LEGISLATIVE ASSEMBLY

Wednesday 16 October 2013

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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.

CROWN LANDS AMENDMENT (MULTIPLE LAND USE) BILL 2013

Second Reading

Debate resumed from 15 October 2013.

Mr JOHN FLOWERS (Rockdale) [10.04 a.m.]: As I was saying yesterday before the debate was interrupted, the object of the Crown Lands Amendment (Multiple Land Use) Bill 2013 is to amend the Crown Lands Act 1989 as follows: to provide that a secondary interest such as a lease, licence, permit, easement or right-of-way can be granted in respect of Crown land that is reserved for a public purpose, known as a Crown reserve, so long as use and occupation of the land under the secondary interest would not be likely to materially harm the use and occupation of the land for the public purpose for which it is reserved; to authorise the Minister or a reserve trust to validate the grant of a secondary interest over a Crown reserve by making such changes to the secondary interest as may be necessary to ensure that it was validly granted; and to require notice to be given to the Minister or a reserve trust before the validity of a secondary interest over a Crown reserve can be challenged in court proceedings.

As a consequence of the Goomallee decision, the majority of Crown land tenures that have been granted over reservations on Crown land are now subject to challenge based on that decision. The Crown Lands Amendment (Multiple Land Use) Bill 2013 amends the Crown Lands Act 1989 to ensure that both existing and future secondary tenures over Crown reservations are valid provided they are not causing or likely to cause material harm to the primary purposes of the reserve. This will provide certainty for all land users and continuity of activities across the Crown land estate. This supports the important multiple use principle in the Crown Lands Act that Crown land should be used for multiple community and economic purposes. A reasonable harm test is also proposed in the bill so that other facilities and services that the community supports can be developed on Crown land as long as they do not substantially disrupt or distract from the reserve's primary purposes. The bill also provides certainty for mobile phone tower sites located on reserves because they are now regarded as community service essentials.

The bill will minimise litigation and provide a cost-effective and accessible method of dispute resolution in the case of competing community, private and public interests. The bill is retrospective. The Government has carefully considered this approach and believes it is the appropriate course of action in the circumstances. If the purpose of every Crown reserve were expanded to include those of all existing secondary tenures, it would only validate tenures granted in the future and would not remedy the legal invalidity of thousands of secondary tenures during all the years they have been in operation. In addition, the Minister would have to publish thousands of gazettal notices adding new purposes to all the affected reserves and would have to revoke and re-issue all 7,000 secondary leases, licences and permits of the Crown estate plus numerous tenancies issued by another 1,100 reserve trusts.

Not only would this impose significant financial and resource costs on government—estimated to require a team of public servants several years to complete at a minimum cost of $4 million for Crown-issued

tenancies alone—but also it would entail unnecessary uncertainty and economic disruption for thousands of communities and businesses across the State. That would be an unacceptable outcome. For these reasons the most efficient and least disruptive means of remedying this problem is to make the bill retrospective.

An exception to the retrospective application of the bill is proposed for Aboriginal land claims in order not to erode existing rights. Special provisions apply to Aboriginal land claims—numbering in the vicinity of 2,900 claims—that have already been lodged to be processed as per normal and as if the bill had never been passed. The bill will apply to new land claims lodged from the date of the court decision of 9 November 2012. It is not the purpose of the bill to frustrate the land claims process or affect the rights of the land council. The purpose is to restore the multiple use principle contained in the Crown Lands Act. I commend the bill to the House.

Mr CHRISTOPHER GULAPTIS (Clarence) [10.08 a.m.]: It is my pleasure to speak on the Crown Lands Amendment (Multiple Land Use) Bill 2013. During my career as a surveyor I spent many years investigating Crown reserves and surveying parts of their boundaries. I recognise the important role they play in the development of this State. This amendment bill will provide stability and certainty for thousands of community and commercial tenancies on Crown land. The New South Wales Liberal-Nationals Government recognises the important contributions these organisations make to our local communities and economies.

This is a common-sense bill, which essentially ensures that there can be legal multiple use of Crown lands. This Government is committed to strengthening our communities and is providing certainty to the community, business and land councils relating to the lawful use of Crown land. It is enabling the economic and social value of the Crown estate to be maximised. In New South Wales Crown land comprises approximately 34 million hectares, or 42 per cent, of the State. That is a significant proportion of the State. Crown land that has been set aside for public services is generally referred to as a Crown reserve and there are approximately 35,000 Crown reserves in New South Wales.

Section 11 (d) of the Crown Lands Act 1989 states that, "Where appropriate multiple use of Crown land be encouraged." This bill is consistent with that multiple use principle. More than 8,000 secondary tenures have been issued by the New South Wales Government over Crown reserves in New South Wales for community and commercial purposes and, without the amendments, up to 90 per cent of the tenures could be challenged because they are for purposes that were not the primary purpose of the reserve. These multiple use tenures cover up to 12 million hectares in land and generate nearly $10 million annually in rent. The Goomallee decision found that if Crown land is reserved for a public purpose and a lease, licence or permit, or secondary tenure is granted over that land for an inconsistent purpose then the tenure will be invalid.

The court's decision potentially undermines many thousands of community and commercial tenancies and that is why this bill is so important: it provides certainty for all land users and continuity in activities across the Crown land estate. It supports the multiple use principle in the Crown Lands Act 1989: that Crown land should be used for multiple community and economic purposes. This is consistent with what is happening today and very different to when the Crown reserve was initially declared. The bill ensures that both existing and future secondary tenures over Crown reservations are valid provided that they are not causing, or likely to cause, material harm to the primary purpose of the reserve.

A significant number of community groups will benefit from this proposed legislation. In my electorate this includes the Yamba Surf Life Saving Club; Minnie Water-Wooli Surf Life Saving Club; numerous community halls, including Red Rock and Lawrence; the showgrounds at Casino, Maclean and Grafton; a number of boat ramps and pontoons on the many waterways; and the marine rescue facilities at Evans Head, Iluka and Wooli. The list goes on and on. Our communities rely on these organisations every day and their premises are a focal point for community life. As was noted by the Minister, many of these premises are located on Crown reserves and without this bill the legality of their occupation may be in doubt. This bill removes any uncertainty to the ongoing operation of those community facilities.

The bill provides certainty to many of the businesses that operate on Crown land. Within the Clarence electorate a significant number of businesses are affected, including the Snack Shack, which is located on the reserve at Brooms Head; Gorman's seafood restaurant, which is on the Crown reserve at Yamba; and Limonata restaurant, which is on the Crown reserve at Grafton. It used to be the old police residence in Duke Street and is an historic building on an historic site. Some other businesses operating on or using Crown land within the Clarence electorate include the Wooli Kiosk, Kahuna No. 1 Pty Ltd at Yamba; the fisherman's co-op; Angeline Pty Ltd at Brooms Head, which is the fish hatchery farm; Baptist Community Services—NSW and ACT;

Mid Richmond Residents' Village, which is an aged person's facility at Coraki; the New South Wales Sugar Milling Co-operative Limited at Broadwater; and the Pacific Hotel at Yamba. These businesses operate on, or on part of, Crown land under a lease or a licence.

Caravan parks are a major business sector operating on Crown reserves in many coastal towns. In the electorate of Clarence they include Silver Sands Holiday Park, Evans Head; Calypso Holiday Park, Yamba; Brooms Head Caravan Park, Brooms Head; Minnie Water Caravan Park, Minnie Water; and Red Rock Holiday Park, Red Rock. These businesses are terrific money spinners and employers for the towns in which they are located. Only a couple of months ago the Deputy Premier came to Grafton to announce an additional 46 primitive camp sites at Copmanhurst. The community's response to these facilities is very positive and they are seen as a valuable enhancement to the reserve. Just as important is that the lease conditions require the tenant to provide maintenance and other support activities that improve the efficiency of management of the reserve. In addition, there is also the income generated from the lease itself, which provides a resource directly to the reserve or to other improvements in the Crown estate.

The bill provides certainty to grazing licences over public recreation reserves, travelling stock routes, cemeteries and showgrounds, which assists in weed and pest control. It provides certainty for mobile phone tower sites located on reserves that are now regarded as community service essentials. The reasonable harm test proposed in the bill states that other facilities and services that the community supports can be developed on Crown land as long as they do not substantially disrupt or subtract from the reserves' primary purpose. It minimises litigation and provides a cost-effective and accessible way to manage disputes about competing community private and public interests. The amendment will be retrospective to avoid revoking and reissuing more than 8,000 secondary tenures and avoid significant costs and disruptions imposed on trust managers, tenure holders and the New South Wales Government.

It is not the purpose of the bill to frustrate the land claims process or affect the rights of the land council. Its purpose is to restore the multiple use principle contained in the Crown Lands Act 1989. This is a common-sense bill and is essential to the lawful and effective administration of Crown lands. The New South Wales Liberal-Nationals Government is committed to strengthening communities. This Government is providing certainty through this bill—certainty to our communities, businesses and land councils relating to the lawful use of Crown land—and enabling the economic and social value of the Crown estate to be maximised. I commend the bill to the House.

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

ADOPTION LEGISLATION AMENDMENT (OVERSEAS ADOPTION) BILL 2013

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

Second Reading

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [10.18 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Adoption Legislation Amendment (Overseas Adoption) Bill 2013, which makes important amendments to the Births, Deaths and Marriages Registration Act 1995 and the Adoption Act 2000. Currently children adopted from overseas can be issued with a New South Wales post-adoption birth certificate, provided that the adoption is finalised in New South Wales. However, children whose adoptions are arranged by the Department of Family and Community Services but completed abroad are ineligible for a New South Wales birth certificate. Although their adoption may be recognised under the Adoption Act 2000 the Supreme Court does not make any orders in respect of the adoption and the Registry of Births, Deaths and Marriages has no trigger for registering the adoption. The registry, therefore, cannot issue the child with a post-adoption birth certificate that records the child's birth details and legal parents in one document.

This creates difficulties for some overseas adoptees, including those from China, whose identity and adoption documents refer to their "abandonment". Being required to produce these papers for enrolment in school or a job application can be embarrassing and, potentially, creates a risk of discrimination. Concerns

around this issue have been raised by adoptive parents and a Commonwealth House of Representatives standing committee inquiry into overseas adoption. The amendments in this bill respond to these concerns. They amend the Births, Deaths and Marriages Registration Act 1995 and the Adoption Act 2000 to enable New South Wales residents who adopt a child overseas to have that adoption registered in New South Wales, and a post-adoption birth certificate issued for their adopted child, provided that the adoption was arranged by the Department of Family and Community Services and is recognised by New South Wales law.

As there is no court order in these adoptions, the Department of Family and Community Services will be responsible for providing the Registry of Births Deaths and Marriages with the information needed to register the adoption. This will occur automatically for eligible intercountry adoptions that occur after the commencement of the amendments, provided that the Department of Family and Community Services has the information and documents that are required for registration. For eligible intercountry adoptions that have occurred prior to the commencement of the amendments, notification will occur upon application to the Department of Family and Community Services by the adoptive parents or an adopted person who is over the age of 18. These changes to the law will give these adopted children and their families more privacy, and greater protection from discrimination. It will have a significant impact on the lives of these children and their families, given the frequency with which birth certificates are used as proof of identification. I commend the bill to the House.

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

INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2013

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

Second Reading

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [10.22 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Industrial Relations Amendment (Industrial Court) Bill 2013. The Australian workplace relations system has undergone significant changes over the past 10 years. The introduction of WorkChoices in 2006, and the subsequent referral of industrial relations powers to the Commonwealth by various State governments in 2009, resulted in the transfer of almost all private sector workers to the Federal industrial relations system.

These reforms significantly reduced the number of workers falling within the remit of the New South Wales Industrial Relations Commission. As a result, the commission experienced a significant decline in workload. Between 2003 and 2011 the number of matters received by the commission dropped by around 50 per cent. The effect on the Commission in Court Session, otherwise known as the Industrial Court, was even more pronounced. In the same period filings in the Industrial Court dropped by more than 70 per cent, making work health and safety prosecutions a core component of the court's workload for the first time. The implementation of nationally consistent work health and safety laws in 2012 caused a further reduction in the Industrial Court's workload, as that Act transferred most work health and safety prosecutions to the District Court.

As a result of these changes, the President of the Industrial Relations Commission, the Hon. Justice Boland, advised me earlier this year that there would be enough judicial work for only one Industrial Court judge by the end of 2013. The Government investigated a number of options to transfer additional work to the Industrial Court. For example, the Government looked at whether the court might be able to hear employment-related work that is currently handled by the District Court and Supreme Court—such as matters relating to restraint of trade clauses in employment contracts. However, between them the District Court and Supreme Court receive on average less than 40 of these matters per year. Transferring these cases to the Industrial Court would not have made a real difference to the Industrial Court's workload.

The Government also considered whether any employment-related tribunal work could be transferred to the Industrial Court. However, tribunal work is not judicial in nature and does not suit the Industrial Court's status as a superior court of record. The Industrial Court's specialised nature and superior status means that other

opportunities to confer work upon the court are extremely limited. As a result of the Industrial Court's reduced workload, I informed Parliament on 11 September that four of the Industrial Court's five judges have decided to retire before reaching the mandatory retirement age of 72.

I take this opportunity to once again thank the Hon. Justice Boland, the Hon. Justice Haylen, the Hon. Justice Staff and the Hon. Justice Backman for their dedicated service to the Industrial Relations Commission and to the State of New South Wales. Each of the retiring justices has made a significant contribution to the development of the law in this State, and I commend each of the judges for the fair and impartial manner in which they have conducted themselves during their time on the bench. The Hon. Justice Michael Walton, the current Vice President of the Industrial Relations Commission, will take over as President when Justice Boland retires. Justice Walton is an accomplished judicial officer and a highly experienced member of the Industrial Relations Commission. I am confident that Justice Walton will uphold the Industrial Relations Commission's reputation for fairness and efficiency during his presidency.

As there will be sufficient judicial work for only one full-time judge in future, the Government will not be making any permanent judicial appointments to replace the retiring judges. This means that the Industrial Court will have one full-time judge from the beginning of 2014. The fact that the Industrial Court will have a smaller judicial membership does not mean that it is being abolished. To the contrary, this bill preserves the structure of the Industrial Relations Commission. The Industrial Court will remain part of the commission, and it will continue to be a specialist forum for resolving disputes regarding industrial law.

However, there are a small number of matters filed in the Industrial Relations Commission that currently require the presence of three judges. It is therefore necessary to amend the Industrial Relations Act, and certain other Acts, to ensure that these matters can still be dealt with once Justice Boland, Justice Haylen, Justice Staff and Justice Backman retire. The matters that currently require the use of three judges include proceedings for contempt, appeals from the Local Court, public sector promotional and disciplinary appeals, appeals regarding the summary dismissal of police officers, deregistration of industrial organisations and appeals from decisions made by a single judge of the Industrial Court.

The Government believes that it is important to preserve the Industrial Relation Commission's jurisdiction wherever that is possible. Accordingly, this bill provides for all but one of these matters to stay within the Industrial Relation Commission's jurisdiction. For example, the amendments would enable proceedings for contempt, appeals from the Local Court and promotional and disciplinary appeals to be heard by a single Industrial Court judge sitting alone. Single judges already hear these types of matters in other New South Wales courts. Appeals regarding the summary dismissal of police officers will remain within the commission. These appeals are not functions of the Industrial Court at the moment. They are functions of the Industrial Relations Commission and the Government believes that the commission is best placed to handle these matters quickly and efficiently. These changes have been made in consultation with the Police Association.

The amendments also enable matters relating to the deregistration of industrial organisations to be heard by a full bench of the commission, rather than a full bench of the Industrial Court. While these matters will be removed from the court's jurisdiction, the Industrial Relations Commission is the most appropriate forum for hearing deregistration matters. To ensure that these matters continue to be heard by members with appropriate legal expertise, the amendments also provide that full benches of the commission must comprise one judicial member and two other members who are Australian lawyers when hearing appeals in relation to police dismissals and proceedings for the deregistration of industrial organisations.

The only matters that will be transferred away from the Industrial Relations Commission as a result of these amendments are appeals against decisions made by a single judge of the Industrial Court. The bill provides for the Court of Appeal or Court of Criminal Appeal to hear these matters in future. Transferring these appeals to the Supreme Court cannot be avoided. Judges of the Industrial Court are equivalent in status to Supreme Court judges and it is appropriate that their decisions be reviewed by a panel of three superior court judges. However, appeals to the Full Bench of the Industrial Court from a single judge represent a very small percentage of the total caseload of the Industrial Relations Commission at the moment. Transferring these appeal functions to the Supreme Court will therefore not fundamentally alter the commission's workload.

This bill does not make any other changes to the jurisdiction of the Industrial Relations Commission. The commission will remain in place, and will continue to provide a seamless and efficient service to its users after its judicial membership is reduced. While the Opposition has stated that the commission has a backlog of

about 1,000 cases, that is not the case. Recent commission statistics indicate that there are only around 350 pending matters before the commission at the moment. There are five full-time commissioners at the Industrial Relations Commission, and I am confident that these hardworking and dedicated people will be able to manage the commission's work between them. The Government will closely monitor the commission's workload to ensure that adequate resources are available.

As there will be sufficient judicial work for only one judge from the end of this year, Justice Walton will be able to manage the workload of the Industrial Court. Justice Boland will also remain at the commission for 12 months as an acting judge to assist with cases. To ensure that additional judicial resources can be made available if temporary workload fluctuations occur, this bill also includes provisions that will enable judges of the Supreme Court to hear particular matters in the Industrial Court, and vice versa. These amendments do not combine the functions of the Supreme Court and Industrial Court in any way. The provisions simply enable judicial resources to be shared between the two courts if that becomes necessary to address a short-term increase in filings. Both courts will remain independent from each other. It will be up to the President of the Industrial Relations Commission whether these provisions are used to allow Supreme Court judges to sit in the Industrial Court.

The amendments have been drafted so that the Chief Justice may nominate a Supreme Court judge only after the President makes a request. Similarly, judges of the Industrial Court would sit in the Supreme Court only if the Chief Justice makes a request. The provisions will be used only if required. Similar arrangements are already in place for the Land and Environment Court and the Supreme Court. The Industrial Relations Commission has a proud history in New South Wales. For more than a century its members have played a pivotal role in promoting fairness, opportunity and economic stability in this State. The amendments contained in this bill will ensure that the commission can continue to do so. 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.

CROWN LANDS AMENDMENT (MULTIPLE LAND USE) BILL 2013

Second Reading

Debate resumed from an earlier hour.

Mr CLAYTON BARR (Cessnock) [10.35 a.m.]: I hope that someone in the Premier's office is watching or listening to my contribution to this debate on the Crown Lands Amendment (Multiple Land Use) Bill. I speak primarily on behalf of the New South Wales Aboriginal Land Council. This Parliament and the Coalition Government are being sold a pup by the Deputy Premier. The Premier is on record repeatedly saying that he supports and, where appropriate, will enable the acquisition of land under the Aboriginal Land Rights Act. This bill does the opposite; it shuts the door on Aboriginal land claims. It is an overreach and an overresponse to the case referred to in the legislation—that is, *Minister Administering the Crown Lands Act 1989 v New South Wales Aboriginal Land Council*, which is referred to as the Goomallee case.

The Goomallee case found that grazing that had been permitted was contrary to section 11 of the Crown Lands Act and, as such, it was unlawful. As stated by the Deputy Premier in his second reading speech, this bill identifies 8,000 land uses that may be at risk as a result of that case and gives them sweeping validation. That is not in the interests of the Aboriginal community of New South Wales; nor is it necessarily in the interests of good Crown land management. Coalition members have insulted the Aboriginal community by suggesting that it would walk away from each and every one of those 8,000 land uses. It is in the interests of the Aboriginal community and the New South Wales Aboriginal Land Council to have tenants on their land, even though some have access to it almost free of charge. It is also in their interests to have facilities such as mobile phone towers on their land because they generate about $10,000 in income each year.

The Deputy Premier said that examining each of the 8,000 land uses would take a couple of years and cost approximately $4 million. He also said that the revenue gained from Crown lands management is approximately $10 million a year. We are talking about a portion of a large sum. Frankly, this is all about the white fella putting down the original landowners or inhabitants—members opposite do not accept that the Aboriginal community owns the land. For some reason they believe that it is appropriate and acceptable for the Government to take all of that money and to determine the terms and conditions of land use at the expense of the Aboriginal community. Coalition members have suggested that the Aboriginal community is completely

incapable of understanding the concept of community and the importance of emergency services, men's sheds and sporting groups. Those opposite say that, should an Aboriginal land claim on any of the Crown land leased in these 8,000 instances be successful, all current conditions would cease to exist. That is ridiculous and insulting to the Aboriginal community. I hear mirth and laughter from the Coalition Government members opposite but I give them this warning: Their Premier has repeatedly indicated his position—

ACTING-SPEAKER (Ms Sonia Hornery): Order! Government members will cease interjecting.

Mr CLAYTON BARR: The Premier has repeatedly made his position clear on Aboriginal land claims. This piece of legislation is distancing itself, walking away, closing the door, on the opportunity for all of that. The proposed legislation gives the appropriate Minister—

ACTING-SPEAKER (Ms Sonia Hornery): Order! The Parliamentary Secretary will cease interjecting. Government members will come to order.

Mr CLAYTON BARR: The proposed legislation gives the Minister unprecedented discretionary power if he is of the opinion that use or occupation of the land is likely to materially harm its use or occupation for the reserved purpose. This Minister drove his brand new government car into a causeway; believed that his pay rise was appropriate at a time when everybody else had a pay cap applied; and has been unable to manage effectively the economic assessment of mining communities which is completely contrary—

Mrs Leslie Williams: Point of order: My point of order relates to relevance. The member should be asked to return to the leave of the bill, which has nothing to do with a history lesson about the Minister.

Mr CLAYTON BARR: To the point of order: The legislation refers to the words "if he is of the opinion" and "harm". Decisions will be entirely at the discretion of the Minister so it is entirely appropriate for me to refer in this debate to the opinions of the responsible Minister.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The member for Cessnock will return to the leave of the bill.

Mr CLAYTON BARR: I referred to the words "if he is of the opinion" and "harm" because those words are used in the bill. There are inherent dangers in relation to opinions. People have different opinions about different things. This legislation will give unprecedented and unquestionable discretionary power to the Minister presiding over the legislation. It walks away from all the progress that has been made with regard to Aboriginal land rights and Aboriginal land claims and automatically validates 8,000 instances of Crown land use, of which a large number may be reasonable, valid and in keeping with the Crown Lands Act. But we are entitled to go through a process in which they are assessed. The Opposition opposes this bill and will not be making amendments to it.

Mr Tim Owen: Like you oppose everything.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The member for Newcastle will come to order.

Mr CLAYTON BARR: For the sake of Hansard and those who are interested I note that those opposite are making light of this serious issue. It is not the responsibility of the Opposition to fix poor legislation. This is poor legislation. Those opposite need to question legislation that is given to them by their Ministers. Right now the Premier's office should be questioning this piece of legislation. If it is simply about the Goomallee claim the Government should introduce legislation that addresses the claim and it will get support from this side. But the Crown Lands Amendment (Multiple Land Use) Bill 2013 is an overreach, an overextension that will give unprecedented power to the Minister—something that is well outside the wishes of the Premier. We oppose the bill.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The member for Murray-Darling will cease interjecting.

Mrs LESLIE WILLIAMS (Port Macquarie) [10.44 a.m.]: I am pleased to support the Crown Lands Amendment (Multiple Land Use) Bill 2013. Members of the House should not underestimate the importance of this bill and the potential negative consequences that will result if it is not passed through all its stages. The bill amends the Crown Lands Act 1989 and will ensure security and stability for the thousands of community and

commercial tenants currently occupying Crown land. I suppose that is why members on this side of the House were surprised yesterday when we heard that the Opposition—led by the member for Marrickville, the member for Cessnock and The Greens—would be opposing the bill. Not surprisingly, Labor yet again is opposing what can only be described as a sensible amendment that supports our local communities. I ask members opposite to stop playing politics and to support the bill. The bill simply provides security of tenure for the hundreds of activities that already occur on Crown land. I turn to the detail of the bill which has as its objects:

> (a) to provide that a secondary interest (a lease, licence, permit, easement or right-of-way) can be granted in respect of Crown land that is reserved for a public purpose (a ***Crown reserve***) …
>
> (b) to authorise the Minister or a reserve trust to validate the grant of a secondary interest … as may be necessary to ensure that it was validly granted,
>
> (c) to require notice to be given to the Minister or a reserve trust before the validity of a secondary interest over a Crown reserve can be challenged in court proceedings.

Of course, the allowance of a secondary interest will be given only if it is unlikely to materially harm the use and occupation of the land for the public purpose for which it is reserved. The legal validity of the secondary tenure of Crown reserves is the very reason this amendment has come about. In November 2012, in the case of *Minister Administering the Crown Lands Act v NSW Aboriginal Lands Council* in the New South Wales Court of Appeal—a decision referred to as the Goomallee claim—the court ruled in favour of the land council because it found that a grazing licence granted over a parcel of Crown land was unlawful. As a result of this decision, any secondary tenure can be considered invalid and undermines the principles outlined in section 11 (d) of the Act which states, "that, where appropriate, multiple use of Crown land should be encouraged". This bill must be passed otherwise local communities will be seriously impacted. The multiple use of Crown land provides both enormous social and economic benefits across every electorate in New South Wales.

Before I take time to highlight the impact such a decision would have on the electorate of Port Macquarie alone, it is worth noting the importance of Crown land across this State. Crown land comprises approximately 34 million hectares, or 42 per cent of the State. Crown land that has been set aside for public purpose is referred to as Crown reserve and there are approximately 35,000 Crown reserves in New South Wales. More than 8,000 secondary tenures have been issued by the New South Wales Government over Crown reserves for both community and commercial use. These multiple use tenures on Crown land cover some 12 million hectares and are estimated to generate almost $10 million annually in rent. It is obvious from those facts that, without these amendments, there will be potentially devastating consequences for our communities.

On 12 September the Deputy Premier, in his second reading speech, highlighted other secondary tenancies that potentially could be under threat where trust managers, including councils and showground trust managers, may also be subject to legal challenge. These trusts, through the income they generate by various activities, are part of the fabric of our local communities and the members of those trusts work hard to maintain reserves for public benefit. I raise some examples in the Port Macquarie electorate to demonstrate the breadth of multiple use activities on Crown reserves. One has only to go to any of the beautiful beaches in the Port Macquarie electorate—Flynns Beach, Lighthouse Beach, North Haven Beach or Crowdy Beach—and one will find surf lifesaving clubhouses on the edge of the sand under the control of Crown lands. At Flynns Beach one can sit in the sun and enjoy coffee or refreshments from Perno's Cafe, which operates under the surf club building. Each year thousands of people frequent this beach and use that facility.

At Town Beach the kiosk is located in the marine rescue building, which I am pleased to report is in line for a significant upgrade. I acknowledge Port Macquarie-Hastings Council for investing in what I consider to be an essential service in our local area. The kiosk is currently managed by volunteers from Marine Rescue and raises money to support the valuable service they provide to our community. Many beachgoers drive to the beach and the convenience of car parking at these locations is often taken for granted. Most people simply would not think about the fact that they are parking on property controlled by Crown lands. One of the iconic open spaces in Port Macquarie is the beautiful Town Green located adjacent to the Hastings River. This is a much used and central meeting place for thousands of people each week, and is the focal point for Australia Day celebrations, moonlight movies during summer, and regular markets. The Town Green is used also by a range of groups to highlight special events or advocate for a cause.

Just a few weeks ago I joined hundreds of people participating in the Memory Walk hosted by Alzheimer's Australia New South Wales. It was strongly supported by Andrew Lister and the team from the Port Macquarie Triathlon Club. The Town Green was a perfect venue to start the walk and run along the break wall to Town Beach. On our return we were treated to breakfast thanks to the Tacking Point Lions Club, another

fantastic community organisation that is often seen out and about supporting local groups. As a public recreation reserve, there are additional passive recreation uses with a number of outdoor eating areas associated with adjoining restaurants. Westport Park is another excellent example of Crown land being used for multiple purposes. This area has been the subject of much community pride and passion, particularly leading up to the last State election. Members may recall that more than 16,000 people signed a petition calling for the Government to dedicate the park as public open space. Not surprisingly, despite their concerted efforts, the community had to wait for a new Liberal-Nationals Government and a new local member before their vision become a reality.

As promised, just months after the O'Farrell-Stoner Government came into office we delivered on our election commitment to ensure that Westport Park would remain in public ownership after the former Government would not or could not bring itself to do just that. Much to the delight of the community, Westport Park is locked in as public open space. We now know that the myriad events that take place there and that bring together our local community will continue for decades to come. The list of events that utilise this space alone is endless—the Port Macquarie Ironman, local markets, festivals, fundraising activities, Carols by Candlelight and New Year's Eve fireworks to name just a few. Whether it is being used by sporting groups such as the croquet club, marine rescue, sea scouts, the circus, as a boat ramp or as a car park, it always will remain as open space and future generations will be able to enjoy it just as we enjoy it today. There is similar multiuse example at the historic Hamilton Green on Hastings River Drive. This Crown reserve provides a home for many local community organisations, including disability services, Port Macquarie Art Society, Lions Club of Port Macquarie, Radio Rhema, Hastings Recreational and Sporting Club for the Disabled, Port Macquarie Bridge Club and the Rotary Community Centre.

In other localities we have showgrounds that include men's sheds, Girl Guides and scout halls, and caravan and motorhome parks. In most cases, these activities are generating income by way of lease fees, which in turn are used to maintain Crown land facilities throughout the electorate. Every member of this House would have a similar story to tell about the effective and worthwhile activities on Crown land. These activities not only are extremely popular but also return to the community enormous social and economic benefits. In closing I note that the amendments that are being debated will be retrospective, so the revoking and reissuing of more than 8,000 tenures is avoided along with the associated significant cost and disruption for all stakeholders, including trust managers, tenure holders and the New South Wales Government. I congratulate the Government and the Deputy Premier, Andrew Stoner, on taking the initiative to get this right and on taking a common-sense approach. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [10.54 a.m.]: I contribute to debate on the important Crown Lands Amendment (Multiple Land Use) Bill 2013 and wish to refer to a number of issues. First, there is a real question about what has led to the implementation of these problematic arrangements. The bill is designed to correct the mistake of incorrect and unlawful issuing of leases or licences over Crown lands, which the declared purposes do not allow. It is clear that there has been a problem. Who is responsible for that?

Mr Tim Owen: The Greens.

ACTING-SPEAKER (Ms Sonia Hornery): Order! Government members will come to order.

Mr JAMIE PARKER: Who will be accountable for that? We need to acknowledge that Crown lands have been declared for recreational purposes, but are unlawfully being used for grazing—

ACTING-SPEAKER (Ms Sonia Hornery): Order! If the member for Clarence continues to interject I will name him.

Mr JAMIE PARKER: If Crown lands have been declared for recreational purposes but are unlawfully being used for grazing or other incompatible purposes, why should this suddenly be rectified when issuing these leases and licences was in breach of the Crown Lands Act requirements? There has been a breach and there must be a level of accountability for that. Our starting point should be: Why are we in this situation and how are we accountable for that? Concern has been expressed about the decision relating to the number of secondary Crown reserve uses, which is pushing the envelope. Since the judgement, Meals on Wheels, men's sheds, preschools, libraries, council chambers and other public assets have been placed at risk.

Mr Mark Coure: Bowling clubs.

ACTING-SPEAKER (Ms Sonia Hornery): Order! Government members will come to order. The member for Balmain does not require any assistance. Those members who continue to interject will be placed on calls to order.

Mr JAMIE PARKER: In most instances that may be incorrect. The organisations to which I have referred have a purpose which is clearly consistent with reservation for future public purposes. As members would be aware, much of the Crown land already is reserved for public purposes. Examples given by the Minister in his second reading speech include facilities reserved for public purposes. The conflict illustrated in the case was not about facilities provided for public purposes; rather the conflict between public recreation and private grazing. The public facilities discussed generally fit within the public purpose as declared. I understand that this issue must be addressed but the Government is overreaching and it is scaring people by saying that a reserve with a kiosk for a public purpose will be doomed because of this case. These secondary uses might not conflict with the declared purpose of the Crown reserve.

That is illustrated by the fact that only 100 of the 462 land claims made since 9 November 2012 have a secondary tenure that may be affected by the bill. Of those 100 claims almost all secondary tenure or interests are consistent with the public purpose reservation—an important issue that must be given consideration. From my understanding of Labor's position, four key aspects are involved: consultation on this bill, the definition of "material harm", the subjective tests held by the Minister and the process of dispute resolution, retrospectivity and limits on the judicial process. Even if members support the Government's position it is clear that there is no definition of "material harm". We know that a great deal of power is vested in the Minister. When a great deal of power was vested in Ministers in the former Labor Government it was seen as leading to significant problems. There has been little or no consultation with the key stakeholder—the NSW Aboriginal Land Council. However, the NSW Aboriginal Land Council was assured by the department that it would be able to make submissions and see a copy of the bill before it went to Parliament.

Mr Paul Toole: Oh Jamie, shame!

ACTING-SPEAKER (Ms Sonia Hornery): Order! If the member for Bathurst interjects again I will name him.

Mr JAMIE PARKER: On the issue of publicity, no ministerial press release was issued to announce the introduction of this bill. Compare that with the Cemeteries and Crematoria Bill 2013 which is undergoing public consultation. We have had a draft exposure bill and a great deal of discussion, which is not the case in relation to this legislation. When it comes to material harm, what is the threshold? It sets a very low threshold that will severely limit the protection afforded by existing, further or ancillary tests, or even the inconsistency test. The further or ancillary test and the inconsistency test are important bars that one has to get over in order to meet any new objective for a licence. In this case the completely new test is not reflected in case law relating to Crown reserves. Who will interpret this legislation? Who gets to decide whether a piece of Crown land has been materially harmed? That will be the decision of one person—the Minister. In our view, leaving decisions such as this to an individual is not good public policy. It is open to the risk of corruption and other problematic arrangements. It is better to have a broad position rather than to give the Minister such discretion in a subjective test.

The Minister's power to grant the licence is entirely subjective when it should be objective. The objective test should require, for example, a more rigorous decision-making process to decide on some kind of protection in maintaining the original purpose. Of course, the subjective test makes it very difficult to challenge the Minister's decision in the court. A public interest test currently exists in the Crown Lands Act and The Greens support that strongly. But it has been overridden by a subjective test that requires no gazettal and no public oversight. Of course, no mechanism for disputes is available for those who wish to prevent so-called harmful activities from occurring to make an application to the Minister. An application is to be made to the Minister about a problem, the person who made the decision. The Minister should be required to notify the public of an intention to grant or validate a licence under section 34A in order to allow members of the public the opportunity to make a submission to the Minister. Is that not reasonable?

If the Minister has a piece of Crown land under consideration, the public should be notified to allow them the opportunity to make submissions. But with this proposal the Minister alone says, "Well, we'll decide this" and the decision is made. That is a problem the Government needs to address. We need maximum accountability and transparency. We learnt that from the former Labor Government, from history and just from good public policy. Notifying and engaging the public and asking for their views is an important part of any

form of good public policy. Of course, we are concerned about the retrospectivity nature of this amendment. The blanket validation of all licences issued previously has its own range of problems. Due to the limited time available to me, I will not go into detail on that. I simply highlight the limits on the judicial process. The requirement in proposed section 35A that a party give six months' notice before challenging the validity of an interest in court proceedings seems to be unacceptable and is fettering the judicial process. This requirement should be removed and replaced with a dispute resolution process to which the Minister has referred. More opportunity needs to be given for public participation, engagement and discussion.

I conclude on one final matter. Reviews of Crown lands and Aboriginal land rights are underway, so why is this legislation being pushed through before the Crown lands review report is delivered? The review was announced in June 2012 and the final report was to have been delivered in June 2013. The review will address the overall management of Crown land, including legislation, financial management, government and business structures. The Crown lands review will complement the review of the Aboriginal Land Rights Act. Therefore, considering the impact of this legislation we are debating on Aboriginal land claims, this amending bill should not be pushed through Parliament before the Aboriginal land rights review is completed. That was due to be completed in June 2013, but public consultations only just finished on 5 September and submissions closed on 4 October. Therefore, this bill has the appearance of some kind of kneejerk, ad hoc response and sits out of context with those two important reviews.

The Crown lands review should conclude before we rush a decision regarding this proposed amendment. Unlike the impression given that the Crown Lands Act does not provide for multiple purposes—people have said, "Oh, well, but there's all these multiple purposes"—the Act does allow for multiple-use purposes. The Crown Lands Act already provides for multiple-use purposes of Crown land: it does not encourage it, but it allows for it. Importantly, the court made a clear distinction between purposes and activity. The court clearly rejected the Government's argument and confirmed that multiple uses or activities can occur on one reserve as long as they are consistent with the overarching purpose. The whole point is that the Crown lands with which we are dealing have an overriding purpose. The Government's test for what is compatible and inconsistent has now been abolished with this bill and, basically, the Minister will decide. One person will decide whether there is material harm, with no definition of "material harm". The Greens recognise that the issue raised from the court determination needs to be addressed but are concerned about the lack of consultation, the definitions, the subjectivity and the retrospectivity of this amending bill and we believe it should be dealt with carefully in light of the current review of the Aboriginal Land Rights Act.

Mr MARK COURE (Oatley) [11.03 a.m.]: I make a brief contribution in supporting the Crown Lands Amendment (Multiple Land Use) Bill 2013. This amendment will provide certainty for thousands of community and commercial tenancies on Crown land across New South Wales. As a State member of Parliament for the electorate of Oatley, I have spent much of my time acquainting myself with a diverse range of community organisations across my electorate. A significant number of these organisations have premises on Crown land and have expressed concern about their continued use of that land. This bill ensures that both existing and future secondary tenures over Crown reservations are valid, and supports the multiple-use principle in the Crown Lands Act. The multiple-use principle relates to the use of Crown land, stating that it can be used for community and economic purposes. This bill follows the Goomallee decision, which held that if Crown land is reserved for a public purpose and a lease is granted over that land for a particular purpose, then the tenure of the land will be invalid.

A number of local organisations across New South Wales stand to benefit from this legislation, including some within my electorate of Oatley. For example, this legislation will benefit groups such as Meals on Wheels, Men's Sheds, preschools, libraries and council chambers to name a few. Many of these organisations might have sub-branches located on Crown land and without this bill the legality of their land use might be in doubt. The amendment will be retrospective, as previous speakers have stated, to avoid revoking and reissuing more than 8,000 secondary tenures, and to avoid significant costs and disruptions imposed on trust managers, tenure holders and, of course, the Government. Often, Crown reserves are reserved for a particular purpose; however, over time their use has expanded to accommodate a range of public and private purposes in accordance with the principles of the Crown Lands Act 1989. Based on the multiple-use principle, often it has been the case that the land use has expanded to a variety of sporting and community organisations, which certainly has occurred in my electorate. This amendment to the Act ensures that the continued use by these organisations is assured and they need not fear a legal challenge.

Given the court's decisions regarding Crown land use, a number of tenures possibly could be affected, potentially disrupting community and business activities. Up to 90 per cent of organisations possibly would be

subject to a challenge because their uses are for purposes not in furtherance of or incidental to the primary purpose of these reserves. This bill relates also to the Aboriginal Land Rights Act 1983 under which the Goomallee claim was first lodged. Under that Act, Aboriginal land councils have the right to make a claim over Crown lands, including Crown reserves, if they are not being lawfully used or occupied. In the Goomallee claim, the court found that the existence of a grazing licence was not of lawful use. Therefore, the primary purpose of the bill is to restore the multiple-use principle contained in the Crown Lands Act, as I and previous speakers have mentioned previously, to ensure its validity of all secondary tenures affected by the decision, most of which are not under an Aboriginal land claim.

It is important to note that this bill also contains special provisions that will enable claims made under the Aboriginal Land Rights Act prior to the Goomallee decision to proceed. This bill will not prevent participants in any dispute resolution process from appealing the Minister's decision, therefore preserving all rights that existed under the previous legislation. In summary, this bill will provide certainty for all land users and community organisations that use Crown land reserves across New South Wales communities. This amendment reflects the important multiple-use principle in the Crown Lands Act which encourages the use of Crown reserves for multiple community and economic purposes. This bill is important to remove any doubts about continued land usage by community organisations in my electorate and across New South Wales and is a key mechanism to ensure the lawful and effective administration of Crown reserves. I support the bill.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [11.09 a.m.], on behalf of Mr Andrew Stoner, in reply: It gives me pleasure to represent the Deputy Premier in reply to the second reading debate on the Crown Lands Amendment (Multiple Land Use) Bill 2013. I thank the many members for their contributions to this debate: the members representing the electorates of Tamworth, Myall Lakes, Cronulla, Wagga Wagga, Clarence, Drummoyne, Blue Mountains, Murray-Darling, Port Macquarie, Wollondilly, Rockdale, Oatley, Marrickville, Cessnock and Balmain. Members of the Opposition spoke today on this bill. It is important that before members speak in this House they read the bill and have a clear understanding of the purpose and intent of the bill. If Opposition members had read the bill, they would have realised that, under the Crown Lands Act, it allows for multiple uses. The Opposition has clearly neglected that issue when debating the bill.

Whilst the Opposition raised a number of the concerns, its hypocrisy stood out. Many secondary tenures or interests were issued under Labor when it was in government. It has left this Government with a legacy of problems that could arise in many of our communities. These issues need to be addressed to ensure that the communities across New South Wales have clarity. When addressing concerns raised by the member for Marrickville, the member for Cessnock and the member for Balmain, the Opposition said that the New South Wales Aboriginal Land Council was not consulted properly about the bill. In fact, the Aboriginal Land Council was briefed three times on the draft bill by representatives of the department. Last week, the Aboriginal Land Council sought a meeting with the Deputy Premier. I advise the House that this meeting has been scheduled to take place later today.

The Opposition has also raised concerns that the grounds for review of the material harm test are limited. This is not the case. The material harm test is an established legal provision that is used in various pieces of legislation. The bill gives the Minister and his department six months to investigate claims that a particular use of a Crown reserve is causing material harm to the reserve purpose. Any decision taken by the Minister will be made in accordance with the principles of Crown land management, as outlined in the Crown Lands Act 1989. The material harm test is subjective by necessity: there are tens of thousands of Crown reserves across New South Wales, each used for different purposes. It would be nonsensical to apply a prescriptive measure of harm across the enormously diverse Crown estate.

The Goomallee decision by the New South Wales Court of Appeal was the first indication that these secondary tenures were invalid. It is therefore appropriate that the amendment applies retrospectively and that land claims lodged prior to the court decision will be dealt with as if this bill had never been passed. Importantly, the bill does not provide the Minister with any increased powers to grant licences or development approvals over Crown land. I will repeat that, because Opposition members continually said that it gives the Minister an overwhelming new level of power. As I said, it does not provide any increased power to grant licences or development approvals. This bill does not allow for new or changed uses of Crown land. It is simply intended to confirm existing lease arrangements. This bill is required to ensure certainty for all land users and continuity in activities across the Crown land estate.

I am amazed that the Labor Party and The Greens have raised these concerns. The Opposition is jeopardising thousands of community and commercial tenancies across New South Wales—community groups, charities, childcare centres, businesses, caravan parks, showgrounds—which contribute greatly to our

communities. In fact, multiple-use tenures cover up to 12 million hectares in area and generate nearly $10 million in annual rent for the State. Desirable uses of Crown reserves are put at risk unless this common-sense bill is passed. This bill supports the multiple-use principles in the Crown Lands Act that Crown land should be used for multiple community and economic purposes and ensures that existing and future secondary tenures over Crown reservations are valid, provided they are not causing or likely to cause material harm to the primary purpose of the reserve.

As previously outlined by the Deputy Premier and my parliamentary colleagues, the amendment to the Act is required following the Goomallee decision, which found that if Crown land is reserved for a public purpose and a lease, licence or permit is granted over that land for an inconsistent purpose, then the tenure will be invalid. Without the amendment, the court's decision potentially undermines thousands of community and commercial tenancies across the State. The Liberal-Nationals Government is committed to strengthening our communities, providing certainty to the community, business and land councils regarding the lawful use of Crown land and enabling the economic and social value of the Crown estate to be maximised.

Members of the Labor Party and The Greens are playing politics. If they were genuine about their concerns, they would have proposed amendments. The member for Cessnock has said that the Opposition does not want to agree to any amendments and that Labor will flatly reject the bill, which shows that they are not representing the people of this State. The member for Cessnock has turned his back on his community. Look at the $1 deals that occurred in his area under the former Labor Government just before the 2011 election, and the Leader of the Opposition is now being referred to the Independent Commission Against Corruption in relation to claims that he received a bribe. They need to take the blinkers off, stop fabricating lies and understand that this is a bill that is required by the people of this State. Our communities need these changes. The Labor Party needs to understand this is a common-sense bill. This bill is lawful and essential to ensure the effective administration of Crown lands. I commend the bill to the House.

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

The House divided.

Ayes, 56

Mr Anderson	Mr Flowers	Mr Roberts
Mr Aplin	Mr Fraser	Mr Rohan
Mr Ayres	Ms Gibbons	Mr Rowell
Mr Baird	Ms Goward	Mrs Sage
Mr Barilaro	Mr Gulaptis	Mr Sidoti
Mr Bassett	Mr Hazzard	Mrs Skinner
Mr Baumann	Mr Holstein	Mr Smith
Ms Berejiklian	Mr Kean	Mr Souris
Mr Bromhead	Dr Lee	Mr Speakman
Mr Brookes	Mr Marshall	Mr Stokes
Mr Casuscelli	Mr O'Dea	Mr Stoner
Mr Conolly	Mr O'Farrell	Mr Toole
Mr Constance	Mr Owen	Ms Upton
Mr Coure	Mr Page	Mr Ward
Mrs Davies	Ms Parker	Mr R. C. Williams
Mr Dominello	Mr Patterson	Mrs Williams
Mr Doyle	Mr Perrottet	*Tellers,*
Mr Elliott	Mr Piper	Mr Maguire
Mr Evans	Mr Provest	Mr J. D. Williams

Noes, 22

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	
Mr Greenwich	Mr Parker	*Tellers,*
Ms Hay	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 Paul Toole, on behalf of Mr Andrew Stoner, 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.

