intellectual disabilities. I congratulate Glenray Industries on achieving continual growth in the community and on maintaining a long and proud history.

Glenray Industries is the only Australian disability enterprise in Bathurst and is one of the strongest-performing organisations in this industry statewide. It plays a crucial role in our community and wants to raise awareness of the services it provides in Bathurst. The organisation has eight group homes and provides support to a number of people who live independently in the community. When my family and I walk down to the shops we pass a group home and often meet one of the residents walking her dog. The residents have been able to assimilate and become an important part of our community. For more than 20 years Glenray Industries has manufactured timber products in Bathurst and also makes pallets. It also designs kitchens, builds bathrooms and makes special furniture for offices in Bathurst and throughout the Central West region. For more than 50 years Glenray Industries has operated a laundry. It started as a wash shop and is now a fully established commercial laundry.

They wash linen for restaurants, hotels and motels and launder uniforms, bar mats and a host of other items. Glenray Industries also provides mowing services, particularly roadside mowing. It undertakes work for the local council, ensuring that the city is presentable to tourists, and also does work around Mount Panorama. Glenray Industries is a strong organisation in our community and provides a great deal of support to people with disabilities. For the first time, the organisation will hold a fundraising event on 29 May between 11.00 a.m. and 2.00 p.m. Individuals, school groups, community groups and businesses will participate in a one-mile walk around Macquarie River Bicentennial Park. The money raised will go towards purchasing equipment that will improve the quality of life for people with disabilities. The organisation aims to purchase a Smart Board for the training and day programs, physiotherapy equipment, musical instruments and aqua-therapy equipment.

Glenray Industries is a not-for-profit organisation that is focused on helping people with a disability who want to help themselves to make the most of their abilities. Approximately 52 per cent of its funding is government funding and the remaining 48 per cent is generated through businesses, services and donations. Those who are unable to attend the charity walk can post a card of support, including a message and donation. The postcards will be displayed on 29 May near the Macquarie River, further helping to raise awareness of people with disabilities.

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [7.35 p.m.]: On behalf of the Government I thank the member for Bathurst for bringing to the attention of the House the outstanding contribution made by Glenray Industries to the Bathurst community and the broader western and central western regions. I am sure all members of Parliament have similar industries in their communities that employ people with disability. Those organisations are heroes in our communities and the value of their contribution cannot be understated. On behalf of the Government I wish Glenray Industries great success with its fundraising event and hope it raises the

money necessary to purchase the technology and equipment it needs to continue to offer services to the community. The organisation's level of skillset and contribution to the community are appreciated by the Parliament, particularly by the member for Bathurst. I wish Glenray Industries every success and encourage everyone to walk a mile for the organisation.

CLARENCE ELECTORATE ANZAC DAY SERVICES

Mr CHRISTOPHER GULAPTIS (Clarence) [7.36 p.m.]: I want to acknowledge the efforts of the RSL sub-branches in Clarence in organising the Anzac Day services throughout the electorate. Last Thursday marked the ninety-eighth anniversary of the landing of troops from Australia and New Zealand on the Gallipoli peninsula in Turkey. It was wonderful to see so many people attend the Anzac Day services in my electorate and across Australia. It was a day to pause and reflect on almost 100 years of service and the sacrifice made so selflessly by our service men and women and to remember those who are currently serving in our Armed Forces. In particular, I acknowledge my nephew Captain William Smith who did a tour of Afghanistan last year and returned home shortly before Christmas.

I was particularly heartened to see the increasing number of our younger generations attending the dawn services and marches. While I was unable to attend every Anzac Day service in my electorate, as there were many, it was a privilege to attend and lay a wreath at the dawn service at Lawrence. The service was organised by Danny Foster, representing the returned ex-service men and women of Lawrence. I particularly acknowledge the commitment and dedication of local veteran Allan Hill, who previously had organised this annual event for the past 23 years. That is a remarkable achievement. The cenotaph at Lawrence sits on the banks of the mighty Clarence River. Watching the sun rise and reflect on the river made for a very poignant service. It was a special morning and the service was a sight to behold with a backdrop of fog across the river as the sun rose.

I also attended and laid a wreath at the Anzac Day march and service in my hometown of Maclean and I had the honour of being the special guest speaker at the Maclean RSL Sub-branch luncheon led by President Kevin Reid. The theme of my speech was the importance of Anzac Day and its development as an important public holiday in New South Wales, even surpassing the important Christian holidays of Christmas Day and Easter. The true meaning of Anzac Day has not been forgotten, whereas our Christian holidays have been led astray by the Easter Bunny and the advertising of large stores such as Coles, Myer and David Jones. At Yamba my wife, Vicki, attended and laid a wreath at the main service organised by the Yamba RSL Sub-branch, led by President Tom Barnsley. My electorate officer Janet Gould represented me and laid a wreath at the main service organised by the South Grafton RSL Sub-branch, led by President Don Durrington. The Clarence electorate is very large and it is difficult getting around to every Anzac Day service.

Mr Paul Toole: How large?

Mr CHRISTOPHER GULAPTIS: It is 13,000 square kilometres, so it is difficult to get around the electorate and the many towns and villages that make up the electorate. I was pleased that Kevin Hogan represented me at the service in Casino. I am told that the Casino RSL Sub-branch president, Jim Dean, and his committee organised a tremendous service that was well attended by the Casino community. Anzac Day is certainly a great Australian and New Zealand tradition. It is a day to remember the courage of our people and the value of friendship. It is a day to honour and acknowledge the bravery of all our service men and women, those who lost their lives, those who continue to suffer from the effects of war and those who are currently serving in our forces. Most of all we celebrate the human spirit—the spirit of Anzac, which has made us the nation we are today.

HORNSBY GREEK FESTIVAL

Mr MATT KEAN (Hornsby) [7.41 p.m.]: Tonight I am delighted to pay tribute to all the hardworking volunteers in my Hornsby electorate who put on a fantastic show last month at the third annual Hornsby Greek Festival in Cherrybrook, an outstanding event that is thoroughly enjoyed by all who attend. This colourful and vibrant festival is still a fairly new attraction in my electorate, but it has quickly established itself as one of the community's favourite multicultural events. I attend many events, but the Hornsby Greek Festival has become one of my favourites among my parliamentary duties because of the wonderful food available at Cherrybrook.

