

24 HOUR FIGHT AGAINST CANCER MACARTHUR .....	24624
ABC RADIO 1233 .....	24627
ADMINISTRATION OF THE GOVERNMENT OF THE STATE .....	24591
ALBURY ELECTORATE COMMUNITY ACHIEVEMENTS .....	24585
ALL SAINTS GREEK ORTHODOX GRAMMAR SCHOOL .....	24584
AUSTRALIAN DRAGON BOAT CHAMPIONSHIPS .....	24590
BALMAIN ELECTORATE PRECINCT COMMITTEES .....	24586
BANKSTOWN MEMORIAL OVAL .....	24638
BURRINJUCK ELECTORATE PUBLIC SCHOOLS .....	24625
BUSINESS OF THE HOUSE .....	24558, 24568, 24591, 24591, 24604, 24606
CABRAMATTA ELECTORATE COMMUNITY EVENTS .....	24584
CARINDA HOUSE THIRTY-FIFTH ANNIVERSARY .....	24590
CAT PROTECTION SOCIETY .....	24587
CENTRAL COAST STREETLIGHT TRIAL .....	24630
CESSNOCK ELECTORATE VOLUNTEERS .....	24640
CHIFLEY COLLEGE RURAL FIRE SERVICE CADET PROGRAM .....	24588
CHILD PROTECTION LEGISLATION AMENDMENT (OFFENDERS REGISTRATION AND PROHIBITION ORDERS) BILL 2013 .....	24558
COMBAT SPORTS BILL 2013 .....	24613
COMMUNITY RECOGNITION STATEMENTS .....	24584
CONSIDERATION OF MOTION TO BE ACCORDED PRIORITY .....	24606
CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT BILL 2013 .....	24617
CRIMES (SENTENCING PROCEDURE) AMENDMENT (STANDARD NON-PAROLE PERIODS) BILL 2013 .....	24558
CRIMES AND COURTS LEGISLATION AMENDMENT BILL 2013 .....	24591
CYCLEWAYS .....	24631, 24634
CYCLIST CHARLIE GASCOYNE .....	24588
DAPTO TAFE CAMPUS .....	24629
EASTERN CREEK PIONEERS SOCCER CLUB .....	24586
ELECTORAL DISTRICT OF MIRANDA .....	24591
EXPLOSIVES AMENDMENT BILL 2013 .....	24564, 24568
FAIRFIELD HOSPITAL HAND THERAPY CENTRE .....	24587
FAIRFIELD LIONS CLUB AND CHAMBER OF COMMERCE CHARITY EVENT .....	24589
FINES AMENDMENT BILL 2013 .....	24572
GOVERNMENT SECTOR EMPLOYMENT LEGISLATION AMENDMENT BILL 2013 .....	24609
GREEK OLDER WOMEN'S NETWORK PINK RIBBON MORNING TEA .....	24585
HMAS PARRAMATTA .....	24626
INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2013 .....	24558
INVERELL TOASTMASTERS BREAKFAST CLUB .....	24588
KIAMA UNDERAGE DRINKING PROJECT .....	24587
LIVERPOOL HOSPITAL 200TH ANNIVERSARY .....	24637
LIVERPOOL TO PARRAMATTA BUS SERVICES .....	24621
MARIE FOSTER 100TH BIRTHDAY .....	24585
MIRANDA ELECTORATE TRAIN TIMETABLES .....	24599
NEW SOUTH WALES VIETNAMESE ELDERLY FRIENDSHIP ASSOCIATION .....	24588
NEWCASTLE 2020 PROJECT .....	24641
NEWPORT PUBLIC SCHOOL PARENTS AND CITIZENS ASSOCIATION .....	24589
NORTHERN TABLELANDS PUBLIC SCHOOL FUNDING .....	24642
NSW CHILD DEATH REVIEW TEAM .....	24558
NUFFIELD SCHOLARSHIP RECIPIENT KESHAV TIMALSENA .....	24591
OATLEY ELECTORATE INFRASTRUCTURE .....	24635
ORANGE ELECTORATE INFRASTRUCTURE .....	24636
ORANGE WINE WEEK .....	24585
PETITIONS .....	24605
PLANNING REFORM .....	24597
PLEDGE OF LOYALTY .....	24591
PORT HACKING LITTLE ATHLETICS CENTRE .....	24588
PORT MACQUARIE "MAGNIFICENT SIX" .....	24589
PORT MACQUARIE LIONS CLUB .....	24590
PORT MACQUARIE RESIDENTS ACTION NETWORK .....	24586

PRIVATE MEMBERS' STATEMENTS .....	24621, 24637
PUBLIC ACCOUNTS COMMITTEE.....	24604
PUBLIC SCHOOL FUNDING .....	24592, 24594, 24596
QUESTION TIME .....	24592
RED CROSS VOLUNTEER NEITA MIDDLEMISS .....	24589
REGISTERED CLUBS AND HOTELS BUSHFIRE ASSISTANCE .....	24595, 24606
ROZELLE NEIGHBOURHOOD CENTRE .....	24589
SCHOOL FUNDING .....	24600
SKILLS BOARD BILL 2013 .....	24636
SMALL ACRES CYDER .....	24590
SOLAR FEED-IN TARIFF .....	24601
SOUTH WEST ITALO-AUSTRALIAN ASSOCIATION TWENTIETH ANNIVERSARY .....	24631
SPORTS BETTING COMPANIES.....	24633
ST JOHN AMBULANCE VOLUNTEERS ANNUAL AWARDS .....	24587
ST VINCENT'S HOSPITAL TIERNEY HOUSE.....	24590
STATE AND REGIONAL DEVELOPMENT COMMITTEE.....	24605
STATE BUSHFIRES .....	24593, 24643
STATE SEASONAL CONDITIONS.....	24603
SURRY HILLS GRAFFITI REMOVAL DAY .....	24584
SUTHERLAND HOSPITAL ANNUAL DINNER DANCE .....	24584
SWANSEA ELECTORATE BUSHFIRES .....	24622
TAREE TIGERS HOCKEY CLUB .....	24586
TERREY HILLS PUBLIC SCHOOL .....	24587
TRIBUTE TO DONALD EDMOND HOPKINS, OAM .....	24639
TRIBUTE TO GORDON AND MICHAEL CREIGHTON .....	24584
TRIBUTE TO MARY HAMER.....	24625
TRIBUTE TO MICHAEL MAHER, OAM .....	24641
TRIBUTE TO SALVATORE LENTINI.....	24632
WARRIEWOOD VALLEY PUBLIC TRANSPORT .....	24628
WILLIAMS RESERVE, LENNOX HEAD .....	24623

# LEGISLATIVE ASSEMBLY

Wednesday 23 October 2013

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

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

## NSW CHILD DEATH REVIEW TEAM

### Report

**The Speaker** tabled, pursuant to section 34I of the Community Services (Complaints, Reviews and Monitoring) Act 1993, the report of the NSW Child Death Review Team for 2012.

**Ordered to be printed.**

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

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

**Messages received from the Legislative Council returning the bills without amendment.**

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2013

### Second Reading

**Debate resumed from 22 October 2013.**

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [10.04 a.m.]: I support the Industrial Relations Amendment (Industrial Court) Bill 2013. The objects of the bill are:

- (a) to amend the *Industrial Relations Act 1996*:
  - (i) to provide for the Industrial Relations Commission in Court Session (also called the *Industrial Court*) to be constituted only by a single judicial member and not by a Full Bench, and
  - (ii) to provide for the various existing functions of such Full Benches to be distributed between the Supreme Court, the Industrial Court constituted by a single judicial member and the Industrial Relations Commission (other than in Court Session), and
  - (iii) to enable certain Judges of the Supreme Court to act as judicial members of the Industrial Court, and
- (b) to amend the *Supreme Court Act 1970*:
  - (i) to enable judicial members of the Industrial Court to act as Judges of the Supreme Court, and
  - (ii) to limit proceedings that are assigned to the Court of Appeal on appeals from, or for the judicial review of, decisions of the Industrial Relations Commission to those involving decisions of the Industrial Court or a judicial member, and
- (c) to amend the *Criminal Appeal Act 1912* to provide for appeals to the Court of Criminal Appeal in respect of convictions for offences by the Industrial Court and for cases stated in criminal appeals before the Industrial Court, and
- (d) to make other consequential or related amendments to legislation.

These amendments are necessary because of the dramatic decline in the Industrial Court's workload over the past decade. That decline was noted by both the Attorney General in the second reading speech and the member for Liverpool leading for the Opposition in this debate. It was also the subject of a speech made in the Legislative Council on 20 March 2013 by the Hon. Adam Searle. He noted the dramatic decline in the workload of the judges of the Industrial Court and discussed what could be done about it. He also referred to clause 29 of a joint statement of principles issued by 20 chief justices at the Conference of Chief Justices held in Beijing in August 1997, which states:

... where a court is abolished or restructured all existing members of the court must be reappointed to its replacement or appointed to another judicial office of equivalent status or tenure. Members of the court for whom no alternative position can be found must be fully compensated.

The Hon. Adam Searle said that the decline in the workload of the judges of the Industrial Court raised two important issues: Is the public getting value for money from these superior court judges, and has the Government through its various actions embarked on a deliberate course to deprive superior court judges of their proper role? He said that if that were true it should be remedied and that the Parliament should enact legislation to confer compatible jurisdictions upon the court to ensure that judges are fully engaged. He further stated:

If the Government and the Parliament are not willing to rebuild the jurisdiction of that court as they should they should take the principled approach provided for by both the Chief Justices of the Asia-Pacific region and indeed our own Constitution by closing down the court entirely and appointing those remaining judges to the Supreme Court or paying them out all their entitlements ...

I will deal with a number of those propositions. The first relates to the declining court workload, which is the result of the passage of the WorkChoices legislation in 2007 and the referral of industrial relations powers to the Commonwealth by the State Government in 2009. It is true that the transfer of work safety and health prosecutions away from the Industrial Court has caused a significant decline in workload. However, that is only because very little other work remained by the time the Work Health and Safety Act 2011 commenced. Indeed, only about 20 per cent of the Industrial Court's workload prior to 2006 related to work health and safety prosecutions. There has been no conspiracy, nor has the Government had any evil motive in respect of the future of the Industrial Court. It has simply run out of work.

What do we do about that? The member for Liverpool said that a preferable course of action would have been to rebuild the court's jurisdiction earlier, and the Hon. Adam Searle said much the same. As the Attorney General pointed out in the second reading speech, the Government has considered that option and determined that it is neither feasible nor practical. For example, the Government looked at whether the Industrial Court could hear employment-related work that is now handled by the District Court and the Supreme Court, such as issues dealing with restraint of trade clauses in employment contracts. Between them, the District Court and the Supreme Court hear, on average, fewer than 40 of those matters each year, and to transfer them to the Industrial Court would not have made a real difference to its jurisdiction.

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 it does not suit the Industrial Court's status as a superior court of record. The Industrial Court being specialised and having superior status extremely limits the opportunities to confer work upon it. The court's reduced workload prompted four of its five judges to retire before reaching the mandatory retirement age of 72 years. The Opposition's suggestion to rebuild the court's jurisdiction is not appropriate or practical.

The Government has done what the Hon. Adam Searle in the other place said should be done. It is paying out judges' entitlements according to law rather than allowing the institution to wither away with the passage of time. The Government has gone further and taken corrective action so that the one remaining judge enables the Industrial Court to continue its role. The Government has taken the principled approach about which the Hon. Adam Searle spoke in the other place. This bill is consistent with that principled approach and will preserve judicial independence. The court is not being abolished. The current structure is preserved and will ensure that the commission can continue to perform its work impartially and efficiently. The Industrial Relations Commission will be presided over by a president who is an independent judicial officer, as is the current case with Justice Bolton—an experienced judge with the commission. The Government appreciates and acknowledges the important role of the Industrial Relations Commission in promoting fairness and economic stability in this State.

The bill is not about abolishing the Industrial Relations Commission; it is about putting the commission on a sustainable footing and making sure it remains a cost-effective specialist institution in the longer term. The

Hon. Adam Searle asked: Is the public getting value for money from these superior court judges? The answer is that without this restructure the public will not be getting value for money: The court does not have enough work. The Government considered other ways to remedy the situation by enhancing the jurisdiction, but it was not practical or feasible. As I have stated already, there is no deliberate course to deprive superior court judges of their proper judicial role. The diminution of work is the natural consequence of work health and safety changes but, more importantly, from Federal changes over which this Government had no control. The bill is not attacking the independence of the Industrial Relations Commission; suggestions to the contrary are just nonsense. Rather, we are taking the principled approach that the Hon. Adam Searle implored should be taken. The Government has proved that it is willing to provide the commission with additional resources when workload levels are justified. Just this year the Government recognised the need for more non-judicial resources and appointed Commissioner Newall.

Clearly, the commission's judicial workload does not justify the appointment of additional full-time judges. This amending bill makes sure that the commission can operate with a single full-time judicial member. From time to time additional resources will be needed; that is why the bill enables Supreme Court judges to hear first-instance matters in the Industrial Court. This will ensure that additional judicial resources can be made available to meet unexpected workload increases. The Industrial Relations Commission will continue to be presided over by a president who is an independent judicial officer of Supreme Court status, which is currently the case. 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. This bill will ensure that the commission continues in that role. Therefore, I support the bill.

**Mr KEVIN ANDERSON** (Tamworth) [10.13 a.m.]: I support the Industrial Relations Amendment (Industrial Court) Bill 2013. Since 2011 the Coalition Government has applied a common-sense approach to many rules and regulations in governing this State and it has implemented appropriate amendments where required. The Government continues to be flexible to make things easier for the community to do business and for the State to operate. A raft of reforms achieved in education, Roads and Maritime Services through the Hon. Duncan Gay in the other place, transport through Minister Gladys Berejiklian's fantastic changes to train timetables and other public transport, and police through the Hon. Mike Gallacher in the other place make our State a better place for our community and for those who run businesses. Yesterday, the education Minister rolled out \$100 million of the \$300 million education package under the Gonski reforms for schools in our region. The Tamworth electorate has had \$2.6 million allocated to its 39 schools, some of which received funding increases of more than 95 per cent, which will directly benefit students and school communities.

The Industrial Relations Amendment (Industrial Court) Bill applies exactly the same common sense. A number of members spoke about the significant decline of the workload and role of the Industrial Relations Commission over the past 10 years or more. This opportunity is the perfect example to tighten the belt, to use taxpayer dollars wisely and to give more funds to the needy rather than leaving the status quo and continually pumping money into a declining area. The bill will enable the Industrial Court of New South Wales to operate with a single judicial member by altering certain legislative provisions that require the use of three Industrial Court judges. The amendments also enable judges of the Supreme Court to hear particular matters in the Industrial Court and vice versa. That will simplify the system and allow people to get on with what they do best and continue to operate their businesses.

Primarily, the reason for this change is that most private sector workers now fall under the Federal industrial relations system. The commencement of nationally consistent work health and safety laws from 1 January 2013 further reduced the judicial workload of the Industrial Relations Commission, giving weight to this amendment. Opposition members in the other place also are starting to think about that. The Hon. Adam Searle spoke about reforms that should happen in this instance. This widespread approach should be accepted by the Government and the Opposition. On 11 September 2013 the Attorney General informed Parliament that four of the five judges in the Industrial Relations Commission had decided to retire before reaching the mandatory retirement age of 72 years. Justice Walton, the Industrial Relations Commission Vice-President, will head the commission when the current president, Justice Bolton, retires but will remain part-time for 12 months. The predicted future workload of the Industrial Court does not justify appointing replacement judicial members. This is a common-sense approach to how best to serve the people of New South Wales.

Consequently, legislative amendments are required to ensure that the Industrial Relations Commission can operate with a single judicial member. Abolishing the Industrial Relations Commission has been the subject of some discussion. This bill is not abolishing the commission; it is putting it on a sustainable footing to make sure it remains a cost-effective specialist institution in the longer term. Regardless of the operational level of the

Industrial Relations Commission or a community school, this Government looks to long-term sustainability to make sure amendments are cost effective. Regardless of the level at which we operate, this industrial relations amendment cuts across all spheres and genres.

When living in changing times and implementing appropriate amendments where required, none too big and none too small, this Government and the Ministers who head agencies and departments that impact on our lives use common sense to find a better way to do things to make it easier to do business with government. The Government appreciates the important role that the Industrial Relations Commission plays in ensuring that industrial disputes are resolved quickly and efficiently. This bill does not affect the structure of the Industrial Relations Commission or the work that it performs. Often disputes drag on. That does not benefit anyone; rather, it lines the pockets of the silks who are arguing the cases. In most cases workers want to get back to their jobs and back to what they do best—that is, providing a service to our community. We need to match them by making sure we provide the best service possible, hence this amendment bill.

This year the Government appointed Commissioner Newall to the Industrial Relations Commission in recognition of the commission's need for additional non-judicial resources. These amendments are not about downgrading the Industrial Relations Commission, putting the umpire on the bench or making sure there is no umpire to give direction to those looking to take industrial action. The Government has taken positive steps to make sure that the Industrial Relations Commission remains a distinct institution. For example, the Government did not include the Industrial Relations Commission in the list of tribunals to be consolidated into the New South Wales Civil and Administrative Tribunal.

Even the Opposition admitted that the contraction of judicial work had been so profound that by the end of this year Industrial Court judges effectively will only have work as arbitrators. That is accepted by both sides of politics. Currently a full bench of three Industrial Court judges is required, at enormous cost, to hear an appeal against any decision made by a single judge. This bill provides for the Court of Appeal or the Court of Criminal Appeal to hear such appeals in the future. The bill enables a number of other matters that currently require three judges to remain within the jurisdiction of the Industrial Relations Commission, including appeals to the Industrial Court from the Local Court, appeals in relation to public sector promotional and disciplinary matters, proceedings for contempt, appeals regarding the summary dismissal of police officers and deregistration of industrial organisations.

I congratulate the Attorney General, Greg Smith, and his team on their work, their attention to detail and their understanding of the judicial system when introducing this legislation. These amendments will ensure that we live within our means and provide cost-effective, sustainable options and solutions for problems presented to us in changing times. We need to act and implement appropriate amendments where required. The Industrial Relations Amendment (Industrial Court) Bill 2013 is a good example of this. I support the bill.

**Mr DOMINIC PERROTTET** (Castle Hill) [10.23 a.m.]: I support the Industrial Relations Amendment (Industrial Court) Bill 2013, which has as its objects to amend the Industrial Relations Act 1996 to provide for the Industrial Relations Commission in court session, also known as the Industrial Court, to be constituted by a single judicial member and not by a full bench. The bill also makes other changes. The Australian workplace relations system has undergone significant changes over the past decade. As a result of WorkChoices legislation in 2006 overall filings decreased by more than 50 per cent in 2007. The referral of industrial relations powers to the Commonwealth by State governments in 2009 has resulted in the transfer of almost all private sector workers from the State to the Federal industrial relations system. The change and the move by the States led to a further 19 per cent reduction in filings in the New South Wales Industrial Court. In the past decade filings in the Industrial Court have been reduced by more than 70 per cent.

Yesterday we debated amendments to the Work Health and Safety Act to ensure that work health and safety prosecutions can be heard in a District Court in circumstances where proceedings were brought under the old Occupational Health and Safety Act. The amendments in that legislation were needed to ensure the majority of work health and safety prosecutions can be heard in the District Court. With these matters being transferred and the workload of the Industrial Court substantially declining, it is essential that the number of judges presiding over the court keep pace with and adapt to these changes. Under present arrangements in the Industrial Relations Act, five judges preside over the Industrial Court. Clearly, with the reduction in casework following industrial relations changes over the past 10 years, there is no need for five judges to remain in the Industrial Court.

The bill amends the Industrial Relations Act to provide for the in-court sessions of the Industrial Relations Commission—that is, the Industrial Court—to be constituted by a single judge. I understand from the

Attorney General's second reading speech that the President of the Industrial Relations Commission, the Hon. Justice Boland, advised the Attorney General that there would be enough judicial work for only one Industrial Court judge by the end of 2013. In his second reading speech the Attorney General also said that consideration was given to pursuing avenues to bring more work to the Industrial Court. These options included employment-related work currently handled by the District Court and the Supreme Court as well as any employment-related tribunal work. However, upon consideration of these matters it was found that even if this work, particularly the District Court work, were transferred it would not have any material effect on the court workload, and in respect of the tribunal work, given that it is not judicial in nature, it would not fit within the court's status as a superior court of record.

I note from the shadow Attorney General's speech that the Opposition does not oppose the bill but reserves the right to make amendments in the upper House. This is a similar approach to the one Opposition members took in relation to the Work Health and Safety Amendment Bill. This means that while injured workers, families of deceased workers and defendants to prosecutions face uncertainty, the so-called party of the worker foreshadowed that it might hold up these matters in the upper House for political purposes. Ironically in relation to this bill, Opposition members are on the record supporting the need for changes in relation to the Industrial Court. I specifically draw to the attention of the House the adjournment speech on judicial independence given by the Deputy Leader of the Opposition, the Hon. Adam Searle, on 20 March 2013 when speaking on the consequences of the changes in the industrial relations system. He said:

... contraction of traditional work is so profound that by the end of this year, if not earlier, the judges of the Industrial Court will effectively only have work left to them as arbitrators in the Industrial Relations Commission.

This is undesirable for two reasons: first, it is a poor allocation of traditional resources; secondly, having their status as judges of the Superior Court of record and having taken a judicial oath, these judges have an obligation and right to perform judicial functions according to law.

He went on to say:

This raises two important issues: Is the public getting value for money from these superior court judges; and has the Government, through its various actions, embarked on a deliberate course to deprive superior court judges of their proper judicial role? This may not have been the explicit intention of the Government or the Parliament but that is the impact, and that should be remedied.

It certainly was not the Government's intention. It was a clear result of the amendments in this area and we are remedying the situation, as supported by the Hon. Adam Searle, with the amendments in this bill. So why is the Labor Party not supporting the bill? It is because the Labor Party is always playing politics when it comes to industrial relations rather than supporting small changes based on the current industrial relations law that will ensure a better system is put in place. There are a number of safeguards in this bill. If the workload of the Industrial Court increases then judges of the Supreme Court will be able to act as judicial members of the Industrial Court to meet that need, as prescribed by the amendments to the Industrial Relations Act 1996. The bill also provides an opportunity to amend the Supreme Court Act 1970 to enable judicial members of the Industrial Court to act as judges of the Supreme Court. So as workloads increase there is flexibility to use the resources as they are needed.

Consideration was given by the Legislation Review Committee to the reduction of the bench to one judge. The committee noted that reducing the number of judges from a full bench of usually three members to a single judge may affect the outcome of proceedings. For example, where previously a successful judgement required the concurrence of a second judge, following these reforms the court's decision will be left to the discretion of a single judge. The committee noted this may be unfair, for example, to a defendant in proceedings for contempt of court. However, the committee found that single judge hearings are already commonplace for these types of matters in other New South Wales courts. Therefore, such matters being heard before a single judge would not ordinarily be considered unusual.

As was said by the member for Cronulla, there is no conspiracy to abolish the Industrial Relations Commission. This bill is about putting the Industrial Relations Commission on a sustainable footing and making sure it remains a cost-effective specialist institution in the long term. I commend the work of the Attorney General and the approach he has taken to bring this bill to the Parliament. I note the considerations that were given to alternatives to reducing the bench to one judge. It is clear from the second reading speech that alternative options were given due consideration and I am very comfortable in supporting this bill.

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [10.32 a.m.]: I make a brief contribution to debate on the Industrial Relations Amendment (Industrial Court) Bill 2013. I support this bill. As has been noted

by other speakers in their contributions to debate on the bill, the Industrial Court of New South Wales is a superior court of record, duly established according to section 152 of the Industrial Relations Act 1996. As a superior court of record, established with both original and appellate jurisdiction, it sits in the pantheon of New South Wales courts with equal status to the Supreme Court and the Land and Environment Court of New South Wales. This bill seeks to ensure—and through its provisions will uphold—the status of the Industrial Court of New South Wales.

In contributions to debate on this bill from members opposite and those in the other place there have been suggestions that perhaps the Government might consider closing down the Industrial Court of New South Wales. That is not an option that is supported by the Government. We understand, accept, acknowledge and support the important historical role that this court has played in effectively mediating and arbitrating industrial and employment disputes. We do not support the suggestion raised by the Hon. Adam Searle in the other place that the Government might consider the abolition of the Industrial Court. This bill addresses issues of workload that have been raised by Justice Boland, the Chief Judge of the Industrial Court, when he reported to the Attorney General that there was an insufficient case load to justify the judicial resources available to the court. Therefore, the bill seeks to address this issue to ensure that the judicial resources are employed effectively and in the best interests of justice and the public of New South Wales.

This is a sensible, well-measured bill that does not undermine, compromise, or interfere with the independence of the judiciary. Instead, it ensures that the independent hardworking judges of the Industrial Court who have provided valuable and useful service to the people of New South Wales are properly recognised and that the resources that are available to the court are sufficient for it to fulfil its functions. As a result of my experience before coming into this place, I note that many of the features of the bill regularise the activities and the range of powers available to this court with those that are available to the Land and Environment Court, which is another specialist superior court of record in New South Wales. The Legislation Review Committee raised the issue of whether the interests of justice may have been affected by allowing for hearings to take place before a single judge. The situation is analogous to the position that exists in the Land and Environment Court where contempt matters are heard before a single judge. The bill regularises the situation in the Industrial Court with that which exists in the Land and Environment Court.

I support this bill. It is a well-measured bill that safeguards the independence of the judiciary, and respects and recognises the important historical and ongoing role of the Industrial Court. It also recognises that the workload of this court has declined over time. The Government does not support suggestions from the other place that the Government might be considering whether the Industrial Court should be closed down. I understand from the Attorney's second reading speech that inquiries were made to determine whether employment-related matters that are currently within the jurisdiction of the District Court or Supreme Court might be referred to the Industrial Court to increase its workload, but there is simply not enough to make an appreciable difference.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! There is too much audible conversation in both advisers' areas. People who wish to have conversations should do so outside the Chamber. The member for Pittwater will be heard in silence.

**Mr ROB STOKES:** My contribution seems to have evoked a lot of passion. I commend the bill to the House.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [10.39 a.m.], in reply: I thank members representing the electorates of Liverpool, Davidson, Northern Tablelands, Heathcote, Tamworth, Riverstone, Cronulla, Castle Hill and Pittwater for their contributions to debate on the Industrial Relations Amendment (Industrial Court) Bill 2013. I will address some particular matters members raised in the debate. I am pleased that the Opposition will not oppose this bill. However, I would like to address a comment made by the shadow Attorney General, the member for Liverpool. For the record, the Government does not have "a pathological aversion to the Industrial Relations Commission". The Government appreciates the important role the Industrial Relations Commission plays in promoting fairness and economic stability in this State. That is why the Government did not consolidate the Industrial Relations Commission into the NSW Civil and Administrative Tribunal. That is why the Government appointed a full-time commissioner to the Industrial Relations Commission earlier this year. That is why the Government did not respond to the court's current workload situation by abolishing the Industrial Court—even when the Opposition called upon the Government to do so.