CHILD PROTECTION LEGISLATION AMENDMENT (OFFENDERS REGISTRATION AND PROHIBITION ORDERS) BILL 2013

Second Reading

Debate resumed from 18 September 2013.

Mr PAUL LYNCH (Liverpool) [11.26 a.m.]: I lead for the Opposition in debate on the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013. The Opposition does not oppose the bill. The objects of the bill are:

(a) to permit inspection by police, without notice or a warrant, of the residential premises of persons who are registrable persons under the Child Protection (Offenders Registration) Act 2000,

(b) to expand the conduct that can be the subject of a child protection prohibition order under the *Child Protection (Offenders Prohibition Orders) Act 2004* (the principal Act) to include, among other things, being a contractor, subcontractor, volunteer, trainee, religious or spiritual leader or a member of a religious organisation,

That definition is consistent with other legislation and widens the currently existing provisions.

(c) to increase the maximum penalty for the offence of failing to comply with a child protection prohibition order and to provide for such an offence to be dealt with on indictment if the prosecutor so elects,

As a matter of logic, in appropriate cases the increased penalty will inevitably lead to proceeding by way of indictment. The next object is:

(d) to permit a contact prohibition order under the principal Act to be made if the Commissioner of Police and the person who is to be subject to the order both consent to it being made,

That strikes me as an incremental and logical development of the currently existing laws. The final object is:

(e) To limit the persons to whom the Commissioner of Police can delegate his or her functions of applying for certain orders under the principal Act against persons under 18 years of age.

The Government has presented this bill as implementing the findings of the statutory review of the Child Protection (Offenders Prohibition Orders) Act and to introduce additional measures to the Child Protection (Offenders Registration) Act. Interesting as that may be, the introduction and second reading of the bill were dealt with without the statutory review being tabled. That makes something of a farce of the legislative process. The Child Protection (Offenders Prohibition Orders) Act required the Minister to review that Act some considerable time ago. The Government has had the outcome of the review long enough to draft legislation but it has not managed to table the review. The review should have been tabled well before the introduction of this legislation. I can understand for various reasons the Government not wanting to table reviews but I struggle with this review not having been tabled when legislation emanating from it has been introduced in this House. It seems absurd for the Government not to have tabled the review and it significantly constrains the logic of the parliamentary debate.

It is also worth noting in relation to the statutory review that it was proceeded with by way of discussion papers sent out to stakeholders. So there was no publicly released discussion paper. There was no

publicly available material to see what considerations might have given rise to this legislation. The bill amends two separate legislative regimes. The Child Protection (Offenders Registration) Act provides that certain persons who commit offences against children are registrable offenders whose details must be maintained on a register and be updated regularly during various periods depending upon whether the offence that occurred was a class 1 or a class 2 offence. The Child Protection (Offenders Prohibition Orders) Act provides that certain registrable persons may be subject, on application to the Local Court, to child protection prohibition orders and contact prohibition orders. Those are the pieces of legislation amended by this bill.

The most significant change in the bill is the registration legislation, which is slightly ironic as this bill grew out of a review of the prohibition orders legislation not the registration legislation. Schedule 2 [1] to the bill introduces a new division 7A into the registration Act to allow entry by police to residential premises. This allows police, without notice or warrant, to enter and inspect any residential premises of a registrable person for the purpose of verifying any relevant personal information that the registrable person has been obliged to report. In an attempt to legitimately circumscribe this quite broad power a series of complex restrictions have been imposed. The power is restricted to entry and inspection, and does not extend to search. I will be fascinated to see how that distinction is observed in practice. The power is exercised once in the 28-day period following the registrable person making their initial report and then once each year after that while the reporting period is active.

The power is not exercisable in respect of any part of the residential premises occupied exclusively by a non-registered person unless there are reasonable grounds to suspect that the premises are used by a registered person. Once again, the practical application of that may well give rise to situations of complexity and conflict. It will be fascinating to observe the practical application of that provision. New section 16C (4) provides:

> A registrable person must allow a police officer to enter and inspect any residential premises of the registrable person under this section and must co-operate with any such police officer with respect to that entry and inspection.

In his second reading speech the Attorney General referred to this provision and gave his interpretation of what "cooperate" might mean. He said that it might mean providing computer login details. I would not have thought that that was abundantly clear from the wording of this new section—especially as it relates to inspecting, not searching. However, this is the Government's legislation and the responsibility will be the Government's if the bill increases dramatically the length of the lists of the Court of Criminal Appeal—which is what I think is likely to happen. Having said that, and having made my comments about the drafting of the bill, the Opposition does not oppose the bill.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [11.32 a.m.]: The Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013 is important. The main purpose of the bill is to implement the legislative recommendations arising out of a statutory review of the Child Protection (Offenders Prohibition Orders) Act 2004. The Act was introduced to allow police to obtain prohibition orders in relation to certain individuals who have committed sexual and other serious offences against children. These offenders were known under the Child Protection (Offenders Registration) Act as "registrable persons". At this point it is pertinent to add that we in this place should do all we can to protect the most vulnerable in our community that is, young children. I note the good work done by Bravehearts through its ongoing awareness and education programs, and acknowledge its founder, Hetty Johnston. I know that many of my colleagues from both sides of the House are active members of the great Bravehearts organisation.

The Child Protection (Offenders Prohibition Orders) Act recognised that certain registrable persons, despite being subject to registration requirements and monitoring under the Child Protection (Offenders Registration) Act, may still pose a risk to children even after they have completed their sentence. There are two types of prohibition orders that may be issued under the Child Protection (Offenders Prohibition Orders) Act: child protection prohibition orders and contact prevention orders. Aiming to prevent further serious offences, these orders seek to manage high-risk registrable persons by prohibiting them from engaging in specific kinds of conduct. Section 24 of the Child Protection (Offenders Prohibition Orders) Act requires a statutory review to be conducted to determine whether the policy objectives and terms of the Act remain valid for securing those objectives. That is very important. It is a hallmark of this Government not only to be open and transparent but also to meet wider community expectations.

During the statutory review a proposal was put forward for new search and entry powers to verify the information required to be given to police by registrable persons under the Child Protection (Offenders Registration) Act. The opportunity was taken to consult and report on this proposal within the context of the review. The review subsequently made a number of legislative recommendations to improve the operation of both the Child Protection (Offenders Prohibition Orders) Act and the Child Protection (Offenders Registration)

Act. These are designed to enhance the framework for monitoring and managing registrable persons in the community generally, and high-risk registrable persons in particular, having due regard to the policy objectives of both Acts to safeguard children from harm.

The bill amends the Child Protection (Offenders Prohibition Orders) Act to expand the conduct that can be the subject of a Child Protection Prohibition Order to include being a worker of a specified kind—for example, a contractor, a volunteer, a trainee or a religious leader. It also increases the maximum penalty to 500 penalty points or five years imprisonment, or both. As the Hon. Michael Gallacher, the Minister for Police and Emergency Services, indicated in the other place, if police in conducting visits under the new division 7A are satisfied that there has been full cooperation by a registrable person to verify information required under Section 9 of the Child Protection (Offenders Registration) Act 2000 then no further action will be required and the ordinary provisions relating to registration under the Child Protection (Offenders Registration) Act will apply.

However if, upon visiting the premises, the police believe the person is not complying with his or her reporting requirements or that the registrable person is not cooperating—for example, by refusing to provide login details and passwords to allow checks on computer usage—then he or she may be charged with the offence of failing to comply with the reporting obligations under the Child Protection (Offenders Registration) Act. That was what the Minister said in the other place. The bill also permits a contact prohibition order to be made if the Commissioner of Police and the person who is to be subject to the order both consent to its being made. This will be in addition to the current provision, which provides that the Local Court may make a contact prohibition order if it is satisfied that there are sufficient grounds for making that order. The bill will also limit the persons to whom the Commissioner of Police can delegate his or her functions of applying for certain orders against registrable persons under the age of 18 pursuant to the Child Protection (Offenders Prohibition Orders) Act.

A registrable person will be required to allow a police officer to enter and inspect his or her residential premises and to cooperate with a police officer with respect to that entry and inspection. The term "cooperate" will include any reasonable request made by a police officer that will enable them to determine the veracity of information provided at the initial registration. Failure to cooperate would be grounds for police to apply for a search warrant on the basis that there are sufficient grounds to believe there is on the premises any item connected with a searchable offence. Searchable offences include indictable offences, child abuse material offences and the Child Protection (Offenders Registration) Act offences of failing to comply with reporting obligations and furnishing false or misleading information. The power can be exercised only while the registrable person's reporting period remains active.

Police will not be able to exercise the power to enter and inspect any part of the premises that is occupied exclusively by a person other than the registrable person unless a police officer has reasonable grounds to suspect that parts of the premises are being used by the registrable person. The Act will commence on assent. As Parliamentary Secretary I have dealt in recent times with the State Crime Command and the squads that investigate child abuse and cybersex crimes. I feel strongly that the House should pass the legislation necessary to give our police the tools and the powers they need to stamp out this insidious problem in our society. Abuse suffered by young children spoils the rest of their lives. As I said, I am involved with Bravehearts and have seen the great work that that organisation does.

I am continually touched by the stories its ambassadors tell about the abuse they suffered over many years at the hands of friends, relatives or people in positions of authority over them. I am always amazed at their strength and resilience in telling these most horrific stories. It behoves all members in this place to give the police and all government and non-government agencies involved in the protection of children every tool and power they need to stamp out child abuse. I also believe we must give courts the power to make certain orders and orders of imprisonment. Child sexual abuse is a terrible blight on our society and I feel shame that it occurs. I am sure that it happens in my electorate of Tweed, but I will do everything in my power to assist the authorities to stop it. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [11.41 a.m.]: The Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013 will introduce new measures to the Child Protection (Offenders Registration) Act 2000 and improve previous legislation that deals with offenders who have committed a serious offence against a child. The objects of the bill are:

(a) to permit the inspection by police, without notice or a warrant, of the residential premises of persons who are registrable persons under the Child Protection (Offenders Registration) Act 2000,

(b) to expand the conduct that can be the subject of a child protection prohibition order under the Child Protection (Offenders Prohibition Orders) Act 2004 (the Principal Act) to include, among other things, being a contractor, subcontractor, volunteer, trainee, religious or spiritual leader or a member of a religious organisation,

(c) to increase the maximum penalty for the offence of failing to comply with a child protection prohibition order and to provide for such an offence to be dealt with on indictment if the prosecutor so elects,

(d) to permit a contact prohibition order under the Principal Act to be made if the Commissioner of Police and the person who is to be subject to the order both consent to it being made,

(e) to limit the persons to whom the Commissioner of Police can delegate his or her functions.

The proposed amendments to the Child Protection (Offenders Registration) Act 2000 will provide one or more police officers with the power to enter a residential premises of a registrable person for the purposes of confirming personal information reported by the registrable person. In addition, the bill will allow inspections to be made by one or more police officers without notice or a warrant and the power may be exercised in respect of any residential premises of a registrable person once in the 28-day period after the initial report by the registrable person and once during each following 12-month period.

The legislation will expand the list of those who can be subject to a child protection order, such as contractors, subcontractors, volunteers, trainees, religious leaders and members of other professions. Those upon whom a child protection prohibition order is imposed may be prohibited from undertaking work or being employed in a specific area because it may pose a risk to children and potentially lead to reoffending. Currently, offenders who breach or fail to comply with a prohibition order are penalised with a fine of up to $11,000 or imprisonment for two years, but under the proposed amendment the penalty will increase to $55,000 or five years jail. I believe the significantly increased penalty will deter those who may seek to offend or reoffend.

Under the Child Protection (Offenders Prohibition Orders) Act there were two types of prohibition orders: a child protection prohibition order and a contact prohibition order. A child protection prohibition order can be made for up to a five years for an adult and two years for a young person who is under the age of 18 years, whereas a contact prohibition order prevents a registrable person from contacting co-offenders and victims of their crime. Under the proposed legislation the Commissioner of Police may impose a contact prohibition order on an individual if both the offender and the commissioner consent to its being made. At present, a contact prohibition order can be made only if the Local Court is satisfied that it has adequate evidence for issuing the order. Additionally, the bill will prohibit the Commissioner of Police from assigning certain functions unless the delegation is made to a police officer or to police officers of a class.

It is important that those who seek to harm the most vulnerable people in our society or those who may reoffend be subject to the tougher monitoring and penalties that are addressed in the legislation. During my lifetime I have known many people who have been interfered with by adults within or outside their families. Sometimes it was a minor incident but when they speak about it their demeanour makes it obvious that the event has had a major and long-lasting effect on them. Child sexual abuse has a lifetime effect. It does not go away after four or five years; victims remember the abuse for the rest of their lives. Members of my extended family have been the victims of abuse. Recounting the incident even 50 years after it occurred will bring them to tears and they always find it very painful to speak about. I am pleased by this bill and I am happy to support any legislation that makes it tougher for people to offend or reoffend. I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) [11.46 a.m.]: I support the important Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013. As the member for Cabramatta said, any legislation that seeks to protect the rights of innocent children should have the support of the entire Parliament. The bill implements the findings of a statutory review of the Child Protection (Offenders Prohibition Orders) Act 2004 and introduces new measures to the Child Protection (Offenders Registration) Act 2000. To assist with the review, a discussion paper was circulated to stakeholders, who were asked to make submissions. Submissions were received from government as well as non-government agencies such as the Law Society of New South Wales, Legal Aid NSW and the New South Wales Bar Association.

The review ultimately found that the objectives of the Child Protection (Offenders Prohibition Orders) Act remained valid and that the terms of the Act remained appropriate to ensure these objectives are met. However, a number of legislative recommendations were made to improve the operation of the Child Protection (Offenders Prohibition Orders) Act, and that is what is in the bill we are debating today. This legislation will strengthen the operation of both Acts and will better manage convicted sex offenders who are back living in the community. Let us examine the behaviour of sex offenders, the majority of whom will be released from custody.

Research has shown that as many as 42 per cent of sex offenders reoffended either by committing a sex crime or a violent crime, or both. The risk of reoffending was highest in the first six years after release from jail but continued to be significant even up to 10 to 30 years later, with 23 per cent reoffending during this time. In his report into paedophilia in 1997, Justice Wood observed:

> The general consensus is that paedophiles cannot be cured, only managed and that offending only ceases while the offender is imprisoned.

The bill addresses the issue of the management of child sex offenders once they are released back into the community. There have been many instances of recidivism by sex offenders that I am sure are well known to this House. Serial paedophile and knife-wielding rapist of teenage girls Raymond Barry Cornwall completed a sex offender program and was released from the New South Wales prison system in 2007. Within hours, he had removed his tracking anklet, escaped from his supervisors and was on the run. He was returned to jail and then released into supervised custody only to breach his court-imposed conditions again.

In another instance, Bruce Malcolm Thomas had spent 35 out of 38 years in the New South Wales prison system for violently raping women. In 2008 he was released from jail despite the fact that on six previous occasions he had committed further sexual assaults while on release. Within weeks, he had breached his conditions and was back in custody. Paedophile Alexandria George Brookes, the offending partner of notorious sex offender Dennis Raymond Ferguson, now deceased, was released from a New South Wales prison in 2008. Within weeks, he was observed entering a childcare centre and was returned to prison for breaching his release conditions. These instances demonstrate the importance of managing sex offenders once they have been released. This legislation imposes severe penalties and gives police sweeping powers to randomly inspect the homes of child sex offenders and demand access to their computers. Failure to cooperate will mean that offenders could face two months in prison or a $2,000 fine.

In addition, there will be provisions to prohibit sex offenders from certain types of employment, such as volunteering, working as a self-employed contractor where they may come into contact with children, and working in vocational education and training or in a religious role. Sex offenders will also be prohibited from working in close proximity to children and could face up to five years in prison if they attempt to make contact with any of their victims. Failure to comply with a child protection prohibition order will attract a maximum penalty of five years in jail. The bank of evidence to support these measures is irrefutable. In 2012 there was a 30 per cent rise in the number of offenders arrested by the Australian Federal Police for child pornography offences. This is why it is essential that computer usage by sex offenders is monitored carefully, and why it is specifically included in the bill.

There have been instances of paedophiles keeping records of their offences. Clarence Osborne kept records of the 2,500 children he molested. Paedophiles can come from all walks of life. William Allen was a teacher and a member of the Australian Paedophile Support Group. He kept records showing that he molested 2,000 boys in the 1980s. Experts have also warned that sex offenders use offender programs to gain freedom. We are all familiar with the tragic case of Jill Meagher. Jill Meagher's killer, Adrian Bayley, admitted that he had "gone through the motions" of a sex offenders program, effectively conning the parole board. This is a man who is a serial rapist and violent criminal. He has a history of twice threatening to kill women. He was given bail twice for vicious offences while on parole, before raping and murdering Jill Meagher. I realise that this crime was committed in Victoria but it goes to the mind of a sex offender and reminds us that the laws must protect citizens from the violent behaviour of known sex offenders.

Clearly, sex offender programs may help but they do not guarantee that the offender is safe to be back in the community. Remember the portentous words of Justice Wood. A study by Professor Stephen Smallbone for Corrective Services NSW of 117 participants showed that 10 had committed further sex offences within the survey period although many more had reoffended, with a variety of criminal charges. Corrective Services NSW said that its psychologists tested sex offenders and studied their behavioural changes to assess whether they had undergone real change. Professor Smallbone's study showed that sexual offenders who began but then dropped out of treatment "may even be more likely to reoffend than those who did not begin treatment in the first place." He went on to say that these kinds of programs are only one element of treatment in preventing reoffending. He said that inmates on the prison programs tried to make themselves look "pretty good" but supervision programs of offenders released on parole relied too heavily on judgements made in a controlled environment. He said:

> These risk assessments are made inside prison and really need to be done in the context in which the risk occurs—back in the real world where emotional, financial and social circumstances put a person under pressure.

It is clear that once a sex offender is released into the community their behaviour should be monitored closely and cleverly. This legislation strengthens police powers in that regard. Under the Child Protection (Offenders Registration) Act 2000, the offender had to supply police with information such as name, address and date of birth. They were also required to provide details of where they worked, what car they drove and details of their computer usage. Details of their computer usage included internet access, their internet service provider, email addresses and chat-room and instant-messaging user names. On conviction, this information must be provided to police within seven days of the date of the sentence or release from jail. Personal information must be reported to police at set periods. In addition, they are required to report to police and to advise them of any changes to their current circumstances.

Significant changes to the current legislation provide that once a sex offender is released back into the community police will have the right to search their home without notice. Currently, police are forced to rely on intelligence when assessing whether a sex offender may pose a risk to the community. They are restricted in determining whether a sex offender has complied with the terms of their reporting requirements. Amendments in this legislation will address that anomaly by allowing one or more police officers to enter and inspect the residential premises of a sex offender without prior notice. The amendments also provide that sex offenders must comply with any relevant information demanded by police, or face a penalty. This power remains active as long as the reporting period is in place. There are also provisions to protect the rights of other people who may be sharing the address with the offender. Any suspicions by police that may arise during an inspection may result in a thorough search of the premises.

Sex crimes, particularly against children, are among the worst. It is terrifying to think that females aged between 10 and 19 recorded the highest victimisation rate, that victims are four times more likely to know the offender, and that two out of three sexual assaults occurred in a residential location. We must be vigilant and we must always look to the law to ensure that it better protects vulnerable members of our community. I congratulate the Attorney General and the Minister for Police and Emergency Services on their work in preparing this important legislation, and I commend the bill to the House.

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [11.56 a.m.]: I speak in support of the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013. As we know, the bill introduces additional mechanisms for the monitoring and management of child sex offenders and other persons who have committed serious offences against children while they are living in the community. As members are aware, these individuals are known as registrable persons. The changes that are brought before the House today are part of a suite of other legislation and mechanisms that work to manage registrable persons and to safeguard children from harm. For example, the Australian National Child Offender Register, or ANCOR, is a national database for the registration and management of persons who have committed sex and other serious offences against children. Operated by the Commonwealth agency CrimTrac, the register allows authorised police officers to register, case-manage and share information about a registrable person between police agencies.

The Australian National Child Offender Register's capabilities include managing interstate transfers and receiving alerts from the Australian Federal Police to detect travel breaches for registered persons travelling overseas who may not have reported this information to the police. Police use the register's capabilities for New South Wales registrable persons whose data has been uploaded onto the system manually. In New South Wales other legislation exists that imposes certain restrictions on child sex offenders following their sentencing or release from custody into the community. This includes the Child Protection (Working With Children) Act 2012, which outlines the checks and clearances required in New South Wales for the purposes of working with children. The Act commenced on 15 June 2013. The employment screening system prevents registrable persons from having inappropriate contact with children through their employment. The Crimes (High Risk Offenders) Act 2006 can impose extended supervision orders and continuing detention orders on high-risk sex and violent offenders, and direct them to undertake rehabilitation.

Section 11G of the Summary Offences Act 1998 makes it an offence for convicted child sex offenders to loiter near a school or a public place that is regularly frequented by children. Police officers can use other mechanisms—such as apprehended violence orders—to manage registrable persons and to protect children. The proposals contained in this bill are brought before the House today against a backdrop of various child protection inquiries, including the special commission of inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse. The New South Wales Government welcomes the establishment of both those inquiries. Victims and their families deserve to be heard; they deserve that their allegations be investigated properly. And they deserve justice. The New South Wales Government will work with commissioners, other

government agencies, our non-government partners, families and the community to ensure that survivors of child sexual abuse are heard and positive systemic changes are made so that children are better protected from harm and abuse.

Of course, there is also the recently established parliamentary joint select committee which will determine whether current sentencing options for perpetrators of child sexual assault remain effective. Preventing abuse and protecting children and other vulnerable people is a major priority for the New South Wales Government. As other speakers have stated, for a child the consequences of child sexual assault are extremely serious. It involves more than memories; it has serious mental health implications for, and often distorts the lives of, victims in ways that most of us cannot imagine. It is one of the great childhood traumas that we must work to avoid. Child abuse and, in particular, child sexual abuse, is an abominable crime that goes against everything for which our society—indeed, all societies—stand. Such abuse must be prevented. If we cannot keep our children safe from child sexual assault we have failed them and generations to come. I commend the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013 to the House.

Mr JOHN FLOWERS (Rockdale) [12.01 p.m.]: I speak in debate on the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013. In his second reading speech the Hon. Greg Smith, Attorney General, and Minister for Justice indicated that this bill implements the findings of a statutory review of the Child Protection (Offender Prohibition Orders) Act 2004 and introduces additional measures to the Child Protection (Offenders Registration) Act 2000 that were also considered as part of the statutory review. The amendments contained in the bill seek to improve the operation of both those Acts by strengthening the framework for monitoring and managing offenders who have committed sexual or other serious offences against children and who pose a risk to children, even after the offenders have completed their sentences and are living in the community. These individuals are known as registrable persons under the Child Protection (Offenders Registration) Act 2000.

Under the Child Protection (Offender Prohibition Orders) Act 2004, child protection prohibition orders and contact prohibition orders can be made. A child protection prohibition order prevents registrable persons from engaging in certain kinds of conduct that may be a precursor to their offending, such as participating in certain kinds of employment. Contact prohibition orders prevent registrable persons from contacting co-offenders or victims. Under the Child Protection (Offenders Registration) Act 2000, registrable persons must report certain personal information to police for set periods while they are living in the community; for example, their name, date of birth, address, place of work, type of vehicle driven and details of computer usage, including details such as their internet access, internet service provider, email addresses and chat room and instant messaging user names. The objects of the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013 are as follows:

(a) to permit the inspection by police, without notice or a warrant, of the residential premises of persons who are registrable persons under the Child Protection (Offenders Registration) Act 2000;

(b) to expand the conduct that can be the subject of a child protection prohibition order under the Child Protection (Offenders Prohibition Orders) Act 2004 (the Principal Act) to include, among other things, being a contractor, subcontractor, volunteer, trainee, religious or spiritual leader or a member of a religious organisation;

(c) to increase the maximum penalty for the offence of failing to comply with a child protection prohibition order and to provide for such an offence to be dealt with on indictment if the prosecutor so elects;

(d) to permit a contact prohibition order under the Principal Act to be made if the Commissioner of Police and the person who is to be subject to the order both consent to it being made;

(e) to limit the persons to whom the Commissioner of Police can delegate his or her functions of applying for certain orders under the Principal Act against persons under 18 years of age.

Generally, the Child Protection (Offenders Prohibition Orders) Act 2004—or the CPPO Act, as it is more commonly known—enables prohibition orders to be made against offenders who have committed sexual or other serious offences against children such as child murder, sexual intercourse with a child, acts of indecency against a child and possession of child abuse material. These individuals are known under the Child Protection (Offenders Registration) Act 2000 as registrable persons.

The Child Protection (Offenders Prohibition Orders) Act 2004 recognises that certain registrable persons can still pose a risk to children, even after they have completed their sentences and despite being subject to the registration and reporting requirements of the Child Protection (Offenders Registration) Act 2000. Under

the Child Protection (Offenders Prohibition Orders) Act 2004, two types of prohibition orders may be made: child protection prohibition orders and contact prohibition orders. Child protection prohibition orders are intended as a means of managing registrable persons of the highest risk to children. A child protection prohibition order works to prevent high-risk offenders from engaging in certain kinds of conduct that may be a precursor to their offending. While the kind of contact that may be prohibited is not limited, examples of specific conduct that may be prohibited under a child protection prohibition order include being in specified locations or kinds of locations; engaging in specified behaviour; or being in specified employment or employment of a specified kind.

In determining whether to apply for a child protection prohibition order, police conduct a risk assessment of the registrable person to establish whether his or her current conduct, in conjunction with his or her previous convictions, is likely to pose a risk to children. This puts the person's behaviour into a relevant context. The Local Court may grant a child protection prohibition order if it is satisfied on the balance of probabilities that there is a reasonable cause to believe, having regard to the nature and pattern of conduct of the person, that the person poses a risk to the lives or sexual safety of one or more children or to children generally and the making of the order will reduce that risk. The Local Court will make this determination after considering a list of criteria outlined in section 53 of the Child Protection (Offenders Prohibition Orders) Act 2004.

Contact prohibition orders work to prevent a registrable person from contacting co-offenders or victims. Police can apply to a Local Court for a contact prohibition order if they have reasonable grounds to suspect that contact may occur and that other orders, for example, extended supervision orders, would not prevent that contact and that there are sufficient grounds to justify making the application. The Local Court may grant a contact prohibition order if it is satisfied that there are sufficient grounds to do so. Child protection prohibition orders can be made for a period of up to five years for an adult and two years for a young registrable person—a person who is under the age of 18 years. A contact prohibition order lasts for up to 12 months. I commend the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013 to the House.

Mr CHRIS PATTERSON (Camden) [12.09 p.m.]: I support the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013. This bill seeks to better protect children in our communities from the absolute low-lifes who commit serious offences against children. Parliament, magistrates and the community as a whole must do anything and everything to ensure the protection of our most vulnerable members—children. This bill will amend the Child Protection (Offenders Prohibition Orders) Act 2004 and the Child Protection (Offenders Registration) Act 2000 by implementing the findings of a statutory review. Offenders who have committed a serious offence or offences against a child or children are known under the Child Protection (Offenders Registration) Act as registrable persons. The Child Protection (Offenders Prohibition Orders) Act recognises that certain registrable persons, despite being subject to registration requirements and monitoring under the Child Protection (Offenders Registration) Act, may still pose a risk to children after completing their sentence. With this in mind, the Child Protection (Offenders Prohibition Orders) Act was introduced to give New South Wales police the power to obtain prohibition orders for offenders known as registrable persons under the Child Protection (Offenders Registration) Act.

Under the Child Protection (Offenders Prohibition Orders) Act two types of prohibition may be issued, being child protection prohibition orders and contact prohibition orders. A child protection prohibition order manages high-risk registrable persons by preventing them from participating in certain kinds of conduct that may be a precursor to their reoffending. Local Courts grant this type of order for up to five years for an adult offender and up to two years after referring to a risk assessment conducted by police as to the likeliness that the registrable person poses a risk to children and the court is satisfied based on the balance of probabilities that there is reason to believe the person poses a risk to specific children or to children in general. A Local Court also grants contact prohibition orders at the request of police that have reasonable reason to believe a registrable person may try to contact his or her victim or victims or co-offenders. A contact prohibition order can last for up to 12 months and prevents a registrable person from contacting his or her victim or victims or co-offenders.

The purpose of the review, and a requirement of the Child Protection (Offenders Prohibition Orders) Act, was to determine that the Act's policy objectives and terms remain valid for securing those objectives. Specific issues were raised in a discussion paper and stakeholders were asked to provide submissions or comment in order to assist the review. The review found that the policy objectives and terms of the Child Protection (Offenders Prohibition Orders) Act were valid for securing the objectives; however, recommendations were made for legislative changes to the Child Protection (Offenders Prohibition Orders) Act

and the Child Protection (Offenders Registration) Act to improve their operation. The Child Protection (Offenders Prohibition Orders) Act will be amended to expand the conduct that can be the subject of a child protection prohibition order to include being a worker of a specified kind—for example, a contractor, a volunteer, a trainee or a religious leader. The maximum penalty for failing to comply with a child protection order will be increased to a $50,000 fine or five years imprisonment, or both.

A contact prohibition order will be permitted to be made if the Commissioner of Police and the person who is subject to the order both consent to it being made. This will be an addition to the current provision, which provides that the Local Court may make a contact prohibition order if it is satisfied that there are sufficient grounds for making the order. The Act will be amended also to limit the persons to whom the Commissioner of Police can delegate his or her functions of applying for certain orders against registrable persons under the age of 18 pursuant to the Child Protection (Offenders Prohibition Orders) Act. The Child Protection (Offenders Registration) Act will be amended to give police the power to enter and inspect the residential premises at which a registrable person generally resides for the purpose of verifying the personal information that the person has been required to provide under the Act. Entry and inspection may be made without prior notice and the power may be exercised on any premises of a registrable person once in a 28-day period following the making of an initial report by the registrable person, as required under the Act, and will form part of the registrable person's reporting obligations.

The inspection power can be exercised again in the first year following the making of the initial report and then once a year thereafter until the relevant reporting period of that registrable person is complete. Under this bill registrable persons will be required to allow a police officer to enter and inspect any of their residential premises, and they are to cooperate with a police officer in respect of that entry and inspection. Any refusal to cooperate would be grounds for police to apply for a search warrant on the basis that there are reasonable grounds to believe there is on the premises an item connected with a searchable offence. The Attorney General addressed the finer details of these amendments, so I will not re-cover that ground. I do not believe this bill will infringe on offenders' rights. I do not believe, as reported in the media, that this bill will lessen police accountability.

However, I do believe that this bill further protects victims' rights and puts offenders on notice that this Government demands a higher level of accountability and monitoring from them. This Government has an obligation to ensure that it does everything possible to protect our children and young adults from such offenders. No-one in our communities would think this bill should not be made law, apart from the monsters who commit offences against children and the civil liberties groups that seek to protect the criminal before the victim or potential victim. I make no apologies to anybody who believes this bill intrudes on an offender's rights or lifestyle or is against his or her civil liberties. That is absolute garbage and indefensible. We need to offer more protections to those most vulnerable in our communities. That is what this Government is doing. That is what this bill aims to achieve. For that reason, I commend the bill to the House.

Mr ANDREW ROHAN (Smithfield) [12.18 p.m.]: I support the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013. I commend the Hon. Greg Smith, Attorney General, and Minister for Justice for introducing this bill. Crimes against children are serious offences and should not be taken lightly. This new legislation tightens prohibition orders and increases punishment to further safeguard children and the community. The bill demonstrates the fact that while offenders may have served their sentences, they are still a high risk to children. It is important to recognise the context of the offender so extra precautions can be taken to prevent recidivism. The Local Court may grant a child protection prohibition order if there is reasonable cause to believe the offender still poses a risk. Local Courts must use their discretion based on the criteria in section 5. This child protection prohibition order can last for up to five years for adults and two years for offenders under the age of 18.

A contact prohibition order lasts for 12 months and will prevent offenders from contacting co-offenders if other sanctions and orders put in place are not sufficient to prevent contact. This is particularly important because it will bar offenders from collaborating to commit future crimes. Furthermore, the Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill identifies more types of contact that would be subject to a child protection prohibition order. It also uses the definition of "worker" under the Child Protection (Working with Children) Act 2012 and the Child Protection (Offenders Registration) Act 2012 and expands on what is considered to be a worker. This amending bill describes "worker" as including an employee, self-employed contractor, volunteer, vocational trainee or religious leader, which means that an offender will be prohibited from working in any of these roles, many of which involve spending time with children.

Amendments to section 13 of the Child Protection (Offenders Prohibition Orders) Act will mean that breaching such orders will incur 500 penalty units or imprisonment for five years, or both. Before these amendments it was set at 100 penalty units or two years imprisonment, or both. Increasing the punishment illustrates the severity of the crime and will deter offenders from breaching the orders. However, these orders cannot be delegated by the Commissioner of Police and most of the jurisdiction lies in the Local Courts, which will ensure the effective monitoring of applications for orders. The amendment will expand on the Child Protection (Offenders Registration) Act 2000, which states in section 9 that offenders must report to the police their name, address, computer usage information, internet access details, social media details, and email addresses. However, due to the anonymous and broad nature of the internet, these are difficult to track and therefore loopholes are easily discoverable. Nevertheless, it is important to amend the Act to keep track of fast-paced technology in today's society.

While it impinges on the privacy rights of offenders in cyber space, it is important that we prioritise the safety of children. This is further enforced through new division 7A, which will enable police officers to enter the premises of any registered offender to verify any personal information that they require. This is allowed at any time 28 days after the initial report on the offender, after which it is allowed once a year until the expiration of the offender's registration. Officers are only able to inspect the premises, not search them. Given that there are police powers and Local Courts are using their own discretion to impose orders and to inspect properties, it is important to ensure that these are monitored so that they do not go beyond their jurisdiction and impose on the privacy rights of offenders. The enforcers of this law will be held accountable under the Law Enforcement (Powers and Responsibilities) Act 2002.

The Fairfield Local Government Association has the second largest youth population—19.3 per cent—in Western Sydney. I am passionate about ensuring that my constituents have a safe environment. These amendments go hand in hand with the work that the Fairfield Local Government Association is doing to ensure that children are protected from such offenders. Education is its main focus, whereby a majority of high schools, such as Cabramatta High School and Prairiewood High School, have held self-defence classes. I understand that most schools also educate students on internet safety. The Fairfield Youth Centre and Fairfield Liverpool Youth Health Team offer education programs as well as counselling and support for young people. With the Government and youth being proactive against potential offenders, we can be sure that our youth are kept safe from offenders. I highly commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [12.25 p.m.]: I support the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013, which introduces additional mechanisms for the monitoring and management of child sex offenders and other persons who have committed serious offences against children whilst they are living in the community. This bill is of particular interest to me because of my involvement in various areas focused on children, such as the Committee for Children and Young People. Recently I was appointed to the Joint Select Committee on Sentencing of Child Sexual Assault Offenders. My primary interest in these committees is the importance we place on protecting our most vulnerable citizens. Unfortunately, some terrible people live in this world and it is not always a safe and friendly place for children.

I know that Bravehearts does incredible work. I have attended a number of its events and I know the damage that sexual abuse can cause to young people. I have also heard many heartbreaking stories of innocent childhoods that have been cut short as a result of abuse, and even a few inspiring tales of those who have overcome those experiences to become amazing adults. Mr Acting-Speaker Ward, I am aware of the work that you have done with Bravehearts, that its representatives have been invited to Parliament and that members of this House are made aware of the work that it does and are encouraged to support that organisation. I thank you for the time that you have given. While we are lucky that wonderful organisations such as Bravehearts exist to provide support to victims and to raise awareness of such issues, it is unfortunate that they need to exist at all. In my role as a member of Parliament I hope that my involvement in these two committees goes some way towards keeping more children out of harm's way and makes those responsible for inflicting harm suffer real consequences for their actions. It is important that we do whatever we can to help protect children from harm and abuse.

This bill will improve the way in which registered persons are monitored and, hopefully, will make it easier to identify those at risk of reoffending. The bill implements the findings of a statutory review of the Child Protection (Offenders Prohibition Orders) Act 2004 and introduces additional measures to the Child Protection (Offenders Registration) Act 2000. As I mentioned, the bill is about protecting children from possible sexual offenders or other serious offenders through known and identified offenders. The Child Protection (Offenders

Prohibition Orders) Act 2004 recognises that even after offenders have completed their sentences and are required to report their movements and activities to police, they can still pose a risk to children. To this end, two types of prohibition orders can be made: child protection prohibition orders and contact prohibition orders. The first is intended to manage registered persons of the highest risk to children. A child protection prohibition order, or a contact order, works to prevent high-risk offenders from engaging in certain kinds of conduct that may be a precursor to their offending.

This conduct could include but is not limited to being in specified locations or kinds of locations, engaging in specified behaviour or being in specified employment. When a child protection prohibition order is requested, police conduct a risk assessment of the person to establish whether he or she poses a risk to children. On the other hand, a contact prohibition order can prevent a registered person from contacting co-offenders or victims. Police are able to apply to a Local Court for a contact prohibition order if they have reasonable grounds to suspect that contact may occur and it may be granted if the court is satisfied there are sufficient grounds to do so. Child protection prohibition orders can be made for a period of up to five years for an adult and two years for a young registrable person under the age of 18.

Schedule 1 to the bill has been expanded to include the kinds of conduct that may be subject to a child protection prohibition order. The term "worker" will now be aligned with the meaning provided in the Working With Children legislation. This will mean that a "worker" includes any person who is engaged in work in any of the following capacities: employee, self-employed person, contractor or subcontractor, volunteer, a person undertaking practical training as part of a vocational or educational course, and a person acting in the role of a religious leader. The penalty has also been increased for those contravening a child protection prohibition order. The penalty for subsequent breaches of a prohibition order will be increased to 500 penalty units or imprisonment for five years, or both. It is hoped that these changes will act as a deterrent to high-risk registrable persons from committing multiple breaches of child protection prohibition orders.

Further amendments have been made to section 16C of the Child Protection (Offenders Prohibition Orders) Act to allow contact prohibition orders to be granted by consent. This will ensure that there will continue to be appropriate supervision and monitoring of any applications relating to high-risk juvenile offenders. One of the biggest challenges facing police and the court system in monitoring registrable persons is modern technology. It is no longer sufficient to simply report movements and employment details when most people have ready access to the internet and mobile phones. As members well know, children are also at risk on the internet via chat rooms and social media, and many offenders use this technology to prey on their victims.

Currently offenders must provide personal information to police, such as their residential address, the car they drive and their computer usage, including email addresses, within seven days of being convicted. If a complete record of this information is not supplied, police must rely upon intelligence reports and the criminal behaviour of a registrable person to assess if any risks are posed to reoffending. However, it is almost impossible for police to confirm if a registrable person is complying with the terms of an order. In order to address this, the amendments proposed in the bill will allow one or more police officers to enter and inspect residential premises to verify any relevant personal information required to be reported.

This will mean that a person's computer access to the internet and mobile phones can be checked and verified without notice. Registrable persons must cooperate when requested to supply login details or chat room usernames in order to monitor their behaviour or check that they are complying with the terms of their registration. Obviously, some consideration will be given to the privacy of other residents and shared property or communal property in the instance of boarding houses or share accommodation. I reiterate that this is a power to inspect, not search. If evidence is found that requires a full search, then a warrant can be issued. Preventing abuse and protecting children and other vulnerable people is a major priority for the Government. We must untie the hands of police and help them manage registrable persons. This legislation will support police and, hopefully, save some children from horrendous situations.

As I have said, I am a member of the Parliamentary Joint Select Committee on Sentencing of Child Sexual Assault Offenders and the Committee for Children and Young People. In fact, the Parliamentary Joint Select Committee on Sentencing of Child Sexual Assault Offenders will meet tomorrow. I hope both those committees can make inroads into keeping children safe and happy. I thank the Attorney General for his hard work on this important bill, and I thank also the Attorney General's staff for their advice. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [12.33 p.m.], on behalf of Mr Greg Smith, in reply: I thank the members representing the electorates of Liverpool, Cabramatta, Drummoyne, Rockdale,

Goulburn, Rockdale, Menai, Camden and Smithfield for their contributions to debate on the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill 2013. In response to comments made in debate, I can inform members that the report on the statutory review will be tabled during question time today. The statutory review was conducted in accordance with section 24 of the Child Protection (Offenders Prohibition Orders) Act 2004. The review process began in August 2010 when a discussion paper was circulated to stakeholders who were invited to make submissions or comments to assist the statutory review of the Child Protection (Offenders Prohibition Orders) Act.

Responses were received from the then Director of Public Prosecutions, the Chief Magistrate of the Local Court, the Acting Chief Judge of the District Court, Community Services NSW, Corrective Services NSW, Ageing, Disability and Home Care, the Department of Education and Training, Housing NSW, Juvenile Justice NSW, the Mental Health Review Tribunal, NSW Health, the NSW Ombudsman, the NSW Police Force, the Law Society of New South Wales and the Public Defenders Office. In February 2012, targeted consultation was undertaken with New South Wales stakeholders as to the proposed entry and inspection powers. Further consultation was also undertaken following the publication of the Victorian Law Reform Commission "Sex offenders registration: Final report", which was tabled in the Victorian Parliament on 18 April 2012.

Those stakeholders who provided submissions about the entry and inspection powers included: the Office of the Director of Public Prosecutions, NSW Health, Aboriginal Affairs NSW, the Mental Health Review Tribunal, Housing NSW, the Law Society of New South Wales, the NSW Bar Association, Corrective Services NSW, Juvenile Justice NSW, Legal Aid NSW, the Australian Federal Police, the Chief Magistrate's office, the Children's Court of New South Wales, the Commission for Children and Young People, the Commonwealth Attorney-General's Department, the District Court of New South Wales, the Police Association of New South Wales, the Office of the Privacy Commissioner and the Supreme Court of New South Wales. As can be seen, a significant amount of consultation was undertaken and a wide range of key stakeholders were given the opportunity to participate in the review. 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 Geoff Provest, on behalf of 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.

FINES AMENDMENT BILL 2013

Bill introduced on motion by Mr Andrew Constance, read a first time and printed.

Second Reading

Mr ANDREW CONSTANCE (Bega—Minister for Finance and Services) [12.37 p.m.]: I move:

That this bill be now read a second time.

People who have accumulated debts in this State should pay their fair share and pay what they owe. This legislation will ensure that we have a "cop on the beat" to protect taxpayers and those who do the right thing. Those on this side of the House believe that government holds taxpayers' money on trust. The O'Farrell Government treats taxpayers' money with respect. This bill will ensure that those who do the right thing are not paying for those who do not. The State Debt Recovery Office is currently responsible for enforcing fines and recovering outstanding fines debt in New South Wales. The Fines Amendment Bill 2013 seeks to abolish the State Debt Recovery Office and vest its functions and powers in a new position: Commissioner of Fines Administration.

The bill will enable the commissioner to more efficiently enforce fines and better recover State debt. Overdue fines represent money that could be used to build schools, hospitals and vital infrastructure across New South Wales. The Government is providing the commissioner with the power necessary to do the work that the residents of New South Wales expect and deserve. The State Debt Recovery Office is a statutory body corporate with functions relating to the administration of penalty notices, enforcement of fines and recovery of debts due to the State. It is part of the Office of State Revenue within the Department of Finance and Services. Since coming to office, the O'Farrell Government has overseen the merging of the Office of State Revenue debt recovery functions in relation to fines, taxes and benefits into a single debt management business unit using the name State Debt Recovery.

These functions are currently the statutory responsibility of the State Debt Recovery Office in relation to fines, and of the Chief Commissioner of State Revenue in relation to taxes and benefits. The Executive Director of the Office of State Revenue holds statutory positions as both the Chief Commissioner of State Revenue and the Director of the State Debt Recovery Office. Along with other reforms in the Office of State Revenue, this has delivered significant financial benefits to the State. The Office of State Revenue recovers an average of $1 million of debt from overdue fines each business day, compared to $750,000 per day 24 months ago. The amount of debt from overdue fines as at 30 June 2013 was the lowest it has been since 30 June 2004. Prudent management by the O'Farrell Government has protected taxpayers and delivered value for New South Wales, in stark contrast to the lacklustre approach under Labor, who presided over 16 years of financial mismanagement.

The bill abolishes the State Debt Recovery Office and vests its statutory functions in a new position: Commissioner of Fines Administration. Savings and transitional provisions ensure that any actions by or in respect of the State Debt Recovery Office, including legal proceedings, are taken to have been done by or in respect of the Commissioner of Fines Administration. Although it is desirable to maintain a formal functional separation between collecting civil debts and the enforcement of fines payable for breaches of the law, greater integration of the management of all debt administered by the Office of State Revenue can also provide benefits and enhance the capability of the Office of State Revenue to provide debt management services to other government agencies. For example, experienced tax investigators could provide valuable assistance in the examination of a fine defaulter to determine the person's financial circumstances and ability to satisfy the fine.

The bill therefore provides for the appointment of authorised officers to exercise enforcement functions under the Fines Act, including examination of fine defaulters. This is similar to the existing provisions for authorised officers under the Taxation Administration Act. The bill authorises the Commissioner of Fines Administration to engage contractors to assist in fines debt recovery. This is consistent with the powers available to the Chief Commissioner of State Revenue for the purposes of administering taxation laws, and will facilitate the use of private sector debt recovery agents to improve the rate of collection of debts. These contractors are currently used for non-statutory debt collection functions, and the amended provisions will allow the Office of State Revenue to use these contractors to exercise specified statutory functions, such as serving notices and orders.

To the extent that this proposal would entail the provision of personal information about fine defaulters to contractors, privacy rights are already protected by confidentiality requirements in the Fines Act and by existing contractual arrangements. These protections will, of course, continue. The bill makes numerous consequential amendments to other Acts and regulations to replace references to the "State Debt Recovery Office" with references to the "Commissioner of Fines Administration". The bill also contains important provisions to ensure that fines imposed for breaches of the law can be enforced against interstate residents. If an offence under New South Wales law is committed by a person who resides outside the State, many of the enforcement actions that would otherwise be available to the Commissioner of Fines Administration cannot currently be used. As a result, of the more than 60,000 New South Wales fines payable by interstate residents each year, more than 40,000 remain unpaid after 12 months.