Mr Bart Bassett: Make sure you exercise.

Mr MATT KEAN: I acknowledge the interjection of the member for Londonderry. He is known to like the occasional souvlaki and other Greek fare. The Greek population makes up less than 1 per cent of the population in Hornsby, but on 10 March that did not stop hundreds of proud Greek Australians from all over Sydney flocking to Greenway Park, Cherrybrook, to celebrate everything that is Greek. Guests at the festival were treated to an impressive array of Hellenic entertainment options, with traditional folk dancing and a live Greek band playing old-world favourites such as *Domna Samiou* and *Marianna Zorba*. I know they are favourites of the member for Londonderry. Organisers also catered to the younger generation and played a range of modern day hits from upcoming artist DJ Georgio.

I was delighted to see the local community embracing the Greek festival, with Cherrybrook Technology High School sending a band on the day to entertain visitors with an impressive musical repertoire. The Cherrybrook Technology High School band is first class. It is well recognised not just in the local community but throughout New South Wales for its excellent musicianship. I have watched the school's music program grow over the years and I thank the school's principal, Gary Johnson, for encouraging his students to be active participants in their local community. A highlight of the festival was when the folk dancers invited onlookers to link arms and join in the popular Zorba dance. This was a great example of multicultural inclusion and a celebration of our many diverse backgrounds that make our nation so unique and special.

Sampling fine cuisine is a passion of mine and I was spoilt for choice, with an amazing array of traditional foods prepared by the Greek volunteers, including delicious souvlaki, pastitsio and gyro in abundance at the outdoor markets. Another highlight was browsing through the Greek arts and crafts boutiques, which were open for shoppers to find their very own hidden Mediterranean treasure. Greek art has inspired foreign civilisations over the centuries and I can see why, with many clay and marble objects moulded into exotic shapes and designs. Anne Rassios, who works as one of the festival committee members, said the festival was about celebrating Greek food, music, wine, dance and culture. She said it was about giving integrated Greek Australians the opportunity to celebrate their culture and connect with others in the community to teach them about one of the world's most inspiring ancient cultures.

I take this opportunity to acknowledge the strong contributions that the Greek community has made to our society. Today we see many leading Australians of Greek heritage such as Australian Football League's Andrew Demetriou, comedy actor Nick Giannopoulos and our very own Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, George Souris. I was fortunate enough to open the Hornsby Greek Festival with Federal member for Berowra, Philip Ruddock, and St Therapon Parish Council President, Johnny Manolelis, a great Australian and a man who is doing wonderful work in the community. Together we spoke about the positive example the Greek community has set for newly arrived ethnic communities and how well the Hellenic people have been able to assimilate into our community while remembering their identity and upholding their rich history.

St Therapon parish priest, Father Stavros Karvelas, acted as one of my personal guides for the day and taught me all about Greek culture and traditions. Individuals like these men offer our community so much in their ambassadorial roles to promote cultural understanding and harmony. My electorate of Hornsby is blessed with a strong multicultural community, with residents coming from a diverse range of backgrounds including India, China, South Korea and South Africa. These migrants have helped transform Hornsby into the idyllic multicultural melting pot that it is today. While the Greek population is not as prevalent in Hornsby as it is in other areas, I remind my colleagues that it is vital to reach out to connect with our multicultural residents.

Since my election to this place I have set out to give these migrants a voice in politics and reconnect with them. I am proud to say that I have taken a driving role with the Liberal Friends of India group and attended many Chinese New Year events with my friends at the Cherrybrook Chinese Community Association. Elected members of Parliament can lead by example and show the nation that New South Wales is a harmonious State that is proud of its multicultural identity and rich cultural history. One of the greatest achievements of Australia as a nation is that together we have been able to build a strong and vibrant multicultural community. It is the contribution of multicultural communities that has made Australia the great country that it is today.

Private members' statements concluded.

NATIONAL TRUST HERITAGE FESTIVAL

Matter of Public Importance

Mrs BARBARA PERRY (Auburn) [7.46 p.m.]: We have a great deal of important heritage in New South Wales—heritage worth preserving and fighting for. For this reason I am pleased to speak on an important

initiative—the National Trust Heritage Festival, which this year runs from 18 April to 31 May. The theme of the festival is "Community Milestones" and is a celebration of individuals, communities and their achievements that have become landmarks in the development of our built, natural and cultural environment. The National Trust has an important role in advocating for conservation heritage places when they are under threat and for conserving around 280 properties and their collections for the benefit of current and future generations. Part of the role of the National Trust, and the Heritage Festival in particular, is to raise public awareness of the importance of conserving and protecting our special heritage places, our important Indigenous heritage and the diverse historic sites that together reflect our development as a nation.

The National Trust encourages communities and organisations to host a local heritage event or activities and provides an opportunity for all Australians to join together to celebrate our shared and special heritage. People can enjoy many things during the festival. Heritage houses around the State will be open and informative lectures and heritage walks will be available. From our heritage we learn who we are and where we came from; our heritage is worth protecting. Unfortunately, for a long period we have not protected and cherished our heritage in the way that we should. Often our heritage is protected at the whim of councils and individuals, and we assume they will do the right thing.

In relation to Aboriginal heritage, our State has acted poorly and that is a tragedy. Aboriginal heritage should not fall under the National Parks and Wildlife Act. The legislation is toothless and, in the meantime, hundreds of sites are being destroyed. While archaeologists make a lot of money writing detailed reports, they never stop the destruction and we end up documenting our own ignorance. Any saved artefacts and heritage items are scattered across the State, with no-one knowing where anything is or where it came from. When in government Labor considered introducing a separate Act for Aboriginal heritage and I commend the Government for continuing that initiative. I hope it will make a difference. I know that many community groups are hoping that the legislation really has teeth. I am very concerned about particular aspects of our heritage that need protection.