This bill has been drafted to preserve the jurisdiction of the commission wherever possible and ensure that it can continue to operate as a distinct and specialist institution. The commission will have a smaller judicial



membership in future. This is a necessary response to the fact that the Industrial Court's workload has declined. However, the bill preserves the unique judicial/arbitral structure of the Industrial Relations Commission and will allow it to continue performing its work in an independent and impartial manner. If any technical amendments are raised by the appropriate stakeholder the Government will consider those amendments. As I said in my second reading speech, 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 the bill will ensure that the commission can continue to do so. I once again thank the judges of the Industrial Court for their dedicated and committed service to the Industrial Relations Commission and to the State of 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 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.**

## **EXPLOSIVES AMENDMENT BILL 2013**

### **Second Reading**

**Debate resumed from 16 October 2013.**

**Mr MICHAEL DALEY** (Maroubra) [10.42 a.m.]: I lead for the Opposition in debate on the Explosives Amendment Bill 2013. I say at the outset that the Opposition supports the bill. The objects of the bill, in summary, are to amend the Explosives Act 2003 to require security clearances to be held by natural persons who handle explosives or explosive precursors; to enable regulations to be made authorising the disclosure of certain information; to enable the regulatory authority under the Act to communicate to certain persons any information which comes to its knowledge in the exercise of its functions with respect to licences and security clearances and holders of licences and security clearances; to enable the Commissioner of Police, at the request of the regulatory authority, to report under section 13 of the Act on where there is any available information with respect to the participation of an applicant for a licence or security clearance or holder of a licence or security clearance in any criminal activity and any available information concerning any such conviction that the commissioner considers to be relevant to the application or to the continued holding of the licence or security clearance, on whether the applicant or holder is a fit and proper person to hold a licence or security clearance and whether it is contrary to the public interest for the person to do so; and to remove the ability of the Commissioner of Police to make such a report in relation to whether the applicant or holder has a good reason for holding such a licence or can be trusted to handle explosives in the manner authorised by the licence without danger to the public safety or the peace.

The bill will amend the Explosives Act 2003 further to ensure that any part of such a report that could disclose the existence or content of a criminal or security intelligence report or other confidential criminal information is not disclosed by the Administrative Decisions Tribunal in giving reasons for its decisions, or in proceedings before it, without the approval of the Commissioner of Police; to provide for the internal review of decisions concerning licences and security clearances that are reviewable decisions under the Administrative Decisions Tribunal Act 1997 by removing a provision that currently prevents such a review; and to enable inspectors appointed under the Explosives Act 2003 to exercise the kind of information-gathering powers set out in section 155 of the Work Health and Safety Act 2011. The bill will amend also the Law Enforcement (Powers and Responsibilities) Act 2002 to enable police officers to seize, retain and destroy explosives, explosive precursors or certain dangerous goods. We believe that all those objects are good and sensible measures.

In his second reading speech the Minister said that the bill was brought forward as a result of the statutory review of the Explosives Act 2003, which was undertaken by WorkCover as required by section 38 of

that Act, and that the review included a consultation with business, employer and union groups and submissions from the public. One of the more significant features of the bill is to change the way persons are able to apply for and hold licences and to continue to hold them. The Explosives Act currently provides that a person must not handle an explosive or an explosive precursor without a licence pursuant to that Act. The bill extends that provision by making it more stringent and requiring security clearances to be held by natural persons who handle explosives or explosive precursors and by licence holders.

Security clearances are to be provided by WorkCover based on a report under section 13 of the Act from the Commissioner of Police. In addition, section 13 of the Act itself is to be amended to clarify the role and input of the Commissioner of Police and to provide for the commissioner to advise whether a licence applicant or a 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 licence. It removes from the ambit of that section a requirement of the police to report on matters that are not considered to be within their role, such as measures which could reasonably be described as subjective measures as to whether a person has adequate facilities for the safekeeping of explosives. Those matters are probably more appropriately dealt with by WorkCover. The bill also makes several amendments relating to information about persons or bodies that are licensed under the Act. Most notably, the Commissioner of Police may identify any information that could disclose the existence of criminal or security intelligence, a report or other criminal information on an applicant for a licence.

Provisions in the Act deal with the treatment, sharing and security of that information, which the Opposition supports. For example, the bill provides protection from disclosure by WorkCover of criminal or security intelligence or other confidential criminal information given by the Commissioner of Police to WorkCover under section 13 of the Act. The bill also inserts a 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 the approval of the Commissioner of Police. Further, the regulatory authority is not required to give reasons for not granting a licence for a security clearance to a person on the basis of a report made by the commissioner about the person under that section. We support that provision.

Significantly, the bill also amends the Law Enforcement (Powers and Responsibilities Act) 2002, commonly known as LEPRA, 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 goods 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 mechanism that will be employed will be to amend section 20 of the Law Enforcement (Powers and Responsibilities Act) 2002, which says:

The following offences are *relevant offences* for the purposes of this Division:

- (a) indictable offences,
- (b) an offence against section 93FB of the *Crimes Act 1900*,
- (c) an offence against the *Weapons Prohibition Act 1998*, the *Firearms Act 1996*, or a regulation made under either of those Acts.

This bill will insert a paragraph (d) under section 20 of the Law Enforcement (Powers and Responsibilities Act) 2002 to include in relevant offences an offence against a provision of the Explosives Act. This increases the powers of the police, pursuant to section 21 of the Law Enforcement (Powers and Responsibilities Act) 2002. Given that explosives are, unfortunately, being used increasingly to cause harm—thankfully not often in Australia—this is a sensible provision.

I note that the Minister is in the House at the moment. I seek a minor undertaking from him. The Government has announced a review of the Law Enforcement (Powers and Responsibilities Act) 2002. We accept in good faith that this amendment to the Act is being made following serious consultation with the police. However, given that the entire Law Enforcement (Powers and Responsibilities) Act is going to be reviewed— notwithstanding that it will be amended before the review commences by the bill currently before the House— we say that, as a matter of proper form and procedure, the amendment to section 20 of the Law Enforcement (Powers and Responsibilities Act) 2002 in this bill should also be included in the review of the Act. If the Minister consulted the Minister for Police and Emergency Services, and the Attorney General, I am sure he would find that that request would not be objectionable. I ask him to advise the House in his reply as to the Government's stance on that request. I reiterate that the Opposition supports the bill.

**Mr KEVIN CONOLLY** (Riverstone) [10.52 a.m.]: I support the Explosives Amendment Bill 2013. I welcome the indication from the member for Maroubra that the Opposition will support the bill. I doubly welcome his comment, as he listed the objectives of the bill, that it contains all good and sensible measures. There has been substantial consultation on the amendments proposed in this bill. As we have heard, a review of the Explosives Act 2003, as required by section 38 of the Act, was undertaken by the WorkCover Authority. The review of the New South Wales explosives legislation consulted widely with business, employer and union groups, took submissions from the public and made a number of detailed recommendations. The principal policy objective of the Explosives Act 2003 at the time of introduction was to protect workers and the public from harm that may arise from illegal and/or unsafe use of explosives and explosive precursors. Explosive precursors are chemicals and materials that can be combined to create an explosive. This is clearly a worthwhile public policy objective to ensure that the community and workers remain as safe as we can make them.

The review concluded that the policy objectives of the Explosives Act remain valid and that, subject to minor amendments, the terms of the Act are effective and efficient in achieving the policy objectives. There was also a detailed public comment process on the recently remade Explosives Regulation 2013. More recent consultation on the proposals that now form part of the Explosives Amendment Bill 2013 involved industry, unions and government agencies, including the Department of Trade and Investment—WorkCover's co-regulator under the Explosives Act—and the New South Wales Police. WorkCover is continuing to work with stakeholders to ensure that industry and workers will be aware of and understand their responsibilities under the revised explosives legislation. This work includes communications strategies and a range of support material.

As we have heard, the bill sets out to make a number of changes to the way the Explosives Act works. The main changes are that the bill improves the licensing provisions of the Explosives Act by inserting new sections 6A and 10A to clarify the role of security clearance as a prerequisite to obtaining a licence to handle explosives and explosive precursors. Other consequential amendments emphasise the role of the security clearance in other ways. Requiring a security clearance raises the bar in relation to the use of explosives from the previous test in the Act. This is sensible, as the member for Maroubra commented. We know, unfortunately, that explosives can be used by criminals deliberately to cause harm. Fortunately, that does not happen too frequently in our context, but the possibility remains, and it is sensible to have a legal test placed in this Act that makes that possibility less likely in New South Wales.

The bill also amends the Explosives Act by expanding the matters in relation to which the Commissioner of Police 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 such a licence. 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. This allows the Police Commissioner to do the work that we ask of him or her in imposing the tests required by the Act to provide relevant information. Therefore, the tests can be exercised but without confidential information being inappropriately released.

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, in relation to mines, the Department of Trade and Investment—to monitor and enforce compliance with the Explosives Act. It does this in part by permitting them to exercise the information-gathering powers set out in section 155 of the Work Health and Safety Act 2011 that involve the requirement to produce documents and answer questions.

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 a warrant if a 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. This is, as we have heard from the member for Maroubra, an increase in the powers of police, who are currently constrained by the Law Enforcement (Powers and Responsibilities) Act. It gives them another tool to use in targeting criminals who may be planning to do harm to our community through the use of explosives. The bill will continue to achieve its primary objective of protecting workers and the public from harm that may arise from illegal or unsafe use of explosives or explosive precursors. On that basis, I consider it to be very sensible legislation and I commend it to the House.

**Mr CHRIS PATTERSON** (Camden) [10.58 a.m.]: I speak in support of the Explosives Amendment Bill 2013. The NSW Police Force plays an important role under explosives legislation in New South Wales.

Firstly, the regulatory authority, WorkCover, is able to request a report from the Commissioner of Police in relation to an applicant for a licence or licence holder under the Act. The Explosives Amendment Bill 2013 improves the provision regarding the report by the Commissioner of Police 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. The bill removes from the ambit of section 13 reports some matters that the police consider are not within their role, such as whether a person has adequate facilities for the safe keeping of explosives. These amendments will help to ensure that only those who are fit and proper persons will be granted a licence or security clearance under the Explosives Act. As all members would adhere to, one would want only fit and proper people to have a licence to use explosives. Obviously, we do not want explosives falling into the wrong hands.

Further amendments in the bill will ensure that confidential criminal intelligence provided by the Commissioner of Police to the regulatory authority is not disclosed, protecting police covert operations. Police officers also undertake an enforcement role under the Explosives Act. The amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 provided for in the bill will make it clear that police officers are able to search persons and seize and detain items without warrant if the police officer suspects on reasonable grounds that a person has in their possession any explosives, explosive precursors or dangerous goods in connection with an offence under the Explosives Act. The bill provides for explosives, explosive precursors and dangerous goods that have been seized by police officers to be forfeited and destroyed.

The New South Wales police have been consulted closely in drafting this bill. On many occasions I have said that the Government believes in consultation. The police are experts in this area, and we have consulted them in order to get good amendments and good outcomes for the community. The Government prides itself on its consultation. As I said, there has been substantial consultation on the amendments in the bill. A review of the Explosives Act 2003, as required by section 38 of the Act, was undertaken by the WorkCover Authority. The review of the New South Wales explosives legislation involved wide consultation with businesses, employers and union groups. It took submissions from the public and made a number of detailed recommendations.

The principal policy objective of the Explosives Act 2003, at the time of introduction, was to protect workers and the public from harm that may arise from the illegal and/or unsafe use of explosives or explosive precursors. Explosive precursors are chemicals and materials that can be combined to create an explosive. The review concluded that the policy objectives of the Explosives Act remain valid and that, subject to minor amendments, the terms of the Act are effective and efficient in achieving the policy objectives. There was also a detailed public comment process on the recently remade Explosives Regulation 2013. As I said, consultation is a hallmark of this Government. There has been more consultation recently on the proposals that now form part of the Explosives Amendment Bill 2013.

This extremely widespread government consultation involved industry, unions and government agencies, particularly the Department of Trade and Investment, WorkCover's co-regulator under the Explosives Act, and the New South Wales police. WorkCover is continuing to work with stakeholders to ensure that industry and workers will be aware of and understand their responsibilities under the revised explosives legislation. This work includes communications strategies and a range of support material. It is imperative for the safety of industry workers in New South Wales that they receive communication and that there is support material at hand if needed to ensure a safe workplace. I turn now to the Minister's second reading speech.

**Mr Bryan Doyle:** A well-crafted speech.

**Mr CHRIS PATTERSON:** It is a well-crafted speech from an extremely hardworking Minister. I will make a couple of points. As the Minister said, it is important to point out that this 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. As the Minister said—I do not think it will be lost on anyone in this House—the bill also inserts new section 24A into the Explosives Act. It 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—I stress this point—disclosed by the Administrative Decisions Tribunal in giving reasons for its decision without the Commissioner of Police.

That clearly means that any covert operations that police may have run in the past or are currently running are not compromised. That was clearly enunciated by the Minister in his second reading speech. These

are well thought-out amendments, and there has been a lot of community consultation on this bill. As I said, that is a hallmark of this Government and something on which we pride ourselves. With that in mind, I commend the bill to the House.

*[Business interrupted.]*

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Community Recognition Statements**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [11.08 a.m.]: I move:

That standing and sessional orders be suspended at this sitting to permit the taking of community recognition statements from 1.00 p.m. until 1.30 p.m.

I remind members that last week I indicated that the Government would make efforts this week to substitute back into the time for Government business the community recognition statements and private members' statements that did not proceed last week because of the early rising of the House in response to the fire crisis. Today we propose that the time for community recognition statements be extended by commencing them at 1.00 p.m. Members who want to make community recognition statements should be aware that they will commence at 1.00 p.m. today. With regard to private members' statements, we are making efforts to try to find time for them to occur during Government business, either today or perhaps tomorrow afternoon. I will advise the House of what is to happen in due course.

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

**Motion agreed to.**

## **EXPLOSIVES AMENDMENT BILL 2013**

### **Second Reading**

*[Business resumed.]*

**Mr BRYAN DOYLE** (Campbelltown) [11.10 a.m.]: I support the Explosives Amendment Bill 2013. Currently each State and Territory Government in Australia has some responsibility for explosives within its jurisdiction. These laws have been working well to protect the community. However, there are differences in coverage, security checks and the sharing of information that leaves gaps, creates barriers and causes unnecessary burden for business. As a result, a statutory review of the Explosives Act 2003 was conducted by WorkCover as required under section 38 of the Act. The review looked at the objectives of the Act, which are to protect workers and the public from harm that may arise from the illegal and/or unsafe use of explosives. Explosives have a proper use in certain areas of the community and it is vital that they are regulated and controlled properly. The purpose of the bill is to implement many of the recommendations of the report by making required amendments identified as being necessary to keep the public safe.

The Explosives Amendment Bill 2013 will improve the licensing provisions of the Explosives Act by inserting new sections 6A and 10A to clarify the role of security clearance as a prerequisite to obtaining a licence to handle explosives and explosive precursors, making it consistent with the remaking of the Explosives Regulation Act 2013. Other minor amendments will recognise the importance and authority of the security clearance when issued by WorkCover, as the regulating 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 applications or licence holders under the Act. Meanwhile, the bill further amends the Explosives Act by expanding the matters in relation to which the commissioner may report, including whether the licence applicant or holder is a fit and proper person to hold such a licence and whether it is contrary to the public interest and safety for the applicant or holder to possess such a licence.

The bill removes from the ambit of the section 13 report some matters that the NSW Police Force considers are not within the scope of its responsibilities, including whether the person has adequate facilities for the safe storage and disposal of explosives—which is clearly a matter for experts in the field. The bill protects

from disclosure by the regulatory authority, WorkCover, 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. This will allow the Commissioner of Police to provide sensitive and confidential information to WorkCover in relation to its management of the Act. These amendments will insert new section 24A into the Explosives Act, which provides that any part of a report issued by the Commissioner of the 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 the approval of the police commissioner.

The bill also repeals section 24 (5) of the Act, which prevents an internal review of licensing decisions, making the Explosives Act consistent with other New South Wales licensing legislation. These amendments will improve the ability of the regulatory authorities, WorkCover and the Department of Trade and Investment, to monitor and enforce compliance with the Explosives Act in relation to mines. Currently, inspectors appointed under the Explosives Act exercise the same compliance powers as they exercise under the Work Health and Safety Act 2011. Consistent with this approach, the amendments in the bill permit 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 such powers as defined by the Act.

Furthermore, the bill makes amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 to allow police officers to search persons and seize properties without warrant if the officer suspects on reasonable grounds that a person has in their possession any explosive precursor or dangerous goods in connection with an offence under the Explosives Act. This is important as it gives police the power to stop, search and detain people if officers have a reasonable suspicion that someone has a bomb or an explosive precursor, which is material to make a bomb. It is also important to note that the amendments allow any seized explosives, precursors and other dangerous goods to be forfeited and destroyed to ensure public safety.

The bill remains supported by the Explosives Regulation, which was remade on 1 September 2013. Meanwhile, WorkCover and the NSW Police Force will continue to be consulted closely regarding the safe practices, handling, storage and licensing of such dangerous goods to ensure that stakeholders understand their responsibilities once the bill is enacted. This important work includes communications strategies and a range of support material. In conclusion, the Explosives Amendment Bill 2013 seeks to improve the utility of the legislation. It aims to protect workers and the public from harm that may arise from the illegal and/or unsafe use of explosives or explosive precursors. I support the bill and commend it to the House.

**Mr KEVIN ANDERSON** (Tamworth) [11.16 a.m.]: I support the Explosives Amendment Bill 2013. WorkCover conducted a five yearly statutory review of the Explosives Act 2003 as required, the report of which was tabled in Parliament in 2009. The review involved consultation with business, employer and union groups and submissions from the public. It concluded that the policy objective of the Act, which is to protect workers and the public from harm that may arise from the illegal and/or unsafe use of explosives, remains valid. WorkCover has consulted with Trade and Investment NSW, the New South Wales Minerals Council, the NSW Police Force and the Attorney General about the proposed amendments. Safe Work Australia is convening a Strategic Issues Group, which is examining a national approach to the regulation of explosives. However, a national framework is still some years away.

We live in changing times and it is important that the Government, where appropriate, amends legislation to keep pace with community expectations. The Explosives Amendment Bill 2013 does just that. Explosives are used in many circumstances by members of our community. New Year's Eve is not that far away and fireworks displays will be held across this great State. The organisers of such displays must take every possible safety precaution. The Explosives Amendment Bill 2013 allows for information about people who use fireworks to be transmitted to police and other authorities. What explosives are people using? What are their plans for fireworks? Where are they to be held? What safety regulations are in place? Who has access to explosives is a key question, given the changing times we live in. A number of years ago terrorism changed the world. Terrorism involving explosives is a major security issue not only for cities such as Sydney, Melbourne, Brisbane, Adelaide, and Perth but also for airports in regional centres.

Just today we have heard that, tragically, the crackdown on bikie gangs in Queensland has resulted in police and their families being advised through security notices on what to do in and around their homes. Specifically, they are being advised to check their vehicles for explosives when leaving their homes. They have

been told that a common place for explosives to be placed is behind the back wheel or near a mud flap. It is tragic that we now live in a world where it has become necessary for those sorts of security notices and other awareness information to be issued. Another area of concern regarding the placement of explosives is the mailbox. Children of Queensland police have been advised not to collect mail from the mailbox and not to open mail in case there is an explosive device inside. Unfortunately, this is the sort of world we live in.

Explosives are often used in mining operations. A number of mines in the Tamworth area and in neighbouring electorates, at Scone and Muswellbrook in the Hunter Valley, and in Boggabri, Narrabri, Gunnedah and Quirindi use explosives. We know the power of those explosives; the impact can be felt kilometres away. People need an assurance that those explosives are being used safely, but they must be powerful enough to do the job. Paragraph (a) (iv) of the overview of the bill states that the Act will be amended:

... to enable the Commissioner of Police, at the request of the regulatory authority, to report under section 13 of the Act on whether there is any available information with respect to the participation of and applicant for a licence or security clearance or holder of a licence or security clearance in any criminal activity and any available information concerning any such conviction that the Commissioner considers to be relevant to the application or continued holding of the licence or security clearance, on whether the applicant or holder is a fit and proper person to hold a licence or security clearance and whether it is contrary to the public interest for the person to do so.

That relates to what I said about explosives falling into the wrong hands. We must ensure that the regulations are tight and monitored closely—the community expects nothing less. The regulation also authorises disclosure of information obtained in the administration or execution of the Act to persons or bodies of a class prescribed in the regulation and people must surrender that information when requested by police. Fireworks displays around this great State play an important role at New Year and during Australia Day celebrations and other major community events. Kids love them and they make a spectacular display, but we must ensure that fireworks are used safely. We need to know where the fireworks are made—whether it is in an approved, reputable factory. Around New Year's Eve and Australia Day I am badgered frequently by friends about bringing back cracker night. Some members will remember the old Tom Thumb firecrackers that people used to put in letterboxes—I never did that. Penny bangers used to be put in letterboxes too.

**Mr Geoff Provest:** And you let them go.

**Mr KEVIN ANDERSON:** And you let them go. I never did that.

**Mr John Williams:** Then how do you know about it?

**Mr KEVIN ANDERSON:** I was told; it is something I abhor.

**Mr Tim Owen:** We are drifting off the subject.

**Mr KEVIN ANDERSON:** We are talking about explosives. The crux of the matter is the control of explosives. They can be ordered over the internet and purchased from interstate. We must ensure that such purchases are covered by this legislation. It is not merely about fireworks or commercial explosives that are used in the mining sector and in quarries; it is about the security of our nation and ensuring that we know what is going on in our State. This bill addresses our changing needs. I congratulate the Minister for Finance and Services, the Hon. Andrew Constance, on introducing this common-sense legislation. In 2011 the people of New South Wales voted this Government into office to ensure that our laws changed to keep pace with changing times. The Government is doing that, and I commend the bill to the House.

**Mr JOHN WILLIAMS** (Murray-Darling) [11.25 a.m.]: I thank the House for this opportunity to offer my thoughts about the Explosives Amendment Bill 2013. Despite the sycophantic notions of some members that this is an instrument of the Minister for Finance and Services—who one day said we had to change the legislation—this bill was driven primarily by a review carried out by WorkCover. Explosives have come a long way. During my youth—many years ago—explosives were used in the mining industry in Broken Hill. In those days gelignite—a low explosive that is highly volatile—was distributed to the mines by horse and cart. Draught horses would pull the carts laden with explosives to the mine and the contractors would purchase them. The mines operated their own stope and would put in an order for the explosives to be used on a particular shift to remove the dirt they wanted to mine, and the price was charged to their contract.

We have made considerable progress since then. Today the main ingredient of explosives used in the mining industry is ammonium nitrate. For the benefit of the Minister, the chemical formula of ammonium

nitrate is  $\text{NH}_4\text{NO}_3$ . Much of it is found naturally, and Chile was the major source of ammonium nitrate. However, ammonium nitrate can also be developed synthetically using those two ingredients. Today those in the mining industry mix ammonium nitrate, which is the main ingredient, with diesel to make a high explosive. The regulations with respect to the control of explosives now rest in fewer hands so the days of contract miners removing gelignite from the store and taking it home to blow up a few stumps for firewood or whatever are gone. We have come a long way. Nowadays mining industry contractors and their workers use most of the ammonium nitrate they purchase and so control its supply.

The regulation of explosives has come a long way but it is a concern that ammonium nitrate may be used by the wider community. Ammonium nitrate based explosives were used in the Oklahoma City bombing, the 2011 Delhi bombing, the 2013 Hyderabad blast and the 2011 Oslo bombing. It is a very dangerous product. Recently I was fortunate to visit Israel for a study tour. The Gaza Strip is an area where the local TAFE teaches its residents how to build rockets—they fill shells with ammonium nitrate and then fire them into residential areas of Israel. The Palestinians are complaining that restrictions placed on the movement of this substance by the Israelis are detrimental to the farming community, but the fact is that ammonium nitrate is primarily used for the purpose of bomb-making. It is a big issue.

The NSW Police Force is now seeing a previously industry-based usage of ammonium nitrate being utilised by the criminal element and terrorists as an explosive. Presently it is easier to procure ammonium nitrate as an explosive than gelignite and dynamite. Historically gelignite and dynamite were used as high and low explosives. There are now regulations, set by the police and accepted by WorkCover, with regard to these explosives. The police now require people to meet specific security clearances before they are licensed for the use of explosives, and the control and movement of explosives is monitored. In the Broken Hill electorate mining is now into the western mineralisation that sits under the township and I am constantly reminded of the use of explosives in the mining industry because at 6.00 a.m. and 6.00 p.m. the house shakes from underground explosions.

That experience is a reminder of the danger of explosives and the importance of workplace safety in the mining industry to ensure workers are not exposed to danger. It is a requirement that a process is in place to ensure that the mine is clear of all workers prior to explosives being discharged. The Minister for Finance and Services has introduced legislation—following consultation with WorkCover, the police and other key stakeholders—to ensure the safe use and distribution of explosives in New South Wales. The Minister, Andrew Constance, has responded to the need for revision of the Act by drafting a bill that moves New South Wales into a new era of safe industrial explosives handling and monitored distribution of explosives. The bill will deny the criminal element access to these explosives.

**Mr ANDREW CONSTANCE** (Bega—Minister for Finance and Services) [11.34 a.m.], in reply: I thank all members who have contributed to the debate and, in particular, the member for Murray-Darling. He is obviously a former powder monkey of some description and no doubt knows how to ignite a Catherine wheel on cracker night. The fact that he was able to contribute to the debate with the chemical make-up of trinitrotoluene [TNT] is impressive. It was interesting to hear the history lesson the member gave concerning explosives. I thank the members representing the electorates of Maroubra, Riverstone, Camden, Campbelltown, Tamworth and Murray-Darling for their contributions to the debate.

The policy object of the Explosives Act 2003 is to protect workers and the public from the illegal or unsafe use of explosives. A statutory review of the explosives Act 2003 was undertaken by the WorkCover Authority in consultation with business, employer and union groups, and the public. The review concluded that the policy objectives of the Act remain valid and that, subject to minor amendments to increase the Act's utility, it remains effective and efficient. The Explosives Amendment Bill 2013 makes a number of amendments to the Explosives Act 2003 to improve its effectiveness. The bill clarifies the role of security clearances as a prerequisite to being granted a licence to handle explosives or explosive precursors.

The bill amends matters in relation to which the Commissioner of Police can report to the regulatory authority concerning a licence applicant or licence holder's suitability to hold or maintain a licence. The bill protects from disclosure by the regulatory authority or the Administrative Decisions Tribunal criminal or security intelligence information or other confidential criminal information provided by the Commissioner of Police. This will assist in protecting covert operations. The bill improves the enforcement powers of inspectors and police officers in relation to explosives and explosive precursors and allows police officers to seize and destroy certain explosives and explosive precursors.



I thank the Opposition for supporting the bill. The member for Maroubra led the debate for the Opposition and referenced schedule 2.2 of the bill, which relates to the Law Enforcement (Powers and Responsibilities) Act 2002. This is in relation to the ability of police to seize explosives or explosive precursors. I indicate to the member for Maroubra that I am happy to raise his concerns in relation to the review of any other Act, but I draw to his attention that the inclusion of this amendment was based on a request from the police. As a former Minister for Police the member knows only too well that amendments of this nature need to be included in this type of bill. Across the State police are engaged in covert operations and any government assistance in that regard is critical. There is no doubt as to why the NSW Police Force has sought to include this amendment in the Explosives Amendment Bill 2013.