The total for outstanding fines payable by interstate residents is currently approximately $97 million. That is not good enough. This is money the people of New South Wales should get back and these changes will help ensure that more of this money is collected—money that can be invested in our essential services and infrastructure. The State Debt Recovery Office has improved the rate of recovery of interstate fines in recent years, but a comprehensive solution cannot be implemented without the cooperation of other States and Territories in providing for reciprocal enforcement of interstate fines. In March 2008, the Standing Committee of Attorneys-General gave in-principle approval to a system of mutual recognition of fines to permit enforcement of those fines in accordance with the laws of the State or Territory where the fine defaulter resides.

In November 2010, the Commonwealth passed amendments to the Service and Execution of Process Act 1992 to facilitate interstate enforcement of court fines. The bill amends the Fines Act to complement the Commonwealth provisions by providing for interstate enforcement of fines payable under penalty notices or similar administrative processes. The provisions would authorise the Commissioner of Fines Administration: to take recovery and enforcement action under the Fines Act in relation to fines imposed by or under the laws of other States and Territories; to request authorities in other States and Territories with reciprocal legislation in place to take recovery and enforcement action in relation to New South Wales fines; and to enter into operational and financial arrangements with authorities in other States and Territories in relation to those matters.

In New South Wales the enforcement process for both court-imposed fines and fines under penalty notices currently commences with the making of an enforcement order by the State Debt Recovery Office. The bill applies the same process to the enforcement of interstate fines following a request by the fines enforcement agency of the other State or Territory. An enforcement order would only be made if the fine defaulter has a relevant connection with New South Wales, such as being resident in New South Wales, having a driver licence from or registered motor vehicle in New South Wales, having debts due in New South Wales, or owning property in New South Wales. The fines would then be enforced using the same enforcement actions that apply to New South Wales fines. These include suspension or cancellation of the offender's driver licence or vehicle registration and civil enforcement such as property seizure, garnishing wages and community service.

Amounts paid to the Commissioner of Fines Administration in respect of interstate fines would be applied in the same manner as amounts paid under other enforcement orders, being, firstly, toward New South Wales enforcement costs; secondly, toward any outstanding New South Wales fines; and the balance toward the interstate fine payable to the referring agency. Allowing the Commissioner of Fines Administration to retain enforcement costs will ensure that the additional cost to the Office of State Revenue of collecting interstate fines is recovered. The scheme introduced by the bill also authorises the Commissioner of Fines Administration to request the enforcement of New South Wales fines in other participating jurisdictions.

The Commissioner of Fines Administration would only request an interstate fine enforcement agency to enforce a New South Wales fine if enforcement action by the Commissioner of Fines Administration has not been or is unlikely to be successful in satisfying the fine and the fine defaulter has a relevant connection with that other jurisdiction. Enforcement could occur in only one jurisdiction at a time, so that the Commissioner of Fines Administration would not be permitted to take or continue any enforcement action under the Fines Act while the fine is subject to enforcement interstate. Other operational and financial arrangements would be dealt with by agreement between the Commissioner of Fines Administration and the relevant authority of the other State or Territory.

The bill contains four other provisions to improve the enforcement of fines. The first measure is to facilitate a trial of enforcement of amounts payable under victims restitution orders. This Government is on the victim's side. We want to ensure that victims are looked after and that offenders pay what they owe—this bill is part of measures designed to achieve that end. The Government recently introduced legislation to establish a new Victims Support Scheme to address delays and cost blowouts in the current Victims Compensation Scheme. A secondary problem with the existing scheme was the inability to recover compensation amounts payable by offenders. Last financial year, $4.08 million was recovered and paid into the Victims Compensation Fund to be used to make payments of compensation. The shortfall in funding is paid by the taxpayer.

Under the new scheme, the Commissioner of Victims' Rights may make an order for recovery from an offender of amounts awarded to victims as statutory compensation. The amounts payable under these Victims Restitution Orders will be recovered by the Commissioner of Victims' Rights and paid into the Victims Support Fund. These amounts can only be recovered as judgement debts, with limited enforcement options available. The Auditor-General noted in his report to Parliament that of $310 million in restitution debts owed by offenders at 30 June 2012, only $19.7 million was likely to be recovered. It is clear that some offenders are avoiding their obligations to pay restitution. These offenders need to be held to account and the O'Farrell Government is has introduced this bill to protect the rights of victims and to ensure they receive what they are due.

The O'Farrell Government will implement a trial under which the Commissioner of Fines Administration will recover restitution debts using the fine enforcement processes in the Fines Act. The wide range of enforcement action available to the Commissioner of Fines Administration is anticipated to result in a significantly improved recovery rate, which will be good news for victims. Amounts recoverable under the

equivalent scheme in Queensland are enforced as if they were court fines. New South Wales victims compensation levies, which are separately payable as part of the funding for the compensation scheme, are already enforceable as fines by the Commissioner of Fines Administration. The bill amends the Fines Act to provide that an amount payable under a restitution order can be recovered as a fine for the purposes of the trial, as an alternative to recovery under the Victims Rights and Support Act. Imprisonment for failure to pay the debt will not be an option.

The trial will commence almost immediately and will be limited to 1,000 matters with a total outstanding debt value of approximately $10 million. After six months, the commissioner will provide the Department of Attorney General and Justice with a report on the progress of the trial, and an evaluation including a cost-benefit analysis will be conducted after 12 months to determine whether to implement the process on a permanent basis. The trial can be extended by regulation, but any permanent transfer of responsibility to the commissioner would be subject to a further legislative amendment.

The bill extends the types of enforcement actions that may be taken in relation to fines imposed for driving offences. One of the principles behind the introduction of the Fines Act was that a privilege granted by the State, being the right to drive on State roads, can be withdrawn if the person defaults on an undertaking to the Crown, being the payment of a fine. As a consequence, the first action required to be taken when a fine enforcement order is made is the suspension of the fine defaulter's driver licence. Interstate and international visitors to New South Wales are exempt from the requirement to hold a New South Wales driver licence if they hold a current Australian driver licence issued in another jurisdiction or a current foreign driver licence. These visiting driver privileges can be withdrawn by Roads and Maritime Services in some circumstances, but not as a result of failing to pay a fine.

It is anomalous that people who reside outside the State can retain the privilege of driving on New South Wales roads in circumstances where that privilege would be withdrawn from a New South Wales resident, especially when the fine default relates to traffic offences committed on New South Wales roads. It is recognised that withdrawal of New South Wales driver privileges would have little effect on one-off interstate or international visitors who have defaulted on a fine. However, there are still many thousands of regular users of New South Wales roads with visiting driver privileges who incur multiple penalty notices but who escape payment of the fines, including some with debts of many thousands of dollars.

The bill provides that the commissioner can direct Roads and Maritime Services to withdraw the person's visiting driver privileges if the fine defaulter is subject to two or more enforcement orders relating to traffic or parking offences. Roads and Maritime Services would be required to notify the person in writing, consistent with the existing procedures for withdrawal of visiting driver privileges. The standard enforcement costs payable for enforcement action taken by Roads and Maritime Services, which is currently $40, would be payable. The bill removes a procedural delay affecting the enforcement of some fines. One of the options available for the commissioner to recover outstanding fines is to make payment instalment arrangements with the fine defaulter. It is common for people with multiple outstanding fines to agree to a payment instalment plan covering all of their fines. If a fine defaulter who is subject to an existing enforcement order receives a court-imposed fine or penalty notice in respect of a further offence, the amount of the new fine cannot be incorporated into the payment instalment plan until there has been a default in payment of the new fine. These fine defaulters will often request inclusion of the new fine in the payment instalment plan as they are unlikely to be able to pay the new fine on time in addition to their existing instalment payments. The requests are usually to increase the number of instalments payable rather than increase the amount of the instalments.

Voluntary early enforcement is already available, but only for people who are in receipt of a Commonwealth benefit from Centrelink and who can make direct debit payments under Centrepay. In other cases, arrangements cannot be made until the new fine is overdue. The bill therefore amends the Fines Act to allow an enforcement order to be made prior to default in payment of a fine if the person in receipt of the fine is subject to a current fine enforcement order and the early enforcement is for the purpose of agreeing to a combined payment instalment plan. As approximately 40 per cent of people on payment instalment plans default, the standard enforcement costs payable on the making of an enforcement order, which is currently $65, would apply subject to the existing discretion for the commissioner to waive costs. As these costs would still apply if early enforcement is not available, they do not represent an additional cost to fine defaulters and will not raise any additional revenue. People who apply for voluntary enforcement are advised that once an enforcement order is issued, they will not be able to elect to have the liability for the fine reviewed or to have the fine referred to a court.

Finally, the bill introduces a provision to allow the commissioner to reallocate overpayments towards amounts payable under other fine enforcement orders in force in relation to the same person. This extends the currently limited power to reallocate, but will be subject to a right to a refund of the reallocated money to ensure that reallocation does not cause financial hardship to a person who has overpaid by mistake. In conclusion, the Fines Amendment Bill continues the Government's record of improving the administration and enforcement of fines. It will enable more efficient administration of fines by the Office of State Revenue and improve the recovery of fines debts due to New South Wales by interstate residents. This bill shows the respect that the O'Farrell Government has for the taxpayer and protects those who do the right thing. This bill helps ensure that those who do the right thing are not paying for those who do not. I commend the bill to the House.

Debate adjourned on motion by Ms Noreen Hay and set down as an order of the day for a future day.

EXPLOSIVES AMENDMENT BILL 2013

Bill introduced on motion by Mr Andrew Constance, read a first time and printed.

Second Reading

Mr ANDREW CONSTANCE (Bega—Minister for Finance and Services) [12.56 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Explosives Amendment Bill 2013. The bill is the result of a statutory review of the Explosives Act 2003 that was undertaken by WorkCover as required by section 38 of the Act. The review included consultation with business, employer and union groups and submissions from the public. The report on the review of the Explosives Act 2003 concluded that the policy objectives of the Act, which are to protect workers and the public from harm that may arise from illegal and/or unsafe use of explosives, remained valid subject to minor amendments. The purpose of this bill is to implement many of the recommendations of the report by making those minor amendments to the Explosives Act, as well as some other amendments that have since been identified as necessary.

The Explosives Amendment Bill 2013 makes the following amendments to the New South Wales Explosives Act. The bill improves the licensing provisions of the Explosives Act by inserting new sections 6A and 10A to clarify the role of the security clearance as a prerequisite to obtaining a licence to handle explosives and explosive precursors and make it consistent with the recent remaking of the Explosives Regulation 2013. Other consequential amendments also emphasise the role of the security clearance, which is issued by WorkCover as the regulatory authority for licensing and is based on the report of the Commissioner of Police under section 13 of the Act.

The Explosives Act currently provides that the Commissioner of Police may provide a report to the regulatory authority in relation to licence applicants or licence holders under the Act. The bill amends the Explosives Act by expanding the matters in relation to which the commissioner may report, including whether a licence applicant or licence holder is a fit and proper person to hold a licence, and whether it is contrary to the public interest for the person to hold a licence. It removes from the ambit of the section 13 report some matters that the police consider are not within their role, such as whether the person has adequate facilities for the safe keeping of explosives.

The bill protects from disclosure by the regulatory authority criminal or security intelligence or other confidential criminal information given by the Commissioner of Police to the regulatory authority under section 13 of the Act. The bill also inserts new section 24A into the Explosives Act, which provides that any part of a report issued by the Commissioner of Police under section 13 that could disclose the existence or content of criminal or security intelligence or other confidential information is not to be disclosed by the Administrative Decisions Tribunal in giving reasons for its decision without approval of the Commissioner of Police. The bill repeals section 24 (5) of the Act, which currently prevents internal review of licensing decisions, making the Explosives Act consistent with other New South Wales licensing legislation.

The bill improves the ability of the regulatory authorities, the WorkCover Authority and the Department of Trade and Investment in relation to mines, to monitor and enforce compliance with the Explosives Act. Currently inspectors appointed under the Explosives Act exercise the same compliance powers they exercise

under the Work Health and Safety Act 2011. Consistent with this approach, the bill permits them to exercise information-gathering powers as set out in section 155 of the Work Health and Safety Act 2011, requiring the production of documents and answering of questions. The bill also amends section 35 of the Act to allow regulations to be made authorising the regulatory authority to disclose information obtained in the administration or execution of the Act.

The bill makes amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 to allow police officers to search persons and seize and detain things without warrant if the police officer suspects on reasonable grounds that a person has in their possession any explosive or explosive precursor or dangerous good in connection with an offence under the Explosives Act, and allows seized explosives and explosive precursors and dangerous goods to be forfeited and destroyed. The NSW Police Force has been closely consulted in the drafting of the bill. The bill contains some transitional provisions which set out how the consequential amendments to the Act relating to reports by the Commissioner of Police and internal reviews of WorkCover decisions will apply. Schedule 2 to the bill makes some consequential amendments to the Explosives Regulation.

The Explosives Act is of course supported by a detailed regulation, the Explosives Regulation, which was recently remade on 1 September 2013. WorkCover is continuing to work with stakeholders to ensure that industry and workers will be aware of and understand their responsibilities once the bill is enacted. This work includes communications strategies and a range of support material. In conclusion, the Explosives Legislation Amendment Bill 2013 seeks to improve the utility of the legislation. The bill will protect workers and the public from harm that may arise from illegal and/or unsafe use of explosives or explosive precursors. I commend the bill to honourable members.

Debate adjourned on motion by Ms Noreen Hay and set down as an order of the day for a future day.

SNOWY HYDRO CORPORATISATION AMENDMENT (SNOWY ADVISORY COMMITTEE) BILL 2013

Bill introduced on motion by Ms Katrina Hodgkinson, read a first time and printed.

Second Reading

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [1.02 p.m.]: I move:

> That this bill be now read a second time.

The Snowy Hydro Corporatisation Amendment (Snowy Advisory Committee) Bill 2013 amends section 57 of the Act in order to create a new Snowy Advisory Committee which will replace the Snowy Scientific Committee. While building on the strengths of the previous committee, the amendments will ensure the committee is a more representative advisory body with contemporary governance arrangements. As a result, the committee will be more responsive to the needs of both the community and government.

The role of the Snowy Advisory Committee will be to advise on the timing and patterns of the release of environmental water each year from that recovered under the Snowy water licence. Membership of the Snowy Advisory Committee will draw on expertise from community, Aboriginal and environmental groups as well as government representatives. Drawing on this extensive knowledge base will ensure that comprehensive advice is provided to the New South Wales Government. The committee will also better reflect local community needs, be practical and ensure that resources are not duplicated. The new committee's arrangements will be more consistent with other environmental water advisory committees across New South Wales, which include both community and government representatives. Allowing for regulations to make provisions for changes to membership will allow greater flexibility and prevents the need for legislation if future changes to the committee are required.

The Minister can ask the committee for advice on other aspects of the timing and pattern of the release of water as needed. The amendments state that the committee will be subject to the control and direction of the New South Wales Minister responsible for water. The exception to this relates to the contents of any advice given by the committee, ensuring the Minister will not have any influence over the nature of this advice. The changes to section 57 are necessary to keep the committee functioning as effectively as possible. The

community has been consulted. I released a discussion paper in February this year, and 29 submissions were received. There has been general recognition that a new approach to the committee is needed. This bill delivers that new approach.

The Government has met its obligations to recover the water for the Snowy. The role of the committee will now be more focused on the actual regime and pattern of its release each year. This year we will see the largest volume of environmental water released into the Snowy River below Jindabyne—over 190 gigalitres in total during the 2013-14 water year. This will be achieved through a more variable flow regime, including a trial of five high-flow releases over the spring period instead of one large event. This is designed to improve the habitat of the river for fish and other species. I have been advised that the Office of Water is already seeing good results from this new pattern of variable releases. The new committee will work hand in hand with government experts to review and refine the release patterns into the future. I commend the bill to the House.

Debate adjourned on motion by Ms Noreen Hay and set down as an order of the day for a future day.

ACTING-SPEAKER (Mr Gareth Ward): Order! It being before 1.15 p.m., community recognition statements will now be proceeded with.

COMMUNITY RECOGNITION STATEMENTS

PADDINGTON SOCIETY

Mr ALEX GREENWICH (Sydney) [1.06 p.m.]: I acknowledge and commend the work of the Paddington Society and its members over decades since 1964. The Paddington Society has worked to protect the heritage and conservation status of Paddington streets, houses, rooms and details which are recognised as being of national and State significance. The society's current residents are the custodians of our heritage with a duty to look after the suburb by retaining its cultural and heritage significance for the future. The far-sighted urban activists who set up the society wanted to maintain Paddington's beauty, architectural and historical value; preserve existing, and expand, open space; protect residents from nuisance that prevents the quiet enjoyment of their homes; encourage community activities; protect and enhance cultural amenities; and record and maintain a history of the area. These goals remain very valid today, and I am pleased to report that all the events, submissions and liaisons I have had with the Paddington Society demonstrate that the current members proudly maintain the tradition.

KOLLEGE OF KNOWLEDGE KOMMITTEE FOR KIDS

Mr JAI ROWELL (Wollondilly) [1.07 p.m.]: I inform the House of the good work done by the Kollege of Knowledge Kommittee for Kids. I recently attended its fundraising lunch for charity and can attest to the passion this group has to make our local community a better place. The KKKK is a fabulous organisation based in the Southern Highlands and headed by the chairman, Tony Springett. It commenced in Bowral in 1989 to help special needs children. A group of seven local men formed this group to try to put a smile on kids' faces and improve their lives and the lives of their families.

The original committee consisted of Nick Campbell Jones, Tony Springett, Merv Hicks, Noel Ryan, Steve Boyd, Peter Walsh and Graham Armstrong. The strong tradition of community service is still alive today. To date the KKKK has raised approximately $2 million to support local families, schools and charities. I congratulate them and their current committee of Bruce Rowley, Neil Wallis, Rick Mooney, Carl Phillips, Laurie Adams, Peter Crittenden, Bill Armstrong, Jason Lewis, Tony Springett, Nick Campbell-Jones, Garry Turland and Ian Scandrett. The work they do makes the highlands a better place.

SOUTHERN DISTRICTS SOCCER FOOTBALL ASSOCIATION CHARITY MATCH

Mr GUY ZANGARI (Fairfield) [1.08 p.m.]: On Saturday 6 July 2013 Southern Districts Soccer Football Association held its annual charity match between Liverpool and Fairfield. The charity match raised funds for the Violet Foundation, which raises funds for victims of meningococcal. The Violet Foundation promotes public awareness about meningococcal disease, provides financial assistance to those affected, and provides support and financial funding for research into the disease and future prevention. The all-age ladies'

and all-age men's games were won by the representatives of the Fairfield clubs. The score for both games was Fairfield 2, Liverpool nil. Congratulations to all the Southern Districts Soccer Football Association clubs and sponsors on raising $11,700 from the event.

DUFFYS FOREST RESIDENTS ASSOCIATION

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [1.09 p.m.]: Today I draw the attention of the House to the incredible work being undertaken by the Duffys Forest Residents Association in my community of Pittwater. This enormously dedicated and passionate group of residents oversees a diverse range of environmental and community projects all aimed at preserving the beauty, character and unique features of Duffys Forest and its surrounds. In recent years, the association has played an invaluable role in the ongoing maintenance and perpetuation of the internationally acclaimed Waratah Park and has led numerous successful campaigns for improved community facilities and services under the leadership of such people as Dr Mary Newlinds.

I acknowledge the hard work and commitment of the association's executive, especially Jenny and David Harris, who put their heart and soul into the local community and never shy away from a challenge. I also acknowledge the work of Michael Syme, Julian Malnic, Rick Butler and Joanne Moylan. Duffys Forest is an idyllic community with a fantastic synergy of urban, rural and environmental features and it is due to the continuing work of these committed residents that the area retains those aspects.

NSW CARERS AWARD WINNER ANGELA CHORUSCH

Mr GREG PIPER (Lake Macquarie) [1.10 p.m.]: Last Monday I had the pleasure of attending the NSW Carers Awards in the Stranger's Dining Room of Parliament. All recipients of awards had wonderful stories. I was proud to be there to see Angela Chorusch from Lake Macquarie receive her Carers Award in acknowledgment of her wonderful work not only in caring for her two sons, but also for her efforts in supporting other families affected by Autism Spectrum Disorder and Asperger's disorder.

Angela, together with others, cares for people in our community with the love and care they deserve and which would otherwise be unaffordable. Her award can only be a small token towards recognising her efforts but it is greatly deserved, as were the awards given to the other recipients. The Hon. John Ajaka, Minister for Ageing, and Minister for Disability Services, rightly acknowledged the contribution of carers and announced a carers' summit as a forerunner to a carers' strategy to be prepared next year. I am sure we all hope that more will be done to support these selfless people. Once again, my congratulations and thanks to Angela and all other carers in New South Wales.

UNIVERSITY OF NEW ENGLAND INTEGRATED DEGREES

Mr ADAM MARSHALL (Northern Tablelands) [1.11 p.m.]: The University of New England has teamed up with TAFE New England to provide new integrated degrees that are unique—and a first—in Australia. The degrees are offered in two different overarching disciplines, Agrifood Systems and Health, and combine practical and vocational skills with university studies at every stage of learning. Effectively, students are offered the hands-on skills typically obtained through TAFE, along with a deep, contextual understanding of the sector of their choosing from the beginning to the end of their studies.

These degrees have been developed with input from industry experts to provide students with the skills and knowledge to enhance their careers, or to start from scratch in the industry. The aim of the degrees is to deliver graduates who are able to work straight away, upon graduation, across various levels of their sector. I commend the initiative of the University of New England and TAFE New England Institute, particularly Professor Jim Barber, Maureen Chapman, TAFE Director Alison Wood and Lyn Rickard. Enrolments are now open for both degrees.

TRIBUTE TO LISA BULL

Ms SONIA HORNERY (Wallsend) [1.12 p.m.]: Lisa Bull is a carer both in the community and on the home front, and my electorate is richer, thanks to people like Lisa. We take this opportunity to show our acknowledgement and appreciation of Lisa's 20-year contribution to the 1st Wallsend Scout Group, for whom she developed programs and activities, supervised camping expeditions, raised funds and helped with public relations. As well as dedicating so much time to the Scouts movement, Lisa has been a foster mum to 10 children. We thank Lisa for her compassion, care and commitment to our community.

PARKS COMMUNITY NETWORK

Mr ANDREW ROHAN (Smithfield) [1.12 p.m.]: I was delighted to attend the nineteenth Annual General Meeting of the Parks Community Network which was held on Friday 27 September at the Prairiewood Youth and Community Centre in my Smithfield electorate. The Parks Community Network provides services and programs for disadvantaged communities in south-western Sydney and particularly in the Fairfield local government area. The organisation and its services are supported by volunteers and it encourages the participation and involvement of the local multi-ethnic communities. About 140 members, representing the major community groups, attended the meeting which included entertainment and award presentation to volunteers. I thank the Parks Community Network for its kind invitation and congratulate the newly elected board of management headed by President Janet Thorley. I congratulate the Manager, Tairyn Vergara, and her team on yet another successful year at the Parks Community Network.

ST JOHN AMBULANCE VOLUNTEER MATTHEW GRIFFITHS

Mr NICK LALICH (Cabramatta) [1.13 p.m.]: I recognise the services of Mr Matthew Griffiths who has volunteered for St John Ambulance Australia for over 23 years and has now received the Order of St John. When Matthew was a student at Patrician Brothers College, he saw another student fall from the second floor of a school building. He never wanted to be helpless in an emergency situation again and took the initiative—after finding an advertisement for St John Ambulance in the school newsletter—to sign up for the Fairfield cadet division. He should be proud of his accomplishments as he was among 33 volunteers to be honoured with the Order of St John by the Governor, Her Excellency Professor Marie Bashir, AC, CVO. As well as volunteering, Matthew is a technician at Bonnyrigg Library and also coordinates St John youth programs to help train cadet volunteers. I again thank Matthew for his contribution and hope that people are inspired by his story. I wish Matthew all the best for the future.

ROTARY NSW POLICE OFFICER OF THE YEAR AWARDS 2013

Mr BART BASSETT (Londonderry) [1.14 p.m.]: On 8 October I attended the launch of the Rotary Clubs of New South Wales Police Officer of the Year Awards 2013 at St Marys Police Station. Also in attendance were the Mayor of Penrith, Councillor Ross Fowler, OAM; the Federal member for Lindsay, Fiona Scott MP; the new commander for the St Marys Local Area Command, Superintendent Mick Conolly; the President of St Marys Rotary Club, Lesley Daly; members Terry Bulloch, Coleman Young and Ted Byers; and Kay Rosano, the President of the Wallacia Rotary Club. Senior Constable Andrew Collins, the recipient of the 2012 Community Police Officer of the Year award, and Sergeant Gary Salafia, the recipient of the 2012 Peer Police Officer of the Year award, also attended. The awards are a community service project that is run by local Rotary clubs, to recognise and honour the men and women of the NSW Police Force who go above and beyond the normal call of duty to serve our community day in, day out. I thank St Marys Rotary Club and the St Marys Local Area Command for inviting me to take part in this event. I look forward to the next special awards evening to be held on 2 April 2014.

PLUMPTON PRIMARY SCHOOL OPEN DAY

Mr RICHARD AMERY (Mount Druitt) [1.15 p.m.]: On 31 July this year I attended the open day at the Plumpton Primary School where the school presented all facets of its activities. I ask the House to acknowledge class 4D student, Emma Wilson, who gave a speech at the school assembly entitled "Racism and Bullying". Her speech was originally written for the Multicultural Perspectives Public Speaking Competition in June this year. It was again well received when delivered by Emma at the school. Emma's speech shows an understanding, in one so young, of a complex and difficult issue within our school system. I congratulate Emma on her speech and the school on its role in promoting anti-bullying practices amongst the students at the school.

PORT STEPHENS BUSHFIRES

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.16 p.m.]: I ask the House to note the devastating bushfires that have raged across the State in the past few days and, in particular, the fires at Port Stephens. I acknowledge the dedication and commitment of our local firefighters and those firefighters who came from out of the area to assist so willingly in our time of need. I thank these selfless men and women on the front line and their dedicated support personnel for a fantastic job under the most horrific weather conditions. Our hearts go out to those who have lost their homes and possessions. We are grateful that no lives have been lost. The community thanks our firefighters for their continued work under trying circumstances. I also thank

Air Commodore Anthony Grady, Commander of the Air Combat Group, and his troops from the RAAF Base Williamtown for assisting in the clean-up over the last few days and for their long-term support and assistance of residents who have suffered in the fires.

NORTHMEAD PUBLIC SCHOOL SPRING FAIR

Mr DAVID ELLIOTT (Baulkham Hills) [1.17 p.m.]: It was a pleasure to be able to attend this year's Northmead Public School Spring Fair. Northmead Public School puts on its spring fair every year, much to the delight of the local community. Once again, this year's spring fair exceeded all expectations. The Northmead Public School Spring Fair is one of the great community institutions that define the Hills district and the lifestyle we enjoy. I thank former resident and Liberal councillor Mark Taylor for attending the fair with me. It is great to have local councillors showing such an interest in local schools. I commend and congratulate the Northmead Public School Parents and Citizens Association on yet another highly successful spring fair. I look forward to next year's fair.

MAKE A WISH FOUNDATION FUNDRAISER GLENN HAWORTH

Mr RYAN PARK (Keira) [1.18 p.m.]: I congratulate Glenn Haworth of Haworth Guitars in Fairy Meadow. He has managed to set a new world record for playing the ukulele for 25 hours straight. That is impressive but even more impressive is that Glenn raised $10,000 for the Make a Wish Foundation. I am the local patron of the Illawarra Make a Wish Foundation. It is an organisation in desperate need of funds to support sick children and their families. Glenn has been working closely with Make a Wish for the last two years, going to local high schools to speak about bullying and depression. This is something that Glenn is passionate about as his brother suffers from depression. Make a Wish is a fantastic charity that raises funds so wishes can be granted to children who have been diagnosed with a life-threatening illness. I congratulate Glenn on his record and commend his efforts for all the sick children who will benefit thanks to his determination.

ACTING-SPEAKER (Mr Gareth Ward): I add my commendations to Glenn Haworth and I commend the member for Keira for his statement.

BERKASHA CHARITABLE ASSOCIATION

Mr TONY ISSA (Granville) [1.19 p.m.]: I congratulate the Berkasha Charitable Association on its fiftieth anniversary. I acknowledge the important role of Berkasha Charitable Association in providing assistance and support to migrant families finding employment and re-establishing in their new country. I congratulate Berkasha Charitable Association members who have been honoured on their remarkable work. I thank the Berkasha Charitable Association for continuing the legacy for future generations.

RETIREMENT OF ALAN HAMBLEN

Ms MELANIE GIBBONS (Menai) [1.19 p.m.]: After 12 years with Wattle Grove Public School, principal Alan Hamblen recently retired. On 19 July, with more than 40 years of teaching experience under his belt, Alan farewelled pupils, staff members and parents. Alan had been the principal at the school since 2001. In fact, he laid the foundations for the brand new school. Before he became principal at Wattle Grove, Alan taught at Moorebank and Nuwarra public schools. While the decision to retire has been bittersweet, Alan is leaving the school at a time of his choosing. He is leaving the school in fine form and I know that will continue for many years to come. We have a wonderful community of schools in the electorate and Alan's contribution is worthy of acknowledgment by the House. I have enjoyed my time getting to know Alan Hamblen and wish him all the best for the next chapter of his life. I congratulate him on a long and successful career. I look forward to seeing him at the Wattle Grove school fete which is coming up shortly. I know the children would love to see him again.

NSW GAY AND LESBIAN RIGHTS LOBBY TWENTY-FIFTH ANNIVERSARY

Mr ALEX GREENWICH (Sydney) [1.20 p.m.]: I congratulate the Gay and Lesbian Rights Lobby on 25 years of fighting for equality and social justice for the gay and lesbian community. The lobby researches, presents and advocates the case for law reform, and informs and educates the community about legal rights. Working with the community and members of Parliament across Federal and State parliaments, the lobby helped achieve major reform such as recognition of same-sex de facto relationships and equal age of consent. The lobby's research helped to make the case to remove discrimination against same-sex couples when the

former member for Sydney, Clover Moore, introduced her amendment to the Adoption Act. The lobby continues to work on marriage equality, anti-discrimination, and lesbian, gay, bisexual, transgender and intersex policing reform. Over the past year, the lobby has held anti-discrimination workshops to identify key areas where people experience discrimination, inform people of their legal rights, and provide skills and resources for action. Next week in this Parliament the Gay and Lesbian Rights Lobby will celebrate its twenty-fifth anniversary. I encourage all members to attend, along with Governor Marie Bashir. I commend the Gay and Lesbian Rights Lobby for helping to advance the rights of the lesbian and gay community.

ACTING-SPEAKER (Mr Gareth Ward): Order! There being no objection, I will extend the time for the making of community recognition statements until 1.30 p.m.

MUSIC ARTIST GEMMA SUMMERHAYES

Ms MELANIE GIBBONS (Menai) [1.21 p.m.]: Today I acknowledge the efforts of a young local talent: Gemma Summerhayes of Holsworthy. On 29 July Gemma put her childhood singing to the test at the Talent Development Project concert at the Sydney Convention and Exhibition Centre. Gemma is one of 12 students who graduated from the New South Wales Department of Education and Communities' two-year Talent Development Program, which teaches students a range of skills that can be used to pursue a career in the entertainment industry, including networking, composing music, performance tips and talking to industry professionals. Gemma is also studying towards a diploma in music and looking to focus on songwriting and musicals. I congratulate Gemma on following her passion of a career in music and wish her all the best with her future studies.

FAIRFIELD HIGH SCHOOL TREE PLANTING

Mr GUY ZANGARI (Fairfield) [1.21 p.m.]: On Friday 26 July 2013 Fairfield High School participated in National Tree Day when 60 students from years 7 to 11 were given the opportunity to beautify the front entrance of the school for this year's campaign. The students spent the day weeding, digging and planting native shrubs and trees. Principal Bob Mulas and I planted a commemorative tree as a sign of the day's event. Planet Ark's National Tree Day and Schools Tree Day is the nation's biggest community tree planting and nature care event. I congratulate the staff and students of Fairfield High School on participating in Schools Tree Day 2013.

ORANGE WINE WEEK

Mr ANDREW GEE (Orange) [1.22 p.m.]: On the eve of Orange Wine Week it is timely to note the achievements of Central West wines with James Halliday's 2014 Wine Companion being released with five Orange wineries and three Mudgee wineries receiving five-star ratings. I congratulate Philip Shaw of Philip Shaw Wines; Jim, Ruth, Ed and Dave Swift of Printhie Wines; Peter and Terry Robson of Ross Hill Wines; Stephen and Rhonda Doyle of Blood Wood Wines; and Richard Hattersley's of Belgravia Wines on achieving their five star red rating—proof that Orange is up with the best in Australia as a wine-growing area. Mudgee also received significant achievements. The best rosé in the country was Simon Gilbert of Mudgee for Saignee Rosé, which was blended in Orange. At the other end of the electorate, Andrew Stein of Robert Stein's Vineyard and Winery received a red star along with Tim Stevens Huntington Estate, while Robert and Sandy Oatley showed there is more than sailing their maxi yacht *Wild Oats* to a record number of Sydney to Hobart classics when their Mudgee-grown wine earned top marks from James Halliday.

ILLAROO ROAD PUBLIC SCHOOL

Mr GARETH WARD (Kiama) [1.23 p.m.]: I congratulate Illaroo Road Public School on a number of recent achievements, including the Tournament of Minds competition. This year Illaroo Road Public School had three teams competing: language and literacy, maths-engineering and applied technology. The applied technology and maths-engineering teams represented our region in the State finals at the University of New South Wales. The maths-engineering team, comprising Jude Davenport, Alec Landstra, Leigh Hutcheson, Dimitri Semos, Kai Waller, Aiden Wallis and Ben Weir, was awarded tournament honours. The applied technology team, comprising Corey Simpson, Matthew Nash, Leon Vukelic, Jacob Malby, Maggie Page, Corey McConville and Darcy Hopkins, won its challenge, becoming State champions.

The team now progresses to the Australasian finals to be held in Canberra in October. The school debating team, consisting of Lisa Horner, Emma Roach, Gemma Hedayati and Mikayla Check, was recently in

Batemans Bay for the regional finals of the Premier's Debating Challenge. This team won all its debates, including the final, to emerge as regional champions and will participate in the State finals in November. From kindergarten to year 6, 486 students out of a possible 546 students completed this year's Premier's Reading Challenge, which ended in August. This represents a record 89 per cent of the school's population.

RILEY MORGAN WORLD'S GREATEST SHAVE FUNDRAISER

Ms SONIA HORNERY (Wallsend) [1.24 p.m.]: We recognise the wonderful achievement of 12-year-old Wallsend resident Riley Morgan, who participated in the Leukaemia Foundation World's Greatest Shave last month and raised over $1,500 through his fundraising efforts. Riley saw an advertisement for the World's Greatest Shave while watching afternoon television and thought it would be nice to help people in need. According to his parents, Riley came up with the idea and organised everything himself. We applaud Riley for his generosity and his community spirit.

PREMIER'S TEACHER SCHOLARSHIP RECIPIENT NICOLETTE HILTON

Mr ADAM MARSHALL (Northern Tablelands) [1.24 p.m.]: I acknowledge and congratulate Uralla Central School teacher Nicolette Hilton, who recently received a prestigious 2013 Premier's Copyright Agency Creativity and Innovation Scholarship. The Premier's teacher scholarship recognises Nicolette's commitment to furthering her already considerable skills and sharing those new insights to improve other teachers' delivery. It was the only scholarship of its kind presented by the Premier at this year's awards. Nicolette has been a science teacher for eight years and in this time has worked alongside the National Aeronautics and Space Administration [NASA] in its Spaceward Bound program for students and teachers, received a Churchill Fellowship and completed her Masters Degree in Education through the University of New England. She has previously received the Minister for Education's Medal of Distinction and Best National Achievement in the Australian Government's Quality Schooling Awards. In 2008 she received the University of New England Young Distinguished Alumni Award for her early career achievements. This award is a proud statement about the quality of education in the Northern Tablelands. I wish Nicolette all the very best in her future endeavours.

CAMBODIAN PCHUM BEN FESTIVAL

Mr NICK LALICH (Cabramatta) [1.25 p.m.]: I congratulate Ms Lina Tjoeng, President of the Khmer Community of NSW Inc, and Mr Sorn Yin, Vice-President of the Cambodian Buddhist Society of NSW Inc, on hosting another successful Pchum Ben celebration at the Wat Kamaran Saram Temple at Bonnyrigg on Saturday 5 October 2013. Pchum Ben is one of the most important festivals besides the Khmer New Year celebrations. The day is filled with prayer to remember and show respect for our ancestors and family members who have passed on. Part of the tradition also is to offer the spirits of our loved ones food and material needs for their journey in the afterlife. These traditions are a fine example of the numerous beliefs within our local and diverse community. I am pleased that my electorate has such an acceptance of diversity as people from all backgrounds come to celebrate Pchum Ben.

ARCHDEACON FRANK HETHERINGTON RETIREMENT

Mr ANDREW GEE (Orange) [1.26 p.m.]: I draw to the attention of the House that Holy Trinity priest Frank Hetherington has announced his intention to retire next year. Archdeacon Hetherington was ordained in 1974 and spent his ministry career in the diocese of Bathurst working in Bathurst, Blayney, Coonamble, Narromine, Parkes and Orange. Next year Archdeacon Hetherington will undertake a graduate certificate course in pastoral supervision at the Bishop's request to take up a mentoring role for clergy as part of his continuing role as diocesan archdeacon. Last Friday and Saturday nights I appeared, with others, including Archdeacon Hetherington, at the St Barnabas Church dinner theatre in Orange in the highly acclaimed Chariots of Fire skit. The two nights raised thousands of badly needed dollars for St Barnabas Church. We wish Archdeacon Frank Hetherington all the best.

AVALON BEACH PHOTOGRAPHIC EXHIBITION

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [1.27 p.m.]: I bring to the attention of the House the recent wonderful photographic exhibition hosted by the Avalon Beach Historical Society at the Avalon Community Centre to celebrate the development of this fascinating culturally rich village on the northern beaches of Sydney. I thank all who generously donated their time and skills to document places, people and events that have shaped Avalon Beach, in particular the society's president, Geoff Searle, for his support and hard work.

PEARCEY MEDAL RECIPIENT DR ADAM ZELINSKY

Mr GARETH WARD (Kiama) [1.27 p.m.]: I congratulate Dr Alex Zelinsky—a product of the University of Wollongong—who was recently awarded the Pearcey Medal for 2013. The medal is Australia's most prestigious information and communications technology industry award. The award, which is named after Australian information and communications technology pioneer Trevor Pearcey, is presented annually for lifetime achievement and contribution to the development of the information technology professions, research and industry. Dr Zelinsky leads the Defence Science and Technology Organisation and is a former director of the CSIRO's Information and Communications Technologies Centre. The World Economic Forum named Alex a technology pioneer in 2003, 2004 and 2005, and he has been included in Engineers Australia's list of the 100 most influential engineers since 2009. Alex was chief executive officer and co-founder of Seeing Machines, a high-technology company that develops computer vision systems and which is listed on the London Stock Exchange. Well done and congratulations, Alex.

GLENMORE PUBLIC SCHOOL 130TH ANNIVERSARY

Mr ALEX GREENWICH (Sydney) [1.28 p.m.]: On behalf of the electorate of Sydney, I congratulate Glenmore Road Primary School on its 130th birthday, which was celebrated on Sunday 8 September. The school has very diverse alumni and during its 130 years has actively contributed to making Paddington the strong community it is today. The school values the community's participation in helping it to achieve the best outcomes for its students. Its special strengths include student welfare, performing arts, computing, philosophy and Italian. It was an honour to attend the birthday celebrations and to cut the birthday cake along with the school principal and the head of the school's parents and citizens association. I commend all the students, parents, teachers and the wider community for making this celebration a success, and I thank the school for its contribution to Paddington.

SPANISH SPEAKING PENSIONER ASSOCIATION

Mr GUY ZANGARI (Fairfield) [1.28 p.m.]: The New South Wales Spanish Speaking Pensioner Association Incorporated celebrated its twenty-ninth anniversary on Sunday 28 July 2013. In 1984 there was a recognised need for assistance for the aged in the Spanish-speaking community in the Fairfield-Liverpool area. The New South Wales Spanish Speaking Pensioner Association was established in response and over 29 years has provided the community with a most valuable service. Unity is the association's key aim when its members come together. The twenty-ninth anniversary celebrations gave members the chance to reminisce and to build new friendships in the familiar and comfortable setting of the function centre. I commend the association's committee, which has done a wonderful job dedicating precious time to the aged of the Spanish-speaking community in the Fairfield-Liverpool area.

INVERELL ART GALLERY EXHIBITION

Mr ADAM MARSHALL (Northern Tablelands) [1.29 p.m.]: I commend the Inverell Art Gallery and committee on organising a magnificent competitive art exhibition, which I had the great privilege of opening on Saturday night. I note in particular the efforts of the gallery supervisor, Jo Williams. I also acknowledge the work of the volunteer committee and the president, Colleen Nancarrow. They did a fabulous job organising the exhibition and hanging the artworks. Geoff Johnson, a local artist of renown, won the open prize with a fantastic piece of work. The exhibition attracted almost 400 entries—the largest number of entries ever received and an increase of 100 on last year. It was a pleasure to attend the event and to open the exhibition. Congratulations to the Inverell Art Gallery.

ORANGE SOFTBALL PLAYER MONIQUE FAUL

Mr ANDREW GEE (Orange) [1.29 p.m.]: Orange softball star Monique Faul has just spent the Australian winter playing softball with the Amsterdam Pirates. Monique is 24 years old and was signed up to pitch for the Pirates following the Gilley's Shield. She is a very talented softball player and in 2009 she played for Troy University in the United States at the Sun Belt Conference. She will be travelling to Sydney to train before competing with the Northern Storm in the State league competition each Sunday. I congratulate Monique on her achievements.

Community recognition statements concluded.

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

LOUD SHIRT DAY

The SPEAKER: This Friday, 18 October, is Loud Shirt Day. To support this initiative members are permitted and encouraged to wear loud ties, scarves or shirts during question time tomorrow, Thursday 17 October. Loud Shirt Day is an annual fundraising and awareness campaign for Telethon Speech and Hearing that raises much-needed funds for children who suffer from hearing impairments. Every year in Australia one baby in 500 is born with a hearing impairment. I have a limited number of ties and scarves available in my office for a small donation. I have brought into the Chamber some beautiful examples of the kinds of ties that are available. Members should be brave tomorrow for Loud Shirt Day.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

T F BATHURST
Lieutenant-Governor

Office of the Governor
Sydney, 15 October 2013

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the Government of the Commonwealth, he has assumed the administration of the Government of the State.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

BUSINESS OF THE HOUSE

Routine of Business

[*During notices of motions to be accorded priority*.]

The SPEAKER: Order! I caution the member for Kogarah about the length of her motion to be accorded priority.

QUESTION TIME

[*Question time commenced at 2.23p.m.*]

ST GEORGE HOSPITAL PERITONECTOMY SURGERY

Mr JOHN ROBERTSON: I direct my question to the Minister for Health. Minister, given that patients like Nicole Perko are still waiting for lifesaving cancer surgery at St George Hospital, why have you closed 10 acute care hospital beds at St George Hospital to cut costs?

Mrs JILLIAN SKINNER: As I indicated to the House yesterday, the number of beds in the intensive care unit is the restricting factor in peritonectomy surgery. Surgery for patients like Nicole and others is determined in order of priority by the clinical review team that oversights peritonectomy surgery at that hospital. As I said yesterday, any suggestion that there has been a $3 billion budget cut is an absolute lie. I have repeated that time and again, and the Treasurer has supported that. In fact, this year the budget of the South Eastern Sydney Local Health District—

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

Mrs JILLIAN SKINNER: —has gone up to $1.47 billion dollars.

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

Mrs JILLIAN SKINNER: That is $63 million more than last year—a 4.5 per cent increase. There has been an increase in the budget of every local health district across the State.

The SPEAKER: Order! The member for Cessnock will come to order. I remind the member for Cessnock that he was called to order several times yesterday.

Mrs JILLIAN SKINNER: That is why the Government has been able to increase the number of patients being seen in emergency departments and on elective surgery lists. We are also providing more overnight bed stays.

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

Mrs JILLIAN SKINNER: We have increased the total Health budget across the State to almost $18 billion—in fact, it is more than $18 billion if we include the money being spent on infrastructure. We need to spend that money to upgrade hospitals because that mob on the other side failed to invest in our hospitals.

Mr John Robertson: Point of order—

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

Mr John Robertson: My point of order relates to Standing Order 129, relevance. My question was about why the Minister has closed 10 acute care beds, not about funding elsewhere. Why has the Minister cut the funding for acute care beds at St George Hospital?

The SPEAKER: Order! There is no point of order. The Minister is being relevant to the question asked.

Mrs JILLIAN SKINNER: The question was about the fallacious suggestion that there has been a budget cut when there has not. The question was also about what was restricting access for peritonectomy patients. The answer is that it is about intensive care.

Mr John Robertson: You have cut surgery from 12 to six a month!

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

Mrs JILLIAN SKINNER: You don't even know what a bed is. Pipe down.

The SPEAKER: Order! I call the Leader of the Opposition to order for the first time.

Mrs JILLIAN SKINNER: The reality is it is about the capacity of intensive care units—

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

Mrs JILLIAN SKINNER: I suggest you go and speak to the shadow Minister for Health.

Mr John Robertson: I have.

Mrs JILLIAN SKINNER: He can speak to the clinical council and they will confirm that it is in fact the capacity of the intensive care units—

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time. If the Leader of the Opposition continues to interject he will be removed from the Chamber. The member for Cessnock will come to order.