Recently I heard the President of the National Trust, Ian Carroll, OAM, give an important speech about the tragic destruction of the heritage precinct at Windsor. Thompson Square, which is Australia's first Macquarie square, was declared in 1794. It now has the dubious honour of being named as Australia's most important "heritage at risk" site for 2013 by the Federation of Australian Historical Societies and the National Trust of Australia. If option one of the Roads and Maritime Services goes ahead—and unfortunately it looks as though it will—the 1874 State significant Windsor Bridge will be demolished and a high-level concrete bridge will be put in its place. An arterial road will also be put through Australia's oldest public square, which was named after former convict Andrew Thompson in 1794 by Lachlan Macquarie; it will totally dominate this rare heritage precinct and destroy the character of the historic town of Windsor forever. There will be a constant procession of rumbling and polluting trucks through an important heritage precinct. We must highlight how important it is to keep our heritage, which is why National Trust Heritage Week is so vital.

The National Trust well knows that the replacement of part 3A planning laws with State significant infrastructure legislation will mean the rights of residents and communities to appeal against specific developments in their neighbourhood will be removed. This is very bad news for heritage in New South Wales. I am also concerned about the white paper on planning and the impact it will have on heritage—this issue is only just emerging. Effectively, as Corinne Fisher of the Better Planning Network pointed out, 80 per cent of development will be approved with no opportunity for heritage assessment, community comment or involvement. Currently unlisted items on the National Parks register can still potentially be protected. Under changes proposed in the white paper if an item is not listed, it is all too late. This is a particular worry for Aboriginal heritage, which Minister Dominello has said he is so keen to protect. Relying on the goodwill of developers to declare these heritage items and to protect them is not good enough. Unfortunately, there has not been much to celebrate during this National Trust Heritage Festival.

Mrs ROZA SAGE (Blue Mountains) [7.51 p.m.]: I really enjoy speaking about history and heritage. The National Trust Heritage Festival, which is now celebrated across the nation—and for that the National Trust is to be congratulated—is in its thirty-third year. The festival draws together hundreds of events of heritage and historical importance for a six-week celebration. I am particularly pleased to speak to this matter of importance as the electorate of the Blue Mountains and adjoining electorates of Penrith, Mulgoa and Bathurst celebrate the bicentenary of the historic crossing of the Blue Mountains in 1813 by explorers Gregory Blaxland, William Lawson and William Charles Wentworth—who looks over us in this Chamber. The theme of the festival this year is "community milestones", in celebration of individuals, communities and other achievements in the development of our built, natural and cultural environments.

In New South Wales the festival is proudly supported financially by the Office of Environment and Heritage as part of its work in preserving our heritage and also the historical awareness that is essential to maintaining public support for heritage. I am looking forward to the re-enactment of the crossing of the Blue Mountains by Blaxland, Lawson and Wentworth. It is a matter of public record that those explorers passed through what were to become four Coalition electorates: Mulgoa, Penrith, Blue Mountains and Bathurst—they chose their route wisely. The Office of Environment and Heritage has provided a significant grant to the Blue Wave group of volunteers who will make the 21-day walk—among that party will be descendants of the three explorers. I look forward to joining the Governor and Minister Robyn Parker, our first Minister for Heritage in more than 25 years—it took a Coalition Government to do it—to farewell the group when it sets off from St Marys on 11 May.

This Government has a proud record on heritage. It has restructured heritage administration and created a Heritage Office; currently it is appointing the first Heritage Director—yet another election commitment that was delivered. I can assure the member for Auburn that the Government is currently reviewing Aboriginal cultural heritage to improve the system, remove it from the National Parks and Wildlife Act and create new legislation. The Government has also declared and protected 19 Aboriginal places of special significance. It has facilitated 58 repatriations of Aboriginal remains and collections of cultural materials to Aboriginal communities. The Government has added 51 buildings to the State Heritage Register, including three Aboriginal children's homes: Bomaderry, Cootamundra and Kinchela linked to the stolen generations. Also included are Hambleton Cottage at Parramatta, Green Cape Maritime Precinct, the moveable heritage collection of the Penrith Museum of Fire, and Tocal College in the Hunter Valley.

The Office of Environment and Heritage has just announced the \$6 million 2013 to 2015 Heritage Grants program, which includes \$400,000 for Aboriginal heritage places; \$1,036,000 for community, youth and seniors heritage projects; \$2.5 million for State Heritage Register listed places, including \$2.2 million for major works projects and \$200,000 for emergency works; and \$1.8 million for local heritage places. I also note that the member for Auburn is misinformed about the Windsor Bridge. The Windsor Bridge will be replaced with a similar-looking bridge. There will be no new traffic and it will be situated along the same corridor.

As the member for Blue Mountains, I am very blessed to have such a rich historic legacy. There are three National Trust buildings in my electorate: the Everglades at Leura, with the Paul Sorensen gardens; the Norman Lindsay Gallery at Faulconbridge, which houses the many works of that Australian artist and author; and the Woodford Academy, which is the oldest building on the mountains. Many of our active history organisations will contribute to the National Trust festival, including the Mount Victoria and District Historical Society—of which I am also the patron—with a bicentenary crossings exhibition. [*Time expired.*]

Mr CLAYTON BARR (Cessnock) [7.56 p.m.]: It is with much pleasure that I contribute to discussion on this matter of public importance. I acknowledge the great work that the National Trust of Australia does. It will come as no surprise that that organisation was established by a woman with a large sensibility of the need to preserve things from a bygone era—men sometimes struggle with that type of thing but women are fantastic at it. A volunteer workforce of approximately 7,000 people nationwide also helps to ensure that the work of the National Trust is done properly. The National Trust of Australia is a community-based, non-government organisation committed to promoting and conserving Australia's Indigenous, natural and historic heritage through its advocacy work and its custodianship of heritage places and objects. It says on its website that the National Trust of Australia is the only conservation organisation in Australia concerned with all aspects of heritage natural and cultural, tangible and intangible.