The Explosives Amendment Bill 2013 will assist in protecting the community from harm that may arise from the unsafe or illegal use of explosives. My staff will indicate the concerns of the member for Maroubra to the office of the Minister for Police. As I indicated to the House, the amendment was introduced by the NSW Police Force during consultation on the bill. I commend the bill to members.

**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 Andrew Constance 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**

### **Second Reading**

**Debate resumed from 16 October 2013.**

**Mr MICHAEL DALEY** (Maroubra) [11.40 a.m.]: I lead for the Opposition in debate on the Fines Amendment Bill 2013. The objects of the bill are:

- (a) to abolish the State Debt Recovery Office (the SDRO) and provide for the appointment of a Commissioner of Fines Administration to exercise its functions,
- (b) to provide for the suspension of visitor driver privileges as a means of enforcing payment of fines,
- (c) to establish a trial for the enforcement (as fines) of amounts payable by offenders under restitution orders,
- (d) to establish a scheme for the enforcement in this State of interstate fines that are not subject to the enforcement scheme provided for by that *Service and Execution of Process Act 1992* of the Commonwealth,
- (e) to authorise the Commissioner of Fines Administration to utilise interstate laws and Commonwealth laws to enforce New South Wales fines,
- (f) to make changes related to the interstate fine enforcement scheme established in 2010 by Part 7 of the *Service and Execution of Process Act 1992* of the Commonwealth,
- (g) to permit the enforcement of a fine or penalty notice amount, before its due date, where a person agrees to a combined payment arrangement (an arrangement for the payment of the fine or penalty notice amount in conjunction with other fines payable by the person),
- (h) to permit any fine overpayments made by a person to be reallocated towards the payment of other fines payable by the person,
- (i) to make other minor and consequential amendments.

The Opposition will not oppose this bill, which contains many sensible amendments. However, I am not surprised that this Government, of all governments, would seek to beef up one of its major revenue streams. It

relies on fines and taxes more than any other government has in the history of New South Wales. The 20013-14 State budget revealed a massive increase in fines revenue. I do not have a copy of the budget papers with me, but I think it increased by 7 per cent last financial year, which is much higher than the rate of inflation. This Government has rolled out many more covert and fixed speed cameras because it is addicted to fines revenue. When they were in opposition we often heard Coalition members' rhetoric about hating fines and how unfair they were, and they said that they would roll back fixed and mobile speed cameras when they won government. That rhetoric has disappeared in a puff of smoke; those verbal concoctions have manifested themselves in a budget that demonstrates an addiction to fines revenue, and that addiction worsens as each day goes by.

The Fines Amendment Bill 2013 seeks to abolish the State Debt Recovery Office and to transfer its powers and functions to a new entity, the Commissioner of Fines Administration. The State Debt Recovery Office is a body corporate that has certain legislative functions that relate generally to the administration of penalty notices and fines and the recovery of debts. It is within the Office of State Revenue, which itself is within the Department of Finance and Services. I understand that the department and that cluster have been rearranged and that the Office of State Revenue's debt recovery functions regarding fines, taxes and related matters have been rolled into a single management and business team known as "State Debt Recovery". There is a dichotomy in that the State Debt Recovery Office has responsibility for fines and the like and the Chief Commissioner of State Revenue has responsibility for certain benefits and taxes. I hope this Minister does not follow the lead of the junior Treasurer, the member for Manly, and sack—

**Mr Andrew Constance:** I thought you were going to refer to the former Minister for Finance.

**Mr MICHAEL DALEY:** No, he is a thing of the past, unfortunately. The junior Treasurer sacks people and brings them back as consultants. The budget papers reveal that the Government's spending on consultants last financial year was \$137 million, which was about \$38 million over budget. These restructuring exercises are terrific, but when they cost more in the long run they are pointless. The bill also contains provisions designed to ensure that fines imposed for breaches of a law can be enforced against interstate residents. The Minister advised in the second reading speech that more than 40,000 of the 60,000 New South Wales fines payable by interstate residents each year remain unpaid after 12 months. Those fines amount to about \$97 million, which would pay for the Government's use of consultants if it were collected. That is last year's figure; it will probably be much more this year.

**Mr John Williams:** We could use it to upgrade La Perouse Road.

**Mr MICHAEL DALEY:** I enjoyed the member for Murray-Darling's speech about dynamite, but he should be quiet and listen. In March 2008 the Standing Committee of Attorneys-General gave in-principle support to a mutual recognition system of fines to permit interstate jurisdictions to take enforcement action. That was followed by Commonwealth legislation designed to support the resolution reached by the States. Given that the Labor Government started the process, members on this side of the House support it wholeheartedly. Therefore, this bill amends the Fines Act to complement those Commonwealth provisions and to provide for interstate jurisdictions to enforce penalty notices, fines and the like. It authorises the newly established Commissioner of Fines Administration to undertake enforcement and recovery activity under the Fines Act in relation to fines imposed under the laws of other States. The commissioner will be able to request authorities in other States to begin enforcement action in relation to fines imposed in New South Wales and to enter into operational and other arrangements with authorities in other States.

The bill also extends the type of enforcement actions that may be taken to recover fines imposed for driving offences. One of the principles behind the introduction of these measures is that driving on interstate roads is a privilege that can be withdrawn at any time, and it is. The bill gives the Commissioner of Fines Administration the power to direct Roads and Maritime Services to withdraw that privilege if the holder of a licence is subject to two or more enforcement orders relating to parking or traffic offences. Of course, administrative and procedural arrangements will accompany the withdrawal of those privileges.

The bill also facilitates a trial of enforcement amounts payable under victim restitution orders. Under the proposed scheme, the recently established Commissioner of Victims Rights will be able to make an order for the recovery from an offender of amounts previously awarded to victims as statutory compensation. These amounts will be sought to be recovered by Commissioner of Victims Rights and paid into the Victims Support Fund. Of course, they can be recovered only as judgement debts, which is the usual practice with civil debts. Those judgement debts are always accompanied by a finite number of enforcement actions.

I note that the Auditor-General has reported to Parliament that of the \$310 million in restitution debts owed by offenders on 30 June 2013 only \$19.7 million was likely to be recovered. The Opposition therefore does not oppose measures designed to recover those debts, which should be paid to victims. I note that the process will begin with a trial, which will commence shortly, and that it will be limited in the first instance to 1,000 matters with a total outstanding debt of approximately \$10 million. The Department of Attorney General and Justice will report to the Parliament or to the Minister on that trial.

**Mr Andrew Constance:** Probably the Minister.

**Mr MICHAEL DALEY:** Probably to the Minister in the first instance and the Minister will update the House shortly. Some concerns raised by stakeholders in relation to this bill relate to the Minister indicating that enforcing the debts that are the subject of this bill may be farmed out to private debt collectors. Unfortunately, the conduct of some private debt collectors is unacceptable and on rare occasions it is reprehensible. If the Government assigns these debts or engages private debt collectors or private debt collection companies, it should take into account that some are cowboys and use heavy-handed and unfair tactics. Notwithstanding that the debts are legitimately owed, if the Government decides to engage outside bodies to enforce debts and undertake recovery actions, particularly the seizure of property, it should supervise these agencies to ensure that their conduct is becoming of private bodies engaged by the Government and, in the first instance, by the Parliament and therefore by each of us in this place. I ask the Minister to give an undertaking to the House that he will supervise those actions to ensure the Government does not engage cowboys.

Another concern that has been raised is government employee job losses as a result of the merging of back-office functions and the engagement of private bodies to enforce and recover debts. It would appear that there would be job losses as a consequence of this legislation. Of particular concern are job losses in regional areas. I ask the Minister in his reply to advise us of the anticipated number of government employees who will lose their jobs, whether full-time or part-time positions, as a result of anything embodied in this bill.

**Mr TIM OWEN** (Newcastle) [11.52 a.m.]: I am pleased to speak in support of the Fines Amendment Bill 2013. This bill abolishes the State Debt Recovery Office and, as has been mentioned, vests its functions and powers in a Commissioner of Fines Administration. The position of commissioner will be afforded extensive fine enforcement powers, in particular the authority to enforce interstate fines for the first time. Unpaid fines represent a lost opportunity to fund vital infrastructure across the State at a time when money is especially tight after years of a Labor government. By providing the commissioner with the necessary powers to enforce fines efficiently and recover State debt, the Government will be better placed to build more schools and hospitals, and to put more police on the streets. For too long there has been a prevailing culture in New South Wales of not bothering to collect fines. This has encouraged many people simply to ignore the fine they incur.

I recall one case publicised in the media of a man who owed \$10,000 for 40 offences in 2004, including driving infractions, shoplifting and court fines. At worst the amount owed in outstanding fines to the State is just under \$1 billion. We simply cannot afford to forgo money on this scale or allow police officers and courts that issue fines to be treated with such disdain. The proposed Commissioner of Fines Administration will assist the Office of State Revenue to integrate further the management of fines, tax and other debts while maintaining a statutory separation of the functions of collecting civil debt including taxes and enforcement of fines. Enforcing certain fines has always been problematic, none more so than those accumulated by interstate residents. On average, interstate residents accrue more than 60,000 fines each year, of which more than 40,000 remain unpaid after 12 months. The total amount owed by interstate residents in outstanding fines currently sits at a staggering \$97 million. This is money owed to the people of our State.

This bill will ensure that they have the best chance of getting it back by providing a reciprocal arrangement for enforcement of interstate fines. The bill provides a framework for the commissioner to enter into arrangements with fine-enforcement agencies in other States, enabling New South Wales' fines to be enforced in other States and those States' fines to be enforced in New South Wales—eminently sensible. This is a sensible proposal and it will ensure those individuals with outstanding fines will not be able to move interstate and not be held responsible for paying their fines in New South Wales before they leave. Reciprocal arrangements will assist in fostering mutual partnerships between States and Territories.

The bill includes other important amendments to the Fines Act. These include implementing a trial program of enforcement by the commissioner of fines administration of amounts payable under victim restitution orders. These amounts are currently only enforceable as a civil debt, and the recovery rate is around 27 per cent. In a report to Parliament last year the Auditor-General advised that some offenders were avoiding

their obligation to pay restitution. The O'Farrell Government is determined to ensure that victims get paid what they are owed. The trial will permit the commissioner to use a range of enforcement actions under the Fines Act to seek to recover more of the more than \$300 million of debt owed by offenders as of June last year. The trial will be reviewed after six months and on completion, after 12 months.

The bill will also extend enforcement actions to include the withdrawal of visiting driver privileges. This will allow Roads and Maritime Services to notify interstate and international visitors who commit multiple offences on New South Wales roads that their driving privileges have been withdrawn. This is the same sanction that currently applies to New South Wales drivers who have their licences suspended and it addresses the anomaly that affords people who reside outside the State the privilege to continue to drive on New South Wales roads when under the same circumstances New South Wales residents would be prevented from doing so. While we recognise that this will have little impact on one-time visitors to our State, it will address some of the thousands of regular visitors to New South Wales who drive on our roads, incur numerous penalty notices but avoid paying their fines. This bill will allow the commissioner to direct Roads and Maritime Services to withdraw a person's visiting driving privileges if the fine-defaulter has incurred two or more traffic-related or parking-related enforcement orders.

Another amendment to the Fines Act is to permit persons who receive a new fine or penalty notice and are already subject to an enforcement order to elect to proceed to early enforcement for the purposes of entering a combined payment arrangement. Again, this is eminently sensible. Currently anyone who does not receive a Centrelink benefit must wait until the new fine is overdue to make arrangements to have the fines combined in order to begin an instalment plan. Finally, the bill permits the commissioner to reallocate overpayments between enforcement orders in the same person's name. The right to apply for a refund will ensure reallocation does not cause financial hardship to a person who overpays by mistake.

It is of paramount importance that the hundreds of thousands of people in New South Wales who do the right thing every day do not suffer at the hands of those who repeatedly break the rules. This bill is another example of this Government's ongoing commitment to justice and economic responsibility to ensure that money owed to the people of New South Wales is rightfully distributed to where it is most needed. It is sensible and practical, and I thank the Minister for aggressively addressing this issue. I commend the bill to the House.

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [11.58 a.m.]: Every dollar in unpaid fines is a dollar that is not available for spending on schools, hospitals, police, national parks, community services and everything else we in New South Wales provide to our citizens and taxpayers. The Government wants to get things right and ensure that those who owe the State money—in other words, owe the citizens and taxpayers money—pay up. The Government has been doing a good job so far in attending to that. The amount of overdue fines, as at the close of the 30 June 2013 financial year, was the lowest level of debt in nine years. The Office of State Revenue is recovering an average of \$1 million of debt from overdue fines each business day, compared with \$750,000 a day two years ago. This bill will go a further step towards ensuring that taxpayers' money is treated with respect and that those who do the right thing are not paying for those who do not.

The bill will amend the Fines Act 1996 in a number of ways. First, it will abolish the State Debt Recovery Office and it will provide for the appointment of a Commissioner of Fines Administration to exercise its functions. Although it is desirable to have 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. The bill therefore provides for the appointment of authorised officers to exercise enforcement functions under the Fines Act, including the 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. That is consistent with the powers available to the Chief Commissioner of State Revenue to administer taxation laws.

The second area of reform proposed in this bill is to victims restitution orders. The bill will facilitate a trial of enforcements of amounts payable under victims restitution orders. Earlier in the year the Government reformed the Victims Compensation Scheme and established a new Victims Support Scheme. Problems with the old scheme included delays, cost blowouts and the inability to recover compensation amounts payable by offenders. In 2012-13 more than \$4 million was received and paid into the Victims Compensation Fund to be used to make compensation payments. Any shortfall in funding is paid by the taxpayer.

A trial of enforcement of amounts payable under victims restitution orders will be implemented because currently amounts payable under those orders 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 as at 30 June 2012 only \$19.7 million was likely to be recovered. As I said, \$4.08 million was recovered last financial year. The bill implements 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, other than imprisonment, is anticipated to result in a significantly improved recovery rate.

The trial will commence after the legislation is passed and appropriate arrangements are settled between the Office of State Revenue and the Department of Attorney General and Justice. The trial will be limited to 1,000 matters with a total outstanding debt value of approximately \$10 million. After six months an evaluation of the trial will be conducted and at the conclusion of the trial after 12 months another evaluation will be undertaken to determine whether to implement the process on a permanent basis. A third area of reform in the bill deals with the enforcement in New South Wales of interstate fines and the interstate enforcement of New South Wales fines. The bill establishes a scheme for the enforcement in New South Wales of interstate fines that are not subject to the enforcement scheme provided for by the Service and Execution of Process Act 1992 of the Commonwealth. The bill will authorise the Commissioner of Fines Administration to utilise interstate and Commonwealth laws to enforce New South Wales fines and it will make changes related to the interstate fine enforcement scheme established in 2010 by part 7 of the Commonwealth Service and Execution of Process Act 1992.

Related to the enforcement of fines against people from interstate another provision of the bill is to provide for the suspension of visitor driver privileges as a means of enforcing the payment of fines. If an offence under New South Wales law is committed by someone who resides outside New South Wales, many of the enforcement actions that would otherwise be available to the Commissioner of Fines Administration currently cannot be used. As a result, each year more than 40,000 of the 60,000 New South Wales fines payable by interstate residents remain unpaid after 12 months. Currently \$97 million in outstanding fines is payable by interstate residents. That is money that New South Wales taxpayers should have. The bill will make changes that will ensure that more of these fines are collected and that the money is made available for basic essential services and infrastructure that I described at the beginning of my contribution.

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 provisions. As I mentioned before, the bill also contains a provision relating to visitor driver privileges. The withdrawal of visitor driver privileges will be a sanction that can be used to enforce fines against interstate drivers. Another area of reform will be to permit the enforcement of a fine or penalty notice amount before its due date where a person agrees to a combined payment arrangement, namely, an arrangement for the payment of a fine or a penalty notice amount in conjunction with other fines payable by the person. The bill will amend the Fines Act to permit any fine overpayments made by a person to be reallocated towards the payment of other fines payable by the person.

The bill will amend the Fines Act on a number of fronts to enhance the ability of the State to recover unpaid fines, which is important in the interests of equity and fairness between those who do the right thing and pay their fines and those who do not. It is also in the interests of protecting the revenue of the State to ensure we have as much money as is legitimately possible—and I stress the word "legitimately"—for basic services such as education, health, police and public transport, which we are continuing to improve in New South Wales, and the infrastructure that we want to build. For those reasons I commend and support the bill.

**Ms TANIA MIHAILUK** (Bankstown) [12.07 p.m.]: The Opposition does not oppose the Fines Amendment Bill 2013 which will amend the Fines Act 1996 to abolish the State Debt Recovery Office and provide for the appointment of a Commissioner of Fines Administration to exercise its functions; to provide for the suspension of visitor driver privileges as a means of enforcing payment of fines; to establish a trial for the enforcement of amounts payable by offenders under restitution orders; and to establish a scheme for the enforcement in this State of interstate fines that are not subject to the enforcement scheme provided for by the Commonwealth Service and Execution of Process Act 1992.

The bill also makes changes related to the interstate fine enforcement scheme established in 2010 and authorises the Commissioner of Fines Administration to utilise interstate and Commonwealth laws to enforce

New South Wales fines. Other objects of the bill are to permit the enforcement of a fine or a penalty notice amount before its due date where a person agrees to a combined payment arrangement, and to permit any fine overpayments made by a person to be reallocated towards the payment of other fines payable by the person. Essentially the bill seeks to abolish the State Debt Recovery Office. I echo some of the concerns raised by the member for Maroubra that that will undoubtedly result in job losses. Private bodies and debt collectors will be empowered to recover many of these fines.

The bill will provide for the suspension of visitor driver privileges as a means of enforcing the payment of fines. The New South Wales Opposition understands and appreciates the need for such enforcement. The bill contains provisions to permit any fine overpayments made by a person to be reallocated towards the payment of other fines. I take this opportunity to raise some concerns. One relates to new section 116 (2) of the bill, which states:

The Commissioner may engage consultants or contractors to assist the Commissioner in the exercise of his or her functions.

This will effectively result in the privatisation of debt collection. Not enough consideration has been given to the practical impact of that provision, for a range of reasons. How will those private consultants and contractors be monitored? Again, I echo the concerns raised by the member for Maroubra about how the process will be supervised and monitored. Who will be doing the monitoring? Effectively, we hope the commissioner can monitor and prevent any potentially untoward practices by private debt collection agencies. However, undoubtedly there is a potential for members of the public to be exposed to aggressive tactics and continual harassment by private debt collection agencies.

I remind members that not long ago, in the past 18 months, many members were inundated with concerns from residents across the State who had been inundated with letters from solicitors and debt collectors in relation to private car park operator debts and claims. That was a result of Roads and Maritime Services being forced to provide private information and details to private car park operators. As a result there was considerable delay. People were often notified, for the first time, by debt collectors and solicitors that they were required to pay a fine that might have been three or four years old, which resulted in a number of issues. I do not intend to expand on that except to say that a great deal of distress and anxiety was experienced by many members of the public in relation to that debt collection process.

That brings me to ask the Minister to clarify in his reply how the process will be monitored. How can we be assured that private debt collectors will not use any aggressive or untoward practices to recover these fines? Will instances like these be more probable because of the implementation of the proposed bill and what enforcement powers will private debt collection agencies have under the bill? Further, I am concerned that new section 117A (1) (c) (iv) and (v) will permit the Commissioner of Fines Administration to disclose personal information about a fine defaulter, obtained under the Fines Act 1996, in connection with enforcement of an interstate enforcement order, to an officer or an agency of a participating jurisdiction or to an interstate fine enforcement authority.

Under the Fines Act 1996 a fine defaulter's privacy rights are currently protected by confidentiality requirements. The bill makes it unclear whether those confidentiality requirements will be protected in the same way once personal information is disclosed to officers in other jurisdictions who may not be bound by these requirements. Again I ask the Minister to clarify this issue and to address this concern in his reply. In conclusion, the New South Wales Opposition understands and appreciates the need to recover debt. However, we simply remind members that it is important that any type of debt recovery does not encourage any untoward practices or infringe on people's personal privacy.

**Mr ANDREW ROHAN** (Smithfield) [12.13 p.m.]: I make a brief contribution in support of the Fines Amendment Bill 2013. The people of New South Wales have a contract with the State, implicit in their agreement that any infringements on the collective rights or public rights will be met with consequences in correction of that public infringement. Persons liable for fines and penalties in the form of monetary repayments who have failed to make good on those repayments remain liable to the State and to the people of New South Wales who do the right thing. The New South Wales Government remains as one factor enabling the social agreement and enforces the correction of the infringement, which would otherwise be impossible or difficult to implement by the individual. As such, the Government has powers to enforce penalties for breaches of the law as a form of correction and to follow up on those penalties.

The State Debt Recovery Office, being the body corporate centrally responsible for the administration of penalty notices, enforcement of fines and recovery of outstanding fine debts, has been responsible for the

correction process. The object of this bill is to amend the Fines Act 1996 and it seeks to abolish the body corporate and vest its powers and functions in the Commissioner of Fines Administration. This new position will thus be managing the new debt recovery unit, originally a service unit under the Office of State Revenue that merged with the State Debt Recovery Office. This means that the recovery process will include fines, taxes and benefits. The integration of the unit provides a holistic management of debt, enabling the Office of State Revenue to service various government agencies.

Furthermore, the debt recovery function will be able to be sourced to private sector contractors and thus improve collection rates. This function extends to powers of investigating fine defaulters in order to determine the likelihood of repayment. I understand that both the statutory and contractual safeguards with respect to the privacy concerns are robust. The bill provides for the management of interstate fine debt recovery following mutual recognition of fines. Reciprocal legislation and mutual operational and financial arrangements between New South Wales and other States and Territories allow for the enforcement and collection of fines. The bill provides for who absorbs the costs and in what priority. Overall, the cost structure ensures that the Commissioner of Fines Administration will retain enforcement costs that offset any additional costs incurred by the Office of State Revenue in the collection of interstate fines.

Most importantly, the bill seeks to introduce a one-year trial, extendable by subsequent Acts of Parliament, of the treatment of 1,000 cases of restitution debts owed by offenders under a victims restitution order as fines. The primary objective is to increase the recovery rate, not only to compensate victims but also to enable justice to be seen to be done. As an example of modern and forward-looking legislation, the bill seeks to assist those who act in good faith in the repayment of fines they have accumulated. It enables the option of a voluntary order of enforcement to be made with respect to penalties which have not yet fallen due combined with any existing payment plans on other previous enforcement orders. However, this will only be so if the purpose of early enforcement is to combine the fines. More importantly, as the Minister for Finance pointed out, the costs involved in the process are not a revenue-raising activity.

Furthermore, people who inadvertently make overpayments will have those overpayments directed towards other fine enforcement orders incurred by them. Of course, a right of refund is always available. The provisions introduced by the bill are instrumental in remedying infringements against the State. People who do the right thing, which represents the majority of people in this State, should be entitled to at least the right to fair treatment, and that includes rectifying breaches of the law. There is no more commonly acceptable disincentive than a fine, which remains a highly effective option to prevent the frequency of recurring breaches. I commend the bill to the House.

**Mr RYAN PARK** (Keira) [12.20 p.m.]: I make a brief contribution to debate on the Fines Amendment Bill 2013 and express concerns about the way in which fines will be collected in the future. The objects of the bill include the following:

- (a) to abolish the State Debt Recovery Office (the *SDRO*) and provide for the appointment of a Commissioner of Fines Administration to exercise its functions,
- (b) to provide for the suspension of visitor driver privileges as a means of enforcing payment of fines,
- (c) to establish a trial for the enforcement (as fines) of amounts payable by offenders under restitution orders,

Fines are always a difficult and sensitive issue. Since coming to office this Government has increased fines by approximately 12 per cent, in particular, those fines relating to road transport. I suppose it means generally that the State is receiving more revenue which may or may not be reasonable. It does not necessarily mean that more people are being booked; it just means that the number of speeding fines is larger. This bill does not address the specific issue of individual fines; rather it deals with the way in which fines are collected and the way in which they are processed. One of the concerns raised with me recently relates to the additional charges or matching fees that are placed on people's e-toll tags. I question whether interstate drivers pay the toll charges, whether the matching fee applies, or whether there is a breakdown in communication between one agency and another relating to e-toll tag charges. Will they form part of the concerns raised relating to this bill? Will they come under the same provisions?

This Government has focused on a number of road conditions that have significantly changed. Members will be aware from their constituents that the Government has received a 30 per cent increase in revenue generated from speed cameras. There is debate about whether or not that is a good thing. The Government must always ensure that fines are deterrents and educative tools rather than simply revenue-raising

measures. When the revenue generated from speed cameras increases significantly it is reasonable for Opposition members or members of the community to raise legitimate concerns about fine enforcement. I want to ensure that under this new regime we are given an opportunity to make representations on behalf of our constituents when they legitimately complain about the imposition of fines. Members of Parliament must be given an opportunity to defend their constituents when it is necessary to do so. When there has been a robust use of the law and common sense has not prevailed, every hardworking member of Parliament must be able to make representations on behalf of his or her constituents. I want to ensure that that option remains after the passage of this legislation.

I am sure that the new Commissioner of Fines Administration will have to deal with a significant increase in the number of fines relating to mobile speed cameras. I am aware from the Minister's most recent comments that mobile speed cameras will be operating for 7,000 hours every month on the streets of our electorates. Resources must be available to deal with a seven-fold increase in the number of mobile speed camera incidents and a significant increase in administration and fines processing. We will also have to take into consideration the speed with which mobile speed camera fines are issued.

National and international research relating to road safety indicates that deterrents are more likely when offenders receive a fine soon after committing an offence. Those members who were former law enforcement officers would be aware that the NSW Police Force, criminology journalists and others have always said that the quicker these fines are processed the more likely it is to be a deterrent. I am sure that many members in this House have been booked for speeding offences. It is not a defence for anyone to say that he or she cannot remember an incident and therefore is not guilty. However, we must ensure that fines are issued as soon as possible after an offence is committed. As there will be a massive increase in mobile speed camera fines will the Government have adequate resources to handle that increase? As Opposition members are cooperative we will not oppose this bill but we remain concerned about a number of issues that were referred to earlier.

**Mr GARRY EDWARDS** (Swansea) [12.29 p.m.]: I thank my colleague the member for Keira, although I am not sure that his contribution had much to do with the bill. Today I speak to the Fines Amendment Bill 2013, legislation that will give this Government greater power to enforce fines and to recover State debt. Overdue fines represent money that could be used to build vital infrastructure and this bill will ensure that the taxpayers of this State are not disadvantaged by those who break the law and then refuse to take responsibility for their actions; in other words, they try to circumvent the law. That is what this bill is all about; it is not about mobile speed cameras or police with radars. It is aimed at those who seek to circumvent and break the law. It is about people being responsible for their own actions.

Individuals who breach New South Wales laws are required to account for their behaviour by paying their fines, paying off their fines in instalments or participating in programs such as the Work and Development Order program, which allows eligible offenders to satisfy their fine debt through unpaid work with approved programs. However, for those offenders who incur a penalty in a State or Territory other than where they usually reside, limited enforcement options are available under current legislation. Current measures under the Commonwealth Service and Execution of Process Act enable police in other States and Territories to arrest an offender to recover a court-imposed fine, but this option is not available in cases of fines imposed by a penalty notice. This Act was amended in 2010 to abolish the option of seeking an arrest and replace it with a framework to enforce cross-State and Territory court-imposed fines.