Mrs JILLIAN SKINNER: —to provide the very extensive length of stay required for peritonectomy patients. As I indicated yesterday, peritonectomy is a very complex and serious procedure. It is not a procedure to be undertaken lightly. It is one where a review team identifies the priority of patients. I can inform the House that those patients sometimes spend weeks and weeks in the intensive care unit. In fact, when I was briefed yesterday I discovered that for many of those patients it might be the first operation and then time in the intensive care unit, a second operation and further time in the intensive care unit, then a third operation and so on. The shadow Minister for Health is nodding his head in agreement. He is saying, "I agree." This complex surgery requires days and sometimes weeks in the intensive care unit, and that is the restricting capacity.

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

Mrs JILLIAN SKINNER: As I indicated yesterday, I am very sympathetic to Nicole and other patients. The reality is that we are desperately trying to find alternate places with intensive care capacity to provide treatment for Nicole and others. It is not about a budget cut. I repeat that the South Eastern Sydney Local Health District budget has been increased. One only needs to refer to its website to see that.

CROWN LANDS TENURE

Mrs ROZA SAGE: I address my question to the Premier. What action is proposed following recent controversy involving the ownership of Crown land?

Mr BARRY O'FARRELL: I thank the member for Blue Mountains for her question. This is an important issue. An unholy alliance of The Greens, the Shooters and Fishers Party and Labor in the upper House is threatening the continued operation of community activities across New South Wales, ranging from bushfire brigades and surf clubs to show societies and a hostel for Aboriginal high school students. These groups are threatened because of a court determination that Crown land reserved for a public purpose cannot have a secondary purpose that is in any way inconsistent with the original grant. The ruling in the Goomallee case was so narrowly defined that it raises legal questions about numerous secondary tenures operating across the State, such as bushfire brigade headquarters, Rural Fire Service operations and boy scout and girl guide halls.

NSW Trade and Investment estimates that 7,000 of the 59,500 tenures over Crown land may be affected and as much as 12 million hectares may be affected on a worst-case scenario. For instance, the department advises that there are 79 tenures over Crown land where the circumstances are similar to those of the Goomallee case which have been granted for pastoral use. Whilst many affected tenures are in the Western Division, potentially affected tenures exist in the Central West region around Dubbo, Orange, Bathurst, Wagga Wagga, Goulburn and Muswellbrook. Stock routes in the Tamworth district are also affected. It is also unclear—and I do not want to send the Leader of the Opposition pale—what the effect on Currawong will be because it is on Crown land.

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

Mr BARRY O'FARRELL: The big question both in this place and across New South Wales is why the Leader of the Opposition did not report the bribe that he admitted in the paper two weeks ago. Has the Labor Party become so corrupt that $3 million is not worth reporting to police when you are dealing with Eddie Obeid and $100 million? He did nothing to report a corrupt offer. He did nothing to bring the attention of police to something illegal.

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

Dr Andrew McDonald: Point of order: I refer to Standing Order 129, relevance. The question was about Crown land. The Premier has moved away from the question.

The SPEAKER: Order! The Premier has moved momentarily from the leave of the question. I am sure that he will return to the question.

Mr BARRY O'FARRELL: Currawong is indeed on Crown land. I will say again that the Leader of the Opposition has a pattern of behaviour—he has an integrity deficit.

The SPEAKER: Order! Opposition members will come to order. The member for Macquarie Fields will come to order.

Mr BARRY O'FARRELL: The Leader of the Opposition did not report a bribe and he did not take any action when the activities of Eddie Obeid were reported on the front pages of newspapers across this State.

Dr Andrew McDonald: Point of order: I raise a different point of order under Standing Order 76: improper modes of personal reflection. The Premier must move a substantive motion. If you read *Hansard*, you will see that he made a personal reflection.

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

Mr BARRY O'FARRELL: We are happy to come back to that matter. Many regional councils across the State issue grazing licences over public recreation reserves, cemeteries and showgrounds as a way to manage weeds. These are all threatened by the court's decision. State Emergency Service and Rural Fire Service facilities are affected in places such as Mount Wilson in the Blue Mountains, Bulahdelah, Wingham, Smith's Lake on the mid North Coast, Lake Tabourie in the Shoalhaven and Anglers Reach in the Snowy River Shire. Marine rescue facilities are affected. The Byron, Ballina, Coffs Harbour, Clarence and Shoalhaven councils all have marine rescue facilities located on public recreation reserves. The State Emergency Service regional headquarters at Banora Point is now under a cloud, as is the marine rescue facility at Wooli in the electorate of Grafton.

Many councils and community trusts have located facilities on reserves that have purposes which may now be considered inconsistent because of this ruling. These include Country Women's Association halls, such as the one in Grafton; meals on wheels kitchens; men's sheds, such as the ones in Parramatta and Oberon; preschools; libraries; council chambers, such as in Bellingen; community centres; and tourist information centres, such as those in Tweed Heads, Ballina, Lennox Head, Iluka, Yamba and Kiama. Gun clubs are also caught up as a result of this decision. The Cobar, Cessnock and Coffs Harbour rifle clubs; the Moss Vale Small Bore Rifle and Clay Target Club; and the St Ives Pistol Club—to name just a few—are affected.

Surf life saving clubs at Woolgoolga, The Lakes at Wyong and Crowdy Head near Taree are located on Crown reserves. They provide great service to their communities but are now subject to this threat. At least one suburban bowling club is also affected, as is the Kirinari Hostel at Sylvania Heights. This hostel is operated by Aboriginal Hostels Limited and provides boarding accommodation to Indigenous students attending Gymea Technology High School and other high schools across Sydney. [*Extension of time granted.*]

In the face of this uncertainty the Government has attempted to fix the situation by amending the Crown Lands Act. The Crown Lands Amendment (Multiple Land Use) Bill 2013 amends the Crown Lands Act 1989 to ensure that both existing and future secondary tenures over Crown reserves are valid providing they are not causing, or likely to cause, material harm to the purpose of the reserve. The amendments are consistent with the multiple use principles of the Crown Lands Act. Whilst the amendment bill seeks appropriately to retrospectively validate thousands of existing secondary uses currently in operation, it does propose an exception for Aboriginal land claims in order not to erode existing rights.

Yet The Greens, the Shooters and Fishers Party and the Labor Party are threatening to use their numbers in the Legislative Council to defeat this bill. That will leave bushfire brigades, gun clubs, the County Women's Association, boy scouts, girl guides, show societies and other groups in legal limbo and could force them to shut up shop. I am advised that without this legislation conditions would need to be added on a reserve by reserve basis to enable the existing uses to continue. I am advised that if we had to go down that route then it could take between three months and three years to complete for all the existing secondary tenures across the State. This matter—and these organisations and services we are trying to assist—should be above politics.

The SPEAKER: Order! I call the member for Maroubra to order for the first time.

Mr BARRY O'FARRELL: It is clear the legacy of Lee Rhiannon is still alive and thriving in the other place when it comes to the actions of The Greens. I understand the opposition to this from the Labor Party—it has no idea about what is happening outside of the coffee shops of the inner west of Sydney—but I urge the Shooters and Fishers Party to at least listen to responsible gun club members across the State and back this bill. I urge the Shooters and Fishers Party not to be fooled again by The Greens in the upper House.

ST GEORGE HOSPITAL PERITONECTOMY SURGERY

Mr NATHAN REES: My question is directed to the Minister for Health. In 2009 the Minister told the *Daily Telegraph*, "It is scandalous that a person who knows they have a serious cancer and has been told they ideally need surgery this week cannot get it done." Given that statement, why is the Minister refusing to give St George Hospital the extra funding and intensive care unit capacity it needs to perform life-saving peritonectomy surgery?

Mrs JILLIAN SKINNER: As one of the Government members just said, that is simply not true. We have increased the budget of the local health district to enable it to treat more patients.

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

Mrs JILLIAN SKINNER: The reality is that this is a restriction in the intensive care unit that does not allow that.

The SPEAKER: Order! Opposition members who continue to interject will be placed on calls to order.

Mrs JILLIAN SKINNER: We are fixing it. Last Thursday week the Premier and I took great pleasure, as I told this House yesterday, to stand in the presence of my colleagues—all very effective local members—and announce that we are putting money into planning for the upgrade of both Sutherland and St George hospitals, and that will include intensive care units.

The SPEAKER: Order! I call the member for Macquarie Fields to order for the first time. I call the member for Toongabbie to order for the first time. I call the member for Kogarah to order for the first time. Opposition members who behave in an unparliamentary manner will be removed from the Chamber.

Mrs JILLIAN SKINNER: I will repeat a question frequently asked by my friend the member for Oatley: In 16 years of government what did the Labor Party do? Absolutely nothing.

Mr Nathan Rees: Point of order: I refer to Standing Order 129, relevance. The question was clearly about recurrent funding for peritonectomy patients on a list; it was not about infrastructure.

The SPEAKER: Order! The Minister is being relevant to the question asked. There is no point of order.

Mrs JILLIAN SKINNER: Recurrent funding is there. There is extra money in the budget of the South Eastern Sydney Local Health District—as there is for every local health district— to deal with increased demand. The reality is, as I said before, the restriction on peritonectomies is due to intensive care unit capacity.

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

Mrs JILLIAN SKINNER: We recognise that, which is why I joined my colleagues, the local members for this area, to announce this funding. It will see a whole new intensive care unit at St George Hospital.

FOOD EXPORTS

Mr ADAM MARSHALL: My question is addressed to the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services. How is the New South Wales Government finding new markets for New South Wales producers and processors?

Mr ANDREW STONER: I thank the member for his question; it is a very good question appropriately asked today on World Food Day.

The SPEAKER: Order! I call the member for Keira to order for the first time. The member for Keira will come to order.

Mr ANDREW STONER: I know other regional members in this place, who all seem to be on this side of the House, are vitally concerned with taking the opportunities before us as one of the premier food production States in Australia to export our high-quality produce. Of course, this Government came to office with a strong policy platform to make New South Wales number one again by rebuilding the economy.

The SPEAKER: Order! I direct the member for Keira to remove himself from the Chamber until the conclusion of question time. Members will behave in a parliamentary manner. I remind members of Standing Order 249 (1).

[*Pursuant to sessional order the member for Keira left the Chamber at 2.37 p.m.*]

Mr ANDREW STONER: The Government has a policy platform of rebuilding the economy, including through international engagement. That is why we have developed a new New South Wales international engagement strategy. This strategy targets our priority trading partners, and also the priority sectors of our economy. I am pleased to say that agriculture, particularly food production, is one of those priority sectors. We

produce around $5 billion annually of food exports in New South Wales. It is the most diversified agricultural economy in the nation. We produce everything from premium beef and sheep meat to wool. We produce food and fibre right across the breadth of this State, including grains, oils, dairy, seafood, and fruit and vegetables.

The SPEAKER: Order! I call the member for Cessnock to order for the first time.

Mr ANDREW STONER: New South Wales does it all; this State is the food bowl of the nation. Recently Deloitte and Access Economics released a report suggesting that New South Wales was going to lead a national economic recovery because of the strength and diversity of the economy of this State, including our vital agricultural sector. It is a sign that already our strategies for economic growth and international engagement are beginning to work, to the benefit of the national economy. A number of nations in the Asian region to our north were identified as priority sectors in the International Engagement Strategy, including Singapore, Malaysia and Indonesia.

Dr Andrew McDonald: They're the three that are there.

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

Mr ANDREW STONER: I was about to tell the House about the successful trade mission that I led to those three nations the week before last. Coincidentally, the Prime Minister, the foreign Minister and the trade Minister were also in Jakarta while I was there. I met with them and the Indonesian Assistant Minister for Trade to discuss providing food for a nation that has a rapidly developing economy, a population of around 250 million and a strong demand for the high-quality food products that New South Wales can provide. Indonesia is a close neighbour and we must rebuild the bridges that Federal Labor damaged through its kneejerk reaction to cancel live cattle exports to that nation. I am happy to say that, with the cooperation of the Federal Government, the rebuilding process has begun and New South Wales food producers now have massive opportunities in Indonesia.

In Malaysia I met with the Deputy Minister for International Trade and Investment and with some major food production and distribution businesses. Malaysia is also showing great interest in New South Wales, and there is promising talk of possible investment in a new food production plant in this State. In Singapore I met with the Minister for Trade and Industry. I also met with Singapore's largest supermarket chain, Cold Storage—which, coincidentally, has an Australian chief executive officer. Australian products, most of which are manufactured in New South Wales, feature prominently in those supermarkets. The Aussie flags are highly visible on the products because the Australian brand is strong in the Asian markets as this country is known for producing high-quality food. We are engaging with the Cold Storage chain to see how we can encourage the distribution of more Australian products.

Mr Adam Marshall: Madam Speaker, in accordance with Standing Order 131 (3), I seek additional information from the Minister.

The SPEAKER: Order! I congratulate the member for Northern Tablelands on his knowledge of the standing orders. An extension of two minutes is granted.

Ms Linda Burney: He just made himself very unpopular.

Mr ANDREW STONER: I know the member for Canterbury is not interested in New South Wales exports to our major trading partners, including China—greetings to our friends from China who are in the public gallery—but all other members are interested. We will pursue opportunities with Cold Storage and other investors in Singapore. Many entities are interested in investing in New South Wales, including a major hotel investor who is about to spend $150 million on a hotel in Sydney. There will be enormous opportunities for New South Wales if we engage better with our close friends, our near neighbours and our priority trading partners such as those in South-East Asia. I look forward to advising the House further about successful trade deals and the investment we attract to this State as we rebuild the economy and make New South Wales number one again.

ST GEORGE HOSPITAL PERITONECTOMY SURGERY

Ms LINDA BURNEY: My question is directed to the Minister for Health. The Minister told this Parliament in May that "the Government is working with the hospital to ensure that we come up with a solution that provides for peritonectomy patients." Will the Minister apologise to patients who are still waiting, five months later, for their surgery because she has not fixed the problem?

Mrs JILLIAN SKINNER: In May I told the Parliament that I am trying to find a solution. The ministry has approached a number of hospitals; none of them have been able to provide that service. I am hopeful that we will be able to provide an answer within the next week or so.

SUTHERLAND TO CRONULLA OFF-ROAD CYCLEWAY

Mr MARK SPEAKMAN: My question is addressed to the Minister for Transport. What progress is the Government making on a cycleway and pedestrian walkway between Sutherland and Cronulla?

Ms Carmel Tebbutt: What about the one between Dulwich Hill and Lilyfield?

Ms Linda Burney: What about the GreenWay?

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

Ms GLADYS BEREJIKLIAN: Members opposite are very sensitive about active transport because they did not do anything about it for 16 years. I thank the member for Cronulla for taking a strong interest in public transport matters. All members of this House who care about their local communities know that residents want better options to move within their communities. This Government is committed to improving connectivity and active transport options. Recently I was pleased to announce that the New South Wales Government has committed up to $2 million in funding for the planning and design of a walking and cycling link between Sutherland and Cronulla. I am sure all members agree that that is welcome news. Members of the community and hardworking local members had raised this key transport link with me. In fact, in August I was pleased to meet with the member for Miranda, the member for Cronulla and the member for Heathcote and community representatives to discuss this important local issue.

Community representatives took the time to directly put to me the benefits that the link would provide, and I appreciated their direct feedback. Active transport was also a key issue raised when I attended the Long Term Transport Master Plan forum in Sutherland last year. The link will provide access to key transport, shopping and health services, and it is welcome news to the many community groups that raised this issue with the Government. The funding I announced will progress the detailed design to identify the scope and likely cost of the project between the Sutherland and Cronulla transport interchanges. The planning work will also look at the design and construction of the link and provide a cost estimate for the total project. As opposed to members opposite, the Government is getting on with the job and delivering.

Ms Linda Burney: What about the GreenWay?

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

Ms GLADYS BEREJIKLIAN: Since I am hearing interjections from some very sensitive members opposite, may I remind the House that Labor announced nine or 10 different transport plans and delivered nothing. I will not go through them all now, although I know Government members would like me to do so. I will save that for another day. As opposed to Labor's inaction, the Government is delivering against its transport master plan. The Government received more than 1,200 submissions, some of which related to active transport. We have listened to the community and now we are delivering. That is in stark contrast to members opposite. I do not think the Leader of the Opposition will listen to people because he will cop an earful for being a failed Minister for Transport.

The SPEAKER: Order! Members will cease interjecting and arguing across the Chamber. The Leader of the Opposition will come to order. The member for Oatley will come to order.

Ms GLADYS BEREJIKLIAN: At the last election the Leader of the Opposition was too busy getting himself elected to this House and doing the Caucus numbers. Not much has changed; he is still doing the numbers.

The SPEAKER: Order! The member for Canterbury will cease interjecting. I call the member for Kiama to order for the first time.

Ms GLADYS BEREJIKLIAN: Members on the Government side of the Chamber are getting on with the job. This will restore the public's faith that it has a Government that is focused on delivering transport infrastructure and more services. In recent weeks I have been pleased to speak to commuters about the new timetable that will come into effect on the weekend.

The SPEAKER: Order! I call the Leader of the Opposition to order for the third time.

Dr Andrew McDonald: Point of order—

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

Dr Andrew McDonald: The question was about a cycleway and the Minister is talking about timetables. They are quite different things.

The SPEAKER: Order! There is no point of order. The Minister's answer is relevant to the question asked.

Ms GLADYS BEREJIKLIAN: I know that members opposite are sensitive about public transport infrastructure and services because they substantially cut those services.

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

Ms GLADYS BEREJIKLIAN: In recent weeks I have been speaking to commuters about the new timetable that will come into effect this weekend. I am pleased that they have been extremely receptive to a reduction in journey times, regular service times, more services and improved connections between different modes of transport. [*Extension of time granted.*]

I know that the member for Cronulla cares about this issue, which is important to his community. It is important to many communities.

The SPEAKER: Order! I call the member for Mount Druitt to order for the first time.

Ms GLADYS BEREJIKLIAN: I am pleased to reiterate for the House that the new timetable that will be introduced this weekend will provide more than 1,000 extra weekly train services, 55 extra weekly ferry services and more than 1,700 extra bus services.

Dr Andrew McDonald: Point of order: This has nothing to do with the cycleway.

The SPEAKER: Order! The member for Macquarie Fields will not canvass my ruling. There is no point of order.

Ms GLADYS BEREJIKLIAN: Given that the question was about the Sutherland to Cronulla active transport strategy, I am also pleased to advise the House that we have delivered 149 extra services for the Illawarra line, including 55 services during peak periods. That starts this Sunday. It is a very welcome initiative.

The SPEAKER: Order! There is too much audible conversation in the Chamber. I am having difficulty hearing the Minister for Transport.

Ms GLADYS BEREJIKLIAN: The timetable also delivers faster travel times and fewer stops for customers travelling on the Cronulla line from Waterfall and from Hurstville. That is very welcome news. Those opposite want us to forget that when they last looked at the timetable in detail, in 2004-05, they slashed hundreds of daily rail services. They slowed the timetable, they slashed services, and they want people to forget that. They are very sensitive about this.

Ms Cherie Burton: Point of order: The Minister is misleading the House. She has slashed—

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

Ms GLADYS BEREJIKLIAN: I am pleased to say that those dark days of Labor are over. Whether it is building new cycleways, new active transport strategies or adding more services, this side of the House delivers.

The SPEAKER: Order! All members who are on one or two calls to order are deemed to be on three calls to order. Members who continue to interject will be removed from the Chamber for the remainder of the day, in accordance with Standing Order 249. The number of interjections is unacceptable. I cannot hear Ministers, which makes it difficult to rule on points of order.

ST GEORGE HOSPITAL PERITONECTOMY SURGERY

Dr ANDREW McDONALD: My question is directed to the Premier. Given that the Minister for Health has known about critical problems with peritonectomy surgery since I asked her about it in August last year and has done nothing to fix it, will the Premier step in and provide Professor David Morris with the funding and extra capacity he needs to perform this life-saving surgery for Nicole Perko and others on the waiting list?

Mr BARRY O'FARRELL: The member for Macquarie Fields, before he came to this place, was a doctor who operated at both Campbelltown and Camden hospitals—and he did a good job. It is a shame that he is not there full time! In that sense, he, better than anyone else in this place, knows the way in which hospitals operate. He knows the dangers of health Ministers or Premiers bypassing the committees established within the hospital system to direct that this or that operation or that procedure should proceed ahead of others. That is why across our hospital system—in hospitals across the length and breadth of the State—there is a process put in place, which we have strengthened through the creation of local health districts, that ensures that the people who work in those hospitals, the people who have the skills, determine how the funding is spent and the spending priorities. They determine the priorities and the ways in which those operations will take place. The member for Macquarie Fields asked about funding. What has the Minister done since he raised this issue last year? She has increased the budget by more than 4 per cent. The last time I checked, the inflation rate in this State was around 2 per cent or 2.5 per cent.

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

Mr BARRY O'FARRELL: A $63 million increase in a $1.4 billion budget for that health district is the sort of support the Minister for Health is giving health services in this region. It will be up to the people who work at St George Hospital to determine the way in which those funds are allocated. That is the way it has always happened; that is the way it should happen. The day that politicians start to interfere and determine who is on the priority list, welcome back Eddie Obeid. It may not be $100 million but you can imagine the Labor mates lining up for operations ahead of general citizens across this State. If those opposite had wanted to do something to improve St George Hospital, they had 16 years to do it. We have heard the Minister for Health make the point—I have seen the advice from the department—that the issue is not resources; the issue is the facilities.

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

Mr BARRY O'FARRELL: The issue is the size of the intensive care unit. As I used to say before the State election campaign, I wish that I had a magic wand so that I could, overnight, remove all the problems in this State. I cannot build a new hospital overnight but we are getting on with planning its delivery. We are currently building an updated emergency department and we have announced funding to improve St George Hospital, along with improvements to Sutherland Hospital. We are getting on with the job, given the difficult legacy left to us by those opposite. But for them to pretend that there is a miracle cure or that the solution is for the Minister to direct which operations will occur is absolutely beyond the pale. A 4.5 per cent increase in funding on a $1.47 billion budget, providing additional dollars to St George Hospital to deliver better services to people in that region, is a good start. But there is no finish line. There will not be a finish line until the reforms are finished and the hospitals are rebuilt—because of the neglect of those opposite. It is all very well for the member for Macquarie Fields to ask questions on this matter, but the fact is that for the past 2½ years it has been the member for Oatley who has led the charge for improvements to St George Hospital.

The SPEAKER: Order! I remind the member for Kogarah that she is on three calls to order.

Mr BARRY O'FARRELL: That resulted not just in the planning funds that were allocated last week but also in the start of construction of an expanded emergency department. These are difficult issues; no-one denies that. But we should not be playing politics. We should not be ignoring the facts of increased budgets. We, and particularly the member for Macquarie Fields, should not ignore the processes that the member was part of when he worked at Campbelltown and Camden hospitals.

Mr Michael Daley: Point of order: I refer to Standing Order 129. The question was a simple one. The professor wants more money. Ten acute beds have been closed. Will the Premier give the professor more money or not?

The SPEAKER: Order! The Premier is being relevant to the question asked. There is no point of order. The member for Maroubra will resume his seat.

Mr BARRY O'FARRELL: For the benefit of the public gallery, not only is the member for Maroubra the wannabe leader of the Labor Party, but also he is the shadow Treasurer. He does not understand that a 4.5 per cent increase in the budget means more money for the hospital. What the member does understand is Michael Williamson.

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

Mr BARRY O'FARRELL: That corrupt union leader was appointed by him to a taxpayer-funded directorship on the eve of the last election. He is the man who made a $100,000 donation to the member's election campaign. [*Time expired.*]

EXTENDED SUPERVISION ORDERS

Mr GLENN BROOKES: My question is addressed to the Attorney General and Minister for Justice. How is the Government strengthening the supervisions of offenders on extended supervision orders?

Mr GREG SMITH: I thank the member for East Hills for his interest in this issue. Extended supervision orders are made by the Supreme Court for a small number of offenders with a history of serious offences and who are at a higher risk of reoffending. They are released with a range of strict conditions, such as electronic monitoring, after they have served their sentence, and then come under the supervision of Corrective Services, under its Community Corrections Division. I have previously spoken about the reform and restructure of the Community Corrections Division to strengthen the supervision of a range of offenders in the community, including those on extended supervision orders. As a result of these reforms, Corrective Services has discovered shortfalls in the system, which have plainly existed for years. Last month, details were brought to my attention of serious breaches of an extended supervision order that took place before these reforms came into effect. This case highlights systemic deficiencies in the supervision of this offender from at least 2010 until March this year, when he was arrested and charged, initially with more minor breaches of his supervision orders. The case is still under police investigation and a range of charges have now been laid. Since the matter is before the court I cannot provide further details.

Corrective Services Commissioner Peter Severin outlined his plans to reform the supervision of offenders in the community last December. In January and February this year Corrective Services reviewed standard operating procedures for the supervision of offenders. The new standard operating procedures came into force from March. They provided for close cooperation between the electronic monitoring team and the supervising officers, and for increased scrutiny of all approved locations together with a more stringent electronic monitoring. It was these changes that alerted Corrective Services to the breaches of conditions by this offender. At the same time the NSW Police Force were also separately investigating the offender, revealing further breaches that had occurred before March 2013. In April, Corrective Services launched extra, random intensive compliance operations, targeting certain offenders. These included surprise visits to check offenders' compliance with the conditions of their order. Also in April, Corrective Services improved information- and intelligence-sharing between its different divisions, placing offenders on extended supervision orders under greater scrutiny than ever before.

A scheduling oversight committee, with members from across the agency, was established to regularly monitor and review extended supervision order [ESO] offenders' weekly schedules. In May two units supervising offenders were merged and a new risk-assessment system came into force which, for the first time, formally considered community impact. The combined unit—renamed Community Corrections—for the first time also set minimum standards for supervision. This significantly boosted the supervision of high-risk offenders and placed far greater emphasis on verification of information provided by offenders and third parties. As part of this merger, in May a number of offices were closed and all services were provided by a combined 60 offices around the State. Staff numbers were reduced as many duplicating roles were removed and resources were then refocused to where they were really needed: the supervision and management of high-risk offenders.

In June, in a high-profile incident, an offender on parole allegedly reoffended and I asked Corrective Services to conduct an audit of all sex offenders. It should be noted that the offender I mentioned earlier was already back in custody at the time of this audit. The raft of changes in the supervision system has already significantly increased levels of accountability and oversight for high-risk offenders. Face-to-face contact with high-risk sexual offenders has increased by about 20 per cent and verifications by 30 per cent. Because of information that has come to light in the case I mentioned earlier, I believe further reform is warranted. I intend to take such further reforms to Cabinet in the near future. [*Extension of time granted*.]

When I became aware of the details I directed Commissioner Severin to undertake an investigation and propose additional measures to strengthen the supervision of these offenders. I am in discussions with Commissioner Severin, Police Commissioner Andrew Scipione and my colleague, the Hon. Michael Gallacher, Minister for Police and Emergency Services, to identify opportunities for further improvements and cooperation. I hope to announce a package of reforms very soon. I assure the member for East Hills and the House that all parts of the Government will be working together to ensure that any further changes identified will be implemented to enhance the protection of the community, which is, and remains, our first priority.

SUGARLOAF STATE CONSERVATION AREA MINE SUBSIDENCE

Mr GREG PIPER: My question is directed to the Minister for Environment and Heritage. Will the Minister advise the House at what stage action to remediate the damage in Sugarloaf State Conservation Area is at, and the progress of the inter-agency inquiry into the circumstances surrounding the approval process and subsequent impact of substances from West Wallsend Colliery's Longwall 41?

Ms ROBYN PARKER: I thank the member for Lake Macquarie for his question. I know that he is interested in and concerned about the Sugarloaf State Conservation Area. The member for Cessnock and I share those concerns. It is a beautiful part of the world—a State conservation area that allows mining under the ground and protects the environment above the ground. However, there have been four significant incidents in less than 12 months within the Sugarloaf State Conservation Area relating to underground mining activities. The Government is taking action to rectify this. The issues relate to two subsidence issues and two grouting leaks. I am advised that significant environmental damage has occurred, and I have visited the site to inspect the damage. There are, however, no mapped endangered ecological communities or Aboriginal cultural sites in the vicinity of the mine subsidence.

During the original remediation work there was a leak of grouting material into the drainage line in a remote area on the south-eastern side of the Sugarloaf State Conservation Area. West Wallsend Colliery estimates that approximately 75 cubic metres of Air-O-Cem grout leaked out while work was being conducted to repair mine subsidence. The leak affected approximately 250 metres of the natural drainage line, which was dry at the time. Grout is used to remediate subsidence cracks that cannot be remediated using earthwork machinery due to their remote location or because they require an impermeable barrier to stop the inflow of water. That method of remediation is commonly used in the mining industry. I know that I am not allowed to use props in the Chamber but I have a little of that material here, and I am happy to pass it on. I know the Minister for Resources and Energy will be interested to see it. It is very light—like moon rock.

The Office of Environment and Heritage initially issued West Wallsend Colliery with a draft remediation direction under the National Parks and Wildlife Act for the major spill of grouting material in July. Following that, we had extensive legal advice and issued the final remediation direction in August. In other words, the first remediation was botched and now they have to remediate that remediation. There is a plan of action for West Wallsend Colliery that is a variation on the remediation direction with which it was issued originally. The plan requires the colliery, by 22 November, to conduct a grout removal trial in a small 20 metre section of the leak. West Wallsend Colliery must then report back within four days on its success and on what it has learnt during that trial. The grout removal will be conducted by hand, with teams physically breaking up the grout and bagging it in readiness for removal by helicopter.

The team started working in the field yesterday, with National Parks and Wildlife Service biodiversity officers monitoring the works. They will be back in the field tomorrow. Access to the site during the grout removal process will not be allowed other than by foot. There is a 500 metre walk to the site. Grout debris removal will be by air. There is an inter-agency working group led by the Department of Planning and Infrastructure, and supported by the Division of Resources and Energy. The Environment Protection Authority [EPA] and the Office of Environment and Heritage [OEH] are part of that committee. The group's next meeting is on 20 October. It will be reviewing the overall progress on the grout removal operation.

I have visited the site and had a look at the grouting leak. It is a dangerous area, quite steep and remote and cordoned off. The company has security guards there 24/7—fascinating work, if you can get it. I remind people not to go to the site just to have a look. It is quite dangerous, which is why the safety and security measures have been put in place. The Office of Environment and Heritage has requested a review of the mine's subsidence plan by the planning department and has requested that the Division of Resources and Energy grant no further mining approvals in the Sugarloaf State Conservation Area until these issues are resolved. I share the community's concern about the impact on our precious parks and I will keep the member for Lake Macquarie and the House updated about this issue.

COMPANION ANIMALS LEGISLATION

Mr ANDREW CORNWELL: My question is addressed to the Minister for Local Government. What action is the Government taking to overhaul the companion animals framework and protect the public from dangerous dogs?

The SPEAKER: Order! Members will come to order. The Minister has the call.

Mr DONALD PAGE: I thank the member for Charlestown for his question, but also for his wonderful work as chair of the Companion Animals Taskforce, which provided a range of recommendations to the Government, some of which I am about to announce. The Liberal-Nationals Government is committed to promoting responsible pet ownership and is providing councils with the necessary powers to help prevent dog attacks from occurring in this State. We want to ensure that councils have the proactive tools to correctly categorise and reduce the risk of these attacks. The Government will introduce provisions to ensure that the penalties and restrictions surrounding aggressive or dangerous dogs meet community expectations. As Minister, it was clear to me that the system we inherited from the former Labor Government did not adequately allow effective prevention of dog attacks or properly support council enforcement activities. The Minister for Primary Industries and I set up a Companion Animals Taskforce which, as I said, is chaired by the member for Charlestown, to provide advice on companion animal management issues.

From the taskforce's work it is clear from ongoing and sometimes tragic dog attacks that the current system needs to change as it is not working. Fewer than 60 per cent of microchipped animals are registered via a costly process to administer, resulting in lost annual revenue of approximately $900,000 that predominantly would have helped councils enforce the companion animals legislation. Until recently, dog attacks were increasing and councils have inadequate powers to control and track dangerous dogs. New South Wales fees and penalties are too low compared with other jurisdictions, and given the strength of community concern we will introduce a new classified category of "menacing dog" to allow councils to place controls on dogs that have exhibited aggressive behaviour or have attacked causing non-serious injury.

Until now councils have been able to classify a dog as only dangerous and place enclosure and muzzling controls on that dog when it has attacked already, repeatedly threatened to attack or is used for hunting. From the taskforce's report it is clear that councils are reluctant to use this dangerous dog category because of the difficulty of proving behaviour in the absence of an attack. The new menacing dog classification will allow councils to place controls on dogs involved in less serious incidents, such as displaying serious aggression or preparedness to attack. These controls, less restrictive than those on dangerous or restricted dogs, will include muzzling and leashing the dog when in public, desexing, microchipping and, of course, registering. Further, penalty notice amounts and court penalties will be increased for failure to register a companion animal and for when a dog actually has been involved in an attack.

Current penalty amounts in the companion animals framework are low when compared to other States and do not provide adequate deterrents against irresponsible ownership to protect the community. Failure to register a companion animal, no matter where it is kept, will increase from $165 to $275; if the matter goes to court a fine of up to $6,600 can be imposed. Further, depending on the circumstances and nature of attack and classification of dog, an owner can be fined up to $77,000 and the penalty may include also a term of imprisonment of up to five years. Our message is clear: if you own a dog you need to be a responsible pet owner and take the proper precautions appropriate for the animal you own and control.

Further to the increased penalties, the Minister for Primary Industries and I will expand the existing pet education program to include preschools—currently it covers primary schools only—and families expecting a child in order to raise awareness of how to act and be safe around dogs and to prevent attacks. These changes will ensure that support and advice are given to councils to reduce dog attacks and to promote dog bite

prevention and responsible pet ownership messages through the Responsible Pet Ownership Program. Not only should the overhaul provide greater resources to councils through higher registration numbers but also it should provide more accurate recording and declaration regimes. I emphasise that owners need to take responsibility for their choices. In choosing to own a dog, regardless of the breed, owners need to understand the risks associated with that dog and be a responsible pet owner. Unlike the former Labor Government, this side of the House has ensured that our reform processes have been transparent and consultative, and actually address the issues requiring attention.

Question time concluded at 3.14 p.m.

The SPEAKER: Order! Eight members are on three calls to order, which will apply for the rest of the day. The occupants of the chair will have the discretion to remove members from the Chamber for up to three hours under Standing Order 249A or for the rest of the day under Standing Order 249. That means members must leave their office and this building. I warn members that subsequent occupants of the chair may not be as tolerant as I have been.

REGISTER OF DISCLOSURES BY MEMBERS

The SPEAKER: In accordance with clause 21 of the Constitution (Disclosure by Members) Regulation 1983, I table a copy of the Register of Disclosures by Members of the Legislative Assembly as at 30 June 2013.

Ordered to be printed.

PETITIONS

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

Oxford Street Traffic Arrangements

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

Callan Park

Petition calling on the Government to implement the Callan Park master plan and establish the Callan Park and Broughton Hall Trust, received from **Mr Jamie Parker**.

Rooty Hill Railway Station Access

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

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**.

Pet Shops

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

Pig-dog Hunting Ban

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

Duck Hunting

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

Inner-city Social Housing

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

Social Housing Tenants Mental Health Support

Petition requesting the provision of community outreach and support programs directed to people with a mental illness who are tenants of Housing NSW and community housing, received from **Mr Alex Greenwich**.

Container Deposit Levy

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

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

Duffie Drive and Cessnock Road Intersection Upgrade

Petition pointing out the high accident rate at the intersection of Duffie Drive and Cessnock Road, Cessnock, and requesting the upgrade of the intersection including the installation of a roundabout to improve safety, received from **Mr Clayton Barr**.

Cabarita Park

Petition stating that Cabarita Park is a public resource, owned by the public, and requesting that it be protected for the public good by ensuring that certain land in Cabarita Park not be rezoned from community to operational use, received from **Mr John Sidoti**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Crown Lands Tenure

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [3.20 p.m.]: My motion states:

> That this House condemns the Opposition for jeopardising the continued operation of thousands of community groups and small businesses across New South Wales through its opposition to the Crown lands amendments.

This motion should be accorded priority because the Goomallee decision of the Court of Appeal last year set a precedent that calls into question the validity of secondary tenures on Crown lands and undermines the multiple use principle enshrined in the Crown Lands Act—

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation. Members who wish to have private conversations should do so outside the Chamber.

Mr MARK SPEAKMAN: —which has guided the management and use of Crown reserves for many years. This motion should be accorded priority because up to 7,000 secondary tenures for commercial and community purposes over Crown reserves are at risk. Up to 90 per cent of them could be challenged if they are found to not be in furtherance of or incidental to the primary purpose of the reserve. This motion should be accorded priority because, despite having three weeks to do so, the Labor Opposition has failed to formulate any amendments. Despite expressing concerns about the legislation, despite the member for Marrickville leading for the Opposition and acknowledging the need to rectify the uncertainty that tenure holders face regarding the potential invalidity of their leases, there has been a deafening silence from the Opposition. The member for Cessnock, who was the other Opposition member to speak on this motion, said there will be no amendments.

This motion deserves to be accorded priority because next Saturday the voters in Miranda need to know that, yet again, the Green tail is wagging the Labor dog. The voters in the Miranda by-election need to know that

next Saturday the spectre of a Green-Labor coalition that was decisively thrown out federally on 7 September will rear its ugly head again. This motion should be accorded priority because despite the best efforts of Barry Collier to pretend that he is a community independent, despite his best efforts to distance himself from the Leader of the Opposition, the voters of the Miranda by-election deserve to know that a vote for Barry Collier is a vote for a Greens-Labor coalition—

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the Leader of the Opposition that he is on three calls to order. I call the member for Monaro to order for the first time.

Mr MARK SPEAKMAN: —that threatens vital community services in the Sutherland shire. They need to know that a vote for Barry Collier is a vote for a Labor team that threatens, among others, the viability of the Cronulla Surf Life Saving Club and surf life saving clubs up and down the coast of New South Wales. They need to know that Barry Collier, the self-proclaimed community champion, is doing nothing to protect surf life saving clubs and scout halls in the Sutherland Shire. [*Time expired.*]

St George Hospital Peritonectomy Surgery

Ms CHERIE BURTON (Kogarah) [3.23 p.m.]: My motion deserves priority because St George and Sutherland hospitals are prime examples of a hospital system in crisis as a direct result of cuts to health services by the O'Farrell Government. This Government is decimating vital health services in New South Wales with nearly $3 billion in unprecedented funding cuts. Some $43.1 billion has been cut to our health service. Look at how nervous the members are on the other side. Their Health Minister has been the most hands-off Minister that has ever been in government. Every time there is an issue in a hospital or elsewhere she says, "I am not interfering. That is up to the board." What does she say when they close wards? "That is not up to me. That is up to the board." Targets are not met, there is trolley block, and waiting times have blown out. And what does the Minister say? "That has nothing to do with me." When lifesaving surgery is raised she says, "That has nothing to do with me." Then she allows the Treasury to slash her budget by $3 million.

Mr John Williams: Point of order—

The DEPUTY-SPEAKER (Mr Thomas George): Order! No points of order may be taken when members are arguing why their motions should be accorded priority.

Ms CHERIE BURTON: She cannot even stand up to the Treasury. Everybody in the community is saying, "What does the Minister actually do?" What does she do to earn her salary? What are the taxpayers paying her for? I remember when the Minister was in Opposition. She would yell out from the side, "You're the Minister. Fix it." How her tune has changed. Suddenly, it is not her problem. We know about the shocking situation at St George Hospital concerning lifesaving peritonectomy surgery. We are reminded of the Minister's hypocrisy. She said yesterday that it is up to the surgeons to decide when the surgery takes place, but in 2009 she said that it is scandalous that a person who knows they have a serious cancer and has been told they ideally need surgery this week cannot get it done.

How the Minister's tune has changed since she has been zipping around the State in that nice white car. Peritonectomy surgery is not the only problem at St George Hospital. Waiting times for general surgery is up 96 per cent. Waiting times for gynaecology is up 24 per cent. There has been a 71 per cent increase in waiting times for patients who require neurosurgery. There has been a 131 per cent increase in waiting times for patients who require vascular surgery. It is an absolute disgrace. The community of Miranda is worried. I would be very worried, too. Elective surgery waiting lists have blown out by a massive 12 per cent. [*Time expired.*]

The DEPUTY-SPEAKER (Mr Thomas George): I remind the member for Canterbury that she is on three calls to order.

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

The House divided.

Ayes, 65

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

Noes, 23

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

Question resolved in the affirmative.

CROWN LANDS TENURE

Motion Accorded Priority

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [3.34 p.m.]: I move:

> That this House condemns the Opposition for jeopardising the continued operation of thousands of community groups and small businesses across New South Wales through its opposition to the Crown lands amendments.

As I said when stating my reasons as to why this motion should be accorded priority, in New South Wales up to 7,000 community and commercial facilities operating secondary tenures on Crown land are at risk because of an unholy alliance between members of the Shooters and Fishers Party, The Greens and Labor who want to oppose sensible amendments. They say they think the proposed amendments go too far yet they do not have the wherewithal, common sense, or even courtesy to move amendments. For three weeks they have had that opportunity and the defiant member for Cessnock has told us that there will be no amendments.

Despite the potential havoc that The Green-Labor coalition may wreak on community and commercial groups in New South Wales, only the member for Marrickville and the member for Cessnock have had the temerity to speak for the Opposition in debate on the Crown Lands Amendment (Multiple Land Use) Bill 2013. Labor should be condemned because the people who will be voting in the by-election in Miranda on Saturday need to know the sorts of political games that this reckless Labor Opposition will play. They need to know that the Labor candidate in Miranda—a man who parades himself as a self-proclaimed champion of communities—

will not stand up for surf clubs, the Country Women's Association, scouts halls or men's sheds; he is part of a team with reckless indifference to those vital community groups. Indeed, the voters in Miranda could be forgiven for thinking that Barry Collier was an Independent because nowhere in his literature is there any reference to John Robertson. In Miranda we are playing a game called, "Where's Robbo?"

Ms Carmel Tebbutt: Point of order: My point of order is that nowhere in this motion is the seat of Miranda mentioned. The member should be asked to return to the leave of the motion.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Mr MARK SPEAKMAN: Let us talk about the people in Miranda and the effect that The Green-Labor coalition will have on community facilities there. For instance, the tenure of the thousands of members of our surf life saving clubs, many of whom reside in Miranda and many of whom give up many hours on weekends to protect the citizens of the shire, is at risk because Labor and The Greens are playing games. That tenure is at risk because the team that Barry Collier represents—The Green-Labor coalition—has reckless indifference to those facilities in the shire. Not only that; the scout halls in the shire, the Kirinari Hostel at Kareela, the men's sheds at Parramatta, the Country Women's Association hall at Grafton, the North Shore Regional Target Shooting Complex at Hornsby and the market gardens at Maroubra are being threatened by Labor's reckless indifference.

In this by-election campaign the voters in Miranda have seen and heard from the Leader of the Opposition about as much as the Independent Commission Against Corruption, police and probity auditors heard from Robbo about the $3 million bribe offer in 2006 that he failed to disclose. The people in Miranda and across New South Wales want to know where Labor stands. What is the justification for this reckless indifference to community activities? Why is Labor jeopardising Meals on Wheels kitchens across this State? Why is Labor jeopardising preschools, libraries, council chambers, community centres, tourist information centres, the Rural Fire Service, State Emergency Services, marine rescue facilities and commercial operations such as grazing, kiosks and restaurants operating on Crown land? Does Labor offer amendments?

Government members: No.

Mr MARK SPEAKMAN: Just blind, reckless indifference. Will Barry Collier explain to the people of Miranda and will John Robertson explain to the electors of this State why their basic mobile phone facilities are at risk? Labor is demonstrating mindless opposition to common sense. Labor deserves to be condemned because it is playing politics. Yet again it is in bed with The Greens. The Labor-Greens coalition in Canberra is coming here to New South Wales and threatening our vital community institutions. [*Time expired.*]

Ms CARMEL TEBBUTT (Marrickville) [3.39 p.m.]: I seek to amend the motion moved by the member for Cronulla as follows. I move:

> That the motion be amended by leaving out all words after "That" with a view to inserting instead the following:
>
> "this House calls on the Government to consult with all affected stakeholders and develop amendments to the Crown Lands Act to deal with the Goomallee Case that have broad community support."

Mr Mark Speakman: Point of order: The amendment is out of order. It is not within the purview of the motion that has been moved.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I am advised by the Clerk that the amendment is within the scope of the motion.

Ms CARMEL TEBBUTT: If the Government were serious, as the member for Cronulla claims, about wanting to address the impact of the Goomallee case on community organisations and small businesses, then it would have consulted with stakeholders and developed sensible amendments that dealt with the impact rather than introduce this legislation that has been brought forward by the Deputy Premier. The Minister who introduced this legislation is the same Minister who proposed a helipad in this city's harbour. We are seeing the same attention to detail, the same commitment to consultation and the same commitment to process that occurred—

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation. Members who wish to have private conversations will do so outside the Chamber.

Ms CARMEL TEBBUTT: We are seeing the same commitment to consultation and process with this legislation that we saw in relation to the helipad in the harbour. That is why this legislation does not have the Opposition's support. This is bad legislation; I am surprised that the member for Cronulla has not been able to see that. The Deputy Premier is trying to use the Goomallee case as a smokescreen for a Crown lands grab the like of which we have not seen since the days of Joh Bjelke-Petersen in Queensland. That is the truth; that is what this legislation is about.

As members know, some of our most precious cultural and environmental heritage and open spaces are held in Crown lands. It is right that the New South Wales Opposition ensures that Crown lands are protected and that we do not give this power to the Government so that it can grant secondary leases in a willy-nilly way without any respect for the environment, for community use and for the New South Wales Aboriginal Land Council and the issues it has raised. This Government has shown complete disregard for environmental and cultural heritage. This is the Government that allowed shooting in national parks, for heaven's sake. They have no understanding of cultural and environmental heritage. This legislation is an attempt to grant extraordinary power to the Deputy Premier in order that he can make a land grab over our Crown lands. The Opposition will not support it.