I draw that to the attention of members, as we are currently watching the desecration of Aboriginal heritage and culture in the Butterfly Caves at West Wallsend because of the Hammersmith development, yet this was information that was brought to the attention of the planners and bureaucrats involved in and around this development. The Butterfly Caves are a place of significant female Aboriginal culture. As a male I am unable to visit them—and I respect that Aboriginal culture—but I have taken female Opposition members to look at the caves and they have told me how amazing they are. Apart from the Aboriginal culture and heritage, they are called the Butterfly Caves because they are used as a breeding ground by butterflies. It is not uncommon for several thousand butterflies to be found on the roof of the caves.

When the planning development went through, the Aboriginal people of the area sought a 100-metre exclusion zone. That seemed fairly reasonable, but they were provided with a 20-metre exclusion zone. Basically, a 20-metre exclusion zone will put a big red flashing light straight above this place, which has 20,000 years of history, to make sure that everybody knows exactly where it is. Meanwhile, some white-spotted,

small-clawed, twisted-beak owl got a 100-metre exclusion zone. We are hopeless at recognising our Indigenous culture in this country and in this State, and we need to be better. I hope that the National Trust Heritage Festival helps us to do that.

Mrs BARBARA PERRY (Auburn) [7.59 p.m.], in reply: I thank the member for Blue Mountains and the member for Cessnock. The member for Cessnock certainly does not mince words. I agree that we are extremely hopeless at preserving Aboriginal heritage as well as heritage more broadly in this country and in this State. I note that the member for Londonderry is in the House tonight and has heard this debate. It was extremely disappointing that the member for Londonderry issued an invitation to the rally on 14 April regarding Windsor Bridge but did not see fit to go and explain his Government's policy or view. If he believed that what is proposed will not destroy heritage he should have been man enough to go there and say that at the rally, but he did not. Option one for Thompson Square and Windsor Bridge will definitely impact on the heritage precinct—there is absolutely no doubt about that.

Mr Bart Bassett: Rubbish.

Mrs BARBARA PERRY: Yes, it will. The festival highlights for us what is truly important: preserving who we are, in large part. If we do not know who we are and where we came from, and if we do not have things to remind us of that, we do not know where we are going. I raised in the debate the issue of councils. A couple of nights ago, disappointingly, Waverley Council resolved to demolish the historic Bondi Junction boot factory. It is extremely sad that Waverley Council has voted to destroy the boot factory. I do not see the point in having a Minister for Heritage in this State if she is not going to intervene and put in place an interim heritage order that would enable safety and structural concerns surrounding the building to be reviewed in a methodical manner, without the rush that we saw at Waverley Council.

It beggars belief that in this day and age when considering a building like the boot factory, which is so much a part of our history, the council did not get a specialist heritage engineer's report on it. Just like Thompson Square and Windsor Bridge, the boot factory building is a beloved Sydney icon; it has played a formative role in the development of our nation's footwear industry. I commend the National Trust Heritage Festival and all the volunteers across Australia who do so much to enlighten the community and who lobby and advocate to preserve heritage in this country.

Discussion concluded.

BAIL 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) [8.03 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Bail Bill 2013. In June 2011, consistent with our pre-election commitments, the Government announced that the New South Wales Law Reform Commission would be undertaking a review of the Bail Act 1978. The Government provided the Law Reform Commission with wide-ranging terms of reference for the review so that it could take a fundamental look at bail laws in New South Wales. The commission's report on the review was tabled in both Houses of Parliament on 13 June 2012. In its report the Law Reform Commission noted that the Bail Act 1978 has been amended by more than 80 other Acts since its introduction. Those amendments have made the Act difficult to comprehend and navigate, even for those with legal training.

The commission made a number of recommendations proposing a significant overhaul of bail laws including the drafting of a new plain English Bail Act. The Government published its response to the commission's review in November 2012. The Government agreed to adopt a large number of the recommendations made by the review. However, rather than implement a justification approach to bail, as favoured by the Law Reform Commission, the Government decided to adopt a risk-management approach to bail decision-making. The bill has been drafted in accordance with the Government response and its key feature is a simple unacceptable risk test for bail decisions. This test will focus bail decision-making on the identification and mitigation of unacceptable risk, which should result in decisions that better achieve the goals of protection of the community while appropriately safeguarding the rights of the accused person.

A significant feature of the bill is that it operates without the complex scheme of offence-based presumptions contained in the existing Act. Under current bail laws, some offences carry a presumption in favour of bail, others carry a presumption against and there are offences where no presumptions apply. This has added a layer of significant complexity to bail decision-making which the bill's unacceptable risk test is intended to avoid. Bail presumptions generally apply based on the particular section under which the accused is charged. This means that they may not reflect the actual seriousness of the alleged offending or the risk the accused poses to the community.

Rather than rely on presumptions, the bill requires that the bail authority consider particular risks when determining bail, namely, the risk that the accused will fail to appear, commit a serious offence, endanger the safety of individuals or the community, or interfere with witnesses. The bill incorporates a number of key considerations that need to be taken into account in deciding whether there are any risks of this nature and whether they are unacceptable. These considerations incorporate matters relevant to the protection of the community and the criminal justice system as well as the rights of the accused person. If the bail authority is satisfied that the accused person presents an unacceptable risk, it will have to assess whether that risk can be sufficiently mitigated by the imposition of bail conditions. If satisfied that the risk can be sufficiently mitigated, the person will be released to conditional bail. If the risk cannot be so mitigated, bail will be refused.

The Government considers that applying its unacceptable risk test is a much simpler and more responsive way to make bail decisions than applying the complex scheme of presumptions in the existing Bail Act. Simplifying bail laws so that they are easier to understand and apply is one of the key goals of this bill. The Law Reform Commission recommended that the bill be drafted in plain English, and Parliamentary Counsel consulted with the Plain English Foundation during the drafting process. I note that the provisions governing the unacceptable risk test in part 3 of the bill have been distilled into a flowchart which should greatly assist police, legal practitioners and courts when applying the legislation. The bill has also been the subject of targeted consultation with the heads of jurisdiction, key legal stakeholders and police.