The Fines Amendment Bill 2013 will abolish the State Debt Recovery Office and vest its powers and functions in a new position, a Commissioner of Fines Administration. The Commissioner of Fines Administration will be able to recover unpaid fines imposed on New South Wales residents by or under the laws of other States and Territories if the defaulter—the circumventer—has property or money located in New South Wales or holds a New South Wales driver's licence. The commissioner will be able to request authorities in other States and Territories with reciprocal legislation in place to take recovery and enforcement action in relation to unpaid New South Wales fines imposed on one of their residents and also enter into operational and financial arrangements with those interstate authorities to ensure that the costs of recovery of fines from interstate residents are recovered by the jurisdiction that incurred the costs of recovery.

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 or community service. This bill will ensure that those New South Wales residents who break the law anywhere in Australia are held accountable for their actions. I applaud Minister Constance for this bill and I commend the bill to the House.



**Mr BRYAN DOYLE** (Campbelltown) [12.33 p.m.]: It gives me great pleasure to speak in support of the Fines Amendment Bill 2013. The bill makes several amendments to the Fines Act. It abolishes the State Debt Recovery Office and vests its power and functions in the Commissioner of Fines Administration. This will assist the Office of State Revenue to further integrate the management of fines, taxes and other debts while maintaining a statutory separation of the functions of collecting civil debts, including taxes and the enforcement of fines. Importantly, the bill provides a reciprocal arrangement for the enforcement of interstate fines. The bill provides a framework for the commissioner to enter into arrangements with fine enforcement agencies in other States to enable New South Wales fines to be enforced in those States and also for those States' fines to be enforced in New South Wales. This is a throwback to our colonial days when things were easier and when most of the continent was part of the colony of New South Wales.

However, as each colony was established it drew up its own legislative framework. Each colony was a separate legal entity within the greater British Empire and with Federation in 1901, when the colonies joined to form the Commonwealth of Australia, each of the States retained certain functions, one being the issuing of fines. I do not think our founding fathers would have foreseen our current mobility. I know my great-great-great grandfather, Adolph Czisz, travelled from Prussia. His name was actually Adolph Czisz von Porembski but it was shortened to Adolph Czisz for convenience. When he travelled from Sydney to Brisbane he did not travel by road—they were probably in a far more parlous state than they are now—he travelled by ship and he recorded the travel details in the shipping logs. It is interesting that people can read the historical facts of people's travel in those days when the mode of transport was slower and more sedate.

The bill implements a trial program of enforcement to be undertaken by the commissioner of amounts payable under victim restitution orders. Those amounts are currently enforceable only as a civil debt and the recovery rate is a measly 27 per cent. The trial will enable the commissioner to use the range of enforcement options available under the Fines Act to seek to recover more debt from offenders to assist victims. This will be reviewed after six months and on completion after 12 months. The bill also will extend enforcement action to include withdrawal of visitor driver privileges. Roads and Maritime Services will have the power to notify interstate and international visitors who commit multiple offences on New South Wales roads that their driving privileges have been withdrawn. This is the same sanction that currently applies to all people in New South Wales who have their licence suspended.

I always tell the youths who participate in the U-Turn the Wheel program that having a licence is a privilege not a right. In fact, gaining a licence is a great rite of passage. When young people in danger of losing their licence ask for clemency as they need their licence for employment, I remind them that what is valuable and a privilege should be respected. That includes obeying the road rules, which are designed to ensure safety on the roads and to reduce the road toll. Our founding fathers also would not have foreseen our increased use of motor vehicles and people's ability to travel great distances around the nation. This generation has probably benefited the most from this travel. One of the great Doyle annual holidays was the trek from Bankstown to the Gold Coast, which led me to suspect my father in a former life might have been a camel driver. He rarely stopped because that wasted time and if one stopped too long the semitrailers and caravans he had overtaken earlier would again be in front. With the dual carriageways now being built by this Government and improvements on the Pacific Highway, travel is much easier.

This bill will permit a person who is already subject to an enforcement order and receives a new fine or a penalty notice to elect to proceed to early enforcement for the purposes of entering a combined payment arrangement. That is a common-sense amendment. It permits the commissioner to re-allocate overpayments between enforcement orders in the same person's name. The commissioner does not have to refund an overpayment if there is another outstanding fine. Our system of justice is the envy of the world and we are privileged to have a rule of law. When I speak at citizenship ceremonies participants often say that is one aspect that attracted them to this great country, that everyone is subject to the law and citizens can conduct their business in safety.

We have a justice system that imposes a number of penalties that range from a discretionary caution, which is almost like a naming and shaming, to fines, bonds, community service orders, periodic detention and ultimately the greatest penalty of all, incarceration and the loss of liberty. Liberty is something we hold dear in this country. By far the predominant penalty imposed by our system is a monetary penalty. There is nothing like being hit in the hip pocket to remind people that they need some direction. During my policing career a self-enforcing infringement notice was referred to as a "pill". My daughters would say, "Why did you give them a pill?" and I would answer, "Because it makes people feel better." The enforcement of those pills is necessary for the rehabilitation of the illness they have suffered and to correct their behaviour.

The Fines Amendment Bill 2013 assists with management of fines. It assists with interstate fines and recognises that wherever you go in our country if you offend and break the law and get a ticket or pill, eventually that pill will catch up with you. It is better to pay the fine. The suspension of interstate driving privileges is an important aspect of that. It will apply only to those people with two outstanding infringement notices. It is like a frequent flyer program for those that regularly offend against our road rules. The road rules are there to protect the community and maintain safety. For those reasons and many others I am happy to commend the Fines Amendment Bill 2013 to the House.

**Mr KEVIN ANDERSON** (Tamworth) [12.42 p.m.]: I support the Fines Amendment Bill 2013 and congratulate the Minister for Finance and Services, Mr Andrew Constance, who is present in the House and showing great interest in the debate. I too have shown great interest in this debate. The member for Keira spoke of speed cameras and the fines associated with them in his contribution to the debate. He spoke of them being a "revenue raiser". I will comment on that in relation to this Government's view on speed cameras and their primary function of road safety. A few months ago the Minister for Roads and Ports announced that nine speed cameras had been earmarked for review following the annual State audit of speed cameras. It is a little rich for the member for Keira to comment on revenue raising when the Opposition placed speed cameras in every nook and cranny, in every tree, and on every street light and traffic light pole—hence the review.

The Government is committed to ensuring that speed cameras are used only where they improve road safety. The latest review shows that most motorists are continuing to do the right thing. The New South Wales mobile speed camera review prepared by the New South Wales Centre for Road Safety in August 2011, clearly supports the good Minister's view that speed cameras play a role in road safety. International and Australian research clearly demonstrates that increased travel speed is directly related to both the likelihood of a crash occurring and the severity of crash outcomes. I raise that in response to the comments made by the member for Keira. The review also stated that fixed speed cameras are continuing to improve road safety. The Minister for Roads and Ports stated that fatalities at fixed speed camera locations had dropped by 90 per cent, injuries had dropped by 41 per cent and crashes had been reduced by 42 per cent. Some of the methods of reducing speed to reduce crashes and improve safety are working.

Recouping fines is directly in line with the Fines Amendment Bill 2013. If you do the crime you have to pay the fine. It is as simple as that. That is the way we operate. The Fines Amendment Bill 2013 proposes to abolish the State Debt Recovery Office and provide for the appointment of a Commissioner of Fines Administration to exercise its functions. I know the Tamworth electorate office—a very busy office with hardworking staff and I thank them for their efforts and the way they run the office—receives correspondence and deals with walk-ups—people who visit the office to discuss fines and talk about the troubles they have with the State Debt Recovery Office. It is a great move forward that a Commissioner of Fines Administration will be appointed to exercise those functions. There will now be a person that members can approach when we need to represent constituents that have a problem with fines. Quite often it is a discrepancy with a photo or a particular issue that needs to be further discussed. Sometimes it is not as black and white as a photo. I am looking forward to the commissioner's appointment.

The bill will provide for the suspension of visitor driving privileges as a means of enforcing payment of fines. People who are travelling through the State and disregard or flout our laws will need to rethink their plan of action. There are a number of highways and byways that crisscross this great State, including the west of New South Wales. The Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales, and member for Barwon, knows only too well the amount of through-traffic from Queensland to Victoria that we see in the west. The Government is ensuring that if those drivers do not abide by the rules and regulations of New South Wales they will be held to account. This bill captures those people and will establish a scheme for the enforcement of interstate fines that are not subject to the enforcement scheme provided for by the Commonwealth Service and Execution of Process Act 1992. The explanatory points of the bill include:

- (g) to permit the enforcement of a fine or penalty notice amount, before its due date, where a person agrees to a combined payment arrangement (an arrangement for the payment of the fine or penalty notice amount in conjunction with other fines payable by the person),

That allows an offender who has fallen on hard times, has accumulated fines and is finding it hard to pay the opportunity to enter into a payment arrangement of those fines. This bill will implement changes that align the law with the different ways of doing business and the changing environment that we live in. I refer now to the critical loophole that has been closed by this bill. Enforcement action will now include the withdrawal of visitor driver privileges. The Minister is in the House and I congratulate him on the common-sense approach and excellent work in the Fines Amendment Bill 2013. I commend the bill to the House.

**Mr ANDREW CONSTANCE** (Bega—Minister for Finance and Services) [12.50 p.m.], in reply: I thank the members representing the electorates of Maroubra, Newcastle, Cronulla, Bankstown, Smithfield, Keira, Swansea, Campbelltown and Tamworth for their contributions to this debate. The member for Tamworth made a common-sense contribution to this debate, and in so doing reflected on speed cameras. It is bewildering that the member for Keira, as the shadow Minister for Roads, is advocating the removal of fixed speed cameras in this State. Under the leadership of the Minister for Roads and Ports, this Government has responsibly conducted ongoing assessments of the operation of fixed speed cameras, and those assessments will continue. Where fixed cameras have been found to be ineffective, they have been removed. The Minister has publicly rejected the proposition that speed cameras are simply a revenue-raising tool. The member for Macquarie Fields advocated the removal of fixed speed cameras.

**Dr Andrew McDonald:** Point of order: My point of order relates to Standing Order 76. The Minister's statement is irrelevant to the debate and he has misquoted what I said. At no stage did I question the value of speed cameras. I pointed out that when they were in opposition members opposite called them revenue raisers. I want him to correct the record.

**ACTING-SPEAKER (Mr Lee Evans):** Order! The Minister's remarks are relevant to the bill before the House. There is no point of order.

**Mr ANDREW CONSTANCE:** Given that fixed speed cameras were raised in the context of this debate, I was about to make the point that in the five years before they were installed there were 3,959 crashes at the chosen locations resulting in 61 fatalities and 2,124 injuries. In the past five years, there have been 2,460 crashes resulting in six fatalities and 1,340 injuries. The Minister has indicated that, on average, fewer than one in 100 motorists who passed a speed camera were booked for speeding. Those camera sites are the subject of ongoing review. Members opposite are playing political games with speed cameras. I have provided the figures and they speak volumes about changing driver behaviour and reducing fatalities and injuries.

I find it bewildering that members opposite are trying to protect those who have done wrong by the State and the community. They are arguing that we should go easy in our pursuit of those offenders. It is extraordinary that the member for Maroubra, who is a former Minister for Finance, would take that line. This bill seeks to ensure that those who breach our laws are held to account. The bill is designed to deal with people who incur a fine in a State or Territory other than where they normally reside. In November 2010, the Federal Government made amendments to the Service and Execution of Process Act 1992 to establish a framework to enable the States and Territories to enforce each other's court-imposed fines levied on non-residents who are no longer in the jurisdiction in which the fine was imposed.

The Federal Government has also recently amended section 15A of the Commonwealth Crimes Act 1914 to allow the State Debt Recovery Office and fine enforcement agencies in other States and Territories to enforce Commonwealth court-imposed fines through non-judicial enforcement action. The amendments in this bill form the basis of harmonised legislation for interstate fines enforcement that will be introduced in other States and Territories. The processes established by the bill will apply to court-imposed fines as well as fines imposed by penalty notice and will improve efficiency and effectiveness. Those processes and procedures will be used in the enforcement and recovery of fines and should assist in reducing the level and number of overdue fines.

I was taken aback by the contributions of members opposite in that they questioned the notion of fines collection. I will put on the record some information about overdue fines. At 30 September 2013, the total overdue fines debt in New South Wales was \$764 million, which comprises \$546 million in Crown fines and \$218 million in commercial fines. Of course, that also includes enforcement costs. About 81 per cent of overdue fines are under management, including \$301 million being managed under payment arrangements. On average, the Office of State Revenue recovers \$1 million in overdue fines debt every business day. How does that compare with the Labor Government's performance? It collected only \$750,000 in overdue fines each day; it went nowhere near collecting the fines that were due to the people of New South Wales. That is money that could have been spent on hospitals, schools, roads, transport and so on. It is a bit rich for members opposite to be the friend of those who owe money to the people of New South Wales. As a result of the efforts of the Office of State Revenue, as at 30 June 2013 overdue fines debt was at its lowest level since 30 June 2004.

That success is the result of a number of strategies introduced by the Office of State Revenue over the past two years to reduce fines debt and to make the recovery of debt more cost efficient. The avenues pursued include centralising debt management functions and appointing a chief recovery office to manage debt recovery, using private debt collection companies as agents to pursue old fines debt on a commercial basis, ensuring unrecoverable debt is appropriately written off, implementing system improvements targeted at automation and improved data matching capabilities, and improving interagency information and data quality. The amount of

overdue fines debt as at 30 June 2014 is expected to be less than \$780 million. By reducing the amount of irrecoverable debt, the Office of State Revenue will be able to focus on recovery of incoming debt. This is all about maintaining and protecting the sanctity of the fines administration system in New South Wales.

I note that members opposite, particularly the member for Bankstown, expressed concern about the Government's debt partnership program. They again acted as advocates for those who owe money to the people of New South Wales. The Office of State Revenue has contractual arrangements with four debt recovery agencies as part of its debt partnership program. These arrangements prescribe the way in which client data and information is to be handled and used by partner agencies. Under these agreements, partner agencies are contractually bound not to use the data provided for any other purpose and to destroy it once the matter is finalised and returned. The contracts management plan in place reports weekly on any breaches. If breaches were to occur, they could result in the termination of the contract.

The amount of client information provided to partner agencies is limited to information that is essential for the purposes of locating and identifying clients. All the information is encrypted and transferred to partner agencies electronically, or partner agencies have the appropriate security levels to support the secure storage and destruction of client data. Additionally, partner agencies are bound by the Commonwealth and State legislative framework which restricts their use of client data provided to the Office of Revenue Service. The legislative framework is set by the Commonwealth Privacy Act, the New South Wales Privacy and Personal Information Protection Act and the New South Wales Fines Act. In addition to legislative restrictions under the contractual arrangements, debt partners are not permitted to use the information provided for any purpose other than that required to carry out contracted work. In short, debt partners cannot use this information for any other recovery purpose and the data provided must be destroyed once a case is complete.

Those opposite also raised members of Parliament making necessary representations on behalf of their constituents regarding fines. Again, there is no change and any suggestion otherwise is incorrect. The member for Maroubra asked about job losses. I have been advised that there will be no job losses as a result of the changes brought by this legislation. The Government makes no apologies for the labour expense cap we put in place to deliver a far more effective and efficient public service in this State. It seems that the Labor Party has an ongoing obsession about job losses across the public sector. We make no apologies for living within our means and for managing the New South Wales public service.

**ACTING-SPEAKER (Mr Lee Evans):** Order! The member for Cabramatta will remain silent.

**Mr ANDREW CONSTANCE:** We have terrific men and women in the public service who do a wonderful job for our community. They are seen by the Labor Party as political playthings. Labor's constant, ongoing and ineffective campaign is absurd. The labour expense cap exists to make sure that the Government keeps within its means. It is not necessarily about job losses. A number of avenues are available to directors general to make sure efficiencies are achieved across the public sector. The labour expense cap can apply to overtime, natural attrition, voluntary redundancies and a whole maze of mechanisms to cut labour costs and ensure that the State lives within its means. The bottom line is that those opposite are about loaded bureaucracy and abusing valuable taxpayer dollars earned by small businesses and families across the State. These dollars are supposed to be deployed in providing terrific front-line services, not lining the pockets of the public sector union bosses in the State. Therein lies the big difference between the Government and those opposite. The bottom line is that the Leader of the Opposition is in Parliament because of the restoration of privileges to union bosses, be they from trade unions or public sector unions. I acknowledge that those opposite support the bill and I thank them for doing so. 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 Andrew Constance 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.**

**ACTING-SPEAKER (Mr Lee Evans):** Order! It being after 1.00 p.m., community recognition statements will be proceeded with.

## COMMUNITY RECOGNITION STATEMENTS

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### SURRY HILLS GRAFFITI REMOVAL DAY

**Mr ALEX GREENWICH** (Sydney) [1.04 p.m.]: I congratulate the Surry Hills volunteers who joined me last Sunday to remove graffiti at Northcott and the surrounding public housing estate as part of Graffiti Removal Day, sponsored by Rotary Down Under. We removed offensive and unsightly graffiti tags from people's homes. These tags contribute to tenants feeling unsafe. I applaud the hard work of all those who gave up their time, including local tenants and residents, as well as officers from Housing NSW, the Department of Attorney General and Justice and the City of Sydney. OzHarvest generously provided a barbecue for volunteers. It was a fabulous event with a positive outcome and impact on the community. It also reflects the vital ongoing role of the Housing NSW Surry Hills Community Development worker who coordinated the project. I look forward to more initiatives that encourage local residents' action to help their communities and to get to know each other.

### TRIBUTE TO GORDON AND MICHAEL CREIGHTON

**Mr ADAM MARSHALL** (Northern Tablelands) [1.05 p.m.]: I inform the House of the tragic death of well-known and respected Glen Innes citizen Gordon Creighton and his son Michael when their Laos Airlines flight crashed into the Mekong river at 2.45 p.m., 6.45 p.m. our time, as it was coming in to land in bad weather in southern Laos on Wednesday 16 October. Gordon was a teacher at Glen Innes Public School for 32 years. He was a stalwart of the local rugby league club and a tireless volunteer for the community. His son Michael was an aid worker and was engaged to Melanie Fuller of Glen Innes. Their deaths are a huge blow that has left the community distraught. A small consolation is that their bodies have recently been recovered, which is a reassurance for Gordon's wife and Michael's mother, Theresa, and Michael's brother, Ben. Gordon and Michael will be sorely missed. May they rest in peace. I pass my deepest condolences and sympathies to the family.

### ALL SAINTS GREEK ORTHODOX GRAMMAR SCHOOL

**Mr ROBERT FUROLO** (Lakemba) [1.06 p.m.]: I congratulate the All Saints Greek Orthodox Grammar School in Belmore on its new preparatory learning centre. I was honoured to be invited and it was with great pleasure that I attended the official opening on 25 August of the new preparatory learning centre for children aged three and four. The ceremony was officiated by His Eminence Archbishop Stylianos, Primate of the Greek Orthodox Church in Australia. All Saints is a coeducational Orthodox Christian school for students from kindergarten to year 12. It is a comparatively young school, having been founded in 1990. However, in its 23 years it has gained a reputation in my community for its commitment to providing quality education. Numerous studies and research since the 1970s have concluded that preparatory education has a significant benefit for the wellbeing of children and for their educational and employment opportunities. I congratulate All Saints Greek Orthodox Grammar School on its vision, its foresight and its commitment to ensuring our children have the best start to life through its new preparatory learning centre. All Saints' achievements are beyond the academic. The school makes a significant contribution to the spiritual life of families and the community.

### SUTHERLAND HOSPITAL ANNUAL DINNER DANCE

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [1.07 p.m.]: I joined more than 400 people on 27 September at Doltone House, Sylvania Waters, for the fifteenth annual Sutherland Hospital Dinner Dance. Radio and television celebrity and shire local Glenn Wheeler was master of ceremonies. Doug Parkinson and Caringbah resident Mark Vincent entertained the crowd. The night raised around \$40,000 for the Sutherland Hospital oncology unit. The organising committee has raised around \$500,000 for Sutherland Hospital over 15 years. I congratulate organisers Marie Simone, Danielle Riccio and Leanne Franco on another great effort.

### CABRAMATTA ELECTORATE COMMUNITY EVENTS

**Mr NICK LALICH** (Cabramatta) [1.08 p.m.]: I was delighted to be invited to the opening of the new Cambodian community venue and the Cultural Moon Festival celebration on Saturday 5 October 2013. The new community centre is located in Broomfield Street, Cabramatta. It is a credit to the Cambodian community and the Australian Cambodian Chinese Association and its president, Mr Bou Lien, and I commend them for their ongoing contribution and service to the local community. This new facility, which took a year to complete, will

be used to support local programs such as literacy and numeracy and various dance classes and indoor sporting activities for senior citizens. Also, there will be computer lessons, which are becoming very popular with the elderly within our community. The opening of the moon festival was celebrated in the traditional way with lion and dragon dancers, which ward against evil spirits and give blessing to the venue. The dancers were from the very popular Australian Chinese Youth Sports Association. I congratulate Ms Lisa Tram on her ongoing support of this martial arts and dance group.

### **ALBURY ELECTORATE COMMUNITY ACHIEVEMENTS**

**Mr GREG APLIN** (Albury) [1.09 p.m.]: I congratulate Steve Comte who has been named as the new president of Albury Legacy Club. Steve was raised by Legacy after his parents died. I congratulate Corowa teenager Harrison Clifton who was named *The Land* and NSW Farmers Association Farm Inventor of the Year for his project, the Ewe Lift. I wish Harrison all the best for the national finals. Congratulations go to the Corowa Hospital Auxiliary on donating \$20,000 towards a new radiology table. What a great effort and well done to all concerned.

Best wishes go to Bruce Corcoran, General Manager, Corowa Shire Council, who retires after 43 years in local government, the last 23 with Corowa Shire Council. I wish Bruce all the best in his retirement. Congratulations go to Tumbarumba Shire Council on being named the most successful small council in New South Wales and winning the A. R. Bluett Memorial Award for small shires. I also congratulate the recipients of the Albury-Wodonga Chamber Business Awards: Grind on Olive for the best micro business; Harrington Hair for excellence in retail; and the Quality Hotel on Olive for excellence in commercial and professional business services.

### **GREEK OLDER WOMEN'S NETWORK PINK RIBBON MORNING TEA**

**Ms TANIA MIHAILUK** (Bankstown) [1.10 p.m.]: This week I had the great pleasure of attending a morning tea in support of breast cancer research, organised by Bankstown's Greek Older Women's Network. The morning tea was a fundraiser for the Cancer Council's Pink Ribbon Day as part of Breast Cancer Awareness Month in October. I commend the committee, including coordinator Voula Kerr and committee member Helen Dimas, for their fantastic morning tea. The ladies put on a great spread of delicious Greek sweets and homemade food and performed some traditional dances.

Approximately 80 women attended the fundraiser and they raised more than \$4,000 to assist research for a cure for breast cancer. Breast cancer is the most commonly diagnosed cancer among women in Australia, with one in eight women diagnosed with the cancer in their lifetime. On average, seven women die from breast cancer daily. Early detection can greatly increase one's chance of surviving the disease. I encourage members of this House to support Breast Cancer Awareness Month by buying a pink ribbon or donating online. I commend the Greek Older Women's Network for organising a successful fundraiser for a worthwhile cause.

### **ORANGE WINE WEEK**

**Mr ANDREW GEE** (Orange) [1.11 p.m.]: From 17 to 27 October Orange is celebrating the eighth annual Orange Wine Week, which sees wine producers, food producers and local businesses all come together as a community to highlight its premium wine and food-producing area. Last Friday night, the Orange Wine Show presentation was held at Ross Hill Winery, and a number of top drops took out the 2013 trophies. I congratulate the following trophy winners: Best Wine in classes 1, 2, 5 and 6, 2013 Cargo Road Riesling—great work from James Sweetapple, a Sydney to Hobart winning yachting; Best Sauvignon Blanc, 2013 Jarretts of Orange Sauvignon Blanc; Best Chardonnay, 2011 Ross Hill Pinnacle Series Chardonnay; Best Wine in classes 9 and 13, 2010 Carillion Wines Cabernet Merlot—great work by Jim Chatto; Best Shiraz/Shiraz Dominant Wine, 2012 Moody's Wines Shiraz; Best Cabernet Sauvignon/Cabernet Sauvignon Dominant Wine, 2011 Carillion Wines Cabernet Sauvignon; and Best Merlot, 2009 Cargo Road Merlot—again great work by James Sweetapple. The Judges' Encouragement Award went to the 2011 Ross Hill Pinnacle Series Shiraz; Best White Wine of the Show, 2011 Ross Hill Pinnacle Series Chardonnay; Best Red Wine of the Show, 2012 Moody's Wine Shiraz; Best Wine of the Show, 2011 Ross Hill Pinnacle Series Chardonnay. I congratulate them all.

### **MARIE FOSTER 100TH BIRTHDAY**

**Mr CLAYTON BARR** (Cessnock) [1.12 p.m.]: I acknowledge Marie Foster from the Cessnock electorate who will turn 100 years old on 1 November 2013. Born just after the *Titanic* sank, Marie was raised

with her two sisters by a single mum in a much different Paddington, Sydney, than we see today. Life was hard; the family survived two world wars and the Great Depression. She worked as a milliner and her war effort was in munitions. Marie married Jack in 1947; they had three children and moved to Cessnock in 1964 where Jack was a fire station officer. After retirement they became grey nomads, travelling Australia for 4½ years and later overseas. Marie has always been a proud Australian, consciously buying Australian-made products. When asked how it feels to be turning 100 Marie said, "It just creeps up on you".

### **TAREE TIGERS HOCKEY CLUB**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.12 p.m.]: I inform the House that Holli Wheeler from Old Bar has been selected in the Australian Country Women's hockey team for the third time and will tour New Zealand in 2014. Holli first played for the national team in New Zealand in 2011 and in Singapore and Hong Kong earlier this year. Holli is co-captain of the New South Wales Country Women's team that played in the Australian Championships in Geraldton, Western Australia. New South Wales defeated Queensland in the final with a team containing 10 rookie players. Now the representative season is over, Holli will concentrate on playing for the Taree Tigers in the Manning Division 1 competition.

The Taree Tigers Hockey Club was well represented in New South Wales hockey teams for the Australian Masters Championships played in Adelaide in September. Sisters Michelle and Nicole Clark played in the women's 35s side and Katrina Hayes in the women's 50s for the second time. Holli Wheeler has played in the New South Wales Country Women's team for several years. Tony Lewis, who coached the women's 45s side, is coach of the Taree Tigers Division 1 men's and women's teams and has been one of the most successful coaches in the history of hockey in the Manning.

### **EASTERN CREEK PIONEERS SOCCER CLUB**

**Mr RICHARD AMERY** (Mount Druitt) [1.13 p.m.]: I ask the House to acknowledge the role the Eastern Creek Pioneers Soccer Club has played for the young people of the district over many decades. Last Sunday 20 October my wife and I attended the annual presentation day, which was again conducted at Morreau Reserve, where players were presented with medals and trophies. The club had a successful season with five teams making the semifinals and two making the grand finals. The club of the year, the 15/1s, was undefeated minor premiers and premiers and performed well in other competitions. As patron of the club, I congratulate the president, John McRae; secretary, Karen Hunt; treasurer, Peter Kupresanin; life member Helen Beck; and the committee, coaches and parents of the players for their combined efforts in supporting the game of football and the young players who benefit from their efforts.