We accept that multiple use of Crown lands does occur and that is sensible. We accept the multiple use premise. But we do not accept that this Government introduces legislation before the completion of the Crown lands review. The Government needs to answer some questions. Why has it not allowed the review of Crown lands to be completed before introducing this legislation? Why does the test for granting licences set such a low benchmark, that is, it need only be appropriate in the opinion of the Minister? Why is there no definition of "material harm" in the legislation? Why were the New South Wales Aboriginal Land Council and other key stakeholders not consulted? Why is the Minister trying to fetter the right to take legal action by legislating for a notification process of six months before the validity of a licence can be questioned in court? These are the questions the Government has to answer.

The Government also has to answer the question of why the amendments allow the Minister to grant secondary leases that are not for a public purpose and that, in fact, can be incompatible and inconsistent with the reason a Crown reserve was granted in the first place? The Government should answer those questions. If we had received a decent answer to those questions we may have been prepared to support this legislation. The Government should go back to the drawing board and introduce amendments that genuinely address the Goomalllee case rather than attempt to give unfettered power to the Minister to do who knows what.

Mr JOHN WILLIAMS (Murray-Darling) [3.44 p.m.]: I take this opportunity to respond to some of the comments made during the debate. The member for Cessnock said that he believes we inadequately consulted with the Aboriginal community. I can tell him that consultations were held on three occasions. I remind the member for Cessnock of the record of previous Labor governments on working with the Aboriginal community. In 2006 Marcia Ella-Duncan wrote a comprehensive report, called "Breaking the Silence: Creating the Future", on child abuse in Aboriginal communities. What did the Labor government of the day do with that report? It shelved it. It put it on the shelf and did not accept any recommendations. It ignored the comments and recommendations of this Aboriginal woman as to how to deal with child sexual abuse in Aboriginal communities. It totally ignored the report and did nothing about it. The Labor Party's history of dealing with Aboriginal issues is a disgrace.

Ms Carmel Tebbutt: Point of order: Mr Deputy-Speaker, I know you are taking a very broad interpretation of the issues that are relevant to this debate but I would suggest that the issue of child sexual abuse, terrible as it is, is not part of this motion.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I uphold the point of order. The member for Murray-Darling must explain how the issue is relevant to the debate.

Mr JOHN WILLIAMS: I raise that issue in this debate because the bill and the drafting process were raised as an example of the Government's prejudice against Aboriginal people. I remind the member for Cessnock of the constitutional recognition of Aboriginal people in this Parliament. It was a great event that brought tears to the eyes of the then Premier. But the next day the Aboriginal people had tears in their eyes because the Premier took $5 million out of their program funding. That is the type of government that those opposite represent. This Government has a deep respect for the Aboriginal community and they were consulted in this process on three occasions. If those opposite had any idea of how Aboriginal land claims operate they would have a pretty good idea of how to defend them: they have to be divided individually and assessed at

individual cost. Those opposite have absolutely no idea about that. This Government is simply trying to secure the lands managed by this State and ensure the security of the people who undertake existing activities on those lands. [*Time expired*.]

Mr CLAYTON BARR (Cessnock) [3.47 p.m.]: I speak in support of the amendment moved by the member for Marrickville. The member for Murray-Darling said that the New South Wales Aboriginal Land Council was consulted three times. The New South Wales Aboriginal Land Council acknowledges that it was spoken to on three different occasions and that specifically it was spoken to about the Goomallee case and how that was going to be dealt with in the new bill, which passed through this House earlier today but which the Labor Opposition opposed. However, the New South Wales Aboriginal Land Council was not consulted on those three occasions on the broader implications or the broader reach of the bill that was brought into the House and is now being used as a basis for this motion. I am happy to provide a briefing note with words to that effect from the New South Wales Aboriginal Land Council, if the member for Murray-Darling would like to see it.

The amendment "calls on the Government to consult with all affected stakeholders and develop amendments to the Crown Lands Act to deal with the Goomallee Case that have broad community support". This seems reasonable and logical. From memory, the Goomallee case was to do with a grazing lease that had been granted on land at Uralla and that lease was overturned. The 1989 Act was probably defeated for fairly good reason. The principles of Crown land management are contained in section 11 (a) to (e) of part 1 of the existing Act. Section 11 (c) provides that public use and enjoyment of appropriate Crown land be encouraged and section 11 (d) provides that, where appropriate, multiple use of Crown Land be encouraged. "Public use and enjoyment of appropriate Crown land" would probably cover surf live saving clubs, Men's Sheds, Country Women's Associations, sporting fields and emergency services.

I will say it again: It is a provision of the existing Act that public use and enjoyment of appropriate Crown land be encouraged. As I said, this motion accorded priority has come before the House because of the bill that was voted on earlier today. To suggest that all of these centres will lose their capacity or access because of the Goomallee case fails to recognise the conditions of the existing Act. The member for Cronulla spoke about surf life saving clubs. The former member for Miranda never visited a single surf club in his time. If that is a prerequisite for being the local member— [*Time expired*.]

[*Business interrupted.*]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Divisions and Quorums

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.50 p.m.]: I move:

> That standing and sessional orders be suspended at this sitting to provide that from 5.30 p.m. until the rising of the House no divisions or quorums be conducted.

In relation to business of the House for the remainder of the day and evening, I advise members as Leader of the House that my intention is to deal with a number of bills: the Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Bill, the Crimes and Courts Legislation Amendment Bill, the Skills Board Bill and the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. I would like all of those bills to proceed through the House this evening. To facilitate the passage of the bills through the House this evening I have had discussions with members as to whether they may be moving amendments or calling divisions. I am proposing that from 5.30 p.m. there will be no divisions or quorums. I also indicate that after the dinner break the House will deal with private members' statements, Government business and then the matter of public importance.

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

Motion agreed to.

CROWN LANDS TENURE

Motion Accorded Priority

[*Business resumed*.]

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [3.52 p.m.], in reply: I thank members representing the electorates of Marrickville, Murray-Darling and Cessnock for their contributions to this debate.

I will correct something said by the member for Cessnock in closing his speech. He is not on the ground in the shire; I am. I can tell the member for Cessnock that the former member for Miranda has visited surf clubs on a number of occasions. I know that the Liberal candidate for the electorate of Miranda, Brett Thomas, is heavily involved in the community and is strongly community-minded. He will visit his surf clubs and champion them. That is unlike Barry Collier, who needs to put up or shut up about where he stands on protecting security of tenure for surf clubs in the shire.

Members of the Opposition seem to be at sixes and sevens about this bill. On the one hand, the member for Cessnock implies that there is not really a problem and that the bill provides adequate provision for certain matters. On the other hand, the member for Marrickville acknowledged that "there is a need to rectify the uncertainty that tenure holders face with regard to potential invalidity of their leases." The member for Marrickville has conceded that but she says the bill overreaches. Having acknowledged that there is a problem to be fixed, if Opposition members were serious that the bill goes too far they would have formulated a set of amendments. If they were genuine in their complaint they would have put an alternative proposal to fix the problem that the Opposition concedes exists, but there are no amendments. People in New South Wales have to conclude that their comments have nothing to do with a genuine concern about language going too far; rather, they are simply playing politics and doing yet another shabby deal with The Green tail that wags the Labor dog.

The member for Marrickville said that she has a concern about the expression "material harm" and that perhaps there is some uncertainty or excess in the legal standard. Words such as "material" and "harm" are accepted legal standards that appear in a plethora of legislation. As the member for Liverpool well knows, these decisions are subject to judicial review. The Minister does not have unfettered discretion; the Minister has to act reasonably and take into account relevant considerations and ignore irrelevant considerations. Appropriate safeguards and standards are in place. If the member for Marrickville wants to talk about environmental heritage, what did Labor do for 16 years to fight for the Royal National Park to receive World Heritage listing? This Government and the new Coalition in Canberra have moved to make that happen. What did Labor do for Dharawal National Park? This Government can be proud of its work on environmental heritage in southern Sydney. I commend the motion to the House.

Question—That the words stand—put.

The House divided.

Ayes, 66

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

Noes, 22

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	
Mr Greenwich	Mr Parker	*Tellers,*
Ms Hay	Mrs Perry	Mr Amery
Mr Hoenig	Mr Rees	Mr Lalich

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

BUSINESS OF THE HOUSE

Order of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [4.04 p.m.]: By way of clarification, pursuant to a resolution of the House there will be no divisions or quorums after 5.30 p.m. As to the order of business, the House will next deal with the Skills Board Bill 2013. The Opposition has indicated that it proposes to move an amendment to the bill. If possible, we will deal with that amendment before the cut-off for divisions and quorums. Again, the Opposition has indicated that it may have amendments to the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. The intention is that the House will deal with that legislation immediately following the Skills Board Bill.

Thereafter, the House will deal with the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill, the Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Bill, and the Crimes and Courts Legislation Amendment Bill. I do not anticipate a requirement for divisions on those three bills, but that is up to the members in this place. I hope we can deal with the Skills Board Bill 2013 and the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013 before 5.30 p.m. if amendments are proposed to those bills.

The House will then follow the usual order of business. At 7.00 p.m., when the House resumes, we will deal with private members' statements and then return to Government business, which I anticipate will be the Child Protection Legislation Amendment (Offenders Registration and Prohibition Orders) Bill, the Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Bill, and the Crimes and Courts Legislation Amendment Bill. At the conclusion of Government business, we will debate the matter of public importance.

The DEPUTY-SPEAKER (Mr Thomas George): Order! It being after 4.00 p.m., the House will now consider Government business.

SKILLS BOARD BILL 2013

Second Reading

Debate resumed from 12 September 2013.

Ms CARMEL TEBBUTT (Marrickville) [4.07 p.m.]: I speak to the Skills Board Bill 2013, which establishes the New South Wales Skills Board. The functions of the board include providing the Minister with advice on areas such as skills shortages, quality assurance and the vocational education and training budget. The board will oversee the implementation of the Government's changes to TAFE and vocational education and training in a program called Smart and Skilled. The bill abolishes the previous TAFE and vocational education and training advisory board, the Board of Vocational Education and Training, or BVET. The Skills Board has

functions similar to those of the Board of Vocational Education and Training. Many of these functions are important, such as, monitoring the performance of vocational and education and training systems, advising on the allocation of funding, and collecting and analysing labour market intelligence. The Opposition will not oppose the Skills Board Bill, but we intend to move an amendment to the bill to recognise the vital functions that TAFE provides in delivering vocational education and training.

Before speaking to the substance of the bill, I want to say a few words about the Board of Vocational Education and Training, which was chaired by Bert Evans, whom I know will be known to many members of the House. I had the opportunity to work with Bert and the board. I pay tribute to Bert's work; he was very well respected. Bert Evans brought to this role his experience as a former chief executive of the Metal Trades Industry Association and his extraordinary passion for vocational education. He has made a huge contribution to promoting the importance of vocational education and training and, in particular, to promoting vocational education and training in schools. I recall the effort that Bert made in a strategic evaluation of vocational education and training in schools in 2005.

The evaluation, which was undertaken by Bert, involved statewide consultation with employers, principals, school and TAFE teachers, students and parents. Bert was very pleased with the positive feedback that he received through these consultations about vocational education and training in schools. The report demonstrated that the New South Wales model of vocational education and training in schools was benefiting not just students but also employers and the community. Bert can take great credit for the reforms that flowed from the report, including extending the availability for years 9 and 10 students to undertake vocational education and training courses during stage 5 of their schooling.

I am pleased that the Government has recognised Bert by appointing him as the first NSW Apprenticeships Ambassador—a role that I know he will fulfil with distinction. I also pay tribute to the work and commitment of the members of the NSW Board of Vocational Education and Training, some of whom I know feel that the Government did not properly consult them about these changes or properly acknowledge their efforts or indeed enable them to complete all their work. The Government is now proposing to replace the board with the NSW Skills Board, to be established through this legislation. The Government has already announced the members of the proposed board, and they include some impressive people such as Mark Goodsell, Marie Persson and Jack Manning Bancroft. However, I also note that the board includes a former Nationals member of Parliament and a former staffer to John Brogden. There is also no-one, to my knowledge, on the board who is currently teaching in vocational education and training. That is a great loss.

The appointment of someone to the board who is actively involved on the front line of vocational education and training would provide an important perspective to the board's deliberations and decision-making. I urge the Minister to reconsider this matter. The NSW Skills Board has many functions similar to the NSW Board of Vocational Education and Training. However, the NSW Skills Board has been given the added function of overseeing major reform of the vocational education and training sector. This refers to the New South Wales Government's Smart and Skilled reforms that are due to take effect from 1 July 2014. I have raised in the House on many occasions the Smart and Skilled reforms, and the concern that they are causing in the community. I have attended many forums at which students, teachers and community members have expressed real fears about what Smart and Skilled will mean for TAFE in New South Wales.

These reforms include a once-only entitlement to government-subsidised training up to certificate III level, with subsidised funding only for courses listed on the skills list. We have seen what this means for fine arts courses, as commercial fees have meant that these courses are no longer within the reach of members of the community. Fees will skyrocket under Smart and Skilled not just for those courses that do not make it onto the skills list but also for courses that will be on the skills list. The Government is considering the Independent Pricing and Regulatory Tribunal [IPART] draft report. That report proposes that more than 84 per cent of TAFE and vocational education and training [VET] students should face major fee increases. If the Independent Pricing and Regulatory Tribunal reforms are implemented, 22 per cent of students will face fee increases of more than $1,500 per qualification. That is a huge impost on students. The Government is also proposing a loans scheme that will require students to make a greater contribution to funding their training.

I note that one of the requirements for members of the NSW Skills Board is to have a high level of experience in market operations. Of course, the Smart and Skilled reforms also include far greater contestability for government funding. In New South Wales slightly less than 20 per cent of government funding is allocated through competitive funding. The Opposition understands that competition can sometimes drive greater

efficiencies but it also knows that savage adherence to the lowest price comes at the expense of quality and also a lack of recognition of the important role that TAFE plays in building communities' cultural, economic and social capacity. As Australian Industry Group chief Innes Willox recently said:

> TAFE institutes are more than the aggregate of the courses they run. They are an important part of our economic and social infrastructure.

The real fear with regard to greater contestability of vocational education and training funding is that it will undermine the viability of TAFE across New South Wales, particularly in regional and rural areas. We know that many private providers will cherrypick the most lucrative courses—the courses that are cheaper to provide and that do not require a significant investment in infrastructure. At the same time, TAFE currently has a commitment to paying award salaries—as it should—and to providing quality training. TAFE is required to maintain vast infrastructure across the State and will find it virtually impossible to compete on price alone under the reforms that are being introduced in Smart and Skilled.

We do not need to look far to see the impact of these sorts of changes because it has happened in Victoria. Similar changes in Victoria have been a disaster. The Victorian Government has been forced to roll back many of the changes that it has made. Under full competitive tendering in Victoria, TAFE is no longer the dominant vocational education and training provider. In Victoria in 2008, TAFE's market share was 66 per cent, compared with 14 per cent for private registered training organisations. In 2012, TAFE's share had fallen to 45.6 per cent, with private providers increasing to 46 per cent of market share. TAFE has fallen dramatically in terms of the training it is providing in the Victorian market. In New South Wales TAFE plays a critical role as the pre-eminent provider of vocational education and training, and second-chance education. It plays a vital role in building the economic, social and cultural capacity of communities.

We see that TAFE is already struggling under the O'Farrell Government due to the cutting of 800 teachers and staff, increased fees and the squeeze on the TAFE budget. The diversion of funding from TAFE through greater contestability is likely to threaten its viability, particularly in regional and rural New South Wales. Any reform of TAFE must maintain TAFE as the major provider of vocational education and training in New South Wales, accessible across New South Wales. For that reason I foreshadow that I will move an amendment during the consideration in detail stage that seeks to include a role for TAFE "as the major provider of vocational education and training, accessible across New South Wales." Given that one of the functions of the NSW Skills Board is to oversee major reform of the vocational education and training system in this State, we must ensure those words are in the bill so that TAFE's important role is maintained. The Opposition will not oppose the Skills Board Bill 2013. However, we would like the Government to support our amendment.

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [4.16 p.m.]: I speak in support of the Skills Board Bill 2013. The purpose of this bill is to establish the NSW Skills Board. It is an exciting development. The NSW Skills Board will provide the New South Wales Government with high-level, independent advice on the vocational education and training system, on higher education and on the implementation of significant reform in the sector. The skills and training sector is undergoing important reform. We are moving to a more flexible, demand-driven, accessible and equitable system for all learners in New South Wales. These moves are consistent with the Government's targets for vocational education and training, and higher education participation and completions set out in the State Plan, NSW 2021. These moves are also consistent with our commitments under the State-Commonwealth National Partnership Agreement on Skills Reform, which supports a vocational education and training system that produces a more productive and highly skilled workforce, and contributes to the economic future of Australia.

The agreement we have entered into with the Commonwealth calls on us to address accessibility, equitability, transparency, quality, efficiency and responsiveness of the skills and training sector. New South Wales takes these commitments seriously. For this reason the NSW Skills Board has been established with expanded terms of reference and a new membership, with enhanced skills, to oversee the reform process. The functions of the board are outlined clearly in the Skills Board Bill 2013, which is before the House. I draw the attention of the House to the following functions. First, for the first time in New South Wales we will have a board tasked with providing a strategic overview of all aspects of the vocational and educational training sector. Secondly, this includes monitoring the performance of the vocational and educational training sector so that we know that if it is achieving our economic goals and operating with maximum efficiency, it is also meeting the needs of learners.

The functions also include keeping a careful eye on the vocational education and training budget and the sector's financial performance so that we can achieve our aims within these resources. A regular strategic skills plan for all vocational training activity in New South Wales will help to ensure that training activity and skills development match the needs of industry and the State economy. Ongoing analysis of labour market data, including information on skills shortages, future skills and workforce development needs, will inform strategic skills planning and target government funds to the areas of greatest need. This will be complemented by continuing government commitment to a skilled migration list to ensure that industry and individual businesses can meet their skilled workforce needs in the short term. The importance of providing students with the best-quality vocational education and training is recognised in both the Smart and Skilled Quality Framework, to be released shortly, and in the expanded responsibilities of the NSW Skills Board. Stringent requirements for the quality of training provision will be monitored through contractual arrangements with individual training providers and overseen by the new Skills Board.

In the event that consumers do not receive the highest level of service from training providers, consumer protection arrangements will be implemented and also monitored by the Skills Board. A demand-driven, more contestable training market will be most successful if all players—industry, employers and consumers—have access to up-to-date, comprehensive information on training opportunities and labour market prospects. New websites and web portals will enable students to find out about the relationship between different courses and their employment outcomes. Again, one of the NSW Skills Board's responsibilities is to ensure the availability of accurate information for consumers. The NSW Skills Board will commission its own research and conduct inquiries into matters related to vocational and higher education. The Skills Board will advise on strategies to improve educational pathways between school and vocational education and training [VET], and between vocational education and training and higher education, consistent with the State Plan's focus on more people in New South Wales achieving higher-level qualifications.

This list of functions is comprehensive and essential to New South Wales in having a strong and functional skills and training sector that meets the needs of the economy, industry, employers and learners. In turn, this raises questions about the membership of the board. The Skills Board Bill 2013 contains some specific requirements for board memberships. These include skills and knowledge of market operations and financial, project and risk management, as well as a sound knowledge of skills development and higher education. The new board will be made up of not more than eight ministerial appointees. I am impressed by the group of people selected by my colleague the Minister for Education to be the NSW Skills Board's inaugural members. Led by Philip Clark, AM, who has a very strong record in education, law and business, the board is an impressive and expert team. I am confident that its members will live up to the expectations placed on them.

It is important to remember that New South Wales has the largest vocational education and training system in Australia. The benefits of reform in this sector in this State will have implications for almost 600,000 students undertaking publicly funded skills training in New South Wales. That is a 30 per cent share of Australia's publicly funded vocational education and training, and includes almost 33,000 Aboriginal students who participated in vocational education and training in 2012, and more than 42,000 students with a disability, many of whom are served by TAFE NSW. Our ongoing support for TAFE NSW is a critical element of the implementation of skills reform in New South Wales, as recently announced in the Government's Statement of Owner Expectations. In addition, reform under Smart and Skilled has implications for the vast number of employers who draw on vocational skills to meet our State's economic and social needs. The benefits flowing from this bill and a NSW Skills Board with appropriate functions and expertise to manage the New South Wales training market and these skills reforms will be far reaching. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [4.23 p.m.]: The object of the Skills Board Bill 2013 is to establish the NSW Skills Board, which will be vested with various functions, primarily to give the Minister advice on areas such as skills shortages in New South Wales, quality assurance, and the vocational education and training budget. The board will also oversee the implementation of the Government's reform program for vocational education, Smart and Skilled. The reform program will see changes to the provision of vocational education and training, particularly to the main institutionary vehicle for providing vocational education and training in New South Wales—TAFE NSW. The new board will replace the existing NSW Board of Vocational Education and Training, whose main functions were to provide strategic advice to the Government on the New South Wales vocational education and training statement.

The Board of Vocational Education and Training was chaired by Bert Evans, who Minister Piccoli announced will be the new NSW Apprenticeships Ambassador. The Skills Board's functions will be largely the same as that of the outgoing Board of Vocational Education and Training. These functions include monitoring

the vocational education and training sector, advising the Minister about the allocation of funding, and the collection and analysis of labour market data. The new Skills Board will also be tasked with a new role of overseeing major reform of the vocational education and training sector—that is, the Smart and Skilled reforms, which are due to take effect on 1 July 2014. The Smart and Skilled reforms are intended to reform the provision of vocational education and training in New South Wales by attempting to line up funding for new programs with identified areas of skills shortages in New South Wales—in short, to find the skills gaps in the New South Wales industrial, manufacturing and other economic sectors, and target vocational education and training funding to those areas.

While I recognise the significance of responding to the needs of the different economy sectors when implementing a relevant vocational education and training scheme, it is important also to focus on the processes that work and are considered a success when reforming institutions that have a flow-on effect not only to the economy but also to the community. NSW TAFE has been providing quality vocational training and education courses to thousands of people across New South Wales, especially by providing a pathway to apprenticeships for many young adults straight after leaving school. As a former teacher, and as a vocational education and training teacher, I understand that process. TAFE NSW is the largest provider of vocational education and training in Australia, with more than 500,000 enrolments each year in over 1,200 nationally recognised vocational qualifications. The reforms under the Smart and Skilled program, to be overseen by the new Skills Board, are causing great concern to many in the community regarding its implications for the proper funding of TAFE colleges and programs across New South Wales.

Underpinning that concern are the Government's plans under the Smart and Skilled program to include greater contestability for government funding, including moving to full contestability of funds within the vocational education and training sector. Creating competition within the vocational education and training sector will jeopardise access to vocational education and training placements across New South Wales, especially in regional and rural areas. In August the union representing TAFE NSW staff raised concerns about the release of the Statement of Owner Expectations that will require TAFE institutions to become more commercial and less reliant on government funding. Comprehensive investment in and funding for vocational education and training is the proven formula for increasing the skills base of the economy. During the 1950s our Asian neighbours, such as Singapore, Malaysia and Taiwan, were largely agrarian societies at various stages of removing their colonial shackles. Now they are considered modern countries with large—and larger—manufacturing sectors.

A great part of their formula for success was increased funding in education and training to instil a skills set in their citizens that met the needs of modern industry. By ensuring that the workforce is able to intercept changes to the skills set of the economy and industry in the future, when it comes to turning the corner the workers and tradespeople of New South Wales will be trained and ready to meet the demand. This requires an institution such as TAFE to be able to facilitate gradual changes in the community's skills set. Putting in jeopardy the system of vocational education and training institutions—including TAFE NSW, which has the capacity to provide the training and reskilling of the workforce over time—goes against the grain and contrasts with the proven formula of our neighbours. Instead, more funding should be provided to develop the programs run by TAFE NSW. I commend the amendment proposed by the shadow education Minister. The amendment seeks to insert additional wording in new section 6B, as follows:

> The Board has the following functions ... to oversee major reform of vocational education and training system in New South Wales and its implementation, including reform that maintains the TAFE Commission as the major provider of vocational education and training, accessible across New South Wales.

This amendment is important to ensure the vitality and integrity of TAFE NSW. TAFE NSW has served our community for many years by providing first-class vocational education and training for thousands of residents. It is important to ensure that such an institution is preserved. I support the bill, with the amendment.

Dr GEOFF LEE (Parramatta) [4.30 p.m.]: I support the Skills Board Bill 2013. The object of the bill is to establish the NSW Skills Board for the purposes of:

> (a) providing the Minister with an independent, strategic perspective on the vocational education and training system in New South Wales with a view to strengthening the State's economy and skills base and promoting increased flexibility and choice for the vocational education and training industry and consumers, and
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> (b) overseeing major reform of the vocational education and training system in New South Wales.

Lifelong skills development and training as part of one's personal journey is particularly important these days. As a former TAFE teacher in the vocational education sector, I know the important role played by TAFE and the vocational education system, not just in New South Wales but throughout the whole country. I commend the vocational educators—teachers as well as TAFE colleges and the non-government sector. There is a role for government and the non-government sector in training students.

I will share with the House my thinking about education models. In a modern world we are continually encouraging students to complete year 12 and go on to higher education. I encourage that for certain students. When people complete TAFE training there is an increasing focus on university, which I recommend. Upon leaving school, students either obtain employment or attend TAFE or university. In today's society people will change vocations up to 10 times. Vocational education is an ideal way to equip people with the skills required for new vocations. This is my third vocation, and hopefully I will have another after my career in politics. Education links must be continued, and this is one role of vocational education. The State Government must promote lifelong education. People should have the choice to enter and leave different levels of education, whether they are completing a certificate IV or diploma at TAFE or postgraduate studies at university. I know there are people in this place who have gone on to complete postgraduate studies.

The DEPUTY-SPEAKER (Mr Thomas George): I know some who have not.

Dr GEOFF LEE: That is absolutely right, Mr Deputy-Speaker—formal education is not for everybody. But for many it is a great way to develop people skills. Government must encourage people to enter and leave higher education when they feel like it. We must remove barriers to education—whether they are cost barriers or access barriers that prevent people from physically attending campus, which may also have implications for the delivery of remote education. That is particularly important. I commend the University of Western Sydney for the fantastic work it does across its six campuses. It has a mission to help the people of Western Sydney achieve higher education. I worked in the university's business faculty. Up to 40 per cent of students who wished to upgrade their skills came from the vocational education sector, for which they received credits.

This process is the scaffolding of learning; the building blocks of education are formed when vocational education and training is used to complete higher training, such as a degree. Many people study while working full-time. I acknowledge Professor Janice Reid, who has been Vice-Chancellor of the University of Western Sydney for more than 12 years. She is retiring at the end of this year. She was at the University of Western Sydney during its formative years and helped to draw three large tertiary institutions into one institution, the University of Western Sydney, with one management structure and a single focus on teaching students. I commend Professor Reid for doing a great job. I worked for her indirectly and know that she has a good senior management team.

The university recognises the importance of education, especially in Parramatta. I commend the fantastic decision to open a campus at 100 George St, Parramatta—which is two doors down from my office. The postgraduate business school campus will occupy three floors in addition to the ground floor. It is recognition that Parramatta is the capital of Western Sydney. That is acknowledged by the University of New England, which is another great university that has established itself in Parramatta. We look forward to the opening of the College of Business in 2014. The advantage of being in close proximity to the city is that people can catch a train and will not have parking issues. The Minister for Fair Trading, who is at the table, is living the decentralisation policy by relocating Fair Trading from the city to Parramatta.

Mr Anthony Roberts: Best decision I ever made.

Dr GEOFF LEE: I acknowledge his interjection that it is the best move he ever made. Moving staff and services to Parramatta will save money. This Government is following its NSW 2021 policy. The Minister for Fair Trading is a pioneer, and his actions reflect his words. I commend the Minister for supporting Parramatta and I agree with him: Parramatta is a great place to be. Parramatta will always welcome the Minister and owe him a debt of gratitude for supporting the things that matter in the community, such as banning synthetic drugs. Well done.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Parramatta will direct his remarks through the Chair.

Dr GEOFF LEE: I got carried away. I saw the great Minister seated at the table and I was reminded of the consistent approach he takes to supporting the people of Western Sydney and New South Wales. In

conclusion, I congratulate both institutes on their commitment to opening a campus in the centre of Parramatta. The Skills Board Bill 2013 is a valuable addition. I commend Minister Roberts and my colleagues for their ongoing support of the great city of Parramatta. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [4.40 p.m.]: Before I commence my contribution to debate on the Skills Board Bill 2013 I note that, as a result of the recent boundary redistributions, the Ultimo TAFE of the Sydney Institute is now in my electorate. I welcome that fantastic education institution, along with the International Grammar School and Ultimo Primary School, to the electorate of Balmain. The Skills Board Bill 2013 creates the NSW Skills Board to replace the Board of Vocational Education and Training [BVET], which has been in operation since 1994. The new board comes out of the recommendations of Professor Peter Shergold's review of vocational education and training [VET] and State priorities.

The board is to provide advice directly to the Minister about the application and implementation of the Smart and Skilled policy, a policy that The Greens have expressed concerns about in the past. The board has investigatory powers but no enforcement or regulatory powers. The Minister is under no compulsion to accept advice given by the board and has complete control over its membership. Essentially, the board has the same role as the Board of Vocational Education and Training but on any analysis of the bill its membership and function focus more directly on the benefits to the industries that need skills, engagement with industry stakeholders and analysis, rather than more broad educational outcomes for TAFE, vocational education and training and students. Indeed, we need to ensure that TAFE, vocational education and training and students are the focus, rather than the industry. The Minister does not have the power to stop the board from conducting an investigation but can ignore its recommendations or advice.

Whilst The Greens do not have strict opposition to the bill, we do have some concerns. I understand that the member for Marrickville moved an amendment and I can inform the House that The Greens will be moving amendments in the upper House. The focus on industry representatives and the lack of teacher representation on the new board are very concerning. One would expect that a board dealing with this sector would have members with classroom or teaching experience; the NSW Skills Board does not have that benefit. Eight of the possible nine board members have been announced and none come from a teaching or classroom background. There is one bureaucratic educationalist on the board—Marie Persson—but to my knowledge she has not been a teacher or worked in a classroom environment.

I note that the NSW Teachers Federation holds the same concerns about the lack of teacher representation on the board. The Greens contend that at least one of the nine board members should be a representative of the NSW Teachers Federation and, importantly, that person must have recent and relevant teaching experience. Teachers have a unique set of skills and knowledge and those professionals should have a voice on the board. The Minister's office has indicated that it believes direct teaching experience is adequately represented by the ability of the board to establish reference groups. The Greens contend that not having teachers on the board detracts from the capacity of the board to understand the complexities of the issues around education and to make good decisions. There needs to be a teacher focus; not just an industry focus. The creation of reference committees is not sufficient to ensure that teaching and student issues and outcomes will be adequately considered throughout the board's work.

Linda Simon, a current member of the Board of Vocational Education and Training, is actively involved in the TAFE Community Alliance. She has made a strong contribution to that board. As I have said, the new board is to be made up of nine members and to date eight industry representatives have been named as board members. It is the view of The Greens that it would be worthwhile to have a teacher appointed as the ninth member. Also the role of this newly formed body will be broader than that of the Board of Vocational Education and Training but no additional funding has been allocated to it. The Greens understand that the board will have funding of approximately $10 million—$35,000 for members and $60,000 for the chair. Considering the expanded scope of the board it is important that that funding not be reduced; it should be augmented.

The Greens will be paying close attention to that funding because we want the board to be an effective commentator, although it appears it will be industry-biased. We want to ensure that appropriate funding is available to conduct investigations. This is a very important part of a critical area of our community—namely, skills, education and training. Whether it is productivity, creating and encouraging active citizenship or an integrated community that focuses on skills in the future, this board has an important role to play and should be appropriately funded. There should be a teacher representative on the new board. I inform the House that I will support the amendment moved by the member for Marrickville, which reiterates that while overseeing the implementation of major reforms, the TAFE Commission is to remain the dominant provider of vocational

education and training in New South Wales. The Greens remain extremely concerned that the direction in which the Government is taking vocational education and training is another step along the path to privatisation and an under-regulated market. The Smart and Skilled policy forces TAFE to compete in a market environment against low-cost, low-quality, profit-driven vocational education and training providers.

The Government argues that the Smart and Skilled program will make TAFE more responsive and cost-efficient, but it is also the quickest way to undermine the viability of the provision of high-quality vocational education and training. We have seen the harvest reaped, especially in rural and regional New South Wales, where the quality of TAFE is being undermined and the low-cost, low-quality, profit-driven vocational education and training providers are not providing the same level of service as that of our fantastic State system. As I have mentioned, the new board will be dominated by business and industry representatives and has no scope of review over the ramifications the Smart and Skilled policy will have on any services currently provided by TAFE. Initiatives such as outreach, migrant support and second-chance learning programs will inevitably be sidelined and disappear. This will increase and solidify the divides within communities and inevitably result in a less fair and equitable society at the expense of the economic and social potential, in particular of young people in our community.

Importantly, in many ways the NSW Skills Board will help to determine the future of this State. Industry obviously plays an important role in the sector but when there are only nine board members it is proper that at least one should have teaching and classroom experience. I encourage Minister Piccoli to reconsider his position and to ensure that a NSW Teachers Federation representative is on the board. I also encourage the Minister to augment the board's funding regime to ensure a positive future for vocational education and training. Finally, The Greens will continue to talk about the Smart and Skilled policy to make sure that the fantastic work of the TAFE workers federation and the TAFE Community Alliance is represented in this place so we can have a strong sector in the future.

Ms MELANIE GIBBONS (Menai) [4.49 p.m.]: I support the Skills Board Bill 2013. This Government has followed through on its commitment to restoring our education system and giving students at all levels the best options possible. We have seen the introduction of the Local Schools, Local Decisions education reform, which gives decision-making powers back to schools and gives schools the ability to decide how best to use their funds. Just a few weeks ago the Minister for Education, Adrian Piccoli, announced plans worth $155 million to give greater support to graduate teachers in New South Wales government schools and empower government school principals to manage teacher underperformance through the Great Teaching, Inspired Learning plan. There is also the department's Early Action for Success strategy to implement the New South Wales Government's State Literacy and Numeracy Plan. It aims to improve students' literacy and numeracy skills through a targeted approach in the early years of schooling. As members can see, we have been working hard to reform State education in all facets.

Today this bill addresses another important education area: our vocational education and training [VET] system. The Skills Board Bill 2013 aims to work towards addressing skills shortages and providing greater incentives and options to get more people skilled in these areas of need. The first thing it will do is establish the NSW Skills Board as the independent statutory board to oversee the New South Wales training market and major reforms to the vocational education and training [VET] system under the Smart and Skilled Draft Quality Framework. The Smart and Skilled Draft Quality Framework, due to be rolled out in 2014, will strengthen the New South Wales economy and skills base and promote flexibility and choice for industry and consumers. The board will function as an advisory board to government. The board will advise on strategic plans for the vocational education and training system; consult systematically with industry; and facilitate pathways between schools, vocational education and training, and higher education. Once enacted, the board will replace the existing New South Wales Board of Vocational Education and Training [BVET].

This bill will repeal the Board of Vocational Education and Training Act 1994, which is the enabling legislation for the New South Wales Board of Vocational Education and Training. The need for a new board was one of the recommendations of the high-level independent review—the Shergold review of the Board of Vocational Education and Training—which the Minister authorised in the context of the Smart and Skilled Draft Quality Framework. The review recommended that a new board, with broader responsibilities and reconstituted membership, was necessary to provide adequate oversight of the Smart and Skilled Draft Quality Framework, the New South Wales training market and the evolving tertiary education sector. One of the benefits of the new NSW Skills Board is that it will have a broader role and more defined membership in order to ensure that the New South Wales vocational education and training reform agenda is overseen in a comprehensive way and by an advisory board with the right mix of expertise. It will enable a more flexible, demand-driven, accessible, equitable and affordable approach to vocational education management.

The new chair of the NSW Skills Board, Philip Clarke, AM, brings a wealth of knowledge to this new role. He will lead a group of up to eight ministerial appointees. The chief executive of the Office of Education in the Department of Education and Communities will also sit on this board. Ministerial appointees will be required to have skills and experience in project, financial and risk management before being appointed to the NSW Skills Board. This will ensure that the best people are appointed to direct the future of vocational education and training in New South Wales. These functions and its membership will enable the board to provide reliable advice to the Government and rigorous oversight of the New South Wales training market, and mitigate any risks associated with the implementation of the Smart and Skilled Draft Quality Framework.

It is important to note that New South Wales has set ambitious targets for vocational education and training participation and completions at higher qualification levels and prioritised effective tertiary pathways, as outlined in NSW 2021: A plan to make NSW number one. We want to see more people not only taking up vocational education but also completing it and going on to further study. The achievement of reforms to the vocational education and training sector and increased completions are tied to $196 million of reward funding for New South Wales under the National Partnership Agreement on Skills Reform. To support this, the Smart and Skilled Draft Quality Framework reforms to the vocational education and training system will drive a more contestable and demand-driven approach. I would like to outline some of the key measures that will be introduced as part of the Smart and Skilled Draft Quality Framework.

Firstly, there will be an entitlement to training for qualifications up to and including certificate level III. This means that people aged 15 years and over who have left school but who do not have a certificate IV or higher level qualifications and who live or work in New South Wales will be eligible to access training under the entitlement. This will encourage those struggling to gain further skills in order to have advanced employment opportunities by making it easier to access vocational education options. For the first time, there will be student loans available to those completing approved government subsidised diploma and advanced diploma qualifications. Additional changes will be made to the way courses are paid for. Students will now pay a fee per qualification, rather than an annual fee. A skills list will be released to identify which courses will be subsidised by the New South Wales Government. The courses chosen will be based on industry demand and decided in consultation with industry representatives and labour market research.

These changes will be driven with the support of a new quality framework to give people the chance to gain the skills they need to get a job and advance their careers. In addition, this will expand the skills of our workforce to meet future demand for trained staff. This bill will help pave the way for the introduction of the Smart and Skilled Draft Quality Framework reform of the New South Wales vocational education and training system. I am confident that the establishment of a new board will ensure that vocational education and training opportunities and subsequent reforms are sensitive to the needs of industry, consumers and the State economy. Ultimately, this is a win-win for New South Wales. Everyone will benefit from this focus on addressing skill shortages and providing further training options. I thank the Minister for his work on this next stage of education reform. I commend the Skills Board Bill 2013 to the House.

Mr GREG PIPER (Lake Macquarie) [4.55 p.m.]: I am glad to make a contribution to debate on the Skills Board Bill 2013. The bill establishes the NSW Skills Board to advise the Government on vocational education and oversee reform of the system under the Smart and Skilled Draft Quality Framework, which begins in July 2014. The NSW Skills Board will replace the New South Wales Board of Vocational Education and Training [BVET] as the primary advisory board to the Government. The new framework and reforms are tied to the Commonwealth-State National Partnership Agreement on Skills Reform, and the creation of a new board was recommended by a review headed by Professor Peter Shergold. The board comprises eight ministerial appointees. The names of those who will initially occupy those positions were announced in early September. The board includes people with a good cross-section of skills from business, industry, training and government backgrounds but without, as we have heard, significant contemporary teaching experience.

While I recognise the calibre of the initial appointees and will not oppose the bill, the establishment of this new board is one of the first major steps in the implementation of a significant overhaul of vocational education in this State. I want to use this opportunity to put on the public record some of the concerns held in the community about the direction the Government is taking with this new framework. I am a big supporter of TAFE, as are many other members of Parliament. In fact I completed my higher school certificate through TAFE. It was not my best year but it was a very important part of my life, and I know TAFE has been very important to many people who have studied there to attain their Higher School Certificate or further vocational education. I recognise the critical role it has played in making education and vocational training more accessible, particularly for those who seek a second chance to complete their formal education or embark on a new career—a group that includes mothers and the long-term unemployed.

There are legitimate concerns that the Smart and Skilled Draft Quality Framework, with its emphasis on privatised education and subsidies based on skills shortages, will reduce the choice available to disadvantaged people who cannot afford the fees for unsubsidised courses and to those in regional and remote areas where private training organisations are few and far between. Private training organisations will not choose to locate themselves in those areas. Already we have seen a rationalisation of course offerings in the Hunter, with the closures of boilermaking and welding courses at Cessnock, metal fabrication courses at Glendale, shipbuilding courses at Newcastle, and the loss of classes and decline in student numbers following the implementation of a $12,000 fee for the Diploma in Fine Arts. In addition, there has been the announcement of 35 redundancies from the TAFE Hunter Institute. That will reduce teacher numbers in hospitality, tourism and career skills education. In addition, TAFE will cease to offer the Higher School Certificate from its Tighes Hill and Wyong campuses next year. Increases in TAFE fees have also been blamed for a fall in the number of apprentices and trainees in New South Wales over the past two years.

What seems inevitable is that fees will rise considerably with the introduction of the Smart and Skilled Draft Quality Framework, even for subsidised courses. Under the Independent Pricing and Regulatory Tribunal draft recommendations, it is estimated that more than 84 per cent of TAFE and vocational education students will face cost increases of between $500 and $1,500 to achieve their qualification. For many people, that additional amount may be impossible to find, and may be disincentive enough to deter them from enrolling in a potentially life-changing course. The recommended approach is that students pay 40 per cent of the course fee for a first post-school qualification and 45 per cent for subsequent qualifications. Students studying courses above certificate III level are liable to be charged 100 per cent of the course fee.

TAFE plays an important role in plugging gaps that other educational institutions and training bodies leave open. While private organisations undoubtedly have a role in the provision of vocational education and training, it should not come at the cost of the dismantling of an equitable and far-reaching organisation such as TAFE. Private providers will not offer courses in important but unfashionable fields, which are typically fields that will not provide a return fitting their business model and need for profit. Nor do these providers have the reach to offer face-to-face training in non-metropolitan areas to the extent that TAFE does. While I realise that the Government has obligations under the Council of Australian Governments agreement to progress towards a new system of providing vocational education and training, I suggest it should do so with great caution and ensure that access is not reduced as a result of these reforms. The best way to do this is to ensure that the TAFE system remains well resourced and does not become a second-rate training organisation.

Mr JOHN SIDOTI (Drummoyne) [5.00 p.m.]: I support this important legislation. The Skills Board Bill 2013 will create a board to oversee the implementation of the Smart and Skilled reforms to vocational training that were announced by the Minister for Education in October last year. The Smart and Skilled reforms are a twenty-first century job-ready solution to give people the skills they need to get a job. The reforms will make it easier for people to access training that best meets their needs. The NSW Skills Board will be an independent body that will provide advice to the Minister for Education on the vocational education and training centre to ensure it is providing a skills base for industry and consumers.

The Smart and Skilled reforms to vocational education and training will give people the skills they need to find a job and provide them with the skills that potential employers want. The reforms will introduce an entitlement for entry-level training up to and including certificate III, targeted support for higher level qualifications, and informed choice with improved quality measures. The reforms also will recognise the role and function of TAFE NSW as the public provider and provide greater support for regions and equity groups and better information for consumers. In February and March this year consultations were held on the draft Smart and Skilled Quality Framework. More than 200 participants from across the State attended consultation sessions. They included public, private and community providers, employers and industry, community organisations and government agencies. Written submissions were also received via the New South Wales Government Have Your Say website. The result has been a reform package that balances the needs and interests of individuals, employers and industry.

We want TAFE to continue to be the backbone of the State's training system. Each year it trains more than 420,000 students who are educated and trained to enter a wide variety of professions. I too am a product of TAFE. The reforms will make the system work better for regions and disadvantaged learners and will ensure that TAFE locations throughout the State are more locally responsive. We want to ensure that people in regional areas are being trained for the jobs that are available in those areas. The program will commence in 2014 and after a year of implementation it will be reviewed with a view to extending the entitlement.

The Skills Board Bill 2013 will provide laws to replace the New South Wales Board of Vocational Education and Training as the primary advisory board to the government on vocational education and training matters. The establishment of the board will be incorporated into legislation by clause 4, which establishes the board as a corporate entity under the name of the NSW Skills Board. Schedules 1 to 3 outline the requirements for members and procedures of the board. The bill will provide a number of benefits in vocational education. The creation of the board will ensure that vocational training and education remain sensitive to the needs of industry. In order that this becomes a reality, the board will be given the responsibility to consult widely with key stakeholders and monitor the progress of new vocational targets set as a result of these consultations.

The Minister recently announced the make-up of the Skills Board and it comprises an impressive blend of experts from different fields of industry, law and education. Philip Clark, AM, will be the chair of the NSW Skills Board. Mr Clark has an outstanding record of experience in education, the law and business. He is a member of the JP Morgan Advisory Council and was a managing partner of Minter Ellison, one of Sydney's leading law firms. He currently serves on a number of boards and has extensive involvement in a range of not-for-profit organisations. He was appointed as a Member in the General Division of the Order of Australia in 2007 for his contribution to the development of national law firms and encouraging corporate involvement in community programs.

Other board members include: Mark Goodsell, Director New South Wales, Australian Industry Group; Marie Persson, member of the Australian Workforce and Productivity Agency; Adam Boyton, Chief Economist, Deutsche Bank Australia; Jack Manning-Bancroft, Chief Executive Officer of Australian Indigenous Mentoring Experience; Kay Hull, small business operator in the Riverina; Gemma van Halderen, First Assistant Statistician, Australian Bureau of Statistics; and Leslie Loble, Chief Executive, Office of Education, Department of Education and Communities. That is an impressive line-up of talent. These are the people who will help shape the skills list that will determine the courses to receive State Government funding from next July. The board will also monitor reforms that will put TAFE in direct competition with private and community colleges for students and the funding they bring. The legislation replaces the former Board of Vocational Education and Training. Its long-serving chair, Bert Evans, has been named as inaugural NSW Apprenticeships Ambassador. In this role he will work with businesses by fostering apprentice recruitment, supervisory skills and competency-based training and relaying industry concerns to the Government.

This Government believes education and training are the keys to a viable economy and a workforce in possession of the skills necessary to drive it forward. This legislation will not only formally establish the Skills Board but also ensure that the same board provides reliable advice to the Government. Its composition will guarantee that higher-level qualifications will be realised and that students in regional areas of the State, those with Aboriginal and Torres Strait Islander backgrounds and those from lower socio-economic backgrounds will receive access to skills training courses. I commend the Skills Board Bill 2013 to the House.