Simplifying the decision-making process and focusing on risk rather than offence-based presumptions should also achieve the goal of ensuring that bail decisions are more consistent with the terms of the law. This is an outcome not always evident in decisions under the existing Act. For example, an analysis by the Bureau of Crime Statistics and Research has shown that those who are charged with an offence carrying no presumption in relation to bail face a greater risk of being remanded in custody than those charged with an offence carrying a presumption against bail. The Government is grateful to the Law Reform Commission for its hard work in undertaking the review of bail laws. Whilst not all of the commission's recommendations have been adopted, many of its proposals have been incorporated in the bill. The commission's report has proved invaluable in laying the groundwork for this important piece of reform.

I now turn to the main detail of the bill. Part 1 of the bill sets out preliminary matters. Proposed section 2 of part 1 states that the bill will commence upon proclamation. I pause to note that the Government expects the new Act to commence operation approximately 12 months from the date of its assent. The Government is aware that its new bail model is a paradigm shift. Therefore, the period between passage of the legislation and its commencement will be used to mount an education and training campaign for police, legal practitioners and courts regarding the new legislation. Further, changes will be made to the courts' JusticeLink system, the New South Wales Police information technology systems and bail forms to ensure a smooth transition to the new regime. Supporting regulations for the new legislation will also be drafted in anticipation of its commencement.

Proposed section 3 sets out the purpose of the Act which, at its essence, is to provide a legislative framework for bail decisions. This provision also requires a bail authority making a bail decision under the Act to have regard to the presumption of innocence and the general right to be at liberty. It is appropriate that these important legal principles be considered as part of the bail decision-making process. Proposed section 4 contains definitions relevant to the Act. Notably, this section defines a "bail authority" as a police officer, an authorised justice or a court. Proposed section 5 defines "proceedings for an offence" to mean criminal proceedings, including committal proceedings, proceedings relating to bail or sentence, and proceedings on an appeal against conviction or sentence. Under the bill proceedings for an offence are generally treated as substantive proceedings unless they relate to bail or are interlocutory in nature.

Proposed section 6 stipulates that proceedings for an offence conclude when a court finally disposes of the proceedings. It makes clear that proceedings do not conclude until a person convicted of an offence has been sentenced. This provision is important as the bill provides that bail, once imposed, remains in place without further order until the proceedings have concluded. Part 2 of the bill sets out general provisions governing bail.

Proposed section 7 of part 2 explains that bail is authority to be at liberty for an offence and can be granted under the Act to a person accused of an offence. It provides that a person in custody who is granted bail is entitled to be released, subject to the provisions of proposed section 14, which I will come to shortly.

Proposed section 8 sets out the bail decisions that can be made, including a decision to release a person without bail; to dispense with bail; to grant bail, with or without conditions; and to refuse bail. Proposed sections 9 to 11 of part 2 provide restrictions on who can make particular bail decisions. Proposed section 9 provides that a decision to release without bail can only be made by a police officer who has power to make that decision under the Act. Proposed section 10 provides that a decision to dispense with bail can only be made by a court or authorised justice. Proposed section 11 provides that a decision to grant or refuse bail can be made by a police officer, authorised justice or court with power to make the relevant decision under the Act.

Proposed section 12 provides that bail ceases to have effect if it is revoked or substantive proceedings for the offence conclude. This means that if bail is granted to an accused, that bail and any conditions attaching to it continue to apply until the matter is finalised, unless varied or revoked sooner. The Law Reform Commission recommended implementation of a system of continuous bail to remove the need to formally continue bail every time the accused appears before the court, thereby streamlining court bail procedures. Proposed section 12 (3) allows for the imposition of bail for a specified period should that be considered necessary. Proposed section 13 provides that a person who is granted bail, or for whom bail is dispensed with, is required to appear in court, and to surrender to the custody of the court, as and when required to do so in the relevant proceedings. Those granted bail are required to appear in accordance with their bail acknowledgement.

Pursuant to proposed section 14 of the bill, accused persons granted bail will have to sign a bail acknowledgement before they can be released. The substantive provisions governing bail acknowledgements are contained in part 4 of the bill. Proposed section 14 also stipulates that a person granted bail will have to comply with any pre-release requirements of bail conditions before being released to bail. Part 3 of the bill sets out the process for making and varying bail decisions. It implements the Government's new unacceptable risk test as the primary decision-making tool for bail authorities. Proposed section 16 contains a flowchart which depicts the decision-making process that the bail authority is required to undertake when applying the Government's unacceptable risk test. Courts and police have been consulted in relation to the bill and feedback provided confirms that the flowchart is a welcome addition to the legislation.

The provisions in division 2 of part 3 reflect the decision-making process depicted in the flowchart. Pursuant to proposed section 17, the first step a bail authority will be required to take before making a bail decision is to consider whether there are any unacceptable risks. In particular, the bail authority will be required to consider whether there is an unacceptable risk that the accused, if released, will fail to appear in any proceedings for the offence; commit a serious offence; endanger the safety of victims, individuals or the community; or interfere with witnesses or evidence. If the accused is not in custody at the time of the bail decision, the bail authority is to consider this question as though he or she was in custody and would be released as a result of the bail decision.

Proposed section 17 (3) sets out an exhaustive list of matters that the bail authority will be required to consider when determining whether or not there is an unacceptable risk. They include matters such as the accused's background and criminal history, the nature and seriousness of the offence, the strength of the prosecution case and any special vulnerability or needs the accused has because of youth, because accused persons are an Aboriginal or Torres Strait Islander, or because they have a cognitive or mental health impairment. Whilst some of the considerations do not go directly to the existence of one of the risks identified in proposed section 17 (2), they will be relevant to the question of whether or not any such risk is unacceptable, which is part of the determination the bail authority must make.