### **PORT MACQUARIE RESIDENTS ACTION NETWORK**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [1.14 p.m.]: I take this opportunity to farewell and congratulate outgoing committee members of the Port Macquarie Residents Action Network. After years of selfless work, president Sandy McClimont, along with committee members Penny Marshall and Hugh Duthie, did not stand for re-election at the September annual meeting. The trio were responsible for most of the 32 formal submissions to Port Macquarie-Hastings Council and other authorities between 2004 and 2013. I congratulate the outgoing members of the Port Macquarie Residents Action Network on their years of hard work in the community and I welcome the new committee members.

### **BALMAIN ELECTORATE PRECINCT COMMITTEES**

**Mr JAMIE PARKER** (Balmain) [1.15 p.m.]: I acknowledge the dedicated work of the following precinct committees in my local community: Annandale, Balmain, Birchgrove, Leichhardt, Rozelle-Iron Cove, Rozelle-Lilyfield and Rozelle-White Bay. I acknowledge that these committees play an invaluable role in facilitating and encouraging active resident participation in council and in decision-making by the broader community and ensuring participation is more accessible, open and representative.

I acknowledge the work of the many committee members, in particular, the following chairpersons, secretaries and others: Sharon Page; Gloria Mao; Christina Ritchie; Michele Hacking; Kath Hacking; Penny Alexander; Teena Clarke; Jennifer Aaron; former chair Monica Pellizzari; Tim Buddie; Mark Wallis; Felicia Finlayson; David Anderson; Kevin Condon; Tom Fawcett; David Springett; and Ian Cranwell. I congratulate these committees on their many achievements in advocating on behalf of residents and the wider community.

### ST JOHN AMBULANCE VOLUNTEERS ANNUAL AWARDS

**Mr DAVID ELLIOTT** (Baulkham Hills) [1.16 p.m.]: It is with pleasure that I advise the House of the outstanding achievements of the St John Ambulance volunteers who received awards at the St John Ambulance annual awards ceremony held over the weekend in the presence of Her Excellency the Governor and my colleague the member for Drummoyne at the Great Hall at the University of Sydney. I congratulate Trevor Mayhew on receiving his 57-year certificate and Harry Delaney on receiving a 50-year certificate. I also commend the Cadets of the Year: Liam Bruton; Olivia Dawson; and Andrew Tran. I ask the House to recognise the achievements of Nola Osmond and Milan Stenek, who received their Seventh Bars, and Lan "Lyn" Luu who was awarded Saint of the Year.

I congratulate all those St John Ambulance members who received awards and the staff of the State office of the New South Wales division on a wonderful celebration of volunteerism and the history of St John Ambulance. The work of St John Ambulance has never been more vital than this week. My compliments go to chief executive officer Mark Newton and Commissioner Ken Kelman for the work they have done to assist in fire relief.

### TERREY HILLS PUBLIC SCHOOL

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [1.17 p.m.]: I am very pleased to inform the House of the seventy-fifth anniversary of Terrey Hills Public School in my community of Pittwater. Established in 1938, the school has made an enormous contribution to countless local families and the development and growth of the surrounding area. Through its strong focus on academic achievement, social awareness and community engagement, Terrey Hills Public School has developed a remarkable reputation to which many other schools can aspire. I was delighted to join past and present members of the school community last Sunday to celebrate this significant milestone and reflect upon the school's proud history and achievements. I particularly acknowledge the incredible efforts of the school's principal, Gai MacLennan, the parent's and citizens association president, Nicole Watts, and the many other parents, teachers and volunteers who helped make this event such a success. Terrey Hills Public School is a fantastic school in every sense and I look forward to supporting its continuing contribution to our community.

### FAIRFIELD HOSPITAL HAND THERAPY CENTRE

**Mr ANDREW ROHAN** (Smithfield) [1.17 p.m.]: On 8 October I joined the Minister for Health and the member for Granville on a visit to Fairfield Hospital. Our visit was to inspect the new purpose-built Hand Therapy Centre—a \$2.9 million service for patients who have extensively injured their hands. This new centre will provide local patients with minor hand surgery procedures and special services, such as specialised physiotherapy and an occupational therapy service to help patients with rehabilitation. The centre greatly reduces long waiting times for patients. Since its inception on Monday 30 September, 148 hand surgeries have been performed, 122 of them being emergency cases. I thank the Minister for Health and the member for Granville for joining me on this visit. I cannot express enough gratitude to the Minister for once again providing my electorate of Smithfield with funding for facilities and services.

### KIAMA UNDERAGE DRINKING PROJECT

**Mr GARETH WARD** (Kiama) [1.18 p.m.]: On Wednesday 9 October I was extremely pleased to join the Commissioner of Police, Andrew Scipione, and the Deputy Mayor of Kiama, Neil Reilly, at the official launch of the Kiama Underage Drinking Project at The Sebel in Kiama. I also acknowledge the attendance of local Olympians and project spokespeople David McKeon and Casey Eastman. They are fantastic role models for young people across our region. The Kiama Underage Drinking Project is a community-based intervention program that provides resources to local parents and young people to deal with the social pressures associated with underage drinking. I thank Professor Sandra Jones from the University of Wollongong Centre for Health Initiatives for undertaking this very important project. I also thank Kelly Andrew who is the Project Leader (Research) at the Centre for Health Initiatives who helped coordinate such a successful launch, along with local forums for parents in the Kiama community.

### CAT PROTECTION SOCIETY

**Mr ALEX GREENWICH** (Sydney) [1.19 p.m.]: I acknowledge the great work done by the Cat Protection Society. I had the opportunity of visiting this key cat welfare group earlier this year, where I met



some of the committed individuals who run this no-kill cat shelter. They find new homes for cats that would otherwise be killed, reunite lost cats with their owners and educate owners about socially and environmentally responsible cat care. Each year the society finds loving homes for about 1,000 cats and kittens and desexes up to 3,000 cats. In November the society will hold a Cat Protection Open Day, and it will run a free school holiday program for cat-loving kids. I congratulate the Cat Protection Society on its nomination in the Best Pet Services and Best Op Shop categories in the Best of Sydney 2013 business awards, and I encourage the society to continue its great work.

#### **INVERELL TOASTMASTERS BREAKFAST CLUB**

**Mr ADAM MARSHALL** (Northern Tablelands) [1.20 p.m.]: I acknowledge the great work of the Inverell Toastmasters Breakfast Club. Last Friday night I had the pleasure of attending the beginning of the Inverell Sapphire City Festival for the Communicator of the Year awards night. I congratulate Peter Caddy who was announced as the Senior Communicator of the Year by the club, and year 12 Inverell High School student Sam Saunders, who is the Junior Communicator of the Year. Peter Caddy is commonly known as Mr Inverell. He is not only the manager of tourism and marketing at the council, he is also involved in everything that opens and shuts in Inverell, including being a talented amateur thespian and singer. He performs as Santa at Christmas parties and he does a magnificent job throughout the community. Sam Saunders is a great young man leading many charitable campaigns in the community. He is a young man of promise and someone to watch. Again I congratulate the Inverell Toastmasters Breakfast Club on giving people confidence and teaching them how to speak in public. Well done.

#### **NEW SOUTH WALES VIETNAMESE ELDERLY FRIENDSHIP ASSOCIATION**

**Mr NICK LALICH** (Cabramatta) [1.21 p.m.]: I bring to the attention of the House my heartfelt appreciation to the New South Wales Vietnamese Elderly Friendship Association, which has helped many senior citizens in my local community and beyond. I congratulate the association on its remarkable milestone of 20 years of service to the local community. I acknowledge the ongoing services of Mr Mieng Van Nguyen, President of the New South Wales Vietnamese Elderly Friendship Association. The association not only provides support but also offers senior citizens of Vietnamese background a place to meet and socialise with one another, thus preventing loneliness and isolation. The association holds many social events which help to engage its members with the community by providing entertainment and various charitable events, as well as conducting monthly meetings. I sincerely congratulate the hardworking committee members of the Vietnamese Elderly Friendship Association on their dedication in providing outstanding care for the senior citizens in my community.

#### **PORT HACKING LITTLE ATHLETICS CENTRE**

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [1.22 p.m.]: On 21 September, as patron I attended the official opening of the Port Hacking Little Athletics Centre season for 2013-14 at Sylvania Waters athletic track. This is the thirty-sixth year of athletics at the Port Hacking centre, a community-oriented organisation for kids and teens aged from 4 to 16 years with any level of skill or fitness. Members are encouraged to achieve their personal best while learning the importance of being active and having fun participating in sport. I commend the exceptional effort of the Port Hacking Little Athletics Centre's executive, members and volunteers in promoting physical fitness at an early age. In particular, I thank president Kirsten Crocker and secretary Margaret Alexander for their commitment to a healthier future for children in our community.

#### **CHIFLEY COLLEGE RURAL FIRE SERVICE CADET PROGRAM**

**Mr RICHARD AMERY** (Mount Druitt) [1.23 p.m.]: My congratulations to the Mount Druitt campus of Chifley College, which is in the news this week as being the first school in the area to have its own Rural Fire Service Cadet Program. From this year 7 to year 10 high school, the program teaches years 9 and 10 students in the use of various pieces of equipment, uniforms and fire control. We are in a time of severe bushfire danger, so the news that our future generations of rural firefighters are in training shows again the community spirit that this school and the budding firefighters have for this important role. I wish the students and the school well with this program, and I thank lead teacher Kerry Doyle for her efforts on behalf of these students.

#### **CYCLIST CHARLIE GASCOYNE**

**Mr ANDREW GEE** (Orange) [1.24 p.m.]: I draw the attention of members to the fact that Orange's Charlie Gascoyne brought home a silver medal from the Cycling Australia Masters Road National

Championships. Charlie lined up in the men's individual time trial for his age division, completing the 22.5 kilometre circuit in 31 minutes and 37.51 seconds to claim the silver medal—a personal best by almost two minutes. Charlie then backed up on Sunday for the road race where he finished ninth in his division, with only seconds separating third to twentieth place. I take this opportunity to extend my hearty congratulations to Charlie on his achievements. Long may he keep riding.

### **ROZELLE NEIGHBOURHOOD CENTRE**

**Mr JAMIE PARKER** (Balmain) [1.24 p.m.]: I draw the attention of members to the fantastic work undertaken by the Rozelle Neighbourhood Centre, which is home to a range of community programs, activities and groups, including community development coordinated by Lisa Smajlov; the Family Respite and Leisure Access Program managed by Carol Taylor; the Community Carers Team managed by Alistair Foggo; Leisure Options, the Weekend Respite and Recreation Program and the Ever After Theatre Company managed by Sue Johnston; Neighbour Aid managed by Barrie Styles; and Recreation and Peer Support managed by Amira MacCue. I congratulate Lisa Smajlov on her work coordinating the Inner West Tenant Group, providing court support, and assisting the Women's Domestic Violence Court Advocacy Service, the Leichhardt and Marrickville domestic violence committees and the Australian Service Union's equal pay campaign. I acknowledge the commitment of the staff and volunteers at Rozelle Neighbourhood Centre, including manager Holly Stewart and finance manager Gayle Armbruster, community support workers and volunteers, as well as its fantastic management committee. I congratulate all those involved in the Rozelle Neighbourhood Centre.

### **RED CROSS VOLUNTEER NEITA MIDDLEMISS**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.25 p.m.]: I inform the House that Neita Middlemiss of Tinonee in the Manning Valley was recently recognised for her 70 years of voluntary service to the Tinonee and District Red Cross branch. Neita joined the Red Cross at the age of 15 in June 1943 and she has been a generous supporter ever since. Neita often opens her home for functions and fundraising, as well as providing delicious items for stalls and functions. During her voluntary time with the Red Cross, Neita has held many executive positions including president, secretary and treasurer and is currently the senior branch patron and assistant treasurer.

### **PORT MACQUARIE "MAGNIFICENT SIX"**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [1.25 p.m.]: I take this opportunity to congratulate six community minded people dubbed the "magnificent six" who were recently recognised at the annual Vocational Excellence Awards hosted by the Port Macquarie West Rotary Club. Award recipients were Romeo and Connie Nocelli from Ultratune, Dr Andrew Whitworth of Westside Medical Centre, Uniting Church volunteer and bereavement and separation counsellor Ruth Ayers, Tony Dawson from U3A and the Port Macquarie Historical Museum, Julie Tyrrell of Eastport Medical Centre, and Kylie Foster of Travelworld Settlement City. These vocational service awards recognise people within the community who have impressed Rotarians with their outstanding service, professionalism or community participation, all of which combine to make our town and district a place of high repute. Congratulations again to the Port Macquarie "magnificent six".

### **NEWPORT PUBLIC SCHOOL PARENTS AND CITIZENS ASSOCIATION**

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [1.26 p.m.]: Today I draw to the attention of the House the outstanding fundraising efforts of Newport Public School's parents and citizens association. This dedicated group of parents have worked tirelessly over recent months to ensure the success of the school's bi-annual fete, which was held last Saturday to raise funds for the school's Learning Support Program. Led by the unremitting efforts of Kate Long and Tessa Blaiklock, this fantastic event attracted enormous community support and provided a great opportunity for students to display their academic, creative and cultural talents. Newport Public School's Learning Support Program is specially designed to provide individualised support opportunities for students requiring additional assistance, as well as those able to benefit from enrichment and extension. It is only through the generosity of the community that opportunities such as this can be provided. So I was delighted to see such strong community support at Saturday's event, including extraordinary support from the school's executive and teachers. I thank everyone who has contributed to the success of Newport Public School's parents and citizens association and its many ongoing initiatives.

### **FAIRFIELD LIONS CLUB AND CHAMBER OF COMMERCE CHARITY EVENT**

**Mr ANDREW ROHAN** (Smithfield) [1.27 p.m.]: I commend the fantastic work of the Fairfield Lions Club and Fairfield Chamber of Commerce for successfully holding their first charity event on Friday

11 October. The Lions Club plays a crucial part in the Fairfield local government area, and has been helping out the local community for the past 57 years. Proceeds from this event will be used to purchase a humidicrib for the special care nursery in the paediatric ward of Fairfield Hospital. Humidicribs help in increasing the survival rate of premature babies, which is extremely important to this hospital as the nursery takes care of up to 400 neonatal babies a year. I thank the organisers, Tony Fornasier, President of Fairfield Lions Clubs, and Vince Movizio, President of the Fairfield Chamber of Commerce, for inviting me to the event. I applaud the hard work they put into hosting the first of many successful charity functions to come.

#### **ST VINCENT'S HOSPITAL TIERNEY HOUSE**

**Mr ALEX GREENWICH** (Sydney) [1.28 p.m.]: I recognise St Vincent's Hospital Tierney House and its first anniversary celebration, which I attended recently. This is a unique service meeting the needs of homeless people who have serious and ongoing health conditions. Homeless people cannot get home nursing and it is nearly impossible for them to comply with treatment regimes. Tierney House provides accommodation with medical treatment and social support for people who have no home. A good example is a man with a brain tumour who became homeless as a result. Tierney House provided a place for him to access vital treatment and to help him get back on his feet. Residents and support workers told me about the program's success, and I saw and heard their hope for wellness and a good future. Tierney House was a finalist at the National Homelessness Services Achievement Awards this year. I commend this valuable and much-needed service and thank all those who have been involved with its operations.

#### **CARINDA HOUSE THIRTY-FIFTH ANNIVERSARY**

**Mr ADAM MARSHALL** (Northern Tablelands) [1.29 p.m.]: I congratulate Carinda House in Warialda, which recently celebrated 35 years as a craft and cultural centre run by the community. Pam Ramsey and Ken Brookes, inaugural members of the committee, helped to celebrate the event by cutting the birthday cake and judging the drawing competition. Carinda House displays and sells local arts and crafts and is run solely by volunteers. It nourishes artistic talent and creates a cultural vibe in the Warialda community. I congratulate Lanna Hockley, president of the committee, on her great leadership of the organisation, and thank the volunteers for their hard work. I look forward to visiting the facility in the future to see their new project.

#### **SMALL ACRES CYDER**

**Mr ANDREW GEE** (Orange) [1.30 p.m.]: I draw to the attention of the House the fact that Small Acres Cyder from Borenore, near Orange, has taken out one of the top prizes at this year's Australian Cider Awards. Last week its cider was named Champion Australian Cider. The awards attracted more than 160 entries, including a large number from the United Kingdom and Europe. James and Gail Kendell, the owners of Small Acres Cyder, entered their winning drop, the "Cat's Pyjamas", which is the company's latest bottle of sparkling cider that was released to the public last weekend. Not only did they pick up a gold medal for the "Cat's Pyjamas", but they also took out three silver medals for their Sparkling Perry 2012, Sparkling Cider 2011 and Somerset Still 2013. I toast James and Gail on their success and wish them the best of luck for the future.

#### **AUSTRALIAN DRAGON BOAT CHAMPIONSHIPS**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.31 p.m.]: I inform the House that Heather Masters and Wendy Orman of Forster are members of the northern New South Wales dragon boat team that won gold medals at the regional mixed 20s and regional open 20s at the Australian Dragon Boat Championships. Heather and Wendy are members of the Forster Pearl Dragons Club and are active paddlers in dragon boat regattas that are held on the mid North Coast during the winter months. Heather was recognised for her achievements and presented with a Premier's award earlier this year. Wendy also received a Premier's award for her feats.

#### **PORT MACQUARIE LIONS CLUB**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [1.32 p.m.]: I take this opportunity to congratulate the members of the Port Macquarie Lions Club on their recent efforts to beautify the Lion's Lookout overlooking Town Beach. Following work done by the Port Macquarie-Hastings Council, the Lions club members completed a clean-up of the area and planted more dianellas to improve the general appearance of the area and to keep weeds down. The work is the first step in improving the appearance of the lookout, which receives literally thousands of visitors each year. Congratulations to the Port Macquarie Lions Club.

**NUFFIELD SCHOLARSHIP RECIPIENT KESHAV TIMALSENA**

**Mr ADAM MARSHALL** (Northern Tablelands) [1.33 p.m.]: I acknowledge and congratulate Keshav Timalsena, the senior grower-manager for the Costa Group's Tomato Exchange in Guyra, who has been awarded a Nuffield Scholarship to study new glasshouse technology overseas. The Tomato Exchange is a 20 hectare hydroponic tomato farm in the heart of Guyra, which is the largest in the Southern Hemisphere. Keshav is responsible for the day-to-day glasshouse operations, including all aspects of growing and plant management, production, budgeting, forecasting and environment control, as well as managing 164 glasshouse staff. His scholarship will give him the opportunity to travel overseas to study and learn the practicalities of new glasshouse technology in the United States of America. He will use his knowledge to modernise glasshouse construction in the Northern Tablelands at Guyra. The results will mean high yields while reducing environmental impacts. I extend my congratulations to Keshav on being awarded the scholarship and wish him all the best. The community will reap the benefits from his research.

**Community recognition statements concluded.**

**CRIMES AND COURTS LEGISLATION AMENDMENT BILL 2013**

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

*[Acting-Speaker (Mr Lee Evans) left the chair at 1.34 p.m. The House resumed at 2.15 p.m.]*

**ELECTORAL DISTRICT OF MIRANDA****Election of Barry Joseph Collier**

**The SPEAKER:** I inform the House that the writ issued on 20 September 2013 in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912 for the election of a member to serve in the Legislative Assembly for the electoral district of Miranda, in place of Graham Annesley, resigned, has been returned with a certificate, endorsed by the Electoral Commissioner, advising of the election of Barry Joseph Collier to serve as member for the electoral district of Miranda.

**PLEDGE OF LOYALTY**

Mr Barry Joseph Collier took and subscribed the pledge of loyalty and signed the roll.

**ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**The SPEAKER:** I report the receipt of the following message from the Administrator:

MARGARET BEAZLEY  
Administrator

Office of the Governor  
Sydney, 22 October 2013

The Honourable Margaret Beazley, AO, Administrator 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, and as a result of the Lieutenant-Governor being absent from the State of New South Wales, she 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 the giving of notices of motions.]*

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

## QUESTION TIME

*[Question time commenced at 2.25 p.m.]*

### PUBLIC SCHOOL FUNDING

**Mr JOHN ROBERTSON:** My question is directed to the Premier. Given that the Premier said Gonski would provide more resources for all children in New South Wales, how can he justify taking \$254,000 from students in the Londonderry electorate, including at Mount Druitt Public School, Tregear Public School, Werrington Public School, Lethbridge Park Public School and Whalan Public School?

**The SPEAKER:** Order! Members will come to order, including the member for Monaro. The Premier will be heard in silence. The Leader of the Opposition asked the question and Opposition members will listen to the Premier's answer.

**Mr BARRY O'FARRELL:** I have to say in defence of the member for Monaro that he is absolutely right as usual. I say to the students in the gallery that we are putting \$100 million extra into public schools next year and only those opposite, who do not understand the importance of public education, would grizzle, grumble and gnash their teeth about that. We are proud to have signed up to the better education agreement, the Gonski agreement. We were the first State to sign up to the Gonski agreement. Our signature on that agreement came about a year after we had already changed our principles for allocating funds across public schools.

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

**Mr BARRY O'FARRELL:** One of the reasons that we were keen to sign up to the Gonski agreement, or better education agreement, was because we understood—

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

**Mr BARRY O'FARRELL:** I say to the students in the gallery: Never be as rude as the member for Canterbury. Never interrupt a person on their feet—

**The SPEAKER:** Order! The member for Canterbury will cease interjecting or she will be placed on a call to order.

**Mr BARRY O'FARRELL:** —and do not keep doing it when you are pulled up by the Speaker. One of the reasons we were able to commit to the Gonski agreement, the better education agreement, was it reflected our own approach to funding education; not just that it was about devolving responsibility to schools and school communities through Local Schools, Local Decisions, but that it sought to allocate the funding on the basis of need—the needs of the students. So my answer to the Leader of the Opposition's question is: As the needs of students at different schools change, so too will the funding levels. Under the Gonski agreement proposed by their Federal Labor colleagues—

**The SPEAKER:** Order! The member for Marrickville will cease interjecting.

**Mr BARRY O'FARRELL:** As I was saying, under the Gonski agreement proposed by their Federal Labor colleagues, supported and signed up to by New South Wales as the first State, every student is entitled to a base level of funding.

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

**Mr BARRY O'FARRELL:** But on top of that there are additional loadings, additional funding, for the additional needs of the students in a school. And yes, if the profile of needs in a school changes from year to year, so will the funding because that is the principle of needs-based funding.

**The SPEAKER:** Order! The Premier does not need assistance from Government members.

**Mr BARRY O'FARRELL:** I am not quite sure why it has taken a year for the light bulb to turn on for those opposite, but needs-based funding means that the money follows the needs. Schools whose needs increase because of the enrolment of students will get additional funds and, dare I say, schools where the additional

needs of students are addressed, or if students move the funding will follow them. I point out that in the electorate of Londonderry, an electorate referred to by those opposite, Lethbridge Park Public School gets a total increase of funding of \$163,000 under this agreement.

Cambridge Park Public School will receive additional funding of \$342,000 under the agreement this Government entered into with the former Federal Government, which is now being delivered by the current Federal Government. Chifley College Dunheved Campus will receive an additional \$112,000, Hawkesbury High School will receive an additional \$116,000 and Hobartville Public School will receive an additional \$135,000. Yesterday when the Minister for Education announced the funding model, standing beside him were the Secondary Principals Association president and the Primary Principals' Association president. I suspect they do not vote for my side of politics, but yesterday they stood with the Minister for Education and welcomed this funding formula because it addresses the real needs in our education system. It is about giving students across the State—including those in the public gallery—the best opportunity available to receive an education.

### STATE BUSHFIRES

**Mr STUART AYRES:** I address my question to the Premier. Will the Premier inform the House of the latest information on the bushfire crisis?

**Mr BARRY O'FARRELL:** Once again as the House meets New South Wales is in the midst of a bushfire crisis. As the Commissioner of the Rural Fire Service made clear on Sunday, based on weather forecasts, today was expected to be the worst day. On Sunday the expectation was that today's weather would be akin to the weather we saw last Thursday when the fires that caused such havoc and devastation to Winmalee and Springwood broke out. Last Friday we were informed 193 homes had been lost and a further 109 had been damaged but, thankfully, there had been no loss of life. Unfortunately, that night a 63-year-old man fighting to defend his home at Lake Munmorah from the fires died of a suspected heart attack.

The current situation is that resources are still focused on the Blue Mountains and Southern Highlands where winds have picked up. As I speak an emergency alert has been issued for parts of Springwood and Winmalee. Chapman Parade and Gross Road have been warned of ember attack and the message to residents is to prepare themselves and, if safe, to stay in place. The State Mine fire around Bilpin and Berambing is experiencing increased activity and additional units have been sent to assist with the fight. The fire at Springwood is becoming active and an emergency alert has sent out advising people to take shelter where it is safe. We are now approximately two hours away from what is expected to be the worst part of the day and the hottest time of the day. The winds are picking up significantly.

A new fire has sparked at Stockington Road, Minmi, Lake Macquarie, just west of the M1 Motorway, and is currently at emergency warning status. As of a few minutes ago the M1 Motorway was closed in both directions. Across the State there are more than 60 bushfires or grassfires, of which 22 are uncontained and two are at emergency warning status—one of those fires is the fire that has closed the M1 Motorway, and another is the situation in Springwood/Winmalee—and four fires are at watch-and-act status. There are thousands of firefighters in the field, including almost 1,000 from interstate. I take the opportunity to thank their Premiers and the Chief Minister of the Australian Capital Territory for their assistance during this crisis. Across this country too many of these crises occur, whether flood or fire, but every time we receive fantastic interstate cooperation.

While 95 aircraft are currently available, the Commissioner of the Rural Fire Service has said a number of times today that the strong winds are making it difficult for those aircraft to be deployed effectively. I am aware that a fire west of Putty Road may well have been the result of a lightning strike. We did see many lightning strikes across the State last night and we may, regrettably, see more fires as a result of them. The message to people in the Blue Mountains is that if it is not safe to stay in place either head north to the Lithgow Workmens Club or south where at 10.00 a.m. this morning an evacuation centre was opened at Penrith Panthers. The role of clubs will be mentioned in the urgency debate.

I am pleased to announce, after consultation this morning with the Minister for Finance and Services, that people who fought fires in the Port Stephens and Blue Mountains areas will not be charged for any excess water or above average water use. That is a small but practical way the Government can assist. The bills for last year will be the basis for bills this year. We do not want people to worry at this time about paying a water bill because they have used excess water to defend or save their homes. I thank the Minister for Finance and Services. That follows on from the equally practical decision yesterday by the Minister for the Environment to

waive tip fees for families who are able to start cleaning up and visiting their local tips. I am pleased to see that many other councils in those areas have joined forces to ensure that families will not have to pay any fees to access rubbish tips. [*Extension of time granted.*]

Wonderful stories of great community spirit have emerged during this week-old fire crisis, but there will always be the odd alternative. There was one report of looting and the arrest of young people for lighting fires that may have caused enormous death and destruction but for the great work of emergency services workers. Yesterday afternoon, at the time of the division that the member for Toongabbie and I almost missed, I was delayed by a phone call from Senator Marise Payne, the Federal Minister for Human Services. She alerted me to the fact that a landlord in the lower Blue Mountains was seeking to price gouge. He had told his real estate agent to jack up the rent on the property. He said, "Given that so many homes are being damaged these will be far more valuable in the coming weeks."