Mr JOHN FLOWERS (Rockdale) [5.07 p.m.]: I support the introduction of the Skills Board Bill 2013 and commend the Minister for Education, the Hon. Adrian Piccoli, for addressing the important matter of high quality vocational education and training in New South Wales. The object of the bill is to establish the NSW Skills Board for the purposes of:

(a) providing the Minister with an independent strategic perspective on the vocational education and training system in New South Wales with a view to strengthening the State's economy and skills base and promoting increased flexibility and choice for the vocational education and training industry and consumers; and

(b) overseeing major reform of the vocational education and training system in New South Wales.

The Minister for Education initiated a review of the existing Board of Vocational Education and Training to ensure appropriate governance arrangements existed to oversee vocational education and training reforms under the Smart and Skilled Quality Framework and to meet targets under the NSW 2021 State plan. The review was carried out by Professor Peter Shergold, AC, and involved consultation with industry and public and private training providers. The review recommended a new board with broader responsibilities and a reconstituted membership.

The bill implements the recommendations made by this review, that is, that a new board with broader responsibilities and reconstituted membership was necessary to provide adequate oversight of Smart and Skilled, the New South Wales training market and the evolving tertiary education sector. The New South Wales Skills Board will replace the New South Wales Board of Vocational Education and Training as the primary advisory board to the Government on vocational education and training matters. It will have a broader role and

more defined membership than the Board of Vocational Education and Training. The Government has set ambitious targets for vocational education and training participation and completions at higher qualification levels and prioritised effective tertiary pathways.

From 1 July 2014, the New South Wales Government will implement a major reform of the vocational education and training sector under the Smart and Skilled quality framework. Smart and Skilled will give people the chance to gain the skills they need to get a job and advance their careers. This reform will expand the skills of our workforce and meet future demand for jobs. Key measures under Smart and Skilled include an entitlement for training for qualifications up to and including certificate level III; income-contingent loans for higher level vocational education and training qualifications; a new quality framework; and training provider monitoring and data collection to be published on a new consumer online forum.

From 2014 eligible individuals will be able to choose government subsidised training for select foundation courses and qualifications up to and including certificate III from TAFE NSW. People aged 15 years and over who have left school and do not have a certificate IV or higher level qualification will be eligible to access training under the entitlement. A skills list will define which courses will be subsidised by the New South Wales Government and will be based on industry consultation and labour market research. It is proposed that instead of an annual fee, students will pay a fee for qualification. Students who take a subsequent post-school qualification will pay a higher fee, as they have already benefited from training.

The Government will continue to subsidise pre-vocational training, skills sets and qualification from certificate IV to advanced diploma, as it currently does through TAFE NSW and the training market. The skills list will define which courses are subsidised, and the basis for determining student fees will be the same as for the entitlement. Student loans similar to those offered to university students will be available for approved government subsidised diploma and advanced diploma qualifications. Individuals will be able to make informed choices about their training. They can select courses from the skills list in the knowledge that those courses have good job prospects. The bill will establish a board with broader roles than its predecessor.

The new board will provide oversight of all aspects of Smart and Skilled, including oversight of skills reform and its implementation in New South Wales in areas such as training market design and achievement of New South Wales State priorities; analysis of labour market intelligence; advising the Minister on allocation of State and Commonwealth vocational education and training funds; and oversight of quality assurance in the vocational education and training system. The board will advise on strategic plans for the vocational education and training system, consult systematically with industry and facilitate pathways between schools, vocational education and training and higher education. The board will be strategic, with up to eight ministerial appointees and the chief executive. Ministerial appointments will be required to have skills and experience in project, financial and risk management.

The new chair of the New South Wales Skills Board is Phillip Park, AM, who brings considerable experience to the position due to his expertise in education, law and business. The membership of the board comprises, according to a recent article in the *Australian* by John Ross, an impressive line-up of business and government heavyweights. This dynamic group of individuals has the right mix of skills and experience to meet the Government's expectations for the board in its oversight of the New South Wales training board and reform of the vocational education and training system. The members of the New South Wales Skills Board will provide reliable advice to the Government and rigorous oversight of the New South Wales training market and will mitigate any risk associated with the implementation of Smart and Skilled. The establishment of the New South Wales Skills Board will ensure that New South Wales has the appropriate governance arrangements for the vocational education and training system as it goes through significant change to become more flexible, demand driven, accessible and affordable. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [5.16 p.m.]: I support the Skills Board Bill 2013. The New South Wales Skills Board that will be established under this bill will oversee the New South Wales training market and the implementation of the major reforms which are to take place next year to the vocational education and training system under the Smart and Skilled framework. The board will be an independent statutory board and will provide the Government with independent strategic advice on the vocational education and training system. Under Smart and Skilled, key measures include an entitlement for training for qualifications up to and including certificate level III; income contingent loans for higher level vocational education and training qualifications; a new quality framework; and training provider monitoring and data collection to be published on a new consumer online portal. The New South Wales Skills Board replaces the New South Wales Board of Vocational Education and Training and the bill will repeal the Board of Vocational Education and Training Act 1994, which enabled the old board.

The NSW 2021 plan to make New South Wales number one sets targets for vocational education and training completions and prioritises effective tertiary pathways. The Smart and Skilled reform of the vocational education and training sector and increased completions are tied to $196 million of reward funding for New South Wales under the national partnership agreement. Before implementing the Smart and Skilled reforms, the Minister initiated the independent Shergold review conducted by Professor Peter Shergold, AC. The review was set up to ensure that the necessary governance arrangements existed to properly oversee the implementation of the new reforms and targets set in the NSW 2021 plan. The review consulted with both public and private training providers.

I could go on and on, and I will. Mr Philip Clark, AM, will chair the inaugural new board. I understand he has extensive experience in law, business and higher education. Other members of the Skills Board are Mark Goodsell, Director of the New South Wales Australian Industry Group; Marie Persson, member of the Australian Workforce and Productivity Agency; Adam Boyton, Chief Economist at Deutsche Bank Australia; Jack Manning Bancroft, Chief Executive Officer of the Australian Indigenous Mentoring Experience; Kay Hull, a small business operator in the Riverina; Gemma Van Halderen, First Assistant Statistician at the Australian Bureau of Statistics; and Leslie Loble, Chief Executive of the Office of Education, Department of Education and Communities.

As can be seen, these new board members are experienced. The members bring expertise that will enable the board to oversee all aspects of Smart and Skilled, including the oversight of skills reform and its implementation in New South Wales in areas such as training market design and achievement of State priorities. As I have said, I could go on but the member for Cronulla said everything that was needed to be said in this debate. He spoke so well on this bill that there is no need for me to continue. I commend the bill to the House.

Mr ADRIAN PICCOLI (Murrumbidgee—Minister for Education) [5.20 p.m.], in reply: I thank the members who have contributed to the debate on the Skills Board Bill 2013, including the members representing the electorates of Drummoyne, Camden, Rockdale, Cronulla, Parramatta, Menai, Marrickville, Balmain, Lake Macquarie and Fairfield. It is clear from the debate that members on both sides understand the bill, which will establish a NSW Skills Board. That will be the key independent expert body providing the Minister for Education and the New South Wales Government with independent strategic advice on the vocational education and training system and overseeing major reform of the vocational education and training [VET] system under the Smart and Skilled program.

The work of the New South Wales Skills Board will strengthen the New South Wales economy and skills base and promote flexibility and choice for industry and consumers. The bill implements the recommendations of the Shergold review, a high-level independent review of the New South Wales Board of Vocational Education and Training which I authorised in the context of Smart and Skilled. The Shergold review recommended that a new board with broader responsibilities and reconstituted membership was necessary to provide adequate oversight of Smart and Skilled in the New South Wales training market and the evolving tertiary education sector. The New South Wales Skills Board replaces the Board of Vocational Education and Training.

This bill will repeal the Board of Vocational Education and Training enabling legislation and the Board of Vocational Education and Training Act 1994. I thank the hardworking staff of the Department of Education for their assistance with this bill and I also thank the staff of the New South Wales Parliamentary Counsel's Office and the members who made a contribution. As Minister, I am confident that the New South Wales Skills Board will provide reliable advice to the Government and rigorous oversight of the New South Wales training market and will mitigate any risk associated with the implementation of Smart and Skilled. I look forward to working with the board's chair, Phil Clark, and the seven board members. 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.

Consideration in detail requested by Ms Carmel Tebbutt.

Consideration in Detail

THE ASSISTANT-SPEAKER (Mr Andrew Fraser): By leave, I will propose the bill in groups of clauses and schedules.

Clauses 1 to 5 agreed to.

Ms CARMEL TEBBUTT (Marrickville) [5.23 p.m.]: I move Opposition amendment No. 1 on sheet C2013-125A:

No. 1 Page 3, clause 6, line 32. Insert "including reform that maintains the TAFE Commission as the major provider of vocational education and training, accessible across New South Wales," after "implementation,".

Through this amendment, I wish to ensure that TAFE NSW remains the dominant provider of vocational education and training in New South Wales. The NSW Skills Board will have responsibility for overseeing the Smart and Skilled reforms. We know that similar reforms in Victoria have resulted in a significant diminution in the role of TAFE and its share of the vocational education and training market. The Opposition does not wish to see that occur in New South Wales. For that reason, I move this amendment so that the reforms retain the NSW TAFE Commission as the major provider of vocational education and training and that it is accessible across New South Wales.

Mr ADRIAN PICCOLI (Murrumbidgee—Minister for Education) [5.24 p.m.]: The Government will not be supporting the amendment as proposed. TAFE NSW already is the major provider of vocational education and training in New South Wales and it will remain so. The central role of TAFE was clearly spelt out in the TAFE NSW Statement of Owner Expectations, which I released a few weeks ago. All members know that TAFE is well supported and respected by the public and it will remain competitive in a Smart and Skilled environment. I understand what the shadow Minister is saying about Victoria. The measures we are taking in New South Wales are substantially different because of problems that have arisen in Victoria. We are taking a different and more cautious approach to ensure that TAFE remains a high-quality and highly regarded public training provider in New South Wales.

Question—That Opposition amendment No. 1 [C2013-125A] be agreed to—put.

The House divided.

Ayes, 23

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

Noes, 62

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

Question resolved in the negative.

Opposition amendment No. 1 [C2013-125A] negatived.

Clause 6 agreed to.

Clauses 7 to 14 agreed to.

Schedules 1 to 4 agreed to.

Consideration in detail concluded.

Third Reading

Motion by Mr Adrian Piccoli 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.

STRATA SCHEMES MANAGEMENT AMENDMENT (CHILD WINDOW SAFETY DEVICES) BILL 2013

Second Reading

Debate resumed from 18 September 2013.

Ms TANIA MIHAILUK (Bankstown) [5.34 p.m.]: I lead for the New South Wales Opposition on the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. The New South Wales Opposition strongly advocated for window safety devices to be mandated in order to stop children falling from windows in residential buildings. This bill seeks to amend the Strata Schemes Management Act 1996 to create conditions that require owner corporations of strata schemes to install window safety devices in residential strata buildings. Once enacted, this bill, through section 64A, will ensure that owners corporations must install compliant child window safety devices on windows in all buildings under their strata schemes. The New South Wales Opposition welcomes this provision; however, of serious concern is the Government's proposal of a five-year implementation period for section 64A.

Five years is far too long for families with young children currently living in apartments to wait before safety devices must be installed. The Tenants Union of New South Wales has indicated its preference for a two-year implementation period for section 64A. The New South Wales Opposition also supports a shorter implementation period to more effectively address general safety concerns related to children falling out of windows. On 1 May the Australian Building Codes Board introduced an amendment to the National Construction Code. New window safety device requirements have been implemented for bedrooms in new residential buildings and childhood centres where the floor of the room is two metres or more above a building's outside ground surface. Requirements are in place for other rooms in residential buildings and commercial buildings if the window can be opened and the floor of the room is four metres or more above the ground surface.

The New South Wales Government should ensure the same protections the National Construction Code has afforded to children currently living in units under a strata scheme. Residents should not have to wait five years before section 64A comes into effect. NSW Fair Trading advises that in 2011-12, 39 children aged nine or under were hospitalised in New South Wales due to falling from windows. In February 2011 the Children's Hospital at Westmead released its Working Party for the Prevention of Children Falling from Residential Buildings outcomes report. In February 2012 the Australian Medical Association [AMA] contacted the New South Wales Opposition bringing its attention to the serious public health issue of children falling from windows and balconies. The Opposition has since enthusiastically joined the Westmead Children's Hospital and the Australian Medical Association to advocate for the implementation for mandatory window safety devices and, of course, has worked with a range of stakeholders to continue to advocate for such safety devices.

Sadly, in the past two years many tragic and often avoidable instances have occurred resulting in some deaths but certainly a number of serious injuries to young children falling from windows. This concerns me not

only in my capacity as shadow Minister for Fair Trading but also as the mother of three young children aged under eight. Regrettably, last Thursday in my own electorate police and ambulance officers were called to a street in Bankstown after a three-year-old child had fallen out of a first floor window and fractured his neck. My thoughts and prayers go to his family as he recovers at Westmead Children's Hospital. These heartbreaking instances remind us that these situations can be avoided if the New South Wales Government moves swiftly to implement the mandatory installation of window safety devices for all existing residences to which the bill applies.

The media has reported several incidents of children falling out of windows, including in July 2012 the seven-year-old daughter of Katherine Parrottino falling backwards out of a window and hitting the concrete five metres below sustaining damage to her liver and facial fractures; in January 2013 a nine-year-old girl suffering head injuries after falling from a second storey window while playing with her brother; and in February 2013, two-year-old Jeremy Takk being placed in an induced coma after falling 15 metres from a third-storey window after climbing onto a bed in a spare bedroom. The Law Society of New South Wales has raised concerns that the bill does not make sufficiently clear whether owners corporations or a lot owner who installs a window safety device pursuant to section 64A (3) must repair and maintain that device. The Law Society recommended that the bill clearly identify which party has the continuing obligation to ensure safety devices remain compliant and in good working order and state of repair. The society recommended also that the bill contain a provision that prohibits an owners corporation or occupier from removing a window safety device unless it is replaced immediately with another section 64A compliant device. In his reply, I ask the Minister to respond to the concerns that the Law Society has raised.

The NSW Government had the opportunity to follow the lead of the former Labor Government when it introduced the Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 and made consequential amendments to the Residential Tenancies Act, which required all existing premises to have smoke alarms installed. A reform of this nature that complied with the amendment to the National Construction Code would have included all residential premises in New South Wales, including owner-occupied premises. Whilst they are greatly needed, these reforms have narrowed the scope of application only to those residences under a strata scheme. The Opposition is concerned that the bill does not address the need to install child window safety devices in buildings that are not strata titled. A provision similar to new section 64A in this bill could have been introduced to amend the Residential Tenancies Act 2010, which would have required landlords to apply the relevant window safety provisions of the National Construction Code to the existing windows of their tenants' bedrooms. The safety of the children who are injured in falls from windows is of paramount concern—and often the consequences are even more tragic. The Australian Medical Association estimates that approximately 50 children fall out of windows every year. Eighty per cent of those children suffer significant injuries and four out of five are under the age of five.

The Opposition is also concerned that the reforms have not been extended to residents of public housing in New South Wales. The Government, as the landlord of public housing, must apply these crucial reforms to high-rise and walk-up block social housing. I ask the Minister to clarify this issue when he replies to the debate. This issue is of paramount significance to the New South Wales Opposition and has received support from the Tenants Union of New South Wales. Public housing tenants, including children, deserve the same legislative protections as those who are living under strata title. Company title residential apartment buildings also appear to be excluded from the auspices of the bill, as do old apartment or residential buildings that are not strata titled.

The New South Wales Opposition is supportive of provisions that prescribe the installation of window safety devices in residential buildings. It has advocated this position from the outset and new section 64A of the bill is a good provision. However, the Government must act because children who live in strata schemes are still falling from windows, and that is a tragedy. Nobody in this place wants to hear that another child has fallen from the window of a building in their electorate or anywhere else in New South Wales. Some electorates in our State have a large proportion of apartment buildings and three-storey walk-ups. Sadly, in my part of south-western Sydney we hear more about these tragic incidents.

I thank the Australian Medical Association, the Children's Hospital at Westmead, the Tenants Union of New South Wales and the New South Wales Strata Management for their support in helping the Opposition highlight the significant issue of child window safety devices. I also thank the Minister and his office for providing me with briefings on the bill. I foreshadow that the Opposition will move an amendment during the consideration in detail stage that seeks to decrease the implementation period to two years, beginning upon commencement of this Act. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [5.42 p.m.]: I speak in debate on the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. The object of the bill is to amend the Strata Schemes Management Act 1996 to require owners corporations of strata schemes to ensure that complying window safety devices to facilitate child safety are installed on strata buildings and to provide for the enforcement of that obligation. I welcome the new window safety laws before the House that will apply to residential strata units and the protection that these laws will bring to vulnerable small children. In 2011-12, 39 children aged nine or younger were hospitalised in New South Wales after falling from windows. In some cases, the child was a visitor and not a resident of the strata unit. The grief and devastation of families and friends of the young victims in those situations can only be imagined.

The shadow Minister has outlined various recent examples of such tragedies and, as a father of four children, I share her concerns. I will not give additional specific examples because the examples she gave drove home the current risk. These new laws have been developed by the New South Wales Government in response to the Outcomes Report of the Children's Hospital at Westmead Working Party for the Prevention of Children Falling from Residential Buildings. The working party was formed following a spike in hospital admissions as a result of falls from buildings. The majority of those falls resulted in serious head injuries but, in some tragic cases, death. Under the new laws, owners corporations will be required to install window safety devices in all residential strata buildings on windows that are located above the ground floor and are capable of being opened.

The cost of carrying out this work as a retrospective installation is estimated to be $10 to $40 per window. Surely this amount is more than justified to protect the lives of young children. Window safety is not expensive, but it can be priceless. As the saying goes: Better a thousand times careful than once dead. Residents will still be able to open their windows, but when the security lock is activated the maximum opening will be limited to 12.5 centimetres. The Building Code of Australia has already introduced similar measures for all new constructions, which includes a wide range of buildings. The New South Wales Government has drawn upon the requirements of the Building Code of Australia when formulating this legislation regarding new window safety devices.

Vigilance is critical when it comes to preventing child falls. Supervising young children and activating window locks is the responsibility of adults. Window locks are an effective and essential last line of defence, but they are no substitute for the supervision of concerned and responsible adults. Evidence of the effectiveness of child fall laws such as these is compelling. In New York, for example, the installation of window safety locks has resulted in a 96 per cent reduction in child fall hospital admissions. The New South Wales legislation gives owners until 13 March 2018 to comply, which is five years from when the measures were announced and under 4½ years from today. However, I urge all owners to install these devices as soon as possible. Tenants, real estate agents, strata managers and community housing providers all have a vital role to play in ensuring that these locks are fitted. I understand that NSW Fair Trading has sent out, or is sending out, more than 450,000 "Think Child Safe" brochures to these stakeholders in an effort to educate and inform them about the provisions in the bill.

The shadow Minister for Fair Trading said that the potential five-year delay—in reality, it is a delay of less than 4½ years from today—in compliance with new section 64A is a "serious concern". I make two comments about that. First, it fails to properly recognise that strata lot owners will have the right to install window safety devices within their own lot without waiting for the owners corporation to act. Indeed, as I have said, I encourage—as does NSW Fair Trading—people to install them tomorrow. People do not have to wait. But under this legislation there is an absolute requirement that it be acted on within the compliance time frame, which is a reasonable period for 100 per cent compliance. Secondly, the shadow Minister did not explain why Labor failed to act on this matter during its 16 long years in office. Why was there no action? In fact, in my research I found a media statement from the office of the former shadow Minister for Fair Trading, Virginia Judge, that suggested legislative change was not necessary.

The suggestion from those opposite—albeit apparently genuine and made in good faith by the shadow Minister—does not reflect a commitment from Labor over the years to introduce legislation in this area. That mindset may have changed—the position obviously has changed—but it has taken a change of government to see this legislation before Parliament. It is now somewhat amusing to hear Labor members say that the process is taking too long. Associate Professor Brian Owler from the Australian Medical Association (NSW) has, like me, urged any parent of young children who lives in a unit or apartment to contact the strata management or owners and address the issue of window safety. As I have said, I can only echo his wise counsel, especially as we enter the warmer months when windows are more likely to be open. The media also has a responsibility to let people know that these laws are coming in and encourage them to take action.

There are more than 70,000 strata scheme schemes in New South Wales, with a further five schemes being registered each day. Realistically, not all of them will address this issue immediately, but on behalf of the Government I urge all parents and strata owners to access the NSW Fair Trading website where a copy of the legislation and pertinent videos can be found. In conclusion, in commending the bill to the House I also commend the Minister for Fair Trading for not only introducing a sensible initiative to protect families and young children but also doing so with a degree of consultation and sensitivity to the need to implement change over time and with a passion to protecting young children. The Minister for Fair Trading has two young children and I know that he is appreciative of the importance of adults looking after children. I praise him for the way in which he has introduced this bill and for the nature of the legislative change that has been too slow in coming before the Parliament. It took a change of government to happen.

Mr GUY ZANGARI (Fairfield) [5.52 p.m.]: The Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013 seeks to amend the Strata Schemes Management Act 1996 to require owners corporations of strata schemes across New South Wales to install window safety devices on certain windows in residential strata buildings. The bill not only has a practical purpose but also addresses the very relevant and real safety concerns arising from the increasing popularity of high-rise residential living. A good example of this is the high-rise residential development in the Fairfield central business district, particularly around Smart Street, Nelson streets and surrounding areas. On average, one child in Australia falls from a window each week. According to the Department of Fair Trading, between 2011 and 2012 some 39 children aged nine or under in New South Wales received hospital treatment for injuries sustained as a result of falling from a window. Data from the Children's Hospital at Westmead suggests that falls from buildings most frequently involve children aged between two and four years, and between 1998 to 2008 more than 70 children between two and four years were admitted for treatment following falls from windows.

As high-rise living steadily challenges the residential norm of a house with a yard in Sydney and other urban centres around New South Wales, the reality is that unless changes are made quickly the number of children who are injured by falling from windows will increase. Over the past number of months the media has covered some high-profile incidents of children sustaining injury from a fall from a window in a multistorey residential unit. For example, in some of the multistorey residential units in Smart Street, Fairfield, to which I referred the windows in the common areas on either the first, second or third floors are left wide open for air circulation. This poses a big hazard for children. In July 2012 a seven-year-old girl fell five metres backwards from a window and hit the concrete below. Her injuries included liver damage and facial fractures. In January 2013 a nine-year-old girl fell from a second-storey window whilst playing with her brother. She sustained head injuries. In February 2013 two-year-old Jeremy Tak was placed in an induced coma after he sustained injuries as a result of falling from a third-storey window.

The bill attempts to address a problem that will continue to escalate as more families settle into high-rise living. In March this year the Minister for Fair Trading, the Hon. Anthony Roberts, announced that the Government would introduce a suite of window safety measures as part of its response to issues outlined in a report produced by the Children's Hospital at Westmead Working Party for the Prevention of Children Falling from Residential Buildings. I turn now to the bill in detail. Schedule 1 [1] to the bill seeks to insert new section 64A, Window safety devices—child safety, into the Strata Scheme Management Act of 1996. New section 64A (1) makes it compulsory for an owners corporation of a strata scheme that falls within the provision to install complying window safety devices. The penalty for a breach of this provision is a maximum of five penalty units. New section 64A (2) makes it clear that the onus of complying with the provision is upon the owners corporation. However, new section 64A (3) will allow the owner of a lot in the strata scheme to install complying devices.

Schedule 1 [4] to the bill inserts new section 140A into the principal Act, which will allow for compliance with the provisions outlined in new section 64A. New section 140A allows an adjudicator to order an owners corporation to fulfil its obligations under new section 64A. New section 140B allows the adjudicator to order an owner of a lot in a strata scheme to comply with new section 64A if the owners corporation fails to do so. The significance of these measures speaks for itself. Yet despite the growing incidence of injuries sustained by children as a result of falling from a window in a multistorey residential building, the Government has decided that compliance with this legislation need not take place until 13 March 2018. That is a slap in the face for those people dealing with the reality of the situation.

Whilst I accept that compliance with this instrument comes at a cost to owners corporations across New South Wales, it is a small price to pay to ensure the safety and wellbeing of young children. As a father of four children—the youngest of whom is three years of age—who live in a double-storey home but who visit friends

in multistorey apartments, I know that the expense entailed in this measure is a small price to pay to ensure the safety of young children. If you are visiting someone in a multistorey building and there is a window open in a common area above ground level then there is nothing to prevent a child from falling from that window. Therefore, I support the amendment foreshadowed by the shadow Minister for Fair Trading, Tania Mihailuk. The amendment seeks to amend schedule 1 [7] to the bill to reduce the period of compliance from five years to two years.

For the safety of children living in high-rise residential buildings, I urge the Government to follow the example of its previous Labor counterpart, which introduced the compulsory installation of smoke alarms on existing buildings in 2006. In 2006 the managers of buildings affected by the new regulations were given six months to comply with the legislative provisions. The previous Labor Government took the stick approach because the safety and wellbeing of residents in affected buildings were at risk. I urge this Government to follow suit and to adopt the proposed amendments. I support the bill, subject to the amendments moved by the member for Bankstown, which reduces to two years the time frame for compliance with the bill's main provision.

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

WORK HEALTH AND SAFETY AMENDMENT BILL 2013

Bill introduced on motion by Mr Andrew Constance, read a first time and printed.

Second Reading

Mr ANDREW CONSTANCE (Bega—Minister for Finance and Services) [6.02 p.m.]: I move:

That this bill be now read a second time.

The Work Health and Safety Amendment Bill 2013 is an important bill. It seeks to amend the Work Health and Safety Act 2011. It proposes a number of amendments, which are supported by public interest considerations. I particularly draw to the attention of the House the fact that many of the issues arising from prosecutions concerning workers who have been severely injured or even killed need to be resolved, and that will be the result of this legislation passing through both the Legislative Assembly and the Legislative Council. I hope that those opposite will support this important amendment bill.

The purpose of the bill before the House is to place it beyond doubt that the District Court has jurisdiction to hear prosecutions under the previous Occupational Health and Safety Act 2000. The bill also confirms that a legal practitioner acting on behalf of an inspector or the regulator in proceedings under the previous Occupational Health and Safety Act or the Work Health and Safety Act 2011 may sign initiating process on behalf of a prosecutor. As members are aware, the New South Wales Work Health and Safety Act implements a nationally harmonised scheme for work health and safety legislation, and has been implemented by most Australian jurisdictions. The passage of the Work Health and Safety Act by the New South Wales Parliament in 2011, and its commencement on 1 January 2012, demonstrated the commitment of the Government of New South Wales to full participation in a nationally harmonised system of occupational health and safety.

Upon its commencement on 1 January 2012, the Work Health and Safety Act repealed and replaced the previous Occupational Health and Safety Act 2000. Transitional arrangements under the Work Health and Safety Act allowed for prosecutions to continue to be brought under the Occupational Health and Safety Act in relation to incidents that occurred while that Act was still in force, as is usual when a new regulatory regime replaces a previous one. One area of variation that was permitted under the nationally harmonised scheme is that of the court in each jurisdiction that hears proceedings brought under the Act. Taking into account the recommendations of the National Review into Model Occupational Health and Safety laws, on which the national model legislation was based, the Government decided to confer jurisdiction to hear more serious Work Health and Safety Act matters upon the District Court rather than the Industrial Court, which had previously heard such matters. In the interests of consistency and fairness, transitional arrangements applied the new court arrangements to proceedings brought under the previous Occupational Health and Safety Act from 1 January 2012.

Recent legal challenges in the matters of *Empire Waste Pty Ltd and Dean Baldwin v District Court of New South Wales* and *Inspector Steven Brock and Australian Native Landscapes Pty Ltd v Inspector Nathan*

McDonald and District Court of New South Wales have sought to challenge the jurisdiction of the District Court to hear prosecutions under the previous Occupational Health and Safety Act proceedings on technical legal grounds. In order to put the matter beyond doubt, the bill makes it clear that the District Court and Local Court have jurisdiction, and have had jurisdiction since 1 January 2012, to hear proceedings brought under the previous Occupational Health and Safety Act. The bill also places beyond doubt the validity of the Work Health and Safety Regulation 2011, addressing another argument in these proceedings. The bill also addresses a further technical argument concerning the filing of prosecutions, in *Attorney General for the State of New South Wales v Built New South Wales Pty Ltd and Air Conditioning Engineering Services Pty Ltd*, making it clear that a legal practitioner may sign initiating process on behalf of a prosecutor and validating such actions from 1 January 2012.

The bill will not generally affect decisions of the courts made before the bill receives assent. The bill will allow prosecutions that are terminated because of the technical issues addressed by the bill to be recommenced. As I said at the start of my speech tonight, the amendments in the bill are supported by public interest considerations. I hope that those opposite see fit to support this amendment bill given that many of these prosecutions concern workers who have been severely injured or even killed. Injured workers and their families, and the families of workers who have died, often follow the progress of work health and safety prosecutions closely. The impact on workers and their families of allowing defendants to escape prosecution based on a legal technicality would be severe, and it would undermine public confidence in work health and safety legislation. The prospect of the Government standing by and doing nothing pending the outcome of an appeal is unacceptable given the uncertainty that would arise from a possibly lengthy appeal process.

The Work Health and Safety Amendment Bill does not create any new policy. It clarifies the validity of provisions made under the Work Health and Safety Act to give effect to the Government's policy of conferring jurisdiction on the District Court in occupational health and safety prosecutions, and addresses other technical issues. The bill does not affect the substantive issues being considered in the court proceedings. The Government's policy position that previous Occupational Health and Safety Act matters, as criminal offences, should be heard primarily by the District Court has always been clear. The bill gives effect to this policy intention, and prevents defendants from escaping liability on a legal technicality. I reiterate to those opposite how important it is that they support this amendment bill given that there is a public interest consideration at play here. Many of these prosecutions concern workers who have been severely injured or even killed, and of course their families follow the progress of work health and safety prosecutions very closely. I urge those opposite to support this important amendment bill.

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

STRATA SCHEMES MANAGEMENT AMENDMENT (CHILD WINDOW SAFETY DEVICES) BILL 2013

Second Reading

Debate resumed from an earlier hour.

Dr ANDREW McDONALD (Macquarie Fields) [6.10 p.m.]: Last Friday night in this place Professor Danny Cass received an award from the Australian Medical Association. He is the person who brought the bill from an idea into a reality. A quiet and diligent man who is by no means a self-promoter and who has worked in Western Sydney for 30 years, Professor Cass has caused the introduction of legislation that will save the lives of young children for generations to come.

I commend the Strata Schemes Management Amendment (Child Window Safety Devices) Bill to everyone in this House. At this time of urban consolidation, we see tragedies far too often. As Professor Cass said, the tragedy of a child falling from an open window stays with the family and the community forever. This is good policy and the proof of its benefit has already been demonstrated where it has been introduced in other parts of the world. I commend Professor Cass for everything he has done for our children over many years. I commend the bill to all members.

Mr JOHN FLOWERS (Rockdale) [6.11 p.m.]: I support the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. The object of the bill is to amend the Strata Schemes Management Act 1996 to require owners corporations of strata schemes to ensure that compliant window safety

devices to facilitate child safety are installed on strata buildings and to provide for the enforcement of that obligation. The main purpose of the bill is to safeguard children by reducing the incidence of injury and death that can result from falls from windows in residential strata schemes.

In March this year the Westmead Children's Hospital produced a report following a spike in child hospital admissions due to falls from buildings. The report recommended a range of measures aimed at reducing the risks to children. In its response to the report, the Government committed to a range of measures including the listing of window safety devices in the prescribed condition report that forms part of a rental tenancy agreement. The bill includes measures that recognise that the 25 per cent of the population of New South Wales who live in a strata scheme today is forecast to rise to 50 per cent by 2030.

To address recent deaths and serious injuries suffered by children, on 13 March 2013 the Minister for Fair Trading announced as a preventative measure new safety measures designed to prevent children falling from windows in strata buildings. The safety measures include requirements for all windows above the ground floor in existing residential strata schemes to be retrospectively fitted with a safety device that prevents the window from opening more than 12.5 centimetres when the device is engaged without being permanently fixed in the one position. If the window safety device can be removed, overridden or unlocked it must have a child-resistant release mechanism. Owners corporations and lot owners will be free to choose the most suitable device for their windows.

The Minister's announcement formed part of the Government's response to a report from the Children's Hospital Westmead Working Party for the Prevention of Children Falling from Residential Buildings. The working party was formed following a spike in child hospital admissions due to falls from buildings. The report included a range of recommendations designed to reduce the number of incidents and included the listing of window safety devices in the prescribed condition report that forms part of a rental tenancy agreement. This report must be filled in when a tenant moves into a rental property and will help raise awareness of window safety for new tenants with young children.

The Government's response to the report also included a community education and awareness campaign and regulatory amendments designed to make it easier for tenants to install safety devices. Similar awareness campaigns and regulatory reforms have been adopted in overseas jurisdictions and they have been successful in dramatically reducing the incidence of injuries and fatalities from falls. The Building Code of Australia 2013 has already introduced similar measures in bedroom windows in new residential premises and for all windows in new childcare centres. The Government has incorporated the Building Code of Australia requirements in this bill.

The bill will provide for amendments to the strata laws. It will be mandatory for strata schemes to have safety devices installed on windows that present a safety risk to young children—that is, generally on all windows that are open above ground level—and owners corporations will have primary responsibility for installing the safety devices and will have until 13 March 2018 to comply. Individual strata owners will also have the right to install complying window safety devices themselves provided that they notify the owners corporation that this has been done. This right will override any strata laws and any of the scheme's by-laws that would otherwise prevent them from doing so. However, any cost of damage caused to common property during installation will be borne by the individual strata owners.

There will also be a community education and awareness campaign about child safety that will build on the existing New South Wales child safety campaign that commenced in 2009. The campaign involves key government agencies, relevant industry stakeholders and non-government organisations. The Children's Hospital report strongly endorsed the need for improved window safety. The report indicated that child falls from buildings most frequently involve young children aged between two and four years. While toddlers can be curious and adventurous, they are still developing their ability to judge potential dangers or risks. It is for this reason that a window safety device may be the last line of defence in saving a child's life. Thirty-nine children aged nine or younger were hospitalised in New South Wales due to falls from windows during the period 2011-12. The majority of these incidents involved children less than four years of age and in many cases the children sustained serious injuries. Not all injured children make a full recovery. That is particularly the case with head or spinal injuries. The severity of injuries from such falls can result in the need for lifelong medical treatment and care.

On a holiday to Queensland I observed a young family enter an adjacent apartment on a high floor. I was disturbed to see the mother immediately open the balcony doors and the young children run onto the

balcony. It caught everyone's attention because the danger was obvious. The situation deteriorated when the mother entered the kitchen and placed the youngest child on the bench as she made a cup of tea. She was totally unaware that the child was leaning against a flyscreen and that it was the only barrier preventing the child from falling 30 floors. As the screen stretched outwards a number of concerned residents rang the adjoining block and others made their way next door to notify the unit block caretaker. Fortunately, the mother was notified and the child was taken down from the kitchen sink. That was a close call that highlighted the need for this type of legislation to be introduced in New South Wales. An area of concern is the steadily growing number of people with young children who raise their families in high-rise residential strata buildings. It is estimated that by 2030 more than half the State's population will be living in a strata scheme. I thank the Minister for introducing this bill and I commend it to the House.

Mr ALEX GREENWICH (Sydney) [6.20 p.m.]: I support the Strata Schemes Management Amendment (Child Window Safety Devices) Bill, which will require owners corporations to fit all windows above the ground floor in strata schemes with child safety devices so that they can be locked open at a width that stops children getting through them. Children falling through windows is a serious concern. During 2011-12, 39 children were hospitalised in New South Wales as a result of falls from windows. Most were children under the age of four, many of whom sustained serious injuries that resulted in the need for lifelong medical treatment and care. There are approximately 70,000 strata title buildings in New South Wales and population growth requires us to significantly increase the proportion of people in high density living in the future. Gone are the days when families would move into detached dwellings in the outer suburbs. More and more families are choosing to live in apartments.

In my electorate, 78 per cent of occupied dwellings are flats, units or apartments—a far higher proportion than elsewhere in the State or country. More families with children are staying in the inner city and the many parents I have talked to say that they love the lifestyle apartment living provides. As someone who was raised in an apartment in the central business district I know firsthand that apartments are a great place to raise children. Apartments are often close to jobs, education and services. As a child growing up in the inner city I learnt to walk everywhere and to value public transport. Certain factors are needed to make apartment living sustainable for families, including access to public open space for recreation and making buildings safe for children.

I was alarmed to learn how many children fall from windows. Apartment residents need to be able to open their windows to get fresh air into their homes, particularly in the warmer months, but we need to make it safe for them to do so when they have children around. By requiring all strata buildings to fit locks or safety devices that can prevent a window from opening more than 12.5 centimetres, the bill will enable adults to open apartment windows without posing a risk to their children or visiting children. Adults will still need to lock the windows into place when they are open. I welcome commitments by the Minister to a community education and awareness campaign on child safety.

I am concerned, however, that the bill does not include company title buildings. I understand company title law is very complex, but many of these still exist within my electorate. Children in company title buildings are at the same risk as children in strata buildings. In fact, company title buildings are often older making them less likely to have newer windows that can be locked open. I request that the Government also address this serious concern. I have many high-rise public housing properties in my electorate and I hope that the window safety of those properties also is being dealt with appropriately and that it is regularly monitored. The bill will improve child safety in strata titled homes and reduce preventable injuries and deaths associated with children falling from windows and balconies. I support the bill.

Mr GLENN BROOKES (East Hills) [6.23 p.m.]: I am pleased to support the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013 which will ensure that appropriate safeguards are put in place to protect young children living in strata buildings. The measures in the bill are a part of the Government's overall response to the report of the Children's Hospital at Westmead Working Party for the Prevention of Children Falling from Residential Buildings. The Government responded to this report in March 2013. The Government's response included an education and awareness campaign; amendments to the Strata Schemes Management Act 1996 to require owners corporations to install child safety devices on windows that present a safety risk to young children; and amendments to the prescribed condition report in the Residential Tenancies Regulation 2010 to include specific references to window safety devices. The Government's education and awareness campaign has been underway for some time, commencing just a few months after the Children's Hospital report was released.

I understand that amendments to the prescribed condition report provided for in the residential tenancies regulation will be made in the coming weeks. This bill deals with the final piece of the puzzle. It will amend the strata scheme management laws to require that safety devices be installed on all windows that pose a risk to young children. As the Minister for Fair Trading has said, residents will still be able to open their windows as they do now, but they will have the peace of mind in knowing that when the window safety device is engaged children will be protected from a dangerous fall. The Minister for Fair Trading, the Minister for Health and the Minister for Planning and Infrastructure have done an excellent job in developing the Government's response to the Children's Hospital report.

The response combines education and regulatory initiatives to deliver enhanced child protection for families living in strata schemes. This approach is based on overseas experience that illustrates the effectiveness of combining education and regulation to enhance child safety. An early example of this approach was the Children Can't Fly program that was initiated by the New York City Department of Health in the 1970s. The program followed a four-year study of child mortality in New York, which revealed the number of fatalities that were due to falls from buildings. The initial program in New York involved a community education and media campaign, a voluntary reporting system for child falls, and the provision of free window guards. The result of the pilot program was a 30 per cent to 50 per cent decrease in child falls from buildings in targeted areas.

Given this success, the New York City Board of Health required landlords to install window guards in apartments where children 10 years or younger resided. The outcome of these combined education and regulatory measures was an astonishing 96 per cent decrease in falls from windows between 1972 and 1979. In the early 1990s a similar program was initiated in Boston due to a spike in the incidence of child falls from buildings there. The Boston program involved both education and regulation, and initially relied on measures promoting voluntary compliance with window safety measures. This was extended to mandatory requirements, and over the seven years of the program there was a 95 per cent reduction in falls.

The conclusion from both these programs is that education in combination with the right regulatory measures is a proven preventative strategy. In order to seek community feedback on the Government's response to the Children's Hospital report, the children and window safety consultation paper was released by the Minister for Fair Trading in March. I am informed that responses were received from all key stakeholders and many members of the community. Most submissions expressed support for measures to enhance child safety in the home. Some concerns have been voiced regarding the installation of child window safety devices and the possible need for emergency escape in case of fire. I understand that Fire and Rescue NSW provided its comments and stated that fire safety was realised primarily by the use of smoke alarms and home escape plans. It also stated that it was up to consumers to decide which type of window safety device best suited their needs. After the consultation period ended all comments were examined and the Government's child window safety measures were finalised.

I draw attention to the arrival of summer and the steps that parents can take to improve child safety in their homes. I stress the importance of raising awareness and I urge every member of Parliament to do whatever they can to pass on child safety measures to their constituents. Even simple steps, such as including the message in a newsletter or raising it at a community event, can make a difference. Much can be achieved by word of mouth. A common-sense and realistic package deserves bipartisan support. I commend the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013 to the House.

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

[*Acting-Speaker (Mr John Barilaro) left the chair at 6.30 p.m. The House resumed at 7.00 p.m.*]

PRIVATE MEMBERS' STATEMENTS

PARRAMATTA ELECTORATE SCHOOLS

Dr GEOFF LEE (Parramatta) [7.00 p.m.]: I commend Ms Kathryn Methven, the principal of Parramatta North Public School. I visited the school a week ago and it is a wonderful school. I was impressed with the parents and citizens association at that school. Its members—many of whom have visited me in my office—work diligently to support the school. It is a compact school with a lot of development in the surrounding area. Kathryn is not backward in coming forward. What struck me about Kathryn is her caring nature towards students and her determination to fight for what is important.

I also commend Mark Tuffy, the acting principal of St Patrick's Marist College. Members will know St Patrick's for its consistent high ranking in year 12 results over many years. It is a wonderful school that is known for setting strong boundaries for its students. Those boundaries have worked, enabling a level of student achievement that has given the school an outstanding reputation. It is a highly desirable school with a long waiting list. Mary Ann Gatt-Petrini, the new principal of St Bernadette's Primary School, should also be commended. St Bernadette's School is a small school with a family-based environment. It is strongly influenced by the brothers, who oversee the pastoral care of those at the school. Mary Ann demonstrates her understanding of the needs of the community. She joins me in looking forward to the local area expanding.

The work of Alex McGowen as principal of Telopea Public School is also commendable. It is not the largest school in the area but Alex is determined to build the school and to give each student individual attention in education. He has an interest in gardening and he uses the school's gardens as the focus of various classes to teach the study of plants and biology. He also has an interest in putting his students first and doing things out of hours such as fixing up the computers and providing everyone with individual access. I commend Tony D'Amore, the principal of Oatlands Public School. Tony has been principal at that school for less than a year. Since starting at the school he has shown his willingness to expand it and to build its reputation within the Oatlands area. He is doing a fantastic job. I commend him on his recent proposal to develop an out-of-school care program. That is a great initiative in support of parents who need the after school care so that they can meet their work commitments.

I commend Peter Catliffe, the principal of Burnside Public School. Burnside is one of the oldest public schools in the area. Peter has served for more than 10 years as principal at the school. As one walks around the school one can see it is well organised, well cared for and well equipped. It is clear that the school community holds the school in high esteem. The school's reputation is reflected in its strong waiting lists. Gail Cluff is the principal of Macarthur Girls High School. Macarthur Girls High School is not a selective school but it achieves good academic results. The school has a reputation for high performance and Gail tells me that there is a long waiting list of students from outside the area. Gail is to be commended for her work as principal.

I commend Kerry Goldhagen, principal of Ermington West Public School, a small but well-equipped school with a strong reputation. Kerry's passion for the school was clear when I met with her earlier this month. Finally, I commend Clare Kristensen, the principal of Melrose Park Public School. Clare is dedicated to providing a caring environment for students. She is willing to embrace change and has scored some goals with new initiatives such as the new amenities block and the garden in which students are actively involved. They recently won a gardening award.

TRIBUTE TO KEN VAUGHAN

Ms NOREEN HAY (Wollongong) [7.05 p.m.]: I pay tribute to a friend of mine, Kenny Vaughan, who passed away on Sunday. Ken Vaughan was a well-known individual in Wollongong and years ago he was involved with rugby league. In fact, I mentioned Kenny in my inaugural speech. I referred to Kenny—together with Royce Aliff and Albert Duffy—as my A-team. Ken was a bit of a larrikin. He actually overstayed his time following my inaugural speech and was, together with some others, somewhat inebriated and got lost trying to get out of the building. He had to be rescued by the cleaners and security officers. Nonetheless, Ken was a very intelligent, clever and lovable character. He was very involved in supporting the charity Men of League. For a number of years he was the manager of the Western Suburbs Leagues Club, taking it from a small club to one of significance. In later years Ken, as a chartered accountant, helped the Spanish Club, the Port Kembla community and his mum and dad, Paddy and Faye Vaughan, who have both passed away. Ken was well known in the community.

When I first met Ken I was a union official for the Liquor, Hospitality and Miscellaneous Workers Union [LHMWU], known as the Miscellaneous Workers Union before that. I used to go to the Western Suburbs Leagues Club demanding fairly significant resources for my membership. In later years we used to laugh about how many occasions Ken would bang the table—and use some fairly strong language, I might say—and I would bang the table. I never minded what Ken said because he always gave me every single thing I wanted by the end of the meeting. We developed a long-time friendship over 30 years. Ken, with Royce Aliffe and Albert Duffy as the A-team, also delivered significant support to me and the community through people such as Andrew Falcone, Bill Bartlett, Terry Wetherall and a host of others who would not necessarily be considered Labor supporters. But they were good to me and to Ken's wife, Barb, who was a stalwart during Ken's illness.

Ken made a number of visits to hospital. Barb has done it tough. When Ken was moved from Royal Prince Alfred Hospital to Port Kembla Hospital, he told me a couple of weeks ago that he was unhappy he had

not received much treatment. He was moved to Wollongong Hospital where, unfortunately—I do not have the details—last week he fell and broke his hip. Being significantly ill already, he did not survive the surgery. Ken was an old-fashioned gentleman—chivalry was not dead when he was around—perhaps the complete opposite to what his football mates saw in his larrikin ways. Ken was a very loyal individual and friend. He will be sadly missed. I place on record my recognition of him and his wife, Barb, his family and friends, and I know that he will be sadly missed.