Proposed section 17 (4) sets out the matters the bail authority will need to consider in determining whether an offence is a serious offence for the purposes of making the unacceptable risk assessment. As I have noted, pursuant to proposed section 3, the bail authority will also need to have regard to the presumption of innocence and the general right to be at liberty. If a bail authority is satisfied that there is no unacceptable risk then, in accordance with the bail decision flowchart and proposed section 18 of the bill, it can release the person without bail, dispense with bail or grant unconditional bail. However, if the bail authority is satisfied that there is an unacceptable risk, it can either grant or refuse bail pursuant to proposed section 19. In deciding between these alternatives, the bail authority must determine whether or not the unacceptable risk or risks identified can be sufficiently mitigated by the imposition of bail conditions. If bail conditions can sufficiently mitigate the risk then conditional bail will be granted.

However, if conditions cannot sufficiently mitigate the risk then in accordance with the flowchart and proposed section 20 bail will be refused. Proposed section 21 creates a right to release for minor offences, including all fine-only offences and most offences under the Summary Offences Act 1988. Certain summary offences involving knives, laser pointers and others of a relatively serious nature have been excluded from the right to release. For offences with a right to release, the bail decision flowchart does not apply as bail authorities will not be permitted to refuse bail for these offences. However, the unacceptable risk test will still apply and it will be possible to impose conditions on bail where appropriate. Proposed section 21 (4) provides that an offence will no longer attract a right to release if accused persons fail to comply with their bail acknowledgement or a bail condition imposed for the offence. Should this occur, the offence will be treated as any other offence under the Act.

Proposed section 22 provides that a court is not to grant or dispense with bail on an appeal against conviction or sentence to the Court of Criminal Appeal, or on appeal from that court to the High Court, unless it is established that special or exceptional circumstances justify the decision. The same test applies to appeals of this nature under the existing Act and the Law Reform Commission recommended that it be retained. In determining appeals for these matters, the accused will need to establish that special or exceptional circumstances exist to justify a decision not to refuse bail. Should that occur, the court will also be required to apply the unacceptable risk test before making the bail decision.

Division 3 of part 3 provides for the imposition of conditions on bail. The Law Reform Commission noted in its report concerns expressed by many stakeholders about the increasing use of bail conditions to address issues related to the welfare of the accused rather than achieving the traditional aims of bail, such as ensuring the accused's attendance at court. The Government agrees that there needs to be appropriate guidance in the legislation regarding the permissible purposes for bail conditions and the restrictions which apply to them so that unnecessary conditions are not imposed. Clause 24 therefore sets out a number of rules for bail conditions. Consistent with the Government's risk-based approach to bail, it provides that bail conditions can be imposed only for the purpose of mitigating an unacceptable risk. Conditions must be reasonable, proportionate to the alleged offence and appropriate to address the unacceptable risk in relation to which they are imposed. Further, they must not be more onerous than is necessary to mitigate that risk. The court will also need to ensure that compliance with the bail conditions is reasonably practicable.

Proposed sections 25 to 27 set out types of conditions that can be imposed on bail, including conditions imposing requirements as to conduct, the provision of security for bail and the provision of character acknowledgements. These conditions are generally consistent with the types of conditions that can be imposed under the existing Act. Proposed section 28 permits courts and authorised justices to impose an accommodation requirement being a bail condition requiring that suitable accommodation be arranged before a person is released to bail. The Law Reform Commission recommended that the new Act should provide for a condition of this nature in relation to children, and proposed section 28 implements this recommendation. The Children's Court has faced a recurring difficulty when dealing with children whom it wishes to release to bail but who do not have suitable accommodation available. Under the existing Act the court's only option in those circumstances is to refuse bail to the young person and then reconsider it when accommodation is organised.

However, proposed section 28 allows the court to impose bail, including the accommodation requirement, and, once suitable accommodation has been found, the accused can be released to bail without the matter having to be relisted before the court. The bill incorporates safeguards recommended by the Law Reform Commission including a requirement that the court relist the matter at least every two days for further hearing until the condition is met, to ensure that the person is not detained for an unduly lengthy period beyond the grant of bail. Whilst the provision is presently targeted at children, it includes a regulation-making power to allow for the extension of these requirements to adults, for example, to facilitate the imposition of a residential rehabilitation condition. As I have noted, under clause 14 the accused must comply with any pre-release bail requirements before being released to bail. Proposed section 29 provides that the only requirements that can be imposed as pre-release requirements are those relating to accommodation, surrender of passport and provision of security and/or character acknowledgements.

Proposed section 30 provides for the imposition of enforcement conditions on bail. An enforcement condition is a bail condition that requires the accused to comply, while on bail, with one or more specified kinds of police directions imposed for the purpose of monitoring or enforcing compliance with an underlying bail condition. The Government introduced amendments to the Bail Act 1978 last year to authorise the imposition of enforcement conditions in response to the Supreme Court's decision in *Lawson and Dunlevy*. As noted at the time, the Law Reform Commission had recommended the inclusion of provisions to authorise enforcement conditions in its report on bail. The bill incorporates the same provisions added to the existing Act last year.

Division 4 of part 2 includes evidentiary provisions relating to the exercising of functions in relation to bail consistent with provisions in the existing Act, notably that the rules of evidence do not apply to the exercise of bail functions by a bail authority under the Act and that bail decisions are to be made on the balance of probabilities. Part 4, division 1, of the bill sets out procedures that must be followed after a bail decision is made. Proposed section 33 sets out requirements for bail acknowledgements. Under the existing Act the accused is required to sign a bail undertaking; however, the Law Reform Commission recommended that bail undertakings be scrapped and replaced with a new system of notices. The new concept of a bail acknowledgement implements this recommendation.

Pursuant to the bail acknowledgement, the accused will be required to appear before the court at the times specified in a notice of listing provided to them and to notify the court of any change of address. The bail acknowledgement will set out the conditions of bail and include important information regarding matters such as the variation of a bail decision. The balance of division 1 sets out procedures that must be followed after a bail decision is made. Proposed sections 34 and 35 require the provision of certain notices and information to the accused person where bail is varied or refused. Proposed sections 36 and 37 impose obligations regarding the provision of information to a person who has agreed to provide bail security or a character acknowledgement under a bail condition. Proposed section 38 requires the bail authority to give reasons for making certain decisions including setting out the unacceptable risks identified.