I immediately contacted the Minister for Fair Trading and that department is now investigating the matter. There are provisions within the Fair Trading Act in relation to unconscionable behaviour, which state that people cannot, before, during or after, use natural disasters to act in an unconscionable fashion. Certainly jacking up rents at a time when people are desperate for housing following the destruction of homes by fire is one such thing. As the Minister reminded me this morning, penalties for individuals can be up to \$220,000 and penalties for companies can be up to \$1.1 million. Whether penalties are imposed or not, the Department of Fair Trading has a capacity to name and shame and will not hesitate to do so in this case or for any future incidents.

Let us end on a positive note: Despite the loss of so many homes, so many others have been saved by the great work of people who out there again today fighting fires across the State—whether in Minmi or in the Blue Mountains. Every member of the House has great respect for people on the front line with National Parks, Fire and Rescue NSW and the Rural Fire Service, and for people in the control rooms and headquarters making the critical decisions as to where resources will be deployed.

#### **PUBLIC SCHOOL FUNDING**

**Ms CARMEL TEBBUTT:** I direct my question to the Minister for Education. Will the Minister explain to the House how it is possible that with \$5 billion additional funding entering the school system the Minister is slashing funding to nearly every public school in Granville under the new funding model, including Granville Boys High School, Granville East Public School and Granville South Public School?

**Mr ADRIAN PICCOLI:** I thank the member for her question. I will take every chance I get to say what a great, but overdue, reform this is. Every time I am asked a question in this House or by the media I have a chance to say what a great outcome the resource allocation model has delivered for the electorates of Dubbo, Granville, Burringuck and others across New South Wales—including those held by Labor members. The Government entered into a \$5.5 billion deal. It will not be delivered in 2014, which is a shame. It is not \$5.5 billion delivered next year; it is \$5.5 billion over six years.

**Ms Carmel Tebbutt:** I know that.

**Mr ADRIAN PICCOLI:** Then why did you ask the question?

**The SPEAKER:** Order! This is not a debate. The Minister is answering the question.

**Mr ADRIAN PICCOLI:** Labor has been alone in its opposition to the model.

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

**Mr ADRIAN PICCOLI:** Given their opposition, one would think it was unusual that equity funding would cause the amount allocated to schools to go up and down. I wonder what an analysis of the situation under the Labor Government would disclose. It just so happens that I have one I prepared earlier. The Labor Government had an ad hoc approach that involved schools on a program being several hundred thousand dollars better off—

**Mr John Robertson:** Point of order: The Minister for Education wants to give the House a history lesson. My point of order relates to Standing Order 129, relevance.

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

**Mr ADRIAN PICCOLI:** I am simply making it clear that school equity funding has always gone up and down. However, when members opposite were in government it went up and down dramatically. This Government has implemented a much fairer, student-based system. As the demographics of a school changes, so does its funding. The Premier and I have made that clear. I recently visited Eagle Vale High School in the electorate of Camden after an unfortunate fire. In 2008, its equity funding was \$317,000, the following year it was \$164,000—that is a \$150,000 reduction—and a year later it was \$86,000. I visited Hunter Sports High School with the member for Charlestown a week ago. In 2008, its equity funding was \$315,000 and a year later—when the Leader of the Opposition was in Cabinet and had oversight of this process—it was \$136,000. That is a \$200,000 reduction in one year.

This confected outrage about a reduction of \$50,000 must be put into perspective, and that perspective is particularly relevant given that a year later the school's equity funding was zero. In two years that school's equity funding went from \$315,000 to \$150,000 to zero. That is unfair. How are schools expected to plan when they do not know what funding they will receive from year to year? As I said, every time I am asked a question about this reform process I am more than happy to talk about it. In 2010, Eagle Vale High School received \$86,000 in equity funding. Under this Government it will receive \$727,000 next year. Hunter Sports High School received nothing in the last year that members opposite were in government. Under this Government it will receive \$588,000. This is all about additional funding. As I said, \$100 million of the first tranche of Gonski—

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

**Mr ADRIAN PICCOLI:** As the Government announced yesterday, \$100 million of the first tranche of \$5.5 billion in Gonski funding will be provided next year. The remaining funds will be spent on improving teacher quality, teacher training and so on. They are the things we should be investing in. This Government could be no prouder of a reform process than the one it announced yesterday.

#### REGISTERED CLUBS AND HOTELS BUSHFIRE ASSISTANCE

**Mr GARRY EDWARDS:** I address my question to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. How are registered clubs and hotels in bushfire-affected areas assisting their local communities?

**Mr GEORGE SOURIS:** I thank the member for his question, particularly given that he represents the electorate of Swansea, which is very much in our thoughts. I note the concern expressed by all members for the victims of the bushfires and the gratitude they have expressed to the many volunteers protecting the affected communities. Many of those volunteers are the management and staff of clubs and hotels in bushfire-affected areas. They deserve the highest praise for their incredible efforts in assisting those affected by the devastation. The many clubs and pubs that have opened their doors, and the management and staff who have opened their hearts, have shown great community spirit during a time of crisis. The staff of at least a dozen registered clubs and 30 hotels have gone above and beyond the call of duty by doing all in their power to ease the plight of victims, firefighters, police officers, and even wildlife and pets.

I congratulate members of the Australian Hotels Association—the hotel and pub owners—who have been most generous in offering their facilities to those affected by bushfires. The chief executive officer of the New South Wales branch of the Australian Hotels Association, Paul Nicolaou, pointed out that association members are an important part of their communities and are determined to do whatever they can to provide assistance to all those affected by the bushfires and the wonderful men and women of the Rural Fire Service and the State Emergency Service. Many hotels are already providing food, drink and their facilities in the affected areas and some are planning fundraisers to support members of their communities who have lost homes and other property. I will name some of the hotels that have pitched in: Swansea Hotel, Catherine Hill Bay Hotel, Courthouse Hotel at Lithgow, Imperial Hotel at Mount Victoria, New Ivanhoe Hotel at Blackheath, Royal Hotel at Springwood, Winmalee Tavern, Royal Hotel at Richmond, Bargo Hotel, Gallagher Hotels, Oriental Hotel at Springwood, Camden Valley Inn, and Picton Hotel. I know that the generosity and sacrifice of these hotel owners and their staff is greatly appreciated by those affected by fires and those fighting them.

The management and staff of registered clubs have been operating around the clock, opening their doors to feed thousands of people, providing drinks, looking after pets and acting as distribution and evacuation



centres. Their continuing contribution is invaluable. Clubs are community organisations and when an emergency occurs, volunteers, members of the community and local clubs work together to weather the storm, to support each other and eventually to rebuild. They are the backbone of their communities, and have proven that again during this crisis. As ClubsNSW Chief Executive Officer Anthony Ball said, clubs are opening their doors and their hearts to those in need during this crisis. He told my officers that he had been in touch with many clubs over the past few days, some of which have been open around the clock since Thursday. Their commitment to doing anything and everything to help their communities make it through these devastating fires has been overwhelming.

In fact, I have been informed that one female employee of the Richmond Club's aged care centre, despite losing her home and pet in the bushfires and having to care for her aged mother, has continued to work long hours tending to others in need. Swansea RSL Club Manager Kiel Emerton and the member for Swansea, Garry Edwards, had to go grocery shopping after the club ran out of food on the first night—I hope they took advantage of the specials on offer. Other clubs that deserve mention include Springwood Sports Club, Springwood Country Club, Lithgow Workmens Clubs, Mittagong RSL, Doyalson Wyee RSL, Swansea Workers Club, Wests Mayfield, Picton Bowling Club, Emu Plains Sports and Recreation Club, and Penrith RSL, which is an evacuation centre and an authorised collection centre for clean clothes and non-perishable food items. Penrith RSL is also matching dollar for dollar any cash contributions made at the club.

These wonderful organisations have provided shelter, sustenance, moral and physical support for thousands of evacuees and volunteers alike. They have also provided veterinarian services and holding facilities for hundreds of stranded and injured animals. They deserve our admiration. The facilities of clubs and hotels in these areas are needed desperately and have been provided willingly. The efforts of club and hotel management and staff in fire-affected areas are nothing short of tremendous.

#### **PUBLIC SCHOOL FUNDING**

**Dr ANDREW McDONALD:** I direct my question to the Minister for Education. Given the Minister said that the Gonski reforms would provide more resources for every child—

**The SPEAKER:** Order! The member for Macquarie Fields will be heard in silence. Government members will come to order.

**Dr ANDREW McDONALD:** —why is the Government stripping \$120,000 in funding from Campbelltown students at Airds High School, Briar Road Public School, Campbelltown East Public School, Campbellfield Public School and Passfield Park School, which caters for children with intellectual disabilities?

**Opposition members:** Shame!

**Mr ADRIAN PICCOLI:** Members opposite were not saying "Shame, shame" a couple of years ago when they were stripping the hundreds of thousands of dollars from schools that I referred to in answer to an earlier question. When the Gonski report was released members opposite talked about needs-based funding. Every member opposite was probably wearing a green "I give a Gonski" T-shirt during the Federal election campaign.

**The SPEAKER:** Order! The Minister will be heard in silence. Government members will come to order. I cannot hear the Minister. The Leader of the Opposition will come to order. I call the Leader of the Opposition to order for the second time.

**Mr ADRIAN PICCOLI:** The member for Macquarie Fields probably has an "I give a Gonski" T-shirt. The needs-based funding model means that students are funded according to need. It is not that complex.

**Dr Andrew McDonald:** You've never been to Briar Road.

**The SPEAKER:** Order! The member for Macquarie Fields asked the question; he will listen to the Minister's answer.

**Mr ADRIAN PICCOLI:** I have indeed been to Briar Road, and I think there is a KU preschool—

**Dr Andrew McDonald:** Have you been to Briar Road?

**Mr ADRIAN PICCOLI:** I have, and there is a KU preschool very close to the school. If Opposition members did not believe in a needs-based funding model, why were they wearing the green T-shirts?

**The SPEAKER:** Order! Opposition members will cease interjecting.

**Mr ADRIAN PICCOLI:** In the electorate of the member for Macquarie Fields—it is always what they do not tell you in a question such as this—Campbelltown Performing Arts High School is \$338,000 better off, which is a big tick; and Ingleburn High School is \$239,000, or a quarter of million dollars, better off.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. I call the Leader of the Opposition to order for the third time.

**Mr ADRIAN PICCOLI:** Campbelltown North Public School is \$108,000 better off.

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

**Mr ADRIAN PICCOLI:** Campbelltown Public School is \$33,000 better off. A couple of the schools referred to are in Campbelltown, and I am talking about the schools in Campbelltown that are benefiting. This is about a fairer distribution of funds. When those opposite were in government, under the model they sustained a few select schools did very well out of these programs. For good reasons some schools did very well, but the school down the road got virtually nothing. We are making sure that every student is funded fairly. If an Aboriginal student moves from one school to another school, the funding follows. If a disadvantaged student changes schools or the demographics of the school change then the funding flows.

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

**Mr ADRIAN PICCOLI:** I would have thought that, of all people, the member for Canterbury—former president of the Aboriginal Education Consultative Group—would support this.

**Ms Linda Burney:** Ten years, actually.

**Mr ADRIAN PICCOLI:** Ten years—admittedly they have had time to recover. I would have thought that the member for Canterbury would have supported this.

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

**Mr ADRIAN PICCOLI:** For the first time every single Aboriginal student in New South Wales attracts funding. I would have thought the former president of the Aboriginal Education Consultative Group would have stood up and congratulated the Government.

**The SPEAKER:** Order! The member for Macquarie Fields will come to order. I will not tolerate further interjections.

**Mr ADRIAN PICCOLI:** It took a Coalition government to deliver that. It took a Liberal-Nationals government to deliver funding for every single Aboriginal student in New South Wales. I know every member of this Government is very proud of that achievement. Those 15 schools in Connected Communities, some with the highest proportion of Aboriginal students, benefit to the tune of \$2.5 million per year. That is money going to support Aboriginal students, and it is why I thought Linda would have been a great advocate for it instead of her usual whingeing and whining. This is a great reform; we have made that very clear. We have posted on the website information on those schools whose funding goes up and those schools whose funding goes down. We do not hide anything. You cannot hide that there is \$100 million in extra funding, a changed and much fairer model, and every single Aboriginal student attracts funding, which means that triple the number of disadvantaged students attract funding. It is a great reform that we are very proud of.

## PLANNING REFORM

**Mr KEVIN CONOLLY:** My question is addressed to the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW. What has been the reaction to the Government's new legislation to give New South Wales a world-class planning system?

**The SPEAKER:** Order! Members will come to order. There is too much audible conversation in the Chamber. I call the Minister for Planning and Infrastructure.

**Mr BRAD HAZZARD:** I thank the member for Riverstone for the question and note his strong interest in reform of the New South Wales planning system. I have joined him on a number of occasions to look at the wonderful developments that are happening in the Riverstone electorate and to enjoy its heritage, including at Windsor, the old abattoir, and the meatworkers cottages. This is a member who understands what planning can do for New South Wales. He has made it very clear that he is committed. He said I think in September a year or two ago that he wanted to make sure that a rail system is delivered. We will deliver the North West Rail Link for residents of the north-west.

Yesterday, the Government introduced in this Parliament legislation that will bring New South Wales out of the Dark Ages of planning and into a modern, responsive system that places power back in the hands of communities and delivers on our election commitments. The legislation now before the House is the product of 2½ years of unprecedented consultation with communities, councils and the business community. It offers a real chance for New South Wales to break with the past. It is a past riddled with complexity and stained by the taint of the deals-for-dollars culture that festered under the former Labor Government. Key stakeholder groups have been heavily involved in shaping the bills and yesterday offered their views on the Government's legislation.

Community members, professionals and others who simply offered their expertise have volunteered thousands of hours of their time to help us lead our planning system into the twenty-first century. I acknowledge Keith Rhoades, President of Local Government NSW, and Local Government NSW as an organisation. Keith Rhoades and his organisation have shown real leadership in working with me and the Department of Planning and Infrastructure to improve the bills. He gave this assessment of our offering:

Minister Hazzard has listened to the concerns of councils and communities alike and included sustainable development in the upfront objectives of the Act and triple bottom line considerations in merit assessable development applications, which will still be dealt with by councils.

Recognising community participation by including it in the Bill's object, and detailing the Community Participation Charter and operating procedures is also a major step towards guaranteeing the inclusive approach offered by the Government.

Local Government has maintained its strong role in the planning system, with the Bill guaranteeing a majority of councils on Subregional Planning Boards.

That is the peak body for local government endorsing the Government's agenda, vindicating our desire to break with Labor's past and work in genuine partnership with local government to deliver planning outcomes for local communities. The peak professional body for the planning sector, representing both private sector and local government planners, has also endorsed the legislation. Sarah Hill, the Planning Institute of Australia NSW Division president, said:

The NSW Division of the Planning Institute of Australia (PIA) believes that the current NSW planning reforms represent a significant opportunity to ensure that this State has a modern and responsive planning system which will take NSW forward. The Government is to be commended on the process of wide consultation and in particular the positive engagement processes in the most recent round of consultations.

PIA believes that it would be counterproductive for the community and economy of NSW if these reform principles were to be abandoned or significantly watered down.

The Committee for Sydney chief executive, Tim Williams, said:

The Committee for Sydney has welcomed the tabling of the NSW Government's Planning Bill as the next step in its planning reforms for NSW.

The Committee has long supported planning reform in NSW as it believes it is essential if Sydney is to manage growth and retain its position as Australia's premier capital city.

Without this reform Melbourne will out-perform Sydney to become Australia's largest and most liveable city within 30 years and we simply won't build the homes and places that both our economy and our children need.

Glenn Byres, chief executive of the Property Council of Australia, NSW Division, said yesterday:

Chronic housing shortages, crippling red tape and high hurdles to investment are legacies of the current system—and it needs to be junked. We desperately need a fresh start and the case for rebuilding confidence among investors, councils and the community is compelling. A clear set of rules applied objectively, depoliticised development assessment, more e-planning and fewer planning policies are all features of best-practice planning.

In other words, he well and truly endorsed this Government's approach to our new planning system. Not all the coverage has been constructive. The Greens' representatives seem to disagree with our agenda to give planning powers back to local communities through their councils, which I find very surprising. Just this morning a Greens representative said, in almost outraged terms, "These laws will also allow local councils to impose code-assessable development in their local areas." Is it not outrageous that local councils and communities would be able to determine what they want for their area? Shame on The Greens for even contemplating that!

**The SPEAKER:** Order! The member for Maroubra will cease shouting at the Minister.

**Mr BRAD HAZZARD:** The Greens should be on board with that concept. They cannot have it both ways: Either we are backing the councils and the communities or we are not. This Government is, and I make it very clear that these planning laws are all the way with the community and with councils. [*Extension of time granted.*]

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

**Mr BRAD HAZZARD:** It is unfortunate that these once-in-a-generation reforms have also been misinterpreted by some members of the media. I note that today's *Daily Telegraph* stated that "the new system will grant rules for some areas of Sydney and different rules for other areas of Sydney". I inform the *Daily Telegraph* and the reporter concerned that that they are completely wrong. They should look very closely at what they have written because they are driving a wedge into what is a very constructive form of legislation that will bring communities together. The bottom line is that code-assessable development will be available across the State, across all of Sydney. It will be up to the councils and the community to determine whether they want code-assessable development. There are areas, such as Riverstone, where taxpayers are putting billions of dollars into major infrastructure. If taxpayers are doing that, it is right and proper that the council and the community work with us so that they can access that new money and new rail lines and they are given the opportunity to have residential housing constructed in nearby areas.

The simple fact is that we are working with councils and communities to ensure that the code that has been in existence since 2009—the State environmental planning policy that allows properties to be built up to two storeys if they comply with a certain setback and a certain floor space ratio—can be tailored to local communities so that a local council will be able to say, for example, that it does not want windows on a side of the building or it wants a deeper setback. We are allowing a tailoring of the State environmental planning policy that was introduced by the former Government. In relation to the issue of code-assessable development, the entire community in the local area will determine how that will work. There will be community consultation up-front all the way through and right to the end. Anybody who does not understand that should have a good look at the bill.

**The SPEAKER:** Order! Opposition members will come to order.

**Mr BRAD HAZZARD:** I commend these bills to all members in this Parliament and to all members of the community to ensure that New South Wales has a new planning system that will work for the twenty-first century.

#### MIRANDA ELECTORATE TRAIN TIMETABLES

**Mr BARRY COLLIER:** Madam Speaker—

**The SPEAKER:** Order! Members will come to order. The member for Miranda will be heard in silence.

**Mr BARRY COLLIER:** My question is directed to the Minister for Transport. Will the Minister listen to the people of Miranda and restore the 11 peak hour services cut from Jannali station, the seven cut from Como station and all the direct services from Sutherland shire to Kogarah, which the Minister removed under the new timetable?

**The SPEAKER:** Order! Opposition members will come to order. I am sure the member for Miranda wants to hear the answer to his question. The Minister will be heard in silence.

**Ms GLADYS BEREJIKLIAN:** First, I extend my congratulations to the member for Miranda on his return to this place. I also say how flattered I am to receive his first question. However, the member for Miranda

should be honest with his community because it will come back to bite him. As I informed the House yesterday, there will be an extra 149 services on the Illawarra line, 55 of them in the peak period. That means not only extra services and extra frequency but also a positive impact on crowding issues which will give customers a better travelling experience. What the member for Miranda did not highlight but should have, is that specific stations—Miranda, Gynea, Kirrawee—all get extra services.

**Mr Barry Collier:** Point of order: My point of order relates to relevance under Standing Order 129. The question was about Como and Jannali.

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

**Ms GLADYS BEREJIKLIAN:** It is interesting that in his first question the member for Miranda acknowledges that he did not tell the whole story; he did not tell the truth.

**The SPEAKER:** Order! Members who continue to interject and shout at the Minister will be removed from the Chamber. Such behaviour is unparliamentary. An Opposition member asked the question and Opposition members should listen to the Minister's answer.

**Ms GLADYS BEREJIKLIAN:** Let me talk directly about Como and Jannali stations, which the member for Miranda highlighted in his opening remarks. Interestingly, he distributed information during the election campaign about the percentages of services in the peak period, which frankly was incorrect.

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

**Ms GLADYS BEREJIKLIAN:** When I quoted the figures yesterday for the peak between 6.00 a.m. and 9.00 a.m. the Leader of the Opposition let slip that the Opposition was talking about 7.00 a.m. to 8.00 a.m.

**Mr John Robertson:** Point of order: My point of order relates to relevance under Standing Order 129. Clearly the Minister still is not listening to the people of Miranda.

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

**Ms GLADYS BEREJIKLIAN:** When I highlighted the factual errors in the information the Opposition was distributing, the Leader of the Opposition let slip that the Opposition was only talking about between 7.00 a.m. and 8.00 a.m.

**The SPEAKER:** Order! The Leader of the Opposition will come to order. This is not an argument or a debate.

**Ms GLADYS BEREJIKLIAN:** In case the member for Miranda and the Leader of the Opposition do not realise this, many customers catch services after 8.00 a.m., especially from that electorate. At the end of the day it does not matter what I say or anybody else says in this place; it depends on the experience that customers have had in relation to public transport. When the member for Miranda was in this place during the term of the former Government he let his party cut hundreds of daily rail services and he had nothing to say about it. He sat in this House and I did not hear him object when his party slashed hundreds and hundreds of daily rail services.

In contrast, this Government has increased services on that line by 149—55 in the peak period—and a number of stations are getting extra services. Even at those stations that in peak periods may receive one, two or three fewer services, customers will have a better experience. I highlight again my absolute disappointment that the Labor Party did not tell the community the truth in relation to those rail services. At the end of the day customers will realise that an extra 149 services on that line is a better experience for them. [*Time expired.*]

## SCHOOL FUNDING

**Mr CHRIS SPENCE:** My question is addressed to the Minister for Education. What are the benefits of changes to equity funding for schools as a result of the new resource allocation?

**Mr ADRIAN PICCOLI:** I always welcome these questions, particularly when a member is genuinely interested in schools. Yesterday after dinner I had the pleasure of meeting with the member for The Entrance

and 15 or 16 principals from schools in his electorate. We had a terrific chat about the things that the New South Wales Government has done and the things that the Government can do to further support public schools in New South Wales. Yesterday when the results of the new funding model and the additional dollars came out I am sure that plenty of schools in The Entrance electorate were absolutely thrilled. Brooke Avenue Public School benefits to the tune of \$281,000—this year it has received \$9,000 and next year it will get \$290,000. Tuggerah Lakes Secondary College Berkeley Vale Campus benefits to the tune of \$204,000—up from \$5,000 this year. The Entrance campus of Tuggerah Lakes Secondary College is up by \$228,000, compared to about \$6,000 that it currently receives. Obviously many schools in The Entrance electorate will benefit. Looking at the entire amount for The Entrance electorate, it is a 100 per cent increase in the amount of equity funding to schools. That is a big tick.

**Ms Noreen Hay:** What about your cuts?

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

**Mr ADRIAN PICCOLI:** I know the member for Wollongong has trouble counting. That has been well documented. It was the \$60,000 donation that she forgot about.

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

**Mr ADRIAN PICCOLI:** She cannot fathom that spending \$200 million this year and \$300 million next year results in a \$100 million increase. Today I read a suggestion from the Opposition that it would cost \$5.5 million to have a funding program where no school loses money. Members opposite are legitimately able to put up stupid propositions; they have become expert at that over the past 16 years. I have only this to say: If we did that with \$5.5 million, will members opposite provide me with a list of the schools that they would take the money from?

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

**Mr ADRIAN PICCOLI:** The Opposition spokesman on education referred to a school in the Vacluse electorate that gained under this funding model, and she referred to a school in Western Sydney. The school in Vacluse gained \$308. It went from \$1,500 a year to \$1,800 a year. That is outrageous.

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

**Mr ADRIAN PICCOLI:** That was the comparison. I say to the member for Vacluse that a \$308 benefit is a huge victory for the Vacluse electorate. That is the way the system works. It is no secret that the Vacluse electorate is an affluent one. Schools in that electorate receive less in equity funding.

**The SPEAKER:** Order! Government members will cease interjecting.

**Mr ADRIAN PICCOLI:** Less affluent electorates gain substantially more. That is the way the system works. The Auburn school to which the member referred—comparing it to the Vacluse school—will have \$50,000 less next year than it has this year, but it currently receives \$1.5 million. Some \$1.5 million in Auburn and \$1,800 in Vacluse—I presume members opposite think that it is the way it should work. Schools in Western Sydney will be \$26 million better off as a result of these funding reforms. Schools in western New South Wales will be \$21 million better off under this system; schools in the Illawarra will be \$6 million better off; schools on the North Coast will be \$10 million better off; and the statistic for schools on the Central Coast was so good I thought I would repeat it as it takes a while to get it through the heads of members opposite.

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

**Mr ADRIAN PICCOLI:** Schools on the Central Coast will be \$6.5 million better off. That is all great news under a great funding system. I am happy to answer any questions. I thank the member for the question.

#### **SOLAR FEED-IN TARIFF**

**Mr ALEX GREENWICH:** My question is directed to the Minister for Resources and Energy. Given that the New South Wales Government's goal is to generate 20 per cent of the State's energy needs from

renewable sources by 2020, will the Minister mandate the Independent Pricing and Regulatory Tribunal's suggested price for energy produced by photovoltaic panels on households not eligible under the Solar Bonus Scheme to incentivise further uptake of household solar energy?

**Mr CHRIS HARTCHER:** Energy is a big issue. We have now had one question from an Independent member.

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

**Mr CHRIS HARTCHER:** How many questions have the 21 members opposite asked in 2½ years? Zero. People have heard of coal seam gas.

**The SPEAKER:** Order! The member for Hornsby will come to order. The Minister does not require any assistance.

**Mr CHRIS HARTCHER:** Coal seam gas is a somewhat controversial issue. We have had one question from the member for Balmain. How many questions have members opposite asked? Zero. What are members opposite afraid of?

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

**Mr CHRIS HARTCHER:** The member for Maroubra needs to answer one question. Was the \$100,000 from the Health Services Union on Craig Thomson's credit card? That is one question members opposite have never answered. That is what we want to know.

**The SPEAKER:** Order! The member for Maroubra will come to order. This is not an argument or a debate.

**Mr CHRIS HARTCHER:** I will answer the question asked by the member for Sydney.

**The SPEAKER:** Order! The Minister will return to the leave of the question. Members will come to order. Members who continue to interject and shout will be removed from the Chamber.

**Mr CHRIS HARTCHER:** The member's question is timely. I congratulate him because today the Australian Energy Market Commission released its report on solar energy. Well done. The member is on the ball; he has read the report and asked an appropriate question. I congratulate him on his interest, unlike the 21 members opposite. As the member is aware, following the closure of Captain Solar's unsustainable \$1.8 billion blowout scheme, the New South Wales Government asked the Independent Pricing and Regulatory Tribunal to determine a fair price for solar electricity. The Independent Pricing and Regulatory Tribunal found that once the significant costs of delivering a reliable and secure electricity supply are taken into account the actual value of electricity fed back into the grid is 6.6¢ to 11.2¢ per kilowatt hour. This compares to the 60¢ that Captain Solar handed out. Who paid for it? The 95 per cent of consumers—

**Mr Richard Amery:** Point of order: My point of order is under Standing Order 75. I ask the Minister to refer to other members by their correct titles.