MARCH RURAL FIRE SERVICE BRIGADE

Mr ANDREW GEE (Orange) [7.10 p.m.]: On Saturday 28 September I had the privilege of attending the opening of the new March Rural Fire Service headquarters, just outside of Orange. I was fortunate to be representing the Minister for Police and Emergency Services. It was a great day. Present also were Assistant Commissioner Steve Yorke; Superintendent David Hoadley, who is the manager of and great advocate for the Canobolas zone; and, of course, the great hardworking council team from Cabonne Council, led by its very able and hardworking mayor Ian Gosper, Lachlan MacSmith and Janelle Culverson. The March Rural Fire Service Brigade was formed during World War II and all of its 25 members are active firefighters. The brigade is very active and was deeply involved in the Long Point fire that commenced on 1 January 2013. All brigade members acquitted themselves with distinction and very ably played a role in putting out that fire.

The new March headquarters is situated on land donated by Wayne Culverson in an area that is Culverson country, as five generations of Culversons have served in the March Rural Fire Service brigade. The New South Wales Government provided $201,970 for the new headquarters—I call it a headquarters, but many refer to it as "the shed". Cabonne Council also made a great contribution, particularly to earthworks, and the brigade engaged in fundraising to the tune of $13,000, which is no mean feat. On the same day four new tankers also were handed over to Clifton Grove, Millthorpe, Blayney and Cumnock brigades, totalling $800,000 worth of equipment. Of course, the Rural Fire Service would not be what it is without its volunteers. On the day, we honoured 19 volunteers who have 700 years of service between them. Volunteers make an extraordinary contribution.

The following long service medals were presented: Derek Radburn, 10 years; Matthew Culverson, 11 years; Rodney Elphick, 15 years; Peter Gates, 21 years; Craig McKay, 26 years; Neil Miller, 27 years; Garry McKay, 34 years; Lindsay Griffith, 35 years; Geoff Miller, 37 years; Robert Gazzard, 40 years; Lionel Mitchell, 41 years; Ted Millsteed, 43 years; Wayne Culverson, 43 years; John Kjoller, 47 years; Geoff Boulton, 47 years; Arthur Culverson, 48 years; Bill Kjoller, 53 years; Ray McKay, 61 years; and Ray Miller, 62 years. Other presentations were made on the day for members who had made particular contributions to the March Rural Fire Service Brigade.

Often the case is that Rural Fire Service volunteers are most reticent about receiving such accolades or awards as they do not volunteer for those awards. Nevertheless, it is important that we take the time to honour not just the service of the volunteers but also of their family members. For every person on the front line, someone else has to reorganise their lives to enable that service or, indeed, in many cases provide support by either working the radio or providing other logistical background support. It was a great day at the March Rural Fire Service Brigade. I commend the brigade and its members for all their hard work.

BANKSTOWN CITY LIONS WOMEN'S FOOTBALL

Ms TANIA MIHAILUK (Bankstown) [7.15 p.m.]: On 22 March this year I had the pleasure of attending the launch night of Bankstown City Football Club's inaugural Football NSW Women's State League teams. I acknowledge also the presence at the event of the Federal member for Blaxland, Jason Clare. I was delighted to attend the launch night not only in my capacity as the member for Bankstown but also as the shadow Minister for Youth and Volunteering. Prior to the commencement of the 2013 season, the Bankstown area did not have an elite representative female team in the Football NSW Women's State League competition. In October 2012 this changed when Football NSW sought to expand its women's competitions, giving Bankstown City the opportunity to participate for the first time. I am very proud to report that Bankstown City Football Club had a very successful inaugural season. The women at Bankstown City represented their town with pride and distinction with three out of five teams making it to the competition finals.

I take this opportunity to congratulate the under 14 girls, who were unlucky in losing their grand final to the University of New South Wales, but they did make the grand final; the under-16 squad, who made the preliminary final; and the First Grade Women, who, unfortunately, were eliminated in the grand final qualifier

by the Western New South Wales Mariners. Organised sport offers many significant benefits to young people. It encourages camaraderie, teamwork and discipline. Participating in sport also has many mental health benefits such as helping to lift self-confidence and self-esteem. When Debbie Abboud, Troy McColl and the board at Football NSW decided to bring women's football to the city of Bankstown, it provided a platform for our talented local girls to shine.

Kiara De Domizio, who is a 12-year-old striker, scored 15 amazing goals in her first season of elite football. I am sure her father, Frank, is still proud of the extraordinary goal she scored in the last minute of the game in Bathurst. In the past, Annalisa Smith, a tough 14-year-old midfielder, has had to play in local boys' teams. She and her team had a standout season. The highest praise must go to Samantha Muscat, the captain of the club. She is not the tallest player but she has a big heart on the football field and is an inspirational young woman. Samantha has won the Golden Boot award in first grade football after scoring 25 goals. Her leadership skills have been an inspiration not only to fellow teammates but also to many young girls in the club who look to her as an example to follow.

When it comes to youth sport, the parents and families also need to be commended. Parents drive their daughters to training sessions and Sunday games across metropolitan Sydney and to country New South Wales. It involves a great deal of effort and the parents and families must be proud of the success that these talented young women have achieved for football. A special congratulation goes to all of the volunteers at Bankstown City Football Club who have made everything possible. I acknowledge the tireless efforts of hardworking people such as Louise Genc, Doreen Grimbilos, Ross Anderson, Peter Nowakowski, Dejan Stezovski, George Mladenov, Mendo Petkovski and the rest of the executive committee.

I am acutely aware of the significant amount of time that volunteers put into the administration of community sport. It would not be as successful across Bankstown and New South Wales without the amazing contribution of volunteers at all levels, whether it is in administration, canteen duty or coaching and training the girls. I commend all the volunteers for ensuring that Bankstown City Football Club had a very successful inaugural women's football program. I hope it has an even bigger season in 2014.

MENTAL HEALTH INTERVENTION TEAM

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [7.20 p.m.]: On 4 and 5 September I attended the Mental Health Intervention Team annual conference at the Police Academy in Goulburn. I represented the Hon. Michael Gallacher, the Minister for Police and Emergency Services, and the Minister for Mental Health. On Thursday morning, 5 September, I delivered a brief welcome to those who attended the conference. The conference was hosted by Detective Superintendent Dave Donohue, an important and sincere officer who is currently the corporate spokesperson for mental health. Six years ago the pilot program, which was based on a United States of America model, was run under his command. He is largely responsible for the success of the Mental Health Intervention Team today.

The goal is to train 300 officers per year in gaining an understanding of and dealing with mental health issues. Currently, 1,250 New South Wales police officers have been trained. As all members know, the hardworking men and women in the NSW Police Force often deal with people with mental health situations. This course has been greatly accepted by the NSW Police Force. I pay credit to Inspector Joel Murchie, who gave a series of interesting talks during the conference. Since its establishment, the Mental Health Intervention Team has developed an intensive four-day education package at Collaroy, which includes specialised mental health training to help officers identify persons who are suffering from mental health and to teach officers effective methods of interaction.

On 1 October, the one-day mental health training package for the NSW Police Force was announced. This is the first program of its kind and aims to further equip New South Wales police officers with the skills to interact effectively with people with a mental illness. A Mental Health Intervention Team is placed in all police stations and local area commands across the State. This course is now being looked at by police agencies overseas and there is a strong possibility that the program will be introduced around the world. The NSW Police Force is at the forefront of policing and mental health. At the conference I spoke about the fact that police officers are often the first to attend a mental health-related incident and the skills they learn in this program are essential to their survival.

At the conference I was joined by my colleague the member for Campbelltown, who, in his role as a police officer, was a Mental Health Intervention Team leader. His last station was at Campbelltown. His

experience as a Mental Health Intervention Team alumni made him a valuable participant during the conference. We agreed that the conference and the training packages were well run and in safe hands and they will continue to maintain their value. Representatives from the Mental Health Association NSW and the Schizophrenia Fellowship of NSW also attended the conference. Those organisations have an input in the course and training packages.

I was also joined by Nick Kaldas, the Deputy Commissioner of Police, who spoke at length about the success of these courses and their importance in equipping the NSW Police Force with the tools needed to deal with mental health issues. With such level of support, I am sure this program will continue to be successful. I have made arrangements to spend a day or two with the Mental Health Intervention Team in the Sydney central business district so that I can witness firsthand the valuable work they do. I am pleased that these agencies have come together with the aim of keeping our police officers and, in turn, the wider community safe by promoting awareness of mental illness and providing officers with the tools to effectively deal with mental illness. I commend the Mental Health Intervention Team and I look forward to the successful continuation of these courses continue.

HENTY MACHINERY FIELD DAYS

Mr GREG APLIN (Albury) [7.25 p.m.]: Today I congratulate the Henty Machinery Field Days event on reaching its fiftieth anniversary. I acknowledge the hard work and achievement of its organising board, chaired by Ross Edwards, its staff and volunteers, without whom there would be an empty paddock or two on the outskirts of this town in my electorate of Albury. Henty Machinery Field Days is a major event for the farmers of Australia, but it is also very much about a place and about country people. In 1963 Australia was a different place. Robert Menzies was our Prime Minister, Margaret Court ruled at Wimbledon, Jack Brabham was king of the racetrack, Australia's cricketers retained the Ashes, Johnny O'Keefe was still the Wild One and Elle Macpherson was born. In 1963 the nation still had its head in the 1950s and was just a breath away from the cultural revolution on so many fronts: music, art, fashion and politics.

The Henty Machinery Field Days emerged at this pivot point in Australia's history. It is our greatest and largest agricultural event. This year there were more than 800 exhibitors and the 1,200 sites were spread across the 89 hectare site. More than 60,000 visitors passed through the gates over three days from 17 to 19 September. The Henty Machinery Field Days are still the place to go for those working the land in Australia. This is where they will find the latest machinery and the newest ideas and resources for better farm management. It is where farmers and pastoralists meet innovation and then get to climb all over it.

Those who have never been to the Henty Machinery Field Days might not believe the size and variety of equipment on display. People can touch it and they can start it. Potential customers can come to grips with farming equipment before deciding whether to buy it. Henty is a hands-on kind of show. This year it is estimated the total value of farm machinery on display topped $100 million. That is an impressive exercise in "show and tell". At Henty people can hear things that they will never pick up in Sydney. In one corner farmers will be talking about tillage and forage technology; elsewhere there might be a conversation about firefighting equipment, headers, silos, scarifiers or tine spacings.

The displays feature every aspect of living and working on the land. Regional boarding and day schools are represented, and wineries, olive farms and gourmet produce get a run. There are bazaars full of classic country clothing: moleskins, riding boots, striped shirts and big hats are all on sale. And around every corner of the sprawling site there are places to sit, talk, eat and drink—although drinking these days is largely devoted to espresso and cappuccino rather than beer. A number of competitions are keenly contested by singers, musicians, inventors, manufacturers of farm machinery, clothing designers and clever sheep dogs. That is an unusual mix of talent in one place.

Congratulations go to, among others, Morris Industries, which picked up the Machine of the Year award for its RAZR disc drill, and Corowa student Harrison Clifton, who was named Farm Inventor of the Year for his ewe lift, which was his Higher School Certificate project. This year Tom O'Toole of Beechworth Bakery fame was kneading dough and recounting his experiences as a food judge. Elsewhere people could listen to representatives of the Young Farmers, authors or an anti-coal seam gas campaigner. Demonstrations by country experts set attendees on the right course for sewing, flower arranging or how to bake that perfect honey sponge roll. It was then on to organ donation, foster carer information, and help for those dealing with depression.

Henty first came to fame as home to Headlie Taylor, who in 1914 invented a header harvester credited with revolutionising the grain industry internationally. The first shows were run under the auspices of the United

Farmers and Woolgrowers Association—the antecedent of today's NSW Farmers Federation and the Farmers and Settlers Association of New South Wales. In the early days the location moved around until finally settling on an old travelling stock reserve eight kilometres east of Henty. The local community benefits enormously from the field days. Members can imagine the demand for food, fuel, accommodation and more from so many visitors and exhibitors. Then there is the virtual army of volunteers who look after the car parking, the pick-up and delivery service, as well as fundraising for local schools and organisations.

I have been involved with this event in some way or another over 26 years. My congratulations on this anniversary go to the founders and guiding lights over many years—names such as Milton Taylor, Ernie Howard, Eddie Thomas, the Paech brothers, Doug, Joan and the late Margaret Meyer, Colin Wood and many more. As I congratulate the current directors and the Henty community on celebrating 50 years, I know they keep one eye on maintaining the best of the past while presenting a strong vision of the future and the cutting edge of farming best practice. Come rain and mud—as was the case this year—or sunshine and heat, the show goes on and from strength to strength. Next year I hope even more visitors, farmers and exhibitors will get along to the Henty Machinery Field Days. There is nothing like it anywhere.

TRIBUTE TO SYDNEY HALLAM JONES

Mr CHRISTOPHER GULAPTIS (Clarence) [7.30 p.m.]: Tonight I inform the House about a local Maclean hero who passed away last month: Sydney Hallam Jones, better known to Maclean locals as Syd Jones. There is no doubt that Syd led a full life. He was 92 when he passed away and he worked until June this year when he suffered a stroke. To quote from his son's eulogy, "His progeny hope to have inherited his longevity gene but perhaps not his work ethic". Indeed, to give a true reflection of Syd the man, Syd the father and Syd the local hero I will place on *Hansard* his son Phillip's eulogy:

> As long as I can remember (60 plus years), Dad would:
>
> - Rise each morning at 6.00 a.m. to ensure the butcher shop was open by 6.30 a.m.
>
> - This ritual, like many others in a small town like Maclean, confirmed to the early morning risers that all was well in their town.
>
> - He would appear for breakfast and lunch, which, in Dad's normal manner, were literally thrown down quickly, and then it was back to work.
>
> - Returning home around 5.30 p.m., he would throw the days' takings on the table, do his balance, before heading over the road for a couple of cold beers, or as we were told when we were young "to see a man about a dog".
>
> This went on five full days a week and a half day on Saturday. Generally, Saturday afternoon and Sunday afternoon, were taken up with golf. To this day I am not sure if he actually loved the game of golf. I suspect it was the company and the associated camaraderie.

Every day the residents of Maclean saw how much Syd enjoyed being busy. He was a very practical individual, respectful of others, extremely honest and had strong moral convictions. He was very thoughtful and compassionate. His Scottish blood would see him argue over 5¢ but think nothing of giving someone $20. Syd was born in Moree and was one of six children. His family stayed in Moree until Syd turned 14 and then moved to Grafton. Syd loved the Clarence Valley and its people, and they loved him in return. He especially loved Maclean, to which he moved after marrying Beryl in 1948.

The residents of Maclean hold dear vivid memories of Syd standing at the front counter of his beloved butcher shop, of Syd standing at the bar of Middle Pub having a cold beer and conversation with friends, and of Syd leading the annual parade of Scottish bands up the main street and out to the showground. Then there were the many years of community service that he so willingly gave through his association with the church, the Scottish Society, Apex, the golf club and the chamber of commerce. Syd was the inaugural president of the Maclean Apex Club when it was formed in 1956. He was a financial patron of the Lower Clarence Scottish Association and the chief flag carrier at the annual Maclean Highland Gathering. He came from a piping family background and had much pleasure in showcasing a photo of his father dressed in full Scottish regalia with his beloved pipes.

Syd was well known in the butchering industry; he was a master of his trade. The local media has carried many stories of Syd and his secret sausage recipe. He also had a secret haggis recipe and was known by many tourists for his haggis-making skills. The family placed in Syd's coffin a gentleman's MacLean of Duart

tartan tie to symbolise Syd's great love for his family's Scottish traditions and his great love for the town of Maclean. Syd is survived by his four sons, Phillip, Barry, Ross, known as Speed, and Rob, and many grandchildren. Rest in peace, Syd Jones, Maclean will dearly miss you.

KONKANI FAMILY FUNFEST 2013

Mr KEVIN CONOLLY (Riverstone) [7.35 p.m.]: Tonight I inform the House about a cultural festival which I attended at the invitation of the Konkani Association of Australia on Sunday 22 September at the Quakers Hill Community Centre in the electorate of Riverstone. The Konkani Family Funfest 2013 was held to express the pride of Australians of Indian extraction and their rich culture and shared Konkani language. The Konkani language hails from the west coast of India, known as the Konkan Coast, and is the official language of the State of Goa. It is also spoken in some parts of Karnataka, Kerala and Maharashtra. Although Goa is the smallest State in India, Mrs Pratibha Devisingh Patil, the former President of India, commented that it represents the "essence of India" in its cultural richness. The rich history of the Konkani language stretches back at least eight centuries, through periods of colonisation by the Portuguese and English and under the influence of other Indian dialects in different periods of Indian history.

I was delighted by the vibrancy and hospitality of the community at the funfest, which was expressed in dance, song, costume and food. The Konkani Association of Australia hosts a number of events throughout the year for seniors and youth alike. The Konkani diaspora, which is driven by expatriates who are increasingly well educated and hardworking, have always enriched the nations to which they have travelled. I make special mention of Mrs Anita Prabhu, President of the Konkani Association of Australia, who led a volunteer team to prepare and stage the event, and Shri Arun Kumar Goel, Consul General of India in Sydney, who graced the occasion with his presence.

It was my pleasure on the day to present awards to tertiary students for their achievements, as the association values education, study and hard work. Awards were also presented to school students and special recognition was accorded to a number of senior members of the community. Despite its ancient roots, the Konkani language only achieved official recognition in India relatively recently. In 1987 it was declared the official language of the State of Goa. In 1992 it was officially included on a list of national languages of India in a schedule to the Indian constitution. In fact, the Indian diaspora, such as the Konkani community in Sydney, has assumed a prominent role in promoting the Konkani language. In doing so, Konkani language based organisations have overcome the religious and caste divisions of the past to unite all people who share the language.

I thank all members of the Konkani Association of Australia, and President Anita Prabhu in particular, for the warm welcome I received at this event. I commend all concerned for the participation by a range of community members, including children, in the activities and performances on the day. The event encourages respect for the Australian and Konkani cultures and adds to the cultural fabric of our community more generally as people from all lands come together and take their place as part of the Australian community. The Konkani Association of Australia is a young organisation but it is already contributing mightily to the good cause of making a better home and a better country for us all. I thank the Konkani Association of Australia and commend it for its efforts.

Private members' statements concluded.

ACTING-SPEAKER (Mr Lee Evans): Order! Private members' statements having concluded, the House will now consider Government business.

COMPANION ANIMALS AMENDMENT BILL 2013

Bill introduced on motion by Mr Donald Page, read a first time and printed.

Second Reading

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [7.40 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Companion Animals Amendment Bill 2013. The principal object of the bill is to strengthen companion animal management in New South Wales to promote responsible pet ownership, to better protect our community and to reduce dog attacks. While the Government recognises the importance of companion animals to individuals and families in New South Wales, the Government also believes owning a cat or a dog comes with responsibilities. These responsibilities include ensuring the welfare of our pets and protecting the safety of people in our community, including the young and vulnerable. The bill therefore also represents a key step in a fundamental shift in the Companion Animals Act and pet ownership in New South Wales from a system that merely manages cats and dogs to a system that more actively promotes responsible pet ownership.

The bill is the outcome of work initiated by the Government in September 2011 with the establishment of the Companion Animals Taskforce to deal with community concerns about companion animals. I take this opportunity to publicly acknowledge the chair of the task force—the member for Charlestown, Mr Andrew Cornwell, MP—and the other task force members for the good work they have done. The task force produced two reports with 38 recommendations—one in late 2012 and one specifically dealing with dangerous dog issues earlier this year. The Government was keen to listen to what the community had to say, and it released the reports for public consultation during April and May 2013. Members will not be surprised to learn that there were more than 5,300 submissions from the public. Clearly we care deeply about our pets and want the best for them. But, at the same time, people are rightly horrified and outraged when there are dog attacks resulting in serious injury or death. Sadly, we have heard recently of the death of little Deeon Higgins in Deniliquin and of the savage attack on Rob Nelson as he jogged through the streets of Sydney.

This Government is committed to doing whatever it reasonably can to eliminate or at least reduce the number of such attacks. The bill proposes a number of measures that will address this issue, but the main message is loud and clear: If you are a dog owner then you must be responsible. There are to be no ifs or buts; you must register and properly control your dog at all times. In order to emphasise this message, the bill proposes robust new measures most of which, as I said, respond to the recommendations of the Companion Animals Taskforce. I will chart some of the major initiatives for members. The Act already has significant powers and sanctions to deal with dangerous dogs, but the criteria for categorising a dog as dangerous are very high. Often a dog cannot be classified as dangerous until it kills or seriously injures a person or another animal. The Government's view is that the bar is set way too high and puts the New South Wales community at risk. It should be possible to require controls on dogs that are menacing but have not yet reached the dangerous threshold.

This bill will enable councils to do just that. Councils will have the capacity to categorise a dog as a menacing dog when the dog has displayed aggressive tendencies and/or has attacked a person or another animal resulting in a non-serious injury. The bill will also enable breeds to be declared menacing in the future, if necessary. This would only be used where there is clear evidence that a particular breed displays unreasonable aggression that increases the risk of attack by that breed. As with dangerous dogs, these menacing dogs will be subject to controls such as a requirement to be on a leash and muzzled in public, and under the effective control of an adult. But those controls will not be as stringent as those which apply to dangerous dogs or restricted breeds. For example, while dangerous dogs will need to be enclosed to ensure the dog is restrained and prevent a child from approaching it, menacing dogs will not need to be kept in a purpose-built enclosure that is inspected and signed-off on by the local council. This will be far less onerous and costly to the owners of menacing dogs. The menacing dog will continue to be socialised at home under adult supervision.

Opportunities for behavioural training will also be promoted to owners, potentially leading to the dog being rehabilitated and, on owner application after 12 months, control requirements may be lifted if the council considers it appropriate. Further, as for dangerous dogs, the bill ensures that council officers will need to act responsibly. The owner of a dog that a council proposes to classify as menacing will be notified and have the opportunity to be heard by the council. The menacing dog category received enormous support from the public when the task force reports were put out for consultation and it is consistent with the regime in other States. The bill also sets out a new dog control framework to give councils a clear and graduated range of options to deal with a variety of antisocial and unacceptable dog behaviour.

Clear options available to councils now range from controlling nuisance dog behaviour, such as barking and repeated chasing and controlling menacing dog behaviour, such as being aggressive or making a non-serious attack, through to controlling dangerous behaviour, such as causing a serious injury or death, and restricted breeds, such as pitbulls. This bill also includes a power for councils to recognise interstate dangerous and menacing dog declarations by reciprocating that declaration in New South Wales. This reciprocity will be of

clear benefit in border towns, such as those along the Murray River and Tweed Heads. One of the most important changes proposed in the bill is the increase in penalties. The horrific nature of some of the injuries sustained by dog attack victims means that the courts need a wide sentencing discretion in order to properly reflect the community's sense of outrage when dogs attack.

By increasing the penalties, this Government is making it blindingly clear that dog owners have high standards of responsibility and if they fail to meet those standards they will face stiff penalties commensurate with the gravity of their conduct. This is why the maximum penalties available for the most serious offences—such as a dog attack occasioning serious injury that has been caused by an owner of a menacing, dangerous or restricted dog failing to comply with control requirements—have been lifted to as high as $77,000 or five years imprisonment, or both. Similarly, the bill has increased penalties for a person who entices a dog to attack. People who entice any dog to attack may end up with a $22,000 penalty whether or not injury occurs. People who entice a menacing, dangerous or restricted dog to attack face the highest possible penalty of $77,000 or five years imprisonment. These are severe penalties but they are there to drive home the message that the community will no longer accept that dog attacks are some kind of unfortunate accident—the buck needs to stop with the dog owner or other person in control of the dog.

Further measures included in the bill are the power for council officers to immediately seize a dog subject to a declaration to declare it dangerous or menacing for the purpose of microchipping and registering it. Currently, the Act allows such owners seven days to register their dogs after a proposal to declare it dangerous or restricted. However, as the task force reported, this seven-day compliance period gives some irresponsible owners time to hide their dogs. This means a dog that has attacked can, effectively, disappear and be unable to be traced again. This measure will ensure that all potentially dangerous and menacing dogs are registered and, as a result, can be traced and effectively monitored.

It is one thing to have greater flexibility in classifying the behaviour of dogs but it is crucial that dogs are registered so that councils know what they are dealing with. More than 40 per cent of cats and dogs that are microchipped remain unregistered. This not only means a loss of revenue for councils to carry out companion animal-related activities such as education but also creates a lack of vital information to regulate companion animals and target risk. For this reason the provisions relating to a failure to register have been amended to make it easier for councils to enforce registration.

Councils will be able to enforce registration on more than one occasion and no matter where the companion animal is located. Councils will also be able to issue notices to register a companion animal more frequently and owners will have shorter time frames within which to comply with a notice. Penalties for failing to register have been considerably strengthened. Fines for failure to register a cat or a non-classified dog are going up from $165 to $275, with a maximum penalty of $5,500. Fines for not registering a menacing, dangerous or restricted dog are going up considerably more. These changes are about making it clear that responsible pet owners register their animals and we expect all pet owners to be responsible.

Further, the bill proposes that the limitation period for bringing prosecutions for dog attacks be extended to one year. The task force had recommended an even longer period, but there needs to be some certainty for those who may be accused of criminal activity. The extension of the limitation period to one year is a sensible compromise that will allow councils to collect the necessary evidence to pursue more complex prosecutions without causing undue anxiety to potential defendants. Of course, legislation is not the only way in which we are seeking to improve the companion animal system to promote responsible pet ownership that protects community safety and animal welfare. Education is another vital component of our Companion Animals Program.

The Government will provide funding over three years to significantly expand the successful school-based pet education program to preschool children and parents expecting a child. This will raise awareness amongst families and young children about how to act and be safe around dogs and prevent dog attacks. The Government will also provide a grants funding program to local councils to assist them to deliver targeted microchipping, registration and desexing programs in their local areas. This will particularly target problem areas. For example, areas with large numbers of unregistered animals and undesexed animals may be targeted to tackle cat and dog overpopulation and welfare issues. Further, areas with large numbers of dog attacks may also be targeted to assist councils to manage dangerous dog issues locally.

In order to expand education a new council grants program will be created to assist councils to be more proactive in managing companion animal issues locally, in particular, dangerous dogs. Lifetime registration fees will be increased to bring them into line with consumer price index increases. Lifetime registration fees have not changed for more than seven years. The proposal will increase the fees on an annual basis by the consumer price index, backdated to 2006. It is important to note that the fee increase will only occur in future registrations, not animals already registered. This means, for example, that the registration cost for a desexed animal will rise from $40 to $49. The increased fees will assist councils to fund much-needed council companion animals management services such as ranger services, pounds and education. It will also assist with statewide programs.

Importantly, the bill will be supported by the Companion Animals Amendment Regulation together with other information needed to roll out these changes. This will include guidelines to assist councils with the implementation of the proposed amendments. This bill represents the most significant reforms to companion animal laws in New South Wales in many years. It increases council powers to deal with menacing dogs within a clearer dog control framework, increases penalties for the owners of dogs involved in an attack and encourages registration of cats and dogs to improve prevention. The bill also represents a positive step towards a system that more actively encourages responsible pet ownership.

It is vital that dog owners accept responsibility for the behaviour of their animals, and this bill provides measures allowing councils to proactively target irresponsible owners through the new menacing dog control category. Further work will be done over the coming months to implement more of the task force recommendations, including through a redesign of the companion animals registration system. These reforms, in tandem with the companion animals education proposed, provide a balanced and sensible approach to promoting responsible pet ownership and protecting the community from dangerous dogs and dog attacks in New South Wales. 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.

STRATA SCHEMES MANAGEMENT AMENDMENT (CHILD WINDOW SAFETY DEVICES) BILL 2013

Second Reading

Debate resumed from an earlier hour.

Mr CHRIS HOLSTEIN (Gosford) [7.57 p.m.]: The purpose of the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013 is to enhance child safety in the home by reducing the incidence of injury and death that results from falls from windows in residential strata buildings. The bill will make it mandatory for owners corporations of residential strata schemes to install safety devices on windows that present a risk to young children. Earlier this year the Westmead Children's Hospital produced a report following a spike in child hospital admissions due to falls from buildings. The report recommended a range of measures aimed at reducing the risk to children. The Government's response committed to a range of measures that included the listing of window safety devices in the prescribed condition report that forms part of a rental tenancy agreement. Achieving this requires only minor changes to the Residential Tenancy Regulation and is not part of this bill. There will also be a community education and awareness program about child safety, which will build on the existing campaign that commenced in 2009.

The report indicated that child falls from buildings most frequently involve children between two and four years of age. This problem was further illustrated by recent data from NSW Health indicating that 39 children aged nine or younger were hospitalised in New South Wales due to falls from windows during 2011-12. The majority of these incidents involved children under four years of age and in many cases the children sustained serious injuries. There is also a need to take into account that during the past 20 years the number of families with young children that are living in high-rise residential strata buildings has increased. It should be noted that it is estimated that 25 per cent of the New South Wales population now live in strata buildings and that figure continues to rise. By 2030 it is estimated that more than half the population will be living in strata schemes and that will present an attendant risk to young children. Overseas the combined approach of community education and regulatory measures has delivered significant and positive child safety outcomes. In New York, for example, this approach has resulted in a 96 per cent reduction in admissions to hospitals resulting from child falls.

The provisions of this bill will apply to every strata scheme that has residential lots, and this may include mixed-use schemes. The criteria used to determine which windows will need to be fitted with safety devices is the Building Code of Australia 2013. The regulations will specify, and seek to capture, all openable windows on the strata parcel that are less than 1.7 metres above the floor level when the drop from the internal floor level to the external surface beneath the window is two metres or more. These safety devices can be screens, locks or any other device that can meet the performance requirements set out in the regulation. The window safety device must be able to restrict the window from opening more than 125 millimetres, it must be able to resist a reasonable force of 250 newtons, and if the device can be removed, overridden or unlocked it must have a child-resistant release mechanism.

Owners corporations will have until March 2018 to comply with the window safety standards, but will be encouraged to take action sooner if possible. It is deemed that 2018 is a reasonable timeline. As a grandfather of six, five of whom are under the age of nine years, I express my encouragement to all to act now. The owners corporations must install these devices at their expense—but what cost is a life? If window safety devices have not been installed by March 2018, residents will be able to apply to the Consumer, Trader and Tenancy Tribunal for orders that the owners corporation take action. I hope that this action will not be needed, as all responsible owners corporations will act promptly, for no other reason than the safety of our children. I thank the Minister for his actions with regard to this matter. I commend the bill to the House.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [8.02 p.m.], in reply: As members have heard, the purpose of the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013 is to introduce enhanced child safety measures at residential strata premises. The incidence of children falling from windows is an issue of great concern to many within our community. I take this opportunity to acknowledge the input and support of a number of key stakeholders including Associate Professor Brian Owler, President of the Australian Medical Association (NSW); Stephen Goddard, President of the Owners Corporation Network; and Professor Danny Cass from the Children's Hospital at Westmead. I join the member for Macquarie Fields in his praise of Professor Cass for his staunch support for and advocacy on this issue. These stakeholders have been with us throughout this process and the Liberal-Nationals Government has been fortunate to utilise their expertise as this legislation has developed.

Under these new laws, owners corporations will have to ensure that appropriate safety devices are installed on all windows that present a risk to young children. This will generally capture all openable windows above ground level that can be accessed by children. The devices are required to be installed by 13 March 2018, allowing five years for owners corporations to install the devices and ensure compliance with the laws. Residents will still be able to open their windows as they do now; however, they will have the security of knowing that when the lock is engaged, children in their care will be protected from a tragic and completely avoidable accident.

Importantly, under these laws strata lot owners will have the right to install window safety devices themselves, and will not have to wait for the owners corporation to put things in motion. However, lot owners will have to ensure that the devices are competently and properly installed, and will be liable for any damage caused to the common property. Regulations will provide criteria specifying which windows will need safety devices, and will also list performance standards for the window safety devices. This applies to the installation of window safety devices either by owners corporations or by strata lot owners.

I would like briefly to comment on an issue raised by the member for Bankstown and the member for Fairfield—namely, the length of the implementation period for installing child window safety devices. The five-year implementation period has been specifically chosen so as to take into consideration the decision-making processes of strata schemes and the potential market impacts. With more than 70,000 strata schemes in New South Wales, and with that number growing each week, the provision of a five-year implementation period accounts for the fact that each scheme will need to determine which windows, if any, require safety devices, obtain quotes, hire tradespeople, if necessary, raise appropriate levies and source the suitable devices.

I note that in her speech the member for Bankstown referenced the Tenants Union calling for the period to be reduced to two years. In response, I remind the member that residential tenancy laws already allow tenants to make minor safety modifications to premises, such as installing window safety devices. Importantly, landlords cannot refuse permission for minor changes of this kind without a very good reason. Many strata schemes have adopted the standard by-law that enables owners and authorised people to install child safety

devices—standard by-law 5. As part of this new law, for schemes where this has been altered the new law overrides that change and reinstates the provisions of the standard by-law, ensuring that owners remain able to make these changes to windows in their lot.

In regard to public housing tenants, as they are regulated by the Residential Tenancies Act they have the right to request installation of these devices in their rental properties, which landlords cannot unreasonably refuse. If the landlord does refuse, tenants have the option of applying to the Consumer, Trader and Tenancy Tribunal [CTTT] for orders that the refusal is unreasonable and that they be allowed to proceed with installing safety devices. In regard to company title, tenants remain covered by the Residential Tenancy Act and its protections. Owners in company title are able to adopt by-laws allowing the installation of safety devices in private lots and on common property. Finally, with respect to non-strata apartments, again tenants remain covered by the protections of the Residential Tenancies Act, while owners would have to refer to the rules of their governing structure.

The member made mention of the Building Code of Australia [BCA]. The provisions in this bill were based in large part on the requirements for window safety set out in the Building Code of Australia; however, the one major difference is that the Building Code of Australia requires only bedroom windows in new residential buildings to have safety devices. Our legislation ensures that the strata window safety measures will apply to all high-risk windows in both new and existing residential strata buildings. The member also referred to comments made by the Law Society regarding the issue of responsibility for maintenance of common property. Strata laws already impose obligations on each owners corporation to maintain common property. This will include window safety devices. Details of obligations and rights will be included in the supporting regulation.

I thank the members representing the electorates of Bankstown, Davidson, Fairfield, Macquarie Fields, Rockdale, Sydney, East Hills and Gosford for their contributions to this important debate. I would like to highlight the bipartisan nature of this debate. Members on all sides have joined together in their support for the underlying principle of these new laws—ensuring the safety of children and acting to meet the realities of modern living in high-rise dwellings. I also thank my staff at NSW Fair Trading, who have put so much effort into bringing these new laws to fruition—namely, Dr Rhys Bollen, Director of Policy; Luke Walton, Principal Policy Officer; and Warren McAllister, Senior Policy Officer, who I am proud to say is here with us in the Chamber this evening. Finally, I thank my personal staff for their efforts in progressing this landmark reform.

The combination of window safety devices, changes to the Residential Tenancies Regulation and the Government's child safety education and awareness campaign will deliver improved child safety outcomes. The installation of window safety devices will provide the last line of defence to prevent a serious injury or death. 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.

Consideration in detail requested by Ms Tania Mihailuk and set down as an order of the day for a future day.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (STANDARD NON-PAROLE PERIODS) BILL 2013

Second Reading

Debate resumed from 18 September 2013.

Mr PAUL LYNCH (Liverpool) [8.10 p.m.]: I lead for the Opposition in debate on the Crimes (Sentencing Procedure) Amendment (Standard Non-Parole Periods) Bill 2013. The Opposition does not oppose the bill. The objects of the bill are said to be to clarify several aspects concerning standard minimum non-parole periods and their application in sentencing. These clarifications are to include the following: first, a standard non-parole period represents the non-parole period of an offence of the same kind for which the offender is to be sentenced and is in the middle of the range of seriousness, taking into account only objective factors; secondly,

the standard non-parole period for an offence is to be taken into account in determining the appropriate sentence; and, thirdly, a court does not have to make a precise assessment of the degree to which the seriousness of an offence differs from that to where the standard non-parole period refers.

The objects note that this flows on from the decision of the High Court in *Muldrock v the Queen* [2011] HCA 39 and state that the bill implements recommendations of the NSW Law Reform Commission report of May 2012. A standard minimum non-parole period scheme has been in force in the courts of this State since February 2003. The aim of this scheme was to provide guidance in parliamentary statutes to courts engaged in sentencing offenders, most obviously in the setting of non-parole periods. This was not mandatory sentencing but courts had to justify any deviation from the scheme.

To start with, the scheme applied to more than 20 categories of serious indictable offences. The operation of the scheme and the legislation was considered by the New South Wales Court of Criminal Appeal in *Regina v Way* [2004] NSW CCA 131; 60 NSW LR 168. That consideration is taken as authority for the proposition that a two-stage process should be adopted when sentencing. Step one required the court to determine whether the offence concerned—if it were one to which the scheme applied—was in the mid range of objective seriousness and thus whether the standard non-parole period should apply. The second step was that, if it did apply, the court needed to decide whether there were reasons to depart from the standard non-parole period. This approach was subsequently criticised by the High Court.

In the case of Muldrock the High Court decided that Way was wrongly decided and that the two-step process was wrong. That did not invalidate the standard non-parole period scheme. The standard non-parole period and the maximum penalty for an offence were both legislative milestones to guide the court in its determination of sentence. The courts should take those milestones into account, together with all relevant factors, before deciding upon a sentence. This is a process called instinctive synthesis, a phrase curiously missing from the Attorney's second reading speech.

Muldrock did not resolve every conceivable aspect of these issues and indeed, in some quarters, has been criticised for lack of clarity, although I know that some of the practitioners in the field regarded it as a breath of fresh air. The Government subsequently referred the issue to the NSW Law Reform Commission. In May 2012 the commission delivered to the Government report No 134, Sentencing—Interim Report on Standard Minimum Non-parole Periods. The subsequent report No 139, Sentencing, dated July 2013, confirmed the recommendations the commission had made in the earlier report.

Report No. 134 proposed six options. The course the NSW Law Reform Commission recommended was option two, which retains the standard non-parole scheme, but legislates to clarify aspects of the interpretation of Muldrock. That is certainly what this bill purports to do. But there does seem to be at least an apparent deviation from the recommendation of the Law Reform Commission. Paragraph 4 of report 134 says the legislation should be amended to:

> Confirm that the standard non-parole period represents the non-parole period for an offence which "by reference to the nature and circumstances of its commission", is in the middle of the range of objective seriousness for the relevant SNPP offence. This will make it clear that, when determining the seriousness of a SNPP offence, the court can consider matters personal to the offender that are causally connected with or that materially contributed to the commission of the offence (but excluding purely subjective matters that are not causally connected with the offence).

This approach is reiterated by the commission in report No. 139. Citing two further High Court authorities in support of its position, *Neal v The Queen* (1982) 149 CLR 305 and *Cheung v The Queen* 2009 CLR 1, the commission restated its position at paragraph 7.3 on page 178:

> Matters personal to the offender, that are causally connected with or materially contributed to the commission of the offence, should be considered as part of the objective seriousness.

On the face of it, this seems different to the language used in the bill before the House. Certainly the language contained in the draft legislative provision provided by the commission at paragraph 2.67 of report No. 134 is very different to the bill. That report suggests this for section 54A (2):

> For the purposes of sentencing an offender, the standard non-parole period represents the non-parole period for an offence which, by reference to the nature and circumstances of its commission, is in the middle of the range of objective seriousness for the offences in the table to this division.

The commission makes clear that the reference to, "the nature and circumstance of its commission" means some subjective circumstances should be taken into account. That draft section 54A (2) is very different to the provision in the bill before the House, which provides as follows:

> For the purposes of sentencing an offender, the standard non-parole period represents the non-parole period of an offence in the table to this division that, taking into account only the objective factors affecting the relative seriousness of that offence, is in the middle of the range of seriousness.

The Attorney needs to explain the apparent discrepancy between the recommendation of the Law Reform Commission and the provisions of the bill. If he asserts that they mean the same thing, that is, that objective factors in the bill also inevitably include some subjective factors, then for the sake of clarity he should say so. If he does not think that he has an onus to explain why he is deviating from the recommendation of two reports of the Law Reform Commission. I think, if that is the case, there is also an onus to explain why most people would infer from the bill's explanatory note that the bill does indeed implement the recommendations of the Law Reform Commission. The commission, in report No. 134, at paragraphs 2.97 to 2.110, talked of the need to standardise ratios of the statutory non-parole periods to maximum penalties. There are other aspects of the scheme that the commission recommends be reviewed. Report No. 139 contains the commission's view that it recommends:

> That the Government consult with stakeholders and the community about which offences should be included in the scheme, at what level the standard non-parole periods should be set and what the process should be for adding or omitting offences from the scheme.

There is also a recommendation that the NSW Sentencing Council should monitor patterns of sentencing under the scheme. At paragraph 7.12 the commission went so far as to say that its recommendation to retain the scheme and to propose legislative clarification was dependent upon the review I referred to being undertaken. In that context I ask the Attorney in reply to make clear whether that review and the community consultation and monitoring referred to will be undertaken and, if so, when. Granted that the commission said two other recommendations were conditional on this, it is obviously quite important. Muldrock has created some confusion in the minds of some. It is worth nothing that, between the NSW Law Reform Commission reports 134 and 139, the Court of Criminal Appeal allowed an appeal or argument based on Muldrock in at least 15 cases. It also rejected an argument in a similar number of cases. Legislative clarification also is necessary.

This bill maintains the present scheme and takes Muldrock into account. It means sentencing procedure of all offences in New South Wales will be consistent, with no separate procedure for standard parole offences. I also note the Government's assertions that sentences will not be reduced. I note that the latest of the two Law Reform Commission reports recommends substantial simplification of sentencing. When that report was released, I welcomed the recommendation. I think there is broad agreement amongst people who follow these issues, that simplification is probably desirable in the sentencing regime. Sentencing should not be about ticking boxes and making sure that technical legalities are made to be correct. It should be about much more than that. It must give judges the discretion to make sensible decisions. That is something we should all support.

In that context—and this is a matter that has been discussed within this building and in other places—I note that the bill maintains the provisions that require sentencing courts to itemise every factor that might justify them in moving away from a standard non-parole period. It may be appropriate to give some consideration to that as well. If all that does is to maintain a checklist approach of sentencing courts having to go through and tick every conceivable box, and therefore set up appeal points, it seems to me that does not assist justice in this State. I commend those comments to the Attorney and I suspect my colleague who will also speak in a little while may make some similar points. Apart from those comments, the Opposition does not oppose the Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Bill 2013.

Mr CHRIS HOLSTEIN (Gosford) [8.19 p.m.]: I support the Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Bill 2013. The purpose of this bill is to provide clarity on the operation of the standard non-parole period scheme, necessitated as a result of the 2011 High Court decision in *Muldrock v The Queen*. Essentially, that decision overturned the approach taken since *Regina v Way* in 2004 requiring courts to take a two-step approach to sentencing. The High Court held that courts should not approach sentencing using the two-step approach mandated by the Way case. The purpose of the standard non-parole period is to reflect the view of the Legislature on the seriousness of certain offences. It specifically determines the non-parole period not for the actual offence for which the offender is to be sentenced, but for an offence of the same kind that is in the middle range of seriousness, and takes into account only objective factors affecting its relative seriousness.

The objective seriousness of an offence is to be assessed without reference to matters personal to a particular offender or class of offenders. The NSW Law Reform Commission considered the operation of the scheme in light of the Muldrock decision and this bill implements the recommendations of the Law Reform Commission as to whether a sentencing court is permitted or required to classify a standard non-parole period offence by reference to its position in a range of objective seriousness and the extent to which the subjective factors of an offender may be taken into account in assessing the objective seriousness of a standard non-parole period offence.

Since the High Court Muldrock decision there has been uncertainty as to the limits of the court's ability to consider matters personal to the offender when sentencing for a standard non-parole period offence. This bill clarifies that limiting consideration to objective factors applies only when giving meaning to the hypothetical middle-of-the-range offence, which is described in section 54A of the Crimes (Sentencing Procedure) Act. More importantly, courts are not prevented from taking into consideration all relevant factors, including those personal to the offender, when determining the appropriate sentence under section 54B. The amendments ensure that the common law concepts apply to the consideration of objective and subjective factors in the sentencing process. Proposed subsections 3, 4 and 5 replicate the existing provisions in section 54B, which require the court to give reasons for setting a non-parole period that is shorter or longer than the standard non-parole period.

The bill aims to ensure that ordinary sentencing principles are applied when courts sentence an offender for a standard non-parole period offence, with the exception of the additional requirements set out in section 54B. Prior to the Muldrock decision complexities arose in applying what was essentially a separate sentencing procedure, and this left decisions open to appeal. These amendments make clear that there is no separate sentencing procedure. The Attorney General has asked the NSW Sentencing Council to review the following: offences that should be included in the standard non-parole period table, the standard non-parole periods for those offences, the process for determining what future offences should be considered for inclusion in the table, and how standard non-parole periods should be set. This bill and the reference to the Sentencing Council demonstrate this Government's commitment to ensuring that standard non-parole periods operate effectively and in line with community expectations. I commend this bill to the House.

Mr RON HOENIG (Heffron) [8.23 p.m.]: I contribute to the debate on the Crimes (Sentencing Procedures) Amendment (Standard Non-parole Periods) Bill 2013. The Opposition does not oppose the bill. I say from the outset that I consider the Law Reform Commission arrived at a sensible resolution to a problem that is more political than real. Effectively, the introduction of standard non-parole period legislation was a response by the government of the day to avoid assertions by some in the community that there should be mandatory sentencing. But like so much of what happens when the Legislature interferes in the criminal justice system to try to give effect to a particular outcome, complexities are created that, in reality, make day-to-day implementation difficult and can create unfairness. Interestingly, Justice James Wood, as he then was, gave the lead judgement in *Regina v Way*, which introduced a two-step process for sentencing. That process applied until *Muldrock v The Queen*, which it is said created a sense of confusion, which has led to the introduction of this bill.