Division 2 of part 4 remakes a number of important provisions in the existing Act. Proposed section 40 provides for the prosecution to seek a stay of a decision to grant or dispense with bail in relation to a serious offence where such a decision is made on the first appearance by the accused so that a detention application can be made to the Supreme Court. Proposed section 41 restricts the maximum period for which certain officers and courts can adjourn a matter if bail is refused. Proposed section 42 imposes notice requirements where bail is granted but the accused person is not released.

Part 5 sets out the powers of bail authorities to make and vary bail decisions. Division 1 provides for bail decisions by police officers. Consistent with the existing Act, proposed section 43 provides that a police officer can make a bail decision in relation to a person present at a police station if they are of or above the rank of sergeant, or in charge of the police station at the relevant time. Proposed sections 44 to 46 recreate existing safeguards in relation to police bail decisions, including a requirement that a bail decision be made as soon as reasonably practicable after a person is charged and that a person who is not released on bail be taken before a court or authorised justice as soon as practicable to be dealt with according to law.

These proposed sections also retain existing requirements in relation to information and facilities that must be provided to accused people by police. I note that proposed section 44 incorporates a provision allowing police to defer a bail decision if a person is intoxicated, as defined in clause 4, but stipulates that this deferral must not cause delay in bringing the person before a court or authorised justice. It is not appropriate for a bail decision to be made in circumstances where a person's intoxication means they are unlikely to understand it. The existing Act provides that intoxication is a general consideration when making a bail decision; however, the Law Reform Commission recommended against such a consideration being retained. The bill therefore provides for a deferral of a bail decision in these circumstances with appropriate safeguards. A complementary deferral power for courts has also been provided in clause 56.

Proposed section 47 implements recommendations made by the Law Reform Commission to clarify the circumstances in which a bail decision of a police officer can be reviewed by a more senior officer. Consistent with those recommendations, it provides that a police officer who is more senior to the one who made the bail decision may review a decision to refuse bail or to impose conditional bail. Such a review can be conducted on the senior officer's own initiative and must be conducted if requested by the accused person. However, a review is not to be carried out if it would cause delay in bringing the accused person before a court. Division 2 of part 5 sets out the powers of courts and authorised justices in relation to bail applications. The Law Reform Commission noted that the existing scheme for review by a court of a previous bail decision can be confusing, as it may be unclear whether a new application is being made or a review of the previous decision is being sought.

The commission therefore recommended that the review system be scrapped and that a simplified application regime be implemented whereby three forms of bail application can be made, depending on what outcome is sought. The bill implements this recommendation. Proposed section 49 provides for the accused to make a release application, being an application to have bail granted or dispensed with. Proposed section 50 provides for the prosecution to make a detention application, being an application to have the accused's bail

refused or revoked. In relation to both of these types of application, the relevant bail authority may, after hearing the application, dispense with bail, grant bail or refuse bail and may vary or affirm a previous bail decision made. A detention application cannot be heard unless the accused has been provided with reasonable notice, subject to the regulations.

Proposed section 51 provides for the third type of application recommended by the Law Reform Commission, being an application for variation of bail conditions. The provision sets out the parties who may make such an application, including the complainant where the accused is charged with a domestic violence offence or, where bail is granted on an application for an apprehended violence order under the Crimes (Domestic and Personal Violence) Act 2007, the person for whose protection the order would be made. Proposed section 51 (8) makes clear that when a variation application is made by the complainant or person in need of protection, the prosecutor in the matter has standing in relation to the application and must be provided with a reasonable opportunity to be heard. After hearing a variation application the bail authority may refuse the application or vary the bail decision. However, proposed section 51 (9) stipulates that bail may not be revoked unless the prosecution has requested revocation.

Proposed section 52 replicates existing powers for authorised justices to hear variation applications in relation to bail decisions made by courts. Proposed section 53 implements a recommendation of the Law Reform Commission, providing power to courts and authorised justices to grant or vary bail on a person's first appearance for an offence without an application having to be made. However, this power can be exercised only if it is to benefit the accused person. Proposed section 54 clarifies that a court can refuse bail, or affirm a decision to refuse bail, if a person in custody appears before the court and does not make a bail application on a first appearance. Proposed section 55 replicates powers in the existing Act that allow courts and authorised justices to reconsider bail in relation to an accused person who has been granted bail but who has remained in custody because they have not complied with a bail condition.

Proposed section 56 provides courts with the power to defer a bail decision and adjourn the proceedings where an accused person is intoxicated, but not for more than 24 hours. I have already outlined the rationale for this provision in relation to proposed section 44. Proposed sections 57 and 58 impose restrictions on the powers of the Local Court and authorised justices in relation to varying bail conditions. Part 6 sets out the powers of courts and authorised justices to hear bail applications. These provisions have been drafted so as to give effect to the recommendations of the Law Reform Commission while retaining, where possible, the existing powers of courts and authorised justices to hear applications and review bail decisions. Whilst the bill does not retain the concept of reviewing a bail decision, the new application regime and the powers provided to courts to hear bail applications following an earlier bail decision will ensure that the accused and the prosecution have appropriate avenues available to them to have a bail decision reconsidered, either in the same court or in a higher court. I note that these provisions have also been the subject of consultation with the relevant heads of jurisdiction.

Proposed section 61 provides the general rule that a court has power to hear a bail application for an offence if proceedings for the offence are pending before it. However, proposed section 62 provides that a court that convicts a person for an offence may still hear a bail application for the offence after an appeal is lodged against the conviction or sentence, up until the person makes their first appearance in the appeal proceedings. Division 3 sets out the powers of particular courts to hear bail applications. I will not set out these provisions in detail. However, I note that proposed section 66 allows the Supreme Court to hear a variation application or detention application where a bail decision has already been made by the District Court. This differs from the existing Act whereby decisions of the District Court can be reviewed only by the Court of Criminal Appeal.