**The SPEAKER:** Order! I uphold the point of order.

**Mr CHRIS HARTCHER:** It is good that after 30 years the member for Mount Druitt finally knows a standing order. The New South Wales Government continues to call on retailers to implement the Independent Pricing and Regulatory Tribunal report. As confirmed by the report of the Australian Energy Market Commission today, solar bonus customers are being subsidised by other consumers. Nonetheless, more than 80,000 customers have signed up to solar panels since the Solar Bonus Scheme was closed more than two years ago. This is a great result. As the hardworking Parliamentary Secretary for Renewable Energy and Energy Innovation said, this shows that the demand for solar panels is still strong without costly feed-in tariffs. Customers are realising the long-term value of net metering as a way of reducing their power bills and receiving revenue from an unsubsidised feed-in tariff set for their electricity exported to the grid. Setting a higher feed-in tariff as requested by the member for Sydney would involve a subsidy and result in higher electricity prices for all New South Wales households—something that only the Leader of the Opposition would and did advocate.

**Mr John Robertson:** You voted for it.

**Mr CHRIS HARTCHER:** And the Leader of the Opposition introduced it. He blew out the scheme from \$400 million to \$1.8 billion. He would have been a great Treasurer.

**The SPEAKER:** Order! The Leader of the Opposition is skating on thin ice. I remind him that he is on three calls to order.

**Mr CHRIS HARTCHER:** According to the Independent Pricing and Regulatory Tribunal, the increased costs would be as high as an additional \$1.8 billion. The New South Wales Government is committed to a 20 per cent target of renewable energy under the Parliamentary Secretary by 2020 but it must be economically sustainable in a way that the community can absorb. For example, a Victorian Government report on green schemes—the member for Balmain will be interested in this—shows that The Greens have advocated a switch to 100 per cent renewable energy, which would cost \$1 trillion. That is okay for The Greens. Who cares? This would amount to approximately \$500,000 per household in Victoria. [*Time expired.*]

### STATE SEASONAL CONDITIONS

**Mr KEVIN ANDERSON:** My question is addressed to the Minister for Primary Industries. Will the Minister provide an update on seasonal conditions across the State and related matters?

**Ms KATRINA HODGKINSON:** I thank the member for Tamworth for his interest in all matters rural and regional. He is an excellent member and I am sure his community is grateful to have him as its local member. I have asked a delegation from the Regional Assistance Advisory Committee to visit north-west New South Wales due to deteriorating seasonal conditions. It has been a particularly tough year in the north and the north-west of New South Wales. The Regional Assistance Advisory Committee has been kept up to date by Sharon Knight, a rural financial counsellor in the Bourke region. Sharon has been reporting back regularly via teleconference facilities on the Regional Assistance Advisory Committee and I have carefully noted her reports each month.

It is a particularly precarious time in the north-west of New South Wales as there has been an unseasonably hot September. In surrounding parts of New South Wales, such as the south and the central west, there has been some decent rain. In the southern part of the State we are looking to bumper crops this year, which is terrific, but unfortunately the same cannot be said about the northern part of the State. A delegation from the Regional Assistance Advisory Committee consisting of David Palmer, Chairman and Acting General Manager of the NSW Rural Assistance Authority, John Newcombe, and Sharon Knight, Bourke Rural Financial Counsellor, are currently spending three days in the north-west of the State. They left yesterday and visited Coonamble. Today they will visit Walgett, Lightning Ridge and Weilmoringle, and tomorrow they will finish in Bourke. The purpose of this small delegation is to meet with landholders, business owners, councils and other locals, to assess the conditions being faced by people living in the north and north-west of New South Wales, to report back to me at the end of this week, and to provide me with feedback and advice on appropriate programs that should be implemented urgently to help them out of this precarious situation.

Now that we are heading into summer it is pertinent for us to act urgently. We had hoped to see some rain in spring—in September and in the earlier part of this month—but now it is less likely. Water supplies are restricted, in particular, for stock and domestic purposes, and with little feed on the ground the situation in the north and north-west will worsen as we head into summer. I look forward to hearing recommendations from the Regional Assistance Advisory Committee delegation about the programs that should be put in place. In August we experienced frosts in the central and southern part of New South Wales which did not do us any good. Unfortunately, canola, wheat, faba beans and chickpeas were damaged in parts of the north-west following a severe frost in late August. Those frosts affected crop yields and damaged cereal, pulse and oilseed crops in the northern region while further frosts in early and mid-October also affected crops in central and southern parts of the State.

As one would imagine, the condition of stock is also deteriorating in areas where rainfall has been limited. Supplementary feeding has increased in these areas and has been continuing in the tablelands for quite some time. Stock water supplies are low in the north-west and west and are reasonable in most other areas around the State. While higher than normal temperatures favoured crop and pasture growth generally, the warmer than average temperatures through winter and spring pushed forward crop development in the central and northern regions, with harvest starting earlier than normal in northern New South Wales. Harvest has commenced in the northern grains region on barley, faba beans and canola, whilst in western and southern areas of the State some canola is close to being harvested after being windrowed in early to mid-October. I think we can expect a warm summer. We will be looking to assist our primary producers, our landowners, as things get tough over the coming summer months. I take this opportunity to update the House on the assistance being



offered to stock and companion animal owners who have been affected by the bushfires. I thank all those who have been working around the clock to combat the fires. The losses have extended into our agricultural sector. *[Extension of time granted.]*

The Department of Primary Industries and the Livestock Health and Pest Authority currently are on hand to assist with the relocation of horses and companion animals. The total cost of the losses will not be known for some time but we know that hobby style and peri-urban blocks have been affected. There has been a significant loss of wildlife that also will be assessed. Staff are continuing field assessments for emergency support in fire-affected areas. More than 100 horses and numerous other animals already have been transferred to evacuation centres. Staff have made warning phone calls to livestock owners along the Bells Line of Road and assisted landholders to move stock into the Upper Hunter region.

Animal evacuation centres are already accommodating a vast range of pets and animals. I thank the Lithgow Workmen's Club, which is operating as an evacuation centre. So far it has welcomed turtles, birds, dogs, cats, rabbits and chooks. Other animal evacuation centres are operational at Hawkesbury Showground, North Richmond Community Hall and the Penrith Information and Access Centre, with several other centres remaining on standby. More than 70 horses are now being cared for at the Hawkesbury Showground and capacity has been boosted to take additional horses, as needed. The Penrith Paceway also is operational in taking horses. I thank the member for Penrith for his support for the paceway at this important time.

The Department of Primary Industries is arranging emergency supplies, mostly fodder and transport, for the areas requiring assistance. The department is working alongside a number of agencies to care for animals affected by the fires. I thank the New South Wales Wildlife Information, Rescue and Education Service Inc. [WIRES], Native Animals Trust Fund, Animal Welfare League, the RSPCA and the specialist equine group Heavy Horse Heaven for their hard work, and the many other groups and volunteers who are helping in these circumstances. My department will continue to support the Rural Fire Service operations in the Sydney, Blue Mountains, Hunter Valley, Central Coast, Illawarra and Southern Highlands areas for as long as it is needed.

**Question time concluded at 3.26 p.m.**

## **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) [3.26 p.m.]: I move:

That standing and sessional orders be suspended to provide that from 5.00 p.m. until the rising of the House no divisions be conducted or quorums be called.

Members will recall that last week, because of the fires, the Government deferred community recognition notices and private members' statements. The Government indicated it would ensure that this week no member would be denied an opportunity to make a community recognition statement or a private member's statement. At 1 o'clock today additional community recognition statements were permitted and at 5 o'clock this afternoon, which is normally government business time, those private members' statements that were deferred last week will be permitted. I anticipate that those statements will conclude at about 6.30 p.m., which is when the sittings will be suspended for dinner. At 7.00 p.m. members will again be able to make private members' statements followed by the matter of public importance. All members should make arrangements relating to those issues.

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

**Motion agreed to.**

## **PUBLIC ACCOUNTS COMMITTEE**

### **Report**

**Mr Jonathan O'Dea**, as Chair, tabled the report entitled "Examination of the Auditor-General's Performance Audits October 2011—March 2012", report 12/55, dated October 2013.

**Ordered to be printed on motion by Mr Jonathan O'Dea.**

**STATE AND REGIONAL DEVELOPMENT COMMITTEE****Deputy Chair**

**The DEPUTY-SPEAKER (Mr Thomas George):** I inform the House that, pursuant to Standing Order 282 (2), on 23 October 2013 Adam John Marshall was elected Deputy Chair of the State and Regional Development Committee.

**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**.

**Main Road 195**

Petition calling on the Government to upgrade Main Road 195 at Testers Hollow, between Gillieston Heights and Cliftleigh, received from **Mr Clayton Barr**.

**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**.

**Kiama Central Business District Monitoring**

Petition calling for the installation of closed-circuit television cameras in Kiama central business district; received from **Mr Gareth Ward**.

**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:**

**New South Wales Fire Stations**

Petition requesting daily statistics regarding the number of times fire stations have been closed or were offline since 1 July 2012, received from **Mr Clayton Barr**.

### **Workers Compensation**

Petition calling on the Government to reinstate protections for workers with total and permanent disabilities, to give financial assistance for ongoing medical bills, and to restore "journey claims", received from **Ms Linda Burney**.

### **Public Housing Rents**

Petition calling on the Government not to raise public housing rents when Centrelink benefits are increased, received from **Mr Robert Furolo**.

**The Clerk announced that the following Ministers had lodged responses to a petition signed by more than 500 persons:**

The Hon. Pru Goward—Commonwealth Clean Energy Supplement—lodged 18 September 2013 (Mr Ron Hoenig).

The Hon. Donald Page—Beresfield Swimming Pool—lodged 19 September 2013 (Ms Sonia Hornery).

## **BUSINESS OF THE HOUSE**

### **Reordering of General Business**

**Mrs BARBARA PERRY** (Auburn) [3.31 p.m.]: I move:

That General Business Notice of Motion (General Notice) No. 2767 have precedence on Thursday 24 October 2013.

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.31 p.m.]: The Government agrees to the motion.

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

**Motion agreed to.**

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

### **Registered Clubs and Hotels Bushfire Assistance**

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! There is only one motion, from the member for Tweed, who does not want to give reasons for priority.

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

## **REGISTERED CLUBS AND HOTELS BUSHFIRE ASSISTANCE**

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [3.32 p.m.]: I move:

That this House congratulates clubs and hotels of New South Wales on their efforts in assisting victims, firefighters and police in bushfire-affected areas.

As has been said this week and last week we commend our volunteers from the Rural Fire Service and the other organisations involved in fighting the bushfires. Equally as important are our clubs and pubs across the State because in regional areas they are the centre of town; they are where people go for weddings and celebrations and to gather during times of crisis. Today I place on the record some of the great efforts that have been made by pubs and clubs during this time of crisis. For many years I was a club manager and whether it was the great Revesby Workers Club at Bankstown or Tweed Heads Bowling Club, the doors to those clubs were always open during times of natural disaster to assist people in need, and the trend continues.

The Swansea Hotel has opened its doors to offer free accommodation to help those affected by the Catherine Hill Bay fires. The Catherine Hill Bay Hotel has donated free bacon and eggs and the Courthouse Hotel at Lithgow has approached workers and offered the hotel's beer garden for any animals needing shelter. The Imperial Hotel at Mount Victoria has offered accommodation to anyone affected by the fires while the New

Ivanhoe Hotel at Blackheath today will give food and drink to local firefighters as the fires close in on the town. The Royal Hotel at Springwood has provided free accommodation for stranded families. Indeed, a wedding party has requested that the hotel retain their accommodation payment and use the rooms for stranded families. That is indeed the Australian spirit.

The Winmalee Tavern last Thursday and Friday assisted people by providing food and drink, the Royal Hotel at Richmond gave meals to Rural Fire Service personnel, 150 residents were moved to Bargo Hotel as firefighters battled an intense blaze and the Gallagher Hotel is raising funds. The club industry also has been assisting. The clubs are owned by the local people and they support their local communities on a regular basis. The Richmond Club is looking for veterinarians to look after animals and also finding people emergency accommodation. About 100 people have been in and out of the club over the past few days and during that time the club has provided free meals, tea, coffee and soft drink. The club has been opened all night in case people need its services. They have been making large pots of stew for firefighters.

On Friday night 300 people were at the Springwood Sports Club and as we speak there are about 60 to 80 people there. The numbers keep changing because of the warnings. The club has provided free food and drinks to emergency workers. It is housing everything from cats and dogs to rabbits and lizards—even a turtle. The Springwood Country Club is an official distribution centre full of people volunteering and sorting out clothing. The famous Lithgow Workmen's Club has provided 5,000 rounds of sandwiches to evacuees, volunteers, police and firefighters over the past few days. It has been open 24 hours and will also provide for people's pets. General manager Michael Alexander is keen to highlight how keen staff have been to volunteer their time. It was only two months ago that I was in that club with the Rural Fire Service Commissioner. One of the volunteers in Lithgow was presented with a 65-year service medallion for fighting fires in that area.

The Mittagong RSL has provided about 4,000 sandwiches, 3,000 bacon and egg rolls and 2,000 dinners. The Doyalson-Wyee RSL catered for 250 people overnight and provided 300 breakfasts for evacuees and firefighters. It received offers of help from other clubs, including Mingara Recreation Club. Swansea RSL, another great club, housed around 300 evacuees plus their pets. The club ran out of food on the first night and the member for Swansea, Garry Edwards, had to go grocery shopping. Swansea Workers Club housed 50 people overnight and had up to 200 people during the day. Wests Mayfield is also opening on Thursday night. Once again the club industry has been out there—as I said, they are owned by the local people—supporting people during natural disasters and other times of need. The club industry and the hotel industry should be congratulated. I know that you, Mr Deputy-Speaker, are a former publican and understand the importance of hotels and clubs to local towns. People congregate in hotels and clubs and in turn those local hotels and clubs support their communities behind the scenes; they help the people who need them most. I applaud the generosity of the staff in donating time and efforts. They come together in times of need, which is the true Australian spirit.

**Mr NATHAN REES** (Toongabbie) [3.37 p.m.]: On behalf of the Opposition I speak in support of this excellent motion, which enables me to place on the record my appreciation for the clubs and pubs movement in New South Wales. The clubs movement in New South Wales, indeed Australia, is probably unique. Clubs and pubs are places where people can gather in their community. They are largely run as cooperatives and not for profits but they deliver an extraordinary contribution to the social fabric of our communities. They provide support for people and are places where people can meet and maintain friendships.

As I indicated yesterday, some years ago I lived in the mountains for six or seven years and I know that many of those pubs and clubs will be extending the hand of friendship to all those people in need. Those clubs include but are not limited to the Workmen's Club in Lithgow where I stayed with a colleague about 12 months ago and the Grand Hotel in Lithgow where I also stayed when it was minus one degree—and I remember that night very well. Heading east up the hill to Blackheath, there is the New Ivanhoe at Blackheath, the Family Hotel, the Gearin Hotel, the Carrington Hotel in Katoomba, Katoomba RSL, Katoomba Golf Club, the Clarendon Hotel at Katoomba, Wentworth Falls Country Club, the Grandview Hotel at Wentworth Falls, Wentworth Falls Bowling Club and the hotel at Lawson, which provides tremendous support for local community groups and has long been the sponsor of local sports clubs.

I lived in Bullaburra next to Lawson many years ago and I know the work the Lawson Bowling Club does in the community. I am sure the volunteers at the Lawson Bowling Club will not only be enjoying a soft drink but some of the excellent Chinese food served at the club. It is a family favourite of ours. The Royal Hotel, Oriental Hotel, bowling club and golf club at Springwood will all be helping out. The Blaxland Tavern and Lapstone Hotel will also be assisting the community. The point should be made that it is not just the pubs

and clubs that are extending this hand of friendship and providing all necessary support; we have to bear in mind that any number of local councils will be providing assistance, including Lithgow, Blue Mountains and Penrith in that particular region and Wyong Shire Council on the Central Coast.

There are dozens of community groups, senior citizens groups and parents and citizens associations that will also be assisting the firefighters. The vast bulk of the 70,000 firefighters across the State are volunteers but also in paid employment. When we as a State call on their expertise and require them to protect lives and property their employers allow them to go and do the job. We owe a debt of gratitude to those employers who are making other arrangements to cover those staff and the staff who are stepping up to cover someone fighting a fire. The pubs and clubs are doing an exemplary job supporting our firefighters and affected communities but they are not alone. I make that point gently.

The fires will continue throughout summer in some shape or form in different locations around the State. We are fortunate in that we have had very good leadership of the Rural Fire Service by Phil Koperberg and latterly Shane Fitzsimmons and both men have set New South Wales up as a centre of excellence for fire control and prevention. In the context of this debate it is appropriate to acknowledge their efforts. They have genuinely made New South Wales a world leader in the fighting and prevention of fires and in doing so have kept tens of thousands of people and hundreds of millions of dollars worth of property safe. It is appropriate that we place on record our appreciation to those gentlemen, their executive teams, support staff and anyone else who is either paid or in a volunteer capacity in the Rural Fire Service or Fire and Rescue NSW. I commend the motion to the House.

**Mr DARREN WEBBER** (Wyong) [3.42 p.m.]: I join the members for Tweed and for Toongabbie in support of the motion. My electorate of Wyong is just south of the Swansea electorate, which has been badly affected by fires over the past fortnight. On a personal note, I recall the 1994 fires as a young 13-year-old and the dozens of fire trucks that came to the dam at my house to get fresh water. I am not sure how old you were, Mr Deputy-Speaker. I was beside myself as a 13-year-old home alone with fire approaching the house. On that occasion there were fireys from all over New South Wales, and several from interstate, helping me protect the house.

My close friend and colleague the member for The Entrance has told me stories of losing his home in the 2003 Canberra fires. It is something we live with as Australians and it is part of our character to come together and support each other in times of crisis. Today that is visible in the actions of the clubs and pubs. They are focal points for communities in times of sorrow and celebration and, currently, in times of need. Clubs all over New South Wales are binding together with the community to help those in need. I pay tribute to the Doyalson-Wyee RSL Club, the Swansea RSL Club and the Swansea Workers Club on the Central Coast in the electorate of Swansea. Last weekend Swansea RSL became the temporary home of the member for Swansea, his wife and those who were made homeless by or had lost their homes to the fires.

The contribution of a place for people to go in their time of need where they can receive food and moral support and access to community services and insurance companies cannot be measured. These pubs and clubs also contribute by releasing their employees to fight the fires. The contribution is not measured just by opening the doors for those in need. In the days and weeks to come I am sure the member for Swansea and other members will speak at length of what has happened in their electorates. On behalf of Central Coast residents and the New South Wales Parliament I sincerely thank the directors, managers, employees and volunteers associated with the clubs and pubs and, in particular, the Doyalson-Wyee RSL, Swansea RSL and Swansea Workers Club. I commend the motion to the House.

**Ms ANNA WATSON** (Shellharbour) [3.45 p.m.]: I support the motion introduced by the member for Tweed and I congratulate him on doing so. On this side of the House we support clubs and hotels and their efforts to assist victims but it would be remiss of us not to acknowledge the community groups that have assisted as well, such as the Rotary clubs, Lions clubs, St Vincent de Paul, the Salvation Army, different church groups and local councils. The assistance they have provided must not be underestimated. I acknowledge the Rural Fire Service, local firefighters, and police and State Emergency Service volunteers around the State. There is no doubt that clubs and hotels throughout New South Wales always step up when disaster strikes.

We have seen examples of this over and over again throughout the history of New South Wales. I have been advised that many clubs have assisted with accommodation, food and drinks and have even gone as far as providing animal welfare by feeding people's companions. Clubs and hotels always look after people during these awful times and their assistance and contribution to communities cannot be underestimated. It would be

fair and appropriate to say that every member in this place and every member in the other place strongly supports this excellent motion brought by the member for Tweed. The member and I had a conversation prior to question time about the contribution that clubs and hotels make to our communities. It is appropriate that the member for Tweed should introduce this motion today.

It is in the Australian psyche to pull together during times of crisis and clearly nothing has changed. We continue to do that. These are the times when being Australian resonates with all of us whether you are a volunteer, parent, teacher, firefighter or a member of one of the groups I have mentioned. I acknowledge the contribution by the member for Tweed, the member for Wyong and the member for Toongabbie to this debate and I cannot say how strongly we all appreciate our brave firefighters for placing their lives on the line to save property, animals and homes. I congratulate each and every one of those firefighters. I also acknowledge Phil Koperberg.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [3.48 p.m.], in reply: I thank the members for Toongabbie, for Wyong and for Shellharbour for their fine contributions to this debate. Members spoke about Australian communities coming together during natural disasters and I see that occurring in this Chamber. On both sides of this House members have come together to support our local communities, firefighters, the clubs and pubs and other organisations. I pay tribute to Peter Newell, OAM, chairman of ClubsNSW, Anthony Ball, chief executive officer; Anne Fitzgerald, executive manager—who does a great job; Scott Leach, president, Australian Hotels Association; and Paul Nicolaou, chief executive officer. They all do a great job and encourage all of their members to go out of their way and participate in supporting local communities. As we have all said, the club or pub becomes the focus of the town. It is where people celebrate life's milestones, such as christenings, weddings and wakes. More importantly, it is where townsfolk gather during natural disasters and both publicans and club managers go beyond the call of duty to help. Of course, the danger has not abated. The Premier provided an update of the dire situation we are facing given the increasing winds.

I accompanied the Premier to Terrey Hills to welcome two air cranes to New South Wales. I had the opportunity to speak to the Gypsy Lady pilots, who have just arrived from Greece, which had a horrific fire season. They also did some work in Lebanon. Mums and dads and staff from clubs and pubs are out fighting fires and the more we can do to assist them the better. Rural Fire Service Commissioner Shane Fitzsimmons should be extraordinarily proud of his staff. I know the Minister for Police and Emergency Services is extremely proud of our hardworking volunteers. So far we have had only one death, and we hope and pray that the people of this State and Australia are safe during what is shaping up to be a horrific summer. It has only just begun and unfortunately the worst is yet to come. Mr Deputy-Speaker, our electorates have had three years of intense rain and we were dealing with floods at the beginning of this year, but now we are fighting fires. I am extremely proud to see the fine efforts of our firefighters and volunteers.

Many of the people who work in pubs and clubs are members of their local Rural Fire Service brigade, State Emergency Service team, St John Ambulance Australia or are Salvos. When I was a club manager, 15 of my staff of 200 were members of the local Rural Fire Service brigade. I paid their wages while they fought fires because I believe that is what we should do. Fires generally occur at Christmas, when money can be a bit scarce. More and more people are playing their part, and that is being clearly demonstrated in the Blue Mountains, the Southern Tablelands and in the Hunter. People are displaying goodwill and spirit. It is wonderful to be a member of such a great community of people who gather together to help, here in the Chamber, on the floodplains of Lismore and in the fire-affected areas of Blackheath. We all look after each other and we are all proud to be Australians. I commend the motion to the House and thank all members for their fine contributions to this debate.

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

**Motion agreed to.**

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! It being before 4.00 p.m., the House will now proceed to deal with Government business.

#### **GOVERNMENT SECTOR EMPLOYMENT LEGISLATION AMENDMENT BILL 2013**

**Bill introduced on motion by Mr Ray Williams, on behalf of Mr Barry O'Farrell, read a first time and printed.**

## Second Reading

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [3.53 p.m.], on behalf of Mr Barry O'Farrell: I move:

That this bill be now read a second time.

During the passage of the Government Sector Employment Act 2013 in June 2013, the Government indicated that a second stage bill to align the police, transport and health senior executive services would be introduced later in 2013. The Government Sector Employment Legislation Amendment Bill 2013 achieves that alignment and enables those agencies to share the benefits of reforms designed to deliver more and better front-line services and public value to New South Wales taxpayers and citizens. Members will recall that in February last year the Public Service Commissioner recommended that the Public Sector Employment and Management Act be amended to modernise our public service. The commissioner built on related recommendations made in the "NSW Commission of Audit Interim Report: Public Sector Management", released in January 2012.

Members have heard the Premier say before that we demand extraordinary things from our public service. Whether in executive or non-executive capacity, or on the front line, people in our public service are engaged in protecting lives, educating our children and keeping our communities safe and developing the policy solutions to the most complex and challenging problems. This week that sentiment has been well and truly validated. We have seen extraordinary achievements and courage displayed by volunteers, citizens, businessmen and businesswomen and the public service facing a firewall in some cases hundreds of kilometres long in bushland, national parks and on the periphery of the metropolitan area and further north. Whether they be on the front line, online, on patrol, on a phone, giving radio reports and safety advice, or caring for families forced to flee their homes, public servants have been at the forefront of one of the most magnificent concentrations of human effort under pressure that we have ever seen in New South Wales. We owe those people the prospect of a modern, professional public service in which both executive and non-executive officers can do their best for our community with the confidence that their merit will be rewarded, their career opportunities maximised, and that their workplaces will be conducted and led with professionalism, high ethical standards and integrity.

Under the provisions of this bill, executive leadership in the three agencies will share in the benefits of better and more mobile career paths and, in the case of the health services, a continuing commitment to devolution and building executive capabilities at the local level. The Public Service Commissioner, the directors general of Health and Transport, and the Commissioner of Police have all collaborated to develop this cross-sector legislation, and the Government thanks them for their assistance in putting these important final pieces in place.

This bill amends the Government Sector Employment Act 2013, the Health Services Act 1997, the Police Act 1990 and the Transport Administration Act 1988 to align the employment model for executives in the health executive service, the transport senior service, and the police executive with the senior executive employment model in the Government Sector Employment Act 2013 applying to the Public Service Executive Service. More than 4,200 executive employees across the government sector will now be covered by the reforms. The bill recognises the unique operating environments of the health, police and transport services, and provides for variations to support special operational arrangements where required. The commissioner's Government Sector Employment Rules, which will facilitate mobility, model executive contracts and improved recruitment methods, will also generally apply to health, police, and transport senior executives.

The bill also provides for the Government Sector Employment Rules to apply differentially in limited circumstances for particular operational reasons, in consultation with the Public Service Commissioner. For example, the health secretary might need to give directions in relation to the management of a disease outbreak. The bill also makes consequential amendments to the Government Sector Employment Act to refine it and support this alignment. It makes changes to other Acts to ensure the Act can be commenced in early 2014, as intended and recommended by the Public Service Commissioner. Schedule 1 of the bill contains amendments to the Government Sector Employment Act 2013 to refine its operation. These include allowing the Public Service Commissioner to determine the kinds and value of "employment benefits" for public service senior executives that may form part of the total remuneration package.

This will not impact on the total amount of the remuneration package of a senior executive; amendments to strengthen the "portability" of the executive contracts within the public service and across the other services, without termination of a contract and compensation; or amendments to list Crown law officers

expressly by title as excluded from part 6 of the Act, which deals with removal of statutory officeholders. While the Government Sector Employment Act did not change the position relating to the removal of Crown law officers, the amendment is made for abundant clarity as promised during debate on the Government Sector Employment Bill 2013. Amendments also strengthen the misconduct regime in relation to convictions for a serious offence. Conviction for a serious offence is to include where there is a finding of guilt with no conviction recorded and the scope will include offences committed outside New South Wales which, if committed in New South Wales, would be a serious offence within the defined meaning.