Most sentencing judges, particularly those in the District Court, were delighted with the Muldrock decision because complexity had intruded into the sentencing regime in this State to such an extent that the process became complex and difficult. That complexity caused errors and intervention by appellate courts, and developed a whole legal jurisprudence. Muldrock probably reaffirmed the principle that the High Court talked about in *Markarian v The Queen*—that is, there is an instinctive synthesis approach to sentencing, not a two-step process. The High Court interpreted what was contained in the legislation to try to also simplify the sentencing process. But one thing that has happened with this bill is that whilst it intends, effectively, to remove confusion and give clarity to sentencing procedures arising since Muldrock, it contains some words in some of its provisions that actually add to the complexity.

Today I spoke with the Attorney General about that complexity. Members know that the Attorney General is a former Deputy Director of Public Prosecutions and a former Deputy Senior Crown Prosecutor who had an appellate practice in that jurisdiction before his election to Parliament; he is well versed with what can go wrong if wording in particular legislation is not accurate or is not well thought through. The provisions to which I refer are contained within the proposed amendments to section 54B, which is item [3] of schedule 1, and are proposed subsections (3) and (5). In the proposed section, which is a redrafting of section 54B, subsection (3) states:

> The court must make a record of its reasons for setting a non-parole period that is longer or shorter than the standard non-parole period—

that provision is reasonable, but contains the additional words—

> and must identify in the record of its reasons each factor that it took into account.

Subsection (5) utilises the same concluding words. I have suggested to the Attorney General that the words "and must identify" et cetera be deleted for this reason: If the requirement is that each individual conceivable factor be identified by a sentencing judge, all that will happen is the possibility of an error or that some particular factor is not taken into consideration, thus creating an appeal ground and a series of jurisprudence that will cause additional cost and complexity to the sentencing regime. To ensure I was not wrong in what I believed was the approach being taken, I spoke to an experienced judicial officer and asked whether he would be prepared to give me an opinion; his opinion was far more expansive than the one I am giving the House. I disclosed the name of that judicial officer to the Attorney, who graciously undertook to obtain advice about that opinion.

The words I seek the Attorney to reconsider are the same as those contained in the original section 54B, are mirrored in the recommendation of the Law Reform Commission and are simply added to this provision. The difficulty occurs in item [2] in schedule 1 which provides:

> For the purposes of sentencing an offender, the standard non-parole period represents the non-parole period for an offence in the Table to this Division that, taking into account only the objective factors affecting the relative seriousness of that offence, is in the middle of the range of seriousness.

There is some doubt as to what constitutes an objective factor. That is contained in the Judicial Commission's bench book and is highlighted in some comments made by Justice R. A. Hulme in *Yang v Regina* [2012] NSW CCA 49 at [28] where he says:

> ... the High Court of Australia in *Muldrock* at [27] appears to have rejected the notion propounded in *Way* at [86] that matters personal to an offender, including a mental illness, can be said to affect the objective seriousness of an offence. I have said, "appears to have been rejected", because it has not been universally accepted.

There is some doubt as to whether mental illness fits into the category of objective seriousness or whether it is subjective to an offender. If a sentencing judge is required to identify every factor that causes him to depart from the standard non-parole period, which means that a judge is required to make a decision as to whether or not mental illness is an objective factor, the judge may well be set up to make an appellable error. It is far better not to require the judge to list every factor because as part of the instinctive synthesis approach it will not matter whether for example mental illness is an objective factor or a subjective factor. It will not be an error if that fact is taken into consideration. Consequently, I am cautioning the Government and the Attorney to look closely at the words in that subsection to avoid a whole series of complex jurisprudence.

The Court of Criminal Appeal has observed that sentencing judges need not give dissertations about complex sentencing principles when sentencing offenders, but that they speak in a language that the offender can understand. If complexities are added to sentences that existed between the time of Way and Muldrock, there is no hope that an offender will understand what a judge is saying. Judges have been simply ticking boxes and giving explanations to avoid an appellable error, and it is taking them a long time to deliver sentences. Some judges are writing judgements of 50 or 60 pages for a relatively routine sentence simply to comply with what they perceive to be the statutory provisions or the way in which the Court of Criminal Appeal has interpreted those statutory provisions. [*Extension of time agreed to.*]

In overruling Way, the High Court simplified the sentencing process in Muldrock. That is obviously the view of the Government and that is what is intended by this legislation and the Attorney's second reading speech. I am cautioning against adding what I view to be meaningless words, which is contrary to the intention of the government of the day and the Law Reform Commission. The manner in which Way dealt with non-parole periods caused considerable unfairness. For example, the standard non-parole period only applied for cases of middle range objective seriousness after trial. Very often offenders were induced to plead guilty to avoid the consequences of the standard non-parole period. At times, the Crown Prosecutors and Director of Public Prosecution solicitors overcharged standard non-parole period offences to encourage offenders to plead guilty to lesser offences that were not subject to standard non-parole periods.

It is a sensible solution that the Legislature now applies guideposts for judges in respect of how this Parliament regards the seriousness of offences by maximum penalties and by standard non-parole periods. However, judges must be free from complexities and must be able to deliver judgements that everybody understands—not only offenders but also the media and the public. That can only be achieved by the way in

which the judges in Muldrock approached it. Judges should explain their reasoning, but those reasons should be given in plain English. I urge the Government to examine the words in this legislation. The Attorney sought to obtain advice and I am grateful that he will do so. By participating in this debate, I hope to ensure that there is nothing in the legislation that adds complexity to the sentencing process and that the intention of the High Court in Muldrock is encapsulated in this bill—the decision of Muldrock is a sensible legislative solution. In my view it is not confusing.

Mr STEPHEN BROMHEAD (Myall Lakes) [8.37 p.m.]: I support the Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Bill 2013. The background to this bill is that in 2004 the case of *Regina v Way* NSWCCA was the first major decision of the Court of Appeal that set out the principles and processes to be applied when sentencing offenders for standard non-parole period offences. The case of Way required judges to take a two-step approach when sentencing offenders in these matters by taking into consideration whether an offence was in the mid-range of objective seriousness by comparing it to an abstract mid-range offence in order to determine whether the standard non-parole period should apply. The court was then required to determine whether there were reasons for departing from the standard non-parole period.

In the case of Muldrock, the High Court determined that Way had been wrongly decided and set out what it considered was the correct way to approach sentencing for standard non-parole offences. The High Court held that the correct approach was for a court to identify all the factors relevant to a sentence, including the two legislative guideposts that were provided by Parliament—the maximum sentence and the standard non-parole period. The court was then to make a judgement as to the appropriate sentence, taking into account all the relevant factors of the case.

Despite this ruling the High Court left a number of matters unclarified. This included the extent to which subjective factors can be taken into account in assessing the objective seriousness of a standard non-parole period, and whether a sentencing court is required to classify a standard non-parole period offence by reference to its position in a range of objective seriousness. The NSW Law Reform Commission considered these issues in its 2012 interim report on standard non-parole periods. The commission recommended that the schemes should be retained, but that legislative amendments should be made to clarify the provisions in accordance with Muldrock, and provide guidance on the issues that remain unsettled as a result of the decision. This bill gives effect to those recommendations.

The object of the bill is to amend the Crimes (Sentencing Procedure) Act 1999 with respect to the setting of standard non-parole periods for offences. The amendments made by the bill clarify the following aspects of the role of the standard non-parole period in sentencing as a consequence of the 2011 High Court decision in *Muldrock v The Queen*. A standard non-parole period represents the non-parole period not for the actual offence for which an offender is to be sentenced but for an offence of the same kind that is in the middle of the range of seriousness, taking into account only objective factors that affect its relative seriousness. Further, the standard non-parole period for an offence is to be taken into account in determining the appropriate sentence for an offender, and in taking a standard non-parole period into account a court is not required to make an assessment of the extent to which the seriousness of the offence for which the non-parole period is set differs from that of an offence to which the standard non-parole period is referable.

The bill proposes to amend section 54A of the Act to make it clear that a standard non-parole period represents the non-parole period not for the actual offence for which an offender is to be sentenced but for an offence of the same kind that is in the middle of the range of seriousness, taking into account only objective factors that affect its relative seriousness. The bill also proposes to clarify section 54B of the Act to make it clear that whenever sentencing an offender for an offence listed in the table to division 1A of part 4 of the Act, the court is to take into account the standard non-parole period for the relevant offence. In determining the appropriate sentence for an offender, the court is to have regard to all relevant factors, including factors personal to the offender, that is, subjective factors. The court should also specify why it sets a non-parole period that is longer or shorter than the standard non-parole period.

The court is not required to specify the extent to which the seriousness of the offence at hand differs from that of the notional offence to which the standard non-parole period applies. With the exception of the matters set out in section 54B, the court is to follow ordinary sentencing procedure when sentencing for a standard non-parole period offence. I commend the Attorney General for introducing this legislation. Since the decision in *Muldrock v The Queen* there have been a number of issues before the courts and a number of appeals. This legislation will deal sensibly with those issues and, I am sure, will be welcomed by all practitioners. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [8.42 p.m.]: I speak to the Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Bill 2013. The object of the bill is to make amendments to the Crimes (Sentencing Procedure) Act of 1999 to clarify how the courts are to determine the standard non-parole period for offences. The need to provide such clarification has been brought about by recent High Court rulings on the implementation of the current process in setting out the standard non-parole period, which has been put in doubt. The current standard minimum non-parole period scheme enforced in New South Wales courts initially imposed a minimum non-parole period on no more than 20 categories of serious indictable offences. Whilst the imposition of the non-parole period was not compulsory, courts had to justify the application of a non-parole period to a convicted person's sentence that deviated from the scheme.

The standard non-parole period is not the actual temporal period that is to be applied to the specific offence in question, but it represents the period of sentencing for a similar offence considered to be in the middle range of seriousness when taking into consideration only objective factors that influence its seriousness. The significance of the codification of non-parole periods for certain criminal offences is an indication of the seriousness with which Parliament perceives certain criminal offences. Through their passage in relevant legislation in this House, which belongs to the people of New South Wales, they represent the period of time that the community expects those convicted of breaking certain laws should be jailed for committing particular offences.

Until 2011 the court had used the ruling in *Regina v Way*, [2004] NSWCCA 113, to implement the legislative provisions determining how a non-parole period is to be derived. It was held in *Regina v Way* that the statutory scheme was to be implemented by a two-stage process. The first step determined whether the offence was in the mid-range of objective seriousness to determine whether the non-parole period was to apply. If the criminal matter before the court fell into such category, the second step required the court to decide whether there were reasons it could take into account to allow a departure from the standard non-parole period. In 2011 the High Court decision in *Muldrock v The Queen* figuratively threw a spanner in the works—it held that *Regina v Way* had been wrongly decided. Significantly, it held the two-step process that the New South Wales courts had been implementing to enliven the provisions regulating the determination of the non-parole period scheme was wrong.

The High Court held that the standard non-parole period and its accompanying instrument, the maximum sentence, were legislative guideposts for the court in determining the sentence to be imposed upon an offender. The High Court held that the correct approach also required the court to identify all the relevant factors in the case and for the court to take those factors into account when imposing the relevant sentence. This bill attempts to address a number of issues raised by the High Court decision in *Muldrock v The Queen*. It also gives effect to the issues considered by the New South Wales Law Reform Commission in its interim report on standard non-parole periods. Item [2] of schedule 1 to the bill seeks to provide clarification for the implementation of section 54A of the Crimes (Sentencing Procedure) Act. In his second reading speech the Attorney General, the Hon. Greg Smith, said:

> The question before the court at this stage is simply: What does the standard non-parole period mean?

Further, the court is required to give meaning to the standard non-parole period in regard to the particular cases before it. It enlivens the main findings in *Muldrock v The Queen* that the determination of the non-parole period should be that of an offence of the same kind in the middle range of seriousness. In item [3] of schedule 1 to the bill, new section 54B seeks to provide clarification and guidance as to how the courts should consider the standard non-parole period in sentencing. New section 54B (2) directs the court to give consideration to the standard non-parole period when determining the appropriate sentence associated with each particular conviction. This legislation also gives recognition to the taking into account of subjective factors specific to the person being convicted. Finally the Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Bill will ensure that ordinary sentencing principles are applied when courts impose a sentence that incorporates the standard non-parole period in light of the new provisions. I do not oppose this bill.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [8.48 p.m.], in reply: I thank the members representing the electorates of Liverpool, Gosford, Heffron, Myall Lakes and Fairfield for their contributions to debate of the Crimes (Sentencing Procedure) Amendment (Standard Non-parole Periods) Bill 2013. In particular, I wish to address matters raised by the member for Liverpool and the member for Heffron. The member for Liverpool raised the issue of possible inconsistencies in the language used in the New South Wales Law Reform Commission report and that used in this bill.

The recommendations of the New South Wales Law Reform Commission sought to clarify that matters causally related to the commission of an offence are relevant when giving meaning to the standard non-parole period. The wording of the bill is consistent with that recommendation and simply picks up language from the Act itself—for example, the notorious section 21A of the Crimes (Sentencing Procedure) Act—rather than adding the new terminology used by the New South Wales Law Reform Commission. It is another way of trying to appeal proof the amendment.

The member for Heffron raised an issue about the requirement contained in new section 54B for the court to identify, when recording its reasons, each factor it took into account when imposing a non-parole period longer or shorter than the standard non-parole period. He suggested that this may lead to an increased number of appeals. The member for Heffron spoke to me about this matter. He was very courteous and we had a good discussion. I understood the point he was making and I sought further advice. The advice I received goes against the changes he was suggesting. The expression used in the new section 54B is similar to what happens already in section 44 dealing with non-parole periods. Where a decision is made, in special circumstances, to change the ratio of standard non-parole period to additional sentence—in that case the ratio of three-quarters non-parole period to one-quarter additional sentence—the court must make a record of its reasons for the decision. It makes sense that the court should be transparent about its decisions.

The requirement to list each factor that was taken into account when setting a non-parole period that is longer or shorter than the standard non-parole period was recommended by the New South Wales Law Reform Commission in its interim report on standard non-parole periods. It was repeated again in its final report. The requirement has been carried over from existing provisions in section 54B. The requirement to list factors has not been the basis of problems that have arisen in relation to the application of standard non-parole periods. Issues have commonly related to the complexity of the two-stage process. The bill simplifies the scheme to address these issues. As noted by the New South Wales Law Reform Commission, the need to give reasons is an important aspect of sentencing law.

The shadow Attorney General, the member for Liverpool, pointed out that I had not mentioned intuitive synthesis in my second reading speech. I mention it now in reply because I was a junior counsel for the Crown in *Markarian v The Queen*, which is largely the basis for the decision in *Muldrock v The Queen*. In that case the court ruled that other ways of working out the length of sentences, with proportions going to different levels, was too confusing. I do not know whether intuitive synthesis is about throwing a file up into the air, listening to the noise it makes and then saying to the client, "That will be $500, thank you." I am told that is how some people used to cost their files. In *Markarian v The Queen* none other than Justice Michael McHugh noted that judges must identify all factors that are relevant to determining the appropriate sentence and that sentencing remarks should properly reflect the matters that are taken into account.

The member for Heffron also referred to what have become fairly commonplace remarks on sentences getting longer and judges going into great detail to try to make their decisions appeal proof. This is how they are coping with the extra strains imposed by the provisions of the Crimes (Sentencing Procedure) Act, particularly section 21A. I am hoping that as a result of the New South Wales Law Reform Commission report on sentencing the Parliament will pass legislation that will simplify that process, in particular section 21A which deals with aggravating and mitigating circumstances. The use of the expression "special circumstances" seems to have fallen into abuse; it now seems to apply in virtually every case where judges obviously want to change the ratio of non-parole periods. I think it has become too commonplace; I do not think it was meant to be so easy. Remarks on sentencing would then be able to be simpler and shorter. That is necessary because sentencing has become extremely complex. Probably the most complex area in the criminal law these days is getting the sentence right. There are just so many appeals, particularly based on section 21A.

In conclusion, this bill adopts the recommendations of the New South Wales Law Reform Commission and clarifies the operation of the standard non-parole period scheme in accordance with the decision of the High Court in *Muldrock v The Queen*. The impact of the Muldrock decision has not been altogether clear. This bill seeks to clarify it so that the Court of Criminal Appeal will have one group of learning from which to take their lead, rather than having one group going one way and another group going another way. The amendments will help to ensure a consistent approach to sentencing for standard non-parole periods. I hope the sentencing council will do some good work to fix up the inconsistencies. For some offences the standard non-parole period is 80 per cent of the maximum and for others it is 20 per cent. There does not seem to be any logical reason for such differences. That will be clarified. Also, more offences, particularly in the area of child sexual assault, will be included in those standard non-parole periods. So there will be greater guidance, which will reduce the likelihood of sentencing appeals based on erroneous applications of the Act. 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.

CRIMES AND COURTS LEGISLATION AMENDMENT BILL 2013

Second Reading

Debate resumed from 12 September 2013.

Mr PAUL LYNCH (Liverpool) [8.56 p.m.]: I lead for the Opposition on the Crimes and Courts Legislation Amendment Bill. The Opposition does not oppose the bill. The bill is of a type proposed by many governments over many years as part of a regular legislative monitoring and review process that is usually uncontroversial and non-partisan; and indeed this bill is uncontroversial and non-partisan. Perhaps the provision that will have the greatest practical impact is that which amends the Justices of the Peace Act to provide a statutory basis for the practice of justices certifying copies of original documents. This is a frequently exercised function of a Justice of the Peace; though it is presently without formal legislative basis.

The Oaths Act is to be amended to empower Justices of the Peace to witness affidavits and statutory declarations intended for use in jurisdictions other than New South Wales. There will also be an express reference to documents being made by more than one deponent or declarant, and there are sections as to the provisions of the Oaths Act applying to all persons unable to read written English. Amendments are made to section 4 of the Crimes (Appeal and Review) Act so that the equivalent of the previous section 100D of the Justices of the Peace Act provides that annulment applications can only be made if the applicant was in fact absent from court and had not availed him or herself of section 182 of the Criminal Procedure Act. Further amendments respond to the recommendations of the Domestic Violence Death Review Team and deal with drug presses and drug encapsulators, among other things.

The only item in the bill that raises an issue in my mind is item [2] of schedule 14, which revokes a requirement that the chief officers of an eligible authority cause a certified true copy of each instrument revoking a warrant to be left in the authority's records. It is a little unclear as to why that is desirable, although I happily concede that it is not the most important issue facing this House. If there is an easy answer, I would appreciate the Attorney General providing it in his in reply speech. It is certainly not enough to provoke opposition to the bill, and the Opposition does not oppose the bill.

Mrs TANYA DAVIES (Mulgoa) [8.58 p.m.]: I support the Crimes and Courts Legislation Amendment Bill 2013, and I thank the Attorney General, the Hon. Greg Smith, for his hard work and enduring commitment and dedication to the rule of law in our State. The bill amends 16 pieces of legislation, and I will go through some of those amendments. Schedule 1 amends the Coroner's Act 2009 in response to recommendations made by the Domestic Violence Death Review Team. This team performs a vital service to our community through its work in seeking to reduce the incidence of domestic violence deaths by investigating the causes of domestic violence deaths and by providing recommendations to improve systems and services.

The bill amends the definitions of "domestic violence death" in item [1] of schedule 1 by expanding it to include the deaths of persons who were previously in a domestic relationship with the offender, persons mistakenly identified by the offender as being or formerly being in a domestic relationship with the offender, and persons who are witnesses to domestic violence or may have attempted to intervene in domestic violence between the offender and a person with whom the offender has or used to have a domestic relationship.

The bill also amends the definition of "domestic relationship" in item [4] so that the Domestic Violence Death Review Team may investigate episodes of domestic violence where there have not been previous episodes of domestic violence between the person and the offender. Finally, in item [5] the bill seeks to update the list of members of the Domestic Violence Death Review Team in order to reflect changes in the name of various positions of government departments and to include a representative from Corrective Services NSW. Schedule 2 amends the Crimes (Appeal and Review) Act 2001.

Item [1] seeks to clarify provisions already in existence which allow for the annulment of a conviction or sentence if that person did not appear before the Local Court when the conviction was made or the sentence was imposed. There has been ambiguity in that persons may lodge a notice where they elect to plead guilty or not guilty and are not required to attend court. Such persons have been able to successfully apply for annulment due to their absence from court despite having given notice to have the matter dealt with in their absence. Item [1] thus clarifies that people who have elected to have the matter dealt with in their absence cannot subsequently apply to have their conviction or sentence annulled. Item [2] simply clarifies that prosecutors must appeal against costs orders within 29 days.

Schedule 3 amends the Crimes (Forensic Procedures) Act 2000 by clarifying the definition of non-intimate forensic procedures. The need for this amendment was evidenced in two Supreme Court cases, namely, *Coffen v Goodhart* and *ACP v Munro*. The Government is now addressing the anomaly regarding the definition of non-intimate forensic procedures. It amends section 3 of the Act by including measurements of total height and body parts as part of the definition. Schedule 4 amends the Crimes (Sentencing Procedure) Act 1999 in which a court may reopen proceedings if it has incorrectly imposed a penalty or failed to impose the proper penalty. This amendment adds to the list of penalties to which this applies the changes to the Graffiti Control Act 2008, which allows courts to impose driver licence penalties in the event of a graffiti offence. This amendment clarifies that if a court makes a mistake in imposing a driver licence penalty, it may reopen proceedings in regard to that penalty to correct the mistake.

Schedule 5 amends the Criminal Procedure Act 1986 with respect to the giving of evidence by vulnerable persons or victims. The amendment includes the offences of intimidation or stalking and breach of apprehended violence as part of the definition of personal assault offence. Schedule 6 amends the Drug Misuse and Trafficking Act 1985. The current Act makes it illegal to be in possession of a tablet press without a lawful excuse and makes it illegal to be in possession of apparatus in order to manufacture illicit drugs with the intent to manufacture illicit drugs. This amendment extends the definition of drug manufacture or production apparatus to include drug encapsulators and tablet presses as well as any unique parts of such devices and makes it clear the possession of such apparatus and parts is an offence. The Government is committed to stamping out the manufacture of illicit drugs, which cause so much destruction within our communities. This amendment will aid the fine men and women of the NSW Police Force as they perform their duties in protection of the wider community.

Following on from this proposed amendment, schedule 7 amends the Drug Misuse and Trafficking Regulation 2011 so that drug encapsulators are also referred to in section 24A of the Act relating to offences. Schedule 9 amends the Justices of the Peace Act 2002. Currently, Justices of the Peace normally and regularly certify original documents as true and accurate. However, there is in fact no legal basis for a Justice of the Peace to do this. This amendment thus simply provides the legal authority for this to occur. Schedule 10 amends the Law Enforcement (Powers and Responsibilities) Act 2002 by amending the limit of the Local Court jurisdiction in relation to applications for property in police custody from $40,000 to $100,000 in line with the Local Court jurisdiction limit of $100,000 in civil proceedings.

Following on from this, schedule 11 amends the Local Court Act 2007 and seeks to remove further jurisdictional restrictions on the Local Court by removing section 33 (1) (d), thus unifying the procedure for applications for possession and delivery of goods and aligning jurisdictional limits with those that currently apply to civil proceedings in the Local Court and District Court. Schedule 16 amends the Young Offenders Regulation 2010 to retrospectively clarify that information supplied to the Australian Bureau of Statistics and the Australian Institute of Criminology is legal and valid and stresses that the data can only be used if information identifying the child has been removed. Once again, I thank the Attorney General for his great work on behalf of the Liberal-Nationals Government. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [9.04 p.m.]: The Crimes and Courts Legislation Amendment Bill 2013 makes miscellaneous amendments to a number of Acts including: the Coroners Act; the Crimes (Appeal and Review) Act; the Crimes (Forensic Procedures) Act; the Criminal Procedure Act; the Drug Misuse and

Trafficking Act; the Evidence Act; the Justices of the Peace Act; the Law Enforcement (Powers and Responsibilities) Act; the Local Court Act; the Minors (Property and Contracts) Act; the Oaths Act; the Telecommunications (Interception and Access) Act; the Young Offenders Act 1997; and the Young Offenders Regulation 2010.

Many of these Acts required updating to bring them into line with the current legal environment. Some Acts required comprehensive changes brought about by recent proceedings; some required minor technical alterations to improve articulation and meaning. This bill shows that the Government takes a comprehensive and sensible approach to its reform agenda. We have a wide-ranging scope for improvement and an Attorney General who has his finger on the pulse. A driving force behind some of these amendments was the Government's response to the Domestic Violence Death Review Team 2011-12 annual report. It contained a number of case reviews, a collection of data and several recommendations. The amendments relating to the definition of "domestic violence death" and the definition of "domestic relationship" implement the first two recommendations of the annual report. These recommendations are being made to ensure that the Coroners Act enables reviews to take place subject to clear and uniform criteria.

First, the definition of domestic violence death is being expanded to include additional relationships that are not currently covered. These new relationships will cover situations where the perpetrator kills the new partner of his or her ex-partner, the perpetrator kills a person mistakenly believing they are in a relationship with their ex-partner, or a witness or bystander to domestic violence is killed by the perpetrator of the violence. Secondly, the definition is being amended to ensure that deaths are only being reviewed where they occur in the context of domestic violence. I will now outline further the rationale and technicalities for the alterations to some of the Acts. In relation to the amendment relating to annulment applications in the Local Court, only people who are genuinely unable to attend court through no fault of their own and are convicted or sentenced in their absence will be able to make an application to annul that conviction or sentence.

The amendment of the Drug Misuse and Trafficking Act to include encapsulators is an interesting alteration that should have valuable prosecuting power to help combat the manufacture, distribution and sale of illegal narcotics in this State. The alteration stands to correct or, better still, close a loophole whereby drug manufacturers have been encapsulating narcotics as opposed to pressing them into pills or selling the substance in powdered form. Furthermore, the amendment stands to extend the offences to unique parts of these devices. Currently, a disassembled tablet press or one from which a single vital part has been removed may fall outside the provisions as it would not be "capable of being used to produce a prohibited drug". The amended definition of "tablet press" and the definition of "drug encapsulator" in the bill will include "a unique part of such a device" so that the offence provisions will capture these items.

An amendment is made to the Oaths Act 1900 which will work toward clarifying the language surrounding the identification requirements of Commonwealth statutory declarations and affidavits. I have discussed only a few of the changes contained in the bill and I am sure other members will discuss the bill further. What I wish to convey is that these amendments will strengthen our legal system. In this instance they will strengthen it not as a result of major changes in response to high-profile cases but by addressing the little things that come from consultation with stakeholder groups and government agencies such as the NSW Police Force or reviews such as the Domestic Violence Death Review Team annual report. I support the various aspects of the bill and commend the Attorney General for his diligence in these matters.

Mr ANDREW ROHAN (Smithfield) [9.08 p.m.]: I support the Crimes and Courts Legislation Amendment Bill 2013 in its entirety. I will not endeavour to comprehensively cover the litany of amendments proposed in the bill, but I will touch on a few of the items that will prove to be of most weight in their effect on the Smithfield electorate. Firstly, the amendment in item [4] of schedule 1 of the bill seeks to remove the qualification currently in section 101C (1) (d) of the Coroners Act 2009 that there must be a relationship involving previous domestic violence between the victim and the perpetrator. This is crucial in recognising that domestic relationships exist where there is a real risk of violence resulting in death, despite the lack of any previous direct violence between the two parties. For example, there may have been a history of domestic violence between intimate partners but the deceased is a child of that partnership and has not previously been the target of abuse.

The amendment follows the recommendations set out in the 2011-12 annual report of the New South Wales Domestic Violence Death Review Team. The amendment to remove the requirement of any previous domestic altercation between the relative of the perpetrator and the perpetrator brings consistency following the expansion of the relationships recognised as "domestic relationships" that result in a domestic violence death—

that is, the amendment follows from the recommendations—as fulfilled in items [1], [2] and [3] of schedule 1, that domestic violence death also means the death of a person who is a third party to a domestic relationship, and the death occurs in the context of domestic violence. By recognising this category of domestic relationship, the protection and welfare of the innocent, particularly children of the domestic unit, are secured. Kelly Richard's report, "Children's exposure to domestic violence in Australia", as published in the *Trends and issues in crime and criminal justice* paper series of the Australian Institute of Criminology, notes that there are wide health and socio-economic implications arising from the exposure of children to such violence, including increased risk of future alcohol and drug abuse and depression, as well as early death.

Secondly, the amendments in schedule 6 to the bill lay out an extended application of offences dealing with tablet presses, encapsulators and unique components used by, or in conjunction with, encapsulators. The bill clarifies that it is an offence to possess a tablet press or a drug encapsulator, including any unique parts of such a press or encapsulator. This provides a direct response to the recent spurt in the number of suburban drug labs around Sydney. Only days ago, a normal-looking house in Bankstown was left charred after being engulfed in flames due to the explosion of flammable chemicals used in a drug lab. Another recent story highlighted the explosion of a shed, leaving two men comatose. Detective Superintendent Nick Bingham has stated that two drug labs are discovered every week, bringing the total to 83 this year so far. These drug dens are most likely laden with devices, including tablet presses and encapsulators used in the manufacture of illicit substances. It is crucial, then, to ensure that such devices, or unique parts specific to such devices, are prevented from falling into possession of drug lab operators.

Consequentially, schedule 7 amends the Drug Misuse and Trafficking Regulation 2011 by replacing the reference to a pill or tablet press with references to a tablet press and drug encapsulator, following amendments made to the Drug Misuse and Trafficking Act 1985. Thirdly, schedule 8 clarifies that special rules in relation to the compellability of the spouse or de facto partner of an accused person to give evidence in proceedings for a domestic violence offence or child assault offence apply only to the spouse or de facto partner. This follows from the ambiguity in section 19 as found in the case of *LS v the Director of Public Prosecutions (NSW) and Anor*, as well as recommendations by Justice Johnson, who heard the case. This aligns the relevant provisions with similar versions that exist in other Australian jurisdictions where the Uniform Evidence Act has been adopted. Fourthly, the amendments contained in schedule 13, especially items [1] and [5], clarify that the existing provisions relating to statutory declarations and affidavits given by persons who are blind or illiterate extend to all persons who are unable to read written English.

The previous difficulty of this provision was in defining what "illiterate" meant or was understood to mean. A person unable to read written English may be well able to read in his or her own language, and thus be literate. This amendment is crucial, especially when vital instruments such as statutory declarations are increasingly used by communities with many non-English speaking constituents, such as the Smithfield electorate, in the conduct of their affairs. It is legally and economically significant that any person who is deposing a statement of truth is absolutely sure of what they are representing. The other items in the bill as outlined by the Attorney General update the provisions of various Acts to meet the developing understanding and interpretations of the law by the courts, the expectations of society and the needs of the people. The amendments I have mentioned will impact positively on many of my constituents, given the make-up of the Smithfield electorate. I commend the bill to the House.

Mr MARK COURE (Oatley) [9.16 p.m.]: I speak in support of the Crimes and Courts Legislation Amendment Bill 2013. This legislation relates to a number of sections in the Crimes and Courts Act, and covers the Government's response to the Domestic Violence Death Review Team, the annulment of applications in the Local Court, amendments to the Drug Misuse and Trafficking Act, an amendment to the Crimes (Forensic Procedures) Act and amendments to the Justice of the Peace Act and the Oaths Act. A key role of any State government is to ensure that our cities and suburbs are as safe as they possibly can be. This bill works towards achieving this goal. I support the Government's response to the recommendations of the Domestic Violence Death Review Team. I note the changes to the definition of "domestic violence death", with the inclusion of additional relationships that were previously not covered in the Act. I support the extension to the relationships that are covered by the legislation and find it surprising that these types of relationships were not previously recognised under the former Domestic Violence Act. These changes are the result of the 2011-12 annual report of the Domestic Violence Death Review Team, which examined the incidence of domestic violence deaths that occurred between 1 July 2000 and 30 June 2009.

I also support the amendment to the law relating to annulment applications in the Local Court. This legislation makes clear that an applicant may only seek to annul an order made in his or her absence. The

Crimes (Appeal and Review) Act 2001 provides scope for annulment of a conviction or sentence where the court is satisfied that the applicant was not aware of the proceedings or was hindered from attending court. While this is an important component of legislation, further attention to this situation was required as the Government had become aware that persons were successfully making applications to have sentences overturned when they were actually present at the proceedings. This amendment will not lead to a reduction in the rights of accused persons but will clarify the provision and ensure that the law is applied fairly and effectively. I firmly support the amendment to the Drug Misuse and Trafficking Act to include many things including encapsulators. In particular this amendment relates to tablet presses and extends the scope of the Drug Misuse and Trafficking Act so that machines that are capable of producing prohibited drugs in capsule form are banned.

This amendment closes a loophole where previously only the term "tablet press" was covered in the Act, which could have caused a situation where encapsulators were not dealt with. Moreover, this Act will also cover components and parts of these devices to ensure that innovative criminals do not find a way around the Act and produce prohibited drugs. This amendment to the Act is particularly important. I firmly believe illicit substances have no place in our streets and no place in our communities. We are all aware of a number of drug-related incidents that have occurred recently. Drugs not only have an adverse impact on the people who are taking them but also bring with them drug-related crimes. Recently there have been a number of drug-related violence incidents in and around my electorate of Oatley. It is for this reason that I support any legislation that attempts to crack down on the prevalence of drug use in our community.

In addition to these amendments I also firmly support the other amendments in the legislation, including the amendments to the Crimes (Forensic Procedures) Act to allow courts to make orders for the measurement of heights of suspects. This will further strengthen the police investigation process and could prove helpful in determining the guilt or innocence of an accused party in a court. I note the changes to the Justices of the Peace Act 2002 and welcome the legal basis now granted for a justice of the peace to certify copies of original documents. This is important to me as my Hurstville electoral office assists dozens of people on a daily basis with justice of the peace services and applications. I support the changes to the legislation outlined in the Crimes and Courts Legislation Amendment Bill 2013.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [9.20 p.m.], on behalf of Mr Greg Smith, in reply: I thank the members representing the electorates of Liverpool, Mulgoa, Wollondilly, Smithfield and Oatley for their contributions to the debate on the Crimes and Courts Legislation Amendment Bill 2013. The bill makes a number of important amendments to the criminal laws of this State. The amendments will ensure that criminal laws and procedures continue to be as effective as possible. The amendments will also support the effective administration of justice in New South Wales. 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 Craig Baumann, on behalf of 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.

GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL 2013

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

ACTING-SPEAKER (Mr John Barilaro): Government business having concluded, the House will now consider the matter of public importance.

CARERS WEEK

Matter of Public Importance

Mrs BARBARA PERRY (Auburn) [9.22 p.m.]: The week of 13 to 19 October marks Carers Week 2013. Carers Week provides us all with the opportunity to reflect on the wonderful contribution that carers make to our society. The theme of this year's Carers Week is, "Be Care Aware—Support and Celebrate Australia's Carers", in recognition that carers never stop caring but, just like everyone else, they need a break and support to look after themselves. I am sure that many members of this House have been out and about this week meeting carers, presenting local carers awards and joining in activities for carers in their local communities. The National Carers Day Out, held yesterday in Martin Place, is a fantastic initiative, supported by New South Wales Carers Australia—an incredible support and advocacy organisation for carers in this State and across Australia. Other supporters are the New South Wales Government, City of Sydney and Babana Aboriginal Men's Group, Redfern. The event helped to generate awareness of the irreplaceable contribution that carers make to individuals, families and communities. The National Carers Day Out also gave carers a break and a chance to indulge in laughter, yoga, gardening, workshops, a Japanese tea ceremony, art therapy and a host of other great activities.

Yesterday I had the pleasure of attending the Auburn City Council's 2013 Carers Week event to present our local carers award to an inspirational member of our community, Xiao Duong. As a non-English speaking migrant from China, Xiao Duong learnt English especially to help her communicate with health professionals and teachers on behalf of her daughter Julie, who was born with spinal macular atrophy. Xiao's constant selfless care has provided Julie with the support that has enabled her to succeed beyond her wildest dreams. Julie has travelled to Hong Kong, Beijing, the United States and Singapore. She is in her final year of a Bachelor of Psychology at the University of Western Sydney and hopes to do an internship in New York. Julie said that, without her mum's care, she would not have developed such a level of independence or reached the milestone of going to university.

Xiao's care for Julie is a wonderful example of the importance of such care to maximising a child's potential. In New South Wales more than one in 10 people are carers. There are more than 850,000 people of all ages in New South Wales who provide formal care and support for family members or friends with a disability, mental illness, drug and alcohol dependence, a chronic condition or who are frail. Carers include anyone who is an unpaid care worker—parents, partners, brothers, sisters, grandparents, friends, sons or daughters. The statistics paint a vivid picture of who the carers in our community are. Sixty-eight per cent of primary carers and 55 per cent of all carers in Australia are female, 45 per cent of primary carers care for their partners, 23 per cent care for a child, and 22 per cent care for a parent.

It is becoming increasingly common for primary carers to be "sandwich carers". This term refers particularly to baby boomers, who have become the first generation to be sandwiched between the care of adult children—and sometimes grandchildren—and their parents. Fifty-nine per cent of primary carers care for five years or more and 35 per cent of primary carers spend 40 hours or more per week caring. There are about 2.6 million carers across Australia. The dollar value attributed to their collective effort is approximately $40 billion a year nationally and $13.5 billion in New South Wales. Whilst there is no way our society can repay these individuals in monetary terms for the generosity and dedication they display in caring for others, we can do more to provide support for our carers. We need to be care aware.

A survey of 4,096 informal carers conducted as part of the 2007 Australian Unity Wellbeing Index revealed that 37 per cent of carers reported experiencing severe to extremely severe symptoms of depression and stress. The survey also found that carers had a Personal Wellbeing Index score of 58.5 points out of 100 compared with the normative population range of 73.6 to 76.3 points out of 100. Psychology researcher at Deakin University Thomas Hammond concluded that:

> Despite the considerable benefits of informal caring for those who require care and the social and economic benefits for the wider community, there is a substantial cost. More often than not, it is the carers who pay the price. We put someone in the position of carer and expect them to function at their best in order to assist the person in their life who needs care. But when carers suffer stress and depression, we have another person with a different type of disability.

This debate is important. It is important to talk about this issue publicly and for parliamentarians, together with the community, to give carers a voice and the support they need.

Mr BART BASSETT (Londonderry) [9.27 p.m.]: It is a pleasure to lead for the Government in this debate to acknowledge Carers Week 2013. Carers Week commenced on Sunday 13 October and will run until

Saturday 19 October. Carers Week 2013 is a national celebration of the 2.6 million unpaid carers in our community who care for a loved one. Carers are the cornerstone of Australia's mental health, aged, disability and palliative care systems, amongst others. Without the support of unpaid family carers, these systems would simply collapse. "Be Care Aware" is this year's theme and on Monday the Hon. John Ajaka, the Minister for Ageing, and Minister for Disability Services, presented awards to 10 wonderful people, ranging in age from 16 to 79 years, at the 2013 Carers Week awards ceremony held at Parliament House. I acknowledge Anne Naylor from West Pennant Hills who is the 2013 NSW Carer of the Year. The Hon. John Ajaka said that Anne takes her caring role seriously, advocating on behalf of three of her four children who need care and devotes her time to educating others about caring for children with a disability. Anne said:

> As a carer I am resourceful and capable and there are some things I struggle with but perfection and I parted company a long time ago so I just try to be positive and never give up.

In addition, the Minister presented awards to Brian Attard from Guildford, Anne Burgess from Yass, Angela Chorusch from Woodrising, Wendy Harris from Batemans Bay, Karrie Lannstrom from Broken Hill, Stephanie Pinilla from Mount Warrigal, Sue Sharkey from North Epping, Harold and Betty Smith from Collaroy, and Ellizabeth Smyth from Goonellabah. They were all highly commended. Carer Support Group award recipients were the Bankstown Dementia Carers Group and Samarpan at Epping. I congratulate all recipients on receiving their well-earned awards at the ceremony on Monday and thank them for the work they do to help their loved ones and other people in our community.

Care awards will also be presented to 51 individual carers and 11 carer support groups across the State. The Hon. John Ajaka, the Minister for Ageing and Minister for Disability, announced details for a Carers Summit to be held early in 2014 to provide a strong foundation for a New South Wales Carers Strategy, which will be drafted and released later in the year. As the member for Auburn said, the Minister also opened the National Carers Day Out at Martin Place. I am told it was a great event to help promote awareness amongst the public about the important role that carers play in our community. There was live entertainment, guest speakers, and a range of information stalls and workshops available to carers and members of the public. As we have heard—and it is worth repeating—in New South Wales there are 850,000 carers and a staggering 100,000 are under the age of 25. A carer is somebody who provides unpaid care and support for family or friends who need help with everyday aspects of life because of disability, mental condition, mental illness or frailty. Australia has more than 2.6 million people who are carers.

This is a matter of public importance because carers are, literally, unsung heroes who quietly provide care and support without fanfare and praise. Many people in Australia provide care and do not recognise they are carers. This means that they are not currently accessing available services and supports. If someone amongst us who cares for someone without any support makes a connection with a carer support group because of publicity generated by events associated with Carers Week, then the exercise is worthwhile and valuable not just for our community but for those individuals. I know many people who are carers and who suffer from physical and mental exhaustion. The support services offered by organisations such as Carers NSW are absolutely invaluable. Not only are carer support networks great resources to provide advice and assistance to carers, but also they help run many social events that bring carers together to share stories, exchange ideas and just take time out to relax and have a laugh.

Unfortunately—and more often than we would like—carers suffer and become isolated and lonely, and this can affect their physical and mental health, and general wellbeing. Discussing unpaid carers and their important role in our society can help break their cycle of isolation. Organising a get-together with workplace colleagues, friends or members of a local community to discuss carer concerns and issues and to share information about carer resources is extremely important. This year more than 400 events are being held across New South Wales to celebrate Carers Week. The New South Wales Government is proud to support Carers Week. Congratulations to every carer and thank you for what you do.

Ms ANNA WATSON (Shellharbour) [9.32 p.m.]: I am delighted to contribute to this discussion about carers. Psychology researcher at Deakin University Thomas Hammond has concluded:

> Despite the considerable benefits of informal caring for those who require care, and the social and economic benefits for the wider community, there is a substantial cost. More often than not it is the carers who pay the price. We put someone in the position of carer and expect them to function at their best in order to assist the person in their life who needs care. But when carers suffer stress and depression we have another person with a different type of disability.

Generally carers ignore their own health needs to their detriment and that of their families and the people for whom they care. How can we help carers understand that caring for their own health is so important? Last year

Carers NSW conducted a survey of carers asking what they believed would help to improve their mental health and wellbeing. The most common responses were requests for more regular breaks from caring; practical support, such as improved access to care workers and domestic help; more support from services; and more financial support.

With the needs of carers in mind, a recent South Australian pilot program sought to support a community network facilitator to assess caregivers' needs and help mobilise the carers' own support network or initiate contact with other community supports. This study has shown that the provision of a community network facilitator significantly improved caregiver fatigue, decreased resentment in their role as carers and sparked greater confidence to ask for assistance, access to resources and support. Carer Assist is one of several organisations in New South Wales that supports carers through carer advocates. Katherine Clarke is a carer advocate in the Southern Highlands who coordinates programs to support carers and helps them to access services. This month Katherine has organised a workshop for carers of someone with dementia, other cognitive changes or mental illness to create memory books. Last week Katherine ran a workshop called "Assisting to Care for Yourself" for carers in the local community. Katherine also hosts regular pamper days. She is a credit to her community and deserves every bit of recognition she receives.

The following statistics relate to the profile of carers: 68 per cent are primary carers and 55 per cent of all carers in Australia are female. Primary carers mostly care for a partner, 45 per cent; a child, 23 per cent; or a parent, 22 per cent. Some 59 per cent of primary carers care for five years or more; and 35 per cent of primary carers spend 40 hours or more per week caring for someone. Carers NSW represents the 849,700 people of all ages in New South Wales who provide informal care and support for family members or friends with a disability, mental illness, drug and alcohol dependency, chronic condition or who are frail. I commend the member for Auburn for bringing this matter of public importance to the House.

Mrs BARBARA PERRY (Auburn) [9.35 p.m.], in reply: I thank the members representing the electorates of Shellharbour and Londonderry for supporting this matter of public importance and speaking eloquently in providing so much information. Evident from their contributions was that carers represent every demographic in our community. Youths care for parents, and workers, many full-time, are carers. Employers find out accidentally that their employees are carers for elderly parents or relatives with disabilities or illness. During Carers Week 2013 Carers Australia encourages us to take a moment to think about what we as employers or work colleagues can do to be aware of carers in our workplaces as they juggle their time and health.

I conclude with these remarks. We have heard about some of the research in this area, but further research into public policy has been undertaken by people such as Robert Pupman, and economist and Federal Labor member of Parliament Andrew Lee. They have shown more and more the vital importance of social capital—the bonds that keep communities together to benefit individuals and communities. Their research pointed out that government can make or break this social capital, of which carers are an integral part, and without them government services would be even more stretched and society more alienated. We need to be carer aware and value what clearly cannot be measured in economic terms.

Carers are such a valuable foundation. The member for Londonderry said that carers are the unsung heroes and cornerstones of our communities. Often they do not want recognition. Yesterday I heard some stories at the functions I attended. For example, a worker reported that a young man at one school was placed on detention for not doing homework, but no-one had bothered to ask him why. It turned out that this young man was looking after a parent. I have heard many similar stories. We just do not stop to think to ask or get to the bottom of the matter. More young people are taking on the responsibility of caring. I have spoken about sandwich carers, which is another issue. Carers are a valuable foundation of our communities. Without carers of all ages, demographics and walks of life, so many people would not have the warmth and joy they need to keep going. Carers are an inspiration. The member for Londonderry is right: They are the unsung heroes. We take our hats off to them and thank them for their contribution to our State, their families and loved ones.

Discussion concluded.

The House adjourned, pursuant to standing and sessional orders, at 9.38 p.m. until Thursday 17 October 2013 at 10.00 a.m.