Division 4 of part 6 imposes some restrictions on the powers of courts to hear bail applications. These restrictions have largely been carried over from the existing Act. Part 7 contains a number of important safeguards in relation to bail applications, including the requirement that they be dealt with as soon as reasonably practicable. Proposed section 72 imposes a mandatory requirement on courts and authorised justices to hear an application for release or variation made by an accused person on their first appearance in substantive proceedings for an offence. Proposed section 72 (2) provides that the bail authority is not to decline to hear the application because notice has not been provided to the prosecution, but may adjourn the hearing if it is necessary in the interests of justice. This proposed section implements a recommendation made by the Law Reform Commission.

Proposed section 73 sets out discretionary grounds on which a court may refuse to hear a bail application including because it is frivolous, vexatious or without substance. Proposed section 73 (3), however,

preserves the requirement in proposed section 72 to hear applications made on first appearance. Proposed section 74 largely remakes provisions in existing section 22A of the Bail Act 1978 restricting second or subsequent release applications made to the same court. This has been the most controversial provision, particularly in relation to juveniles. The proposed section also extends these restrictions to second or subsequent detention applications made by the prosecution. It stipulates that a court is to refuse to hear a second or subsequent release or detention application unless there are grounds for a further application. In relation to release applications, proposed section 74 (3) sets out the grounds for a further application, including where there is relevant information that was not presented on the previous application and where relevant circumstances have changed since the last application.

However, this provision includes an additional ground for a further application, not contained in the existing section 22A, which applies where the accused person is a child and the previous application was made on their first appearance for the offence. The Law Reform Commission's review noted the particular difficulties that can be faced by legal practitioners when taking instructions from juveniles at the early stages of proceedings. This additional ground for a further application has been included in recognition of that difficulty. The grounds for a further detention application in proposed section 74 (4) also include a change in circumstances and where there is new information relevant to the grant of bail. An example of circumstances that may qualify as grounds for a further detention application is where the accused enters a plea of guilty or is convicted of the offence following a hearing.

Detention applications have been included in this provision because they are a new form of application, not provided for in the existing Act, and it is appropriate that a second or subsequent application to the same court not be heard unless grounds for the application are demonstrated. This will not prevent the prosecution from making a detention application in another jurisdiction with power to hear such an application. For example, where a detention application is refused in the Local Court the prosecution can make a further application in the Supreme Court without having to demonstrate grounds for the application.

Part 8 deals with enforcement of bail requirements. The Law Reform Commission recommended that the legislation set out the options open to police when responding to a breach or threatened breach of bail and the matters that should be considered by police when doing so. Proposed section 77 (1) therefore stipulates the actions that a police officer may take in relation to a person who the officer reasonably believes has failed, or is about to fail, to comply with a bail acknowledgement or bail conditions. In those circumstances the officer may decide to take no action, issue a warning, issue an application notice or court attendance notice to the person requiring them to attend court, arrest the person, or apply for an arrest warrant.

Proposed section 77 (3) sets out the considerations that a police officer is required to take into account when deciding whether to take action, and what action to take. They include the seriousness of the failure or threatened failure, whether the person has a reasonable excuse, the personal attributes and circumstances of the person and whether an alternative to arrest is appropriate in the circumstances. Proposed section 77 (2) also makes clear that if an officer arrests a person for a breach, the officer may decide to discontinue the arrest and instead issue a warning, application notice or court attendance notice.

Proposed section 78 sets out the powers of courts and other bail authorities when dealing with an alleged breach of bail. Proposed section 78 (2) stipulates that bail may be revoked or refused only when the authority is satisfied that the person has failed or was about to fail to comply with their bail and, having considered all possible alternatives, the decision to refuse bail is justified. Consistent with proposed section 21, which governs offences with a right to release, proposed section 78 (4) provides that bail may be revoked or refused for these offences and that an offence no longer has a right to release if bail is so revoked or refused.

Proposed sections 79 and 80 recreate the offence of failing to appear which the Law Reform Commission recommended should be retained. It will be an offence when a person, without reasonable excuse, fails to appear before a court in accordance with their bail acknowledgement. The offence attracts the same maximum penalty as the offence for which bail is granted, but any penalty imposed is not to exceed three years imprisonment and/or a fine of 30 penalty units, which is \$3,300. Part 9 remakes and simplifies provisions in the existing Act relating to bail security requirements. I will not set these provisions out in detail.

Part 10 contains a number of miscellaneous provisions which are generally consistent with ancillary and machinery provisions in the existing Act. Some significant provisions in part 10 include proposed section 89, which restricts publication of certain information regarding association conditions; proposed sections 93 and 94, which are evidentiary provisions; and proposed section 95, which provides for the delegation of functions of

bail authorities. Proposed section 100 provides for the repeal of the Bail Act 1978. Proposed section 101 provides that the new Bail Act is to be reviewed after three years in operation, with the review to consider whether the policy objectives of the Act remain valid and the terms of the Act remain appropriate for securing those objectives. A report on the review is to be tabled in each House of Parliament within 12 months after the end of the period of three years.

Schedule 1 to the bill extends the application of the legislation to bail proceedings under other Acts and to proceedings relating to the administration of sentences. Schedule 2 remakes and simplifies provisions in the existing Act governing the forfeiture of security in bail proceedings. Again, I will not set these provisions out in detail. Schedule 3 contains savings and transitional provisions. These provisions will ensure that bail granted under the existing Act will continue to have effect when the new legislation commences. Further, they will apply the provisions of the new legislation to bail undertakings and bail applications that are on foot at the time of its commencement. The Bail Act is referred to in a number of other pieces of legislation and consequential amendments will need to be made to those Acts when the new Act commences. Later in the year the Government will bring forward a further bill to make those consequential amendments. I commend the bill to the House.

Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.

**The House adjourned pursuant to resolution at 8.46 p.m. until
Thursday 2 May 2013 at 10.00 a.m.**