Schedule 2 to the bill amends the Health Services Act 1997 to align the provisions applying to NSW Health Service senior executives with those under the Government Sector Employment Act. It retains a separate Health executive service under the Health Services Act 1997 in local health districts and specialty networks. The bill also introduces changes to further devolve responsibility and accountability and to return decision-making closer to the local level as far as practicable. Health entities will control and be responsible for their own Health executive workforce, including the deployment of that workforce locally. The chief executive of a local health district or specialty network will be the employer of Health executives. In the case of the chief executive, the employer function will be exercised by the local health district or specialty network board. The Health Secretary will be the employer of Health executives in other statewide Health agencies.

In the context of this devolution to local health districts and specialty networks, the bill also contains measures that recognise the Health Secretary's "system manager" role. In respect of local health districts or specialty networks, the Health Secretary's concurrence will be required for the appointment or termination of a chief executive, and he or she will retain a "reserve power" to remove a Health executive. This section also outlines provisions to issue directions in relation to the employment arrangements of Health executives, and requires the Health Secretary to consult with the commissioner in relation to any inconsistency between the secretary's directions and the commissioner's rules. The bill will improve executive mobility by enabling transfer of executives between Health and each of the public service, transport and police services. It will provide that the remuneration must be within the relevant range determined under the Statutory and Other Officers Remuneration Act 1975, but also enables the Health Secretary to approve remuneration outside the approved range for executives working in Health where necessary—for example, in respect of executive roles requiring specialist clinical expertise.

I turn to provisions for police. The bill will amend the Government Sector Employment Act 2013 and Police Act 1990 to align employment arrangements for NSW Police Force senior executives and non-executive administrative employees with those of public service employees. The amendments to the Police Act are strongly supported by the police commissioner and the alignment will not affect the command and control of members of the NSW Police Force nor any aspect of operational policing. While the NSW Police Force is part of the wider public sector and clearly provides one of the most important public services, the force is a separate entity with separate powers of employment. It was originally anticipated that only senior executives within the NSW Police Force would need to be aligned with the new public service executive arrangements. Following consultation between the Public Service Commissioner and Commissioner of Police, it was agreed this should be expanded to non-executive administrative employees.

Part 5 of the Police Act, which deals with the employment of executives, and part 6A, which deals with employment of non-executive administrative employees, have historically been aligned with the provisions of the Public Sector Employment and Management Act. Without these amendments unsworn administrative employees of the Police Force would be left without employment provisions in the Public Sector Employment and Management Act that they currently rely on. This continues their alignment with non-executives in the public service. Importantly, however, members of the NSW Police Force will remain employed under the Police Act 1990 and the Commissioner of Police will remain the employer of all members. I wish to make it very clear that the provisions of the bill do not apply to sworn non-executive police officers such as superintendents and inspectors, sergeants and constables. These sworn non-executive police officers will continue to be appointed as before within part 6 of the Police Act 1990.

Minor amendments proposed to the Government Sector Employment Act will ensure that there is no unintended application of provisions to sworn officers. Employee representatives such as the Police Association will be offered briefings on these and other points of interest should they wish. The amendments to part 5 of the Police Act 1990 will align the police senior executive service with the employment model applying to public service senior executives in the Government Sector Employment Act. The executive employment model will apply to all sworn and unsworn members of the police senior executive service, including all sworn senior executives, deputy commissioner and assistant commissioner, and all unsworn senior officers. I confirm that



sworn non-executive police officers such as superintendents and inspectors—that is, all sworn officers except for assistant commissioners and deputy commissioners—will not be covered by these provisions. Under the new model executives will be employed within a band and the Commissioner of Police will have the ability to assign the executive to any role within the NSW Police Force and within that band.

However, the special status of sworn Police Force executives is well recognised, and for this group the concept of a position is also retained. The commissioner will also be able to assign unsworn senior executives to another role within the same band in one of the other executive services, in consultation with the individual concerned and in agreement with the relevant agency head. These provisions will enable the flexible deployment of resources and develop the capabilities of executive employees. However, sworn police senior officers will not be subject to this assignment provision due to the nature of sworn police officer positions. Under the existing Police Act they may seek to transfer to a non-police officer role outside the police on a voluntary basis. It will be neither feasible nor appropriate to have public sector employees transferring into operational police officer positions, which require the exercise of the office of constable.

The Government Sector Employment Act misconduct provisions and unsatisfactory performance provisions will apply to unsworn executive and unsworn non-executive employees within the NSW Police Force. This will not affect the equivalent provisions under the Police Act 1990, which will continue to apply to sworn police officers to manage performance and conduct. If the Commissioner of Police is satisfied that a police officer has engaged in poor performance or misconduct, the commissioner will continue to be able to take appropriate action in respect of that officer, including non-reviewable action under schedule 1 to the Police Act, reviewable action under section 173 or removal under section 181D. Currently, unsworn non-executive administrative employees are employed under the Police Act 1990. These arrangements will now be aligned with the public sector non-executive provisions of the Government Sector Employment Act, with all industrial rights, obligations and entitlements reflected in the Police Act to ensure a consistent approach. There will be no reduction in leave entitlements, which remain in the police regulations.

Transitional instruments will ensure that existing entitlements are preserved. They will be employed in a classification of work and assigned to a role like other non-executive public servants. This alignment will modernise the NSW Police Force employment arrangements and provide this group of employees with the opportunity to broaden and diversify their skills. It should also be noted that current provisions within the Police Act that are deemed critical to the employment of staff within the NSW Police Force will be retained. The transport service was established in November 2011 and provides the framework for employment of Transport for NSW contract-based executive employees under the transport senior service. In setting up the new transport senior service, many features of the government sector employee reforms were already implemented. These included common remuneration bands, common terms and conditions of employment, modern contracts of employment, and capability and performance management frameworks.

The bill aligns the employment model for Transport Service of New South Wales senior executives with the provisions of the Government Sector Employment Act enabling the Transport Service to adapt the public service executive employment model to suit its particular service delivery and employment requirements. The bill updates the Transport Administration Act 1988 with new provisions to support this alignment. Schedule 5 to the bill also provides for the director general of transport to create divisions of staff within the Transport Service. This resolves an issue arising because the Government Sector Employment Act abolishes the government service in which the Roads and Maritime Services and State Transit Authority divisions currently sit, and allows Roads and Maritime Services and State Transit Authority staff to transfer into the Transport Service, rather than under the Government Sector Employment Act. Their entitlements and conditions are not affected. New staff employed in those divisions will be employed on the same conditions of employment and under the same awards.

Schedule 5 to the bill includes a number of amendments to various Acts that are consequential to the new employment arrangements under the Government Sector Employment Act. For example, the bill updates references to public service agencies in various pieces of legislation, including the Independent Commission Against Corruption Act and the Government Information (Public Access) Act. The bill also revises the employment arrangements for a number of statutory officers whose employment is currently governed in part by provisions of the Public Sector Employment and Management Act that are being repealed by the Government Sector Employment Act. The bill also provides a number of amendments to ensure that the provisions for removal of statutory office holders under part 6 of the Government Sector Employment Act 2013 operate as intended. For example, the bill includes an amendment to the Workplace Injury Management and Workers

Compensation Act 1998 to ensure that new part 6 of the Government Sector Employment Act 2013 does not apply in relation to the removal of the WorkCover independent review officers. This issue was raised in debate in the other place in June.

In conclusion, these reforms continue the Government's commitment to create a more professional executive service across the sector. The New South Wales Government is the biggest employer in the country and taxpayers expend more than \$60 billion a year on New South Wales public services. We owe it to taxpayers and citizens to ensure the service is the best it can be and that it offers to employees a world-class professional working environment where innovation and merit is rewarded in the service of the people of New South Wales. I commend the bill to the House.

**Debate adjourned on motion by Mr John Robertson and set down as an order of the day for a future day.**

### **COMBAT SPORTS BILL 2013**

**Bill introduced on motion by Ms Gabrielle Upton, read a first time and printed.**

#### **Second Reading**

**Ms GABRIELLE UPTON** (Vaucluse—Minister for Sport and Recreation) [4.13 p.m.]: I move:

That this bill be now read a second time.

The Combat Sports Bill 2013 replaces the Combat Sports Act 2008 and strengthens the regulation of combat sports to better promote the health and safety of combatants and the integrity of combat sports contests. The objects are set out in clause 3 of the bill. The growth and commercialisation of combat sports has significantly altered their structure and operation. Promotions are increasingly held for large television and online audiences. The growth of the combat sports industry, which has always had its share of colourful identities, carries particular integrity risks. Health and safety are often early casualties of poor integrity, where profits are considered more important than people.

The reforms in the bill were developed in response to a review of the current Combat Sports Act, which found that new combat sports continue to emerge and should be regulated until such time as it can be demonstrated that they are sufficiently safe to not justify regulation; that current health and safety arrangements for combatants are inadequate, particularly for amateur combat sport contests; that a stronger fit and proper person assessment process is needed, particularly for roles that can significantly influence the outcome of contests, the industry and the safety of combatants; and that promoters should be accountable for the contests they arrange and hold. The consultation involved the release of a discussion paper, a web-based survey and workshops with promoters, managers and amateur sanctioning bodies. Venue operators were also consulted, as were Health and occupational health and safety bodies, government agencies and the NSW Police Force.

The bill builds upon many of the principles established under the earlier Boxing and Wrestling Control Act 1986 and the Combat Sports Act 2008. It provides for the continuation of the Combat Sports Authority to regulate contestants and those involved in the industry. It requires the registration of combatants, promoters and industry participants and for promoters to obtain permits to hold combat sports contests. It provides for combat sports inspectors, police and medical practitioners to attend contests and manage health and safety, integrity and public safety risks. The bill also makes significant changes that bring New South Wales into closer alignment with combat sports arrangements in Western Australia, Victoria and South Australia. Emerging combat sports disciplines are not currently regulated unless they are added through regulation. Promoters of new styles of contest are not required to come forward and advise the Combat Sports Authority of the contests they hold.

Where there are changes to the rules of a particular discipline to avoid regulation, a new and renamed discipline may be established. Clause 4 of the bill amends the definition of "combat sport" to ensure that it extends to all sports in which the primary objective of each contestant is to strike, kick, hit, grapple with, throw or punch one or more of the other contestants. By having a brand definition, new disciplines will be covered from the outset. I make one thing clear: The bill will not apply to those sports where the health and safety of combatants and the integrity and governance arrangements are satisfactory. Those sports will be exempted in the regulations made under the bill. Sports that are covered by the existing Combat Sports Act and have been

preliminarily assessed as being eligible for exemption are jujitsu and wrestling. It is also proposed that the following sports and disciplines of this kind that are not covered by the existing Act will be exempt: judo, karate, kung-fu and taekwondo.

The following sports that are covered by the existing Combat Sports Act will be regulated: boxing; kickboxing, including Thai boxing, Laos boxing, Burmese boxing and shoot boxing; Muay Thai; and mixed martial arts, including cage fighting, Ultimate Fighting, Combat 8 and Kyoshi. The following sports that are not covered by the existing Act will not be exempted and will be regulated: sambo and pankration. Amateur contests may attract significant crowds and generate significant revenue for promoters. It is now common for both amateur and professional contests to be held at the same event. Amateur contests carry similar health and safety and integrity risks to professional contests. This bill extends an improved regulatory framework for professional combat sports to amateur combat sports contests to which the public are admitted for the payment of a fee that are held for profit or that are held on licensed premises.

All such contests, whether amateur or professional, will now be regulated by the Combat Sports Authority. The bill does not otherwise regulate combat sports training or club and intra-club competitions. These reforms mean there will no longer be an incentive for professional combatants to conceal the payments they receive in order to compete without Combat Sports Authority oversight. The Combat Sports Authority will work in partnership with amateur sanctioning bodies in regulating amateur combat sports, with sanctioning bodies requiring ministerial approval under clause 8 to ensure that only genuine and properly administered bodies are sanctioning contests. The bill allows changes to be made to particular Combat Sports Authority and approved amateur body co-regulatory arrangements, with the authority able to devolve some regulatory functions to well-performing sanctioning bodies over time.

Regulations will be made for approved amateur bodies to remain responsible for registering amateur judges, referees, matchmakers and timekeepers who only officiate at events sanctioned by those amateur bodies. Amateur contests carry similar health and safety risks to those for professional contests. However, amateur combatants covered under the current Act are denied health and safety protections offered to professional combatants. The bill, in particular clauses 18 and 19 and part 3, extends health and safety protections to amateur contests. Promoters must ensure that medical practitioners attend all contests, whether professional or amateur, with all combatants subject to pre- and post-contest medical examinations to determine whether they are fit to fight. Medical practitioners who attend amateur contests may currently only advise that a fight be stopped on medical grounds. Clause 63 of the bill gives them the power to issue directions to stop contests in line with calls from the Australian Medical Association.

Clause 66 of the bill establishes a new offence for referees who fail to stop contests when directed to do so by a medical practitioner, combat sport inspector or police officer. The new offence carries a maximum penalty of \$55,000 and/or 12 months imprisonment. This provision will reduce the risk of referees being pressured to continue fights by promoters and managers. All combatants, whether professional or amateur, will be required to register with the Combat Sports Authority and present a medical certificate of fitness and a serology clearance, in accordance with clause 11 of the bill. A combatant's medical information, including serology status, will be better protected under the new provisions. Currently, a combatant's blood test results are sent to the Combat Sports Authority. In the future the authority will receive a clearance for HIV and relevant hepatitis strains. Detailed medical information will be confidential between the combatant and his or her doctor, which is appropriate. Serology clearances will continue to be valid for six months for adults whilst clearances for amateur combatants aged between 14 and 18 years will be valid for 12 months, given their lower HIV and/or hepatitis risk profile.

The Combat Sports Authority will issue medical record books to all registered combatants and maintain a system that accurately records all suspensions from fighting on medical grounds, in accordance with clauses 17 and 18 of the bill. This means that amateur combatants from a regulated sport will no longer hold multiple medical record books issued by different sanctioning bodies, which has resulted in a fragmentation of critical health information and enabled fighters declared unfit by one body to fight in contests sanctioned by another. The bill establishes clear health and safety duties for promoters, with promoters responsible for ensuring that attending medical practitioners examine combatants' medical record books and serology information. Promoters, rather than managers, are now responsible for ensuring that combatants have clear blood results. Serology provisions have been moved from the regulation into clause 49 of the bill, allowing for maximum penalties for serology breaches to be increased from \$5,500 to \$55,000 and/or two years imprisonment.

The Combat Sports Authority no longer has the authority to permit a contest to proceed in the absence of clear blood results and, under clause 57 (2), attending medical practitioners must declare a person medically

unfit where there is no current clearance. Promoters have a duty not to permit unfit combatants to compete, with clause 51 providing a maximum penalty of \$55,000 and/or 12 months imprisonment. Clause 50 now automatically prohibits a combatant from sparring when subject to a medical suspension, and medical suspensions and health and safety decisions are now left to medical practitioners and are not subject to Administrative Decisions Tribunal review. Clause 52 now requires promoters to ensure that required protective equipment is used in contests, with the maximum penalty in the regulations increased from \$1,100 to \$17,600. The type of protective equipment to be used will be included in the regulations and through conditions of promoter permits. This will allow the authority to determine protective equipment requirements, having regard to the latest evidence-based research.

Division 2 of part 4 of the bill enables the authority to make health and safety prohibition orders to bar both registered persons and unregistered persons—for example, overseas combatants—from both fighting and sparring on health and safety grounds. A registration is suspended during the term of any prohibition order, with clause 73 enabling a combatant to apply to the authority for the review of a health and safety order. For health and developmental reasons, clause 12 continues to prohibit minors from competing professionally. The Combat Sports Authority will set the rules for the age limits for participants in regulated amateur combat sports contests consistent with current amateur permit arrangements. Combatants under the age of 14 are prevented from competing in amateur combat sports. This threshold has been in place since 1998. Combatants under the age of 18 are prevented from competing in amateur mixed martial arts.

Promoters have effective control of combat sports events and may make significant profits from them. The bill makes it clear that promoters are responsible for the conduct of events. Promoters, in addition to the abovementioned health and safety requirements, will have a new responsibility of ensuring that all combatants and industry participants involved in a contest are registered or otherwise authorised to participate in a contest. Under clause 54, promoters will be required to notify the Combat Sports Authority of any known death and/or hospital admission of a combatant that occurs within 48 hours of a contest. This requirement, recommended by the Victorian coroner, will provide the authority with a source of information that is currently not available and contribute to its ability to make better-informed health and safety decisions.

New South Wales police are a key regulatory partner under the new bill, with a nominee of the Commissioner of Police restored to the Combat Sports Authority, after the 2008 Act removed the requirement for police membership. There is no room for organised crime in the combat sports industry or in the gyms where combatants train. Police are being given new powers to work with the Combat Sports Authority to keep criminals out of the sport. Schedule 3.2 to the bill amends the Crimes (Criminal Organisations Control) Act 2012 to prevent a person subject to that Act from being registered under this bill and future Act in any capacity. Promoters, matchmakers and managers are most likely to profit from combat sport and have the greatest capacity to affect the integrity of contests. It is not unusual for a person to be registered in all three of these roles.

Adopting the model used in the Tattoo Parlours Act, clause 26 of the bill requires that promoters, managers and matchmakers are subject to a security determination by the Commissioner of Police. The commissioner may determine that a person cannot be registered in those roles on fit and proper person or public interest grounds, and the Combat Sports Authority must, under clause 25 (2), enforce that determination. The commissioner may consider criminal record information, including spent convictions, and police intelligence in making such an important determination. New South Wales police will monitor criminal records and intelligence in respect of all registered promoters, managers and matchmakers, and the commissioner may make an adverse security determination at any time in accordance with clause 34. The Combat Sports Authority must cancel a registration where this occurs.

Clauses 77 and 78 allow adverse security determinations to be reviewed by the Administrative Decisions Tribunal while protecting sensitive police information. Persons registering in other roles will also be subject to a fit and proper person assessment, which will be undertaken by the authority and include checks on previous compliance with combat sports regulatory requirements, training requirements and any relevant information that police may provide. Police will consider all applications to hold combat sports events in accordance with the police events policy, and clause 43 requires the authority to notify police of all permits for combat sports events. Clause 45 gives police new powers, exercisable by an officer of or above the rank of assistant commissioner, to cancel combat sport contests where police have public health or safety, or significant property damage concerns. Outlaw motorcycle gang members often attend combat sport contests and if police receive intelligence that rival gangs are planning to confront each other at an event police can shut down the event. Police officers attending contests have similar powers, at clause 62, to stop contests from proceeding.

The powers at clause 62 may also be exercised by the authority or inspectors, with directions not to proceed with a contest able to be made to combatants and industry participants, not just promoters. Failure to comply with such a direction will be an offence. Regrettably, some combat sports contests have been marred by ring invasions. Clause 55 establishes an offence of unauthorised entry into a contest area during or within one hour of a contest. The maximum penalty of \$5,500 is consistent with those that apply to pitch or other sporting ground invasions. Police will also be able to continue to exercise the powers of combat sport inspectors in the manner agreed between the authority and police, as outlined at clause 84.

The current Act does not allow criminal action against registered persons, with disciplinary action the only option. This is highly unusual—whether a person is subject to criminal, in addition to disciplinary, action should be determined by the seriousness of the breach and not his or her registration status. Registration should not be used as a shield against prosecution. The bill allows registered persons to be subject to disciplinary action, criminal action, or both. Local Court proceedings for offences under clause 104 may be commenced within two years of an offence, rather than six months, as is currently the case and the court may impose penalties of up to \$22,000, or \$55,000 for corporations, rather than the current \$5,500.

The bill abolishes disciplinary fines. Instead, clause 105 will allow regulations to be made to enable specified offences to be dealt with by way of penalty notice fine, with the State Debt Recovery Office able to take enforcement action. The disciplinary provisions in division 4 of part 2 of the bill have been modernised, with clear rules about written and in-person responses to disciplinary show cause notices, with persons permitted to have a legal representative or other support person present during disciplinary proceedings. Unlike the current Act, a registration may be suspended during the show cause process in accordance with clause 32. Additional disciplinary options, including reducing the period of registration or issuing a written caution, are provided for in clause 33.

Part 4 of the bill replaces the current disqualification provisions of the Act with prohibition orders, which may be imposed on unregistered persons. The Combat Sports Authority may make orders under section 74 to prevent persons from engaging in contests or sparring, arranging or holding contests, being involved in the combat sports industry, attending premises where contests or weigh-ins are being held, or attending gyms and other places where combat sport training occurs. The powers to prevent attendance are similar to "warning off" powers in the racing industry and may be used to keep persons with known criminal associations away from contests and gyms. Police will be a key partner in prohibition order proceedings of this kind. This significant change will markedly extend the ability of the Combat Sports Authority to deal with integrity issues that occur outside the contest environment.

Prohibition orders may also be made to prevent venue operators that have previously hosted unlawful contests, and that have been warned of that fact, from hosting future contests in the case of a subsequent breach or planned breach. The Combat Sports Authority will make information on lawful contests available to venue operators. Clause 86 of the bill gives the Combat Sports Authority new powers to compel the production of information in disciplinary or prohibition proceedings, with exclusions to protect private health information held by medical practitioners who do not exercise functions under the Act.

Section 87 provides that there is no privilege against self-incrimination, although self-incriminating information cannot subsequently be used against a person in civil or criminal proceedings. Clauses 79 and 80 of the bill continue the operation of the Combat Sports Authority, with medical representation retained, and additional requirements for the police commissioner's nominee and a judicial officer or lawyer of at least seven years standing to be members—the latter being necessary, given the more formal disciplinary and prohibition processes. Clause 81 confers the additional authority function of promoting awareness of issues relating to combat sports, with this role strongly supported during consultations.

Clause 85 gives combat sports inspectors new powers of entry and inspection so they can properly fulfil their functions. Clause 84 (2) will enable representatives of approved amateur bodies to perform the duties of inspectors at events not attended by a government inspector, consistent with the co-regulatory model for amateur combat sport contests. Clauses 90 and 92 provide new offences for providing false and misleading information to inspectors, the authority, police and medical practitioners, and for obstructing those exercising functions under the Act. Clause 100 protects those who exercise functions under the Act in good faith from personal liability. This bill will better protect the health and safety of all combatants, amateur or professional, and safeguard the integrity of the combat sports industry. These reforms are necessary and timely. Additionally, this bill ensures that New South Wales will have a modern, flexible regulatory framework that reflects the needs of stakeholders now and into the future. I commend the bill to the House.

**Debate adjourned on motion by Mrs Barbara Perry and set down as an order of the day for a future day.**

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

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

**Second Reading**

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [4.37 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes (Domestic and Personal Violence) Amendment Bill 2013. The bill makes a number of amendments to the Crimes (Domestic and Personal Violence) Act 2007. The amendments in schedule 1 are aimed at improving outcomes for victims of domestic violence. The amendments will enable senior police officers to issue provisional apprehended domestic violence orders, expand police powers to give directions or detain a person for the purpose of serving a provisional apprehended domestic violence order on them, and provide a number of safeguards to that person.

The amendments in schedule 2 do not relate to domestic violence orders but to personal violence orders. The amendments make it an offence to make a false or misleading statement when applying for an apprehended personal violence order; provide that a review of a registrar's decision to refuse to accept an application notice for filing may be determined by a magistrate, not a court; provide for the referral to mediation of parties to interim apprehended personal violence orders; and create a presumption in favour of a referral to mediation unless the court is satisfied that there are good reasons not to do so.

In August 2012 the New South Wales Legislative Council Standing Committee on Social Issues published its report on domestic violence trends and issues in New South Wales. The committee recommended that the Government amend the Crimes (Domestic and Personal Violence) Act 2007 to allow police officers above the rank of sergeant to issue interim apprehended domestic violence orders. The committee also recommended that the Government amend the Act to provide police with a limited power to detain an individual for the purpose of service of the interim apprehended domestic violence order. The utility of police issued orders was also acknowledged in the report of the Australian Law Reform Commission and New South Wales Law Reform Commission on Family Violence—A National Legal Response published in 2010.

In November 2012 I launched the NSW Domestic Violence Justice Strategy. The strategy aims to ensure that after any incident of domestic violence the victim's safety is immediately improved, abusive behaviour is stopped and the perpetrator is held to account. The justice strategy has resulted from the work of my department, together with the NSW Police Force and other key justice and human service agencies. In February 2013 the Government announced that police would be able to issue provisional apprehended domestic violence orders in order to protect victims of domestic violence. The amendments in schedule 1 are an important step in the implementation of the Domestic Violence Justice Strategy.

The existing provisions require a police officer to apply to an authorised officer for a provisional apprehended domestic violence order. After the order has been made, police must then return to the scene of the incident to serve the order on the defendant. The scheme is intended to operate to ensure the immediate protection of domestic violence victims until the matter can be heard in the Local Court. However, there are concerns with the current provision. Police have to leave the scene to apply for an order which may leave the victim vulnerable. There can also be difficulties in completing service on the defendant meaning the order is not immediately enforceable. In 2012 the Local Court made 23,917 final apprehended domestic violence orders. Approximately 26,000 applications for apprehended domestic violence orders are made each year. The vast majority of applications for apprehended domestic violence orders are made outside court hours. Approximately 80 per cent of all police applications to authorised officers for apprehended domestic violence orders are made between 4.00 p.m. and 9.00 a.m. and 94 per cent of those applications are granted.

The introduction of police issued apprehended domestic violence orders will help to improve community and family safety and increase protection for domestic violence victims. The amendments to the Act are designed to ensure that apprehended domestic violence orders are served and are enforceable as soon as possible after the incident. The proposed police issued orders scheme contains a number of safeguards for defendants to provisional apprehended domestic violence orders. First, only police officers who are a rank of sergeant or above are able to make a provisional apprehended domestic violence order. Secondly, a police issued order operates as an application for a final order so the application will be subject to judicial scrutiny

before any final order is made. Thirdly, the amendments ensure the matter is heard as quickly as possible. Finally, the defendant may apply to the appropriate court for a variation or revocation of a police issued order.

Police powers to direct a person to remain at or go to a particular location or detain a person will be expanded. Providing the police a range of options for directing the defendant gives them the necessary flexibility to ensure service of the notice and, most importantly, by doing that, ensure the safety of victims. When an incident occurs at the home of the victim, these powers will enable the defendant to be directed away from the scene, allowing victims and their children to remain safely in their homes. The amendments in schedule 2 to apprehended personal violence orders were recommended by the interim review of frivolous and vexatious apprehended personal violence orders. These amendments will apply only when there is no domestic relationship between the protected person and the defendant.

The community, media and Parliament have voiced concerns in the past that the apprehended personal violence order scheme is being abused. The purpose of the amendments is to deter frivolous and vexatious apprehended personal violence applications and to encourage the speedy resolution of appropriately initiated matters. The amendments strengthen the power of the court to refer matters to mediation to encourage parties to settle the dispute out of court. The interim review noted the high settlement rate of apprehended personal violence order matters that are mediated by the community justice centres. According to a community justice centres annual report, in 2011-2012 apprehended violence order matters had an 80 per cent settlement rate.

I will now outline each amendment in turn. Schedule 1 is limited to domestic violence orders. Item [5] of schedule 1 substitutes section 25 of the Act and will allow a police officer to apply to a senior police officer for a provisional apprehended domestic violence order. A police officer may apply to a senior police officer for an apprehended domestic violence order either on his or her own initiative or at the request of the protected person. An application may be made by telephone, facsimile or other communication device. The power to apply to an authorised officer is retained. Item [2] defines a senior police officer as a police officer of or above the rank of sergeant. This is consistent with the recommendations made by the Legislative Council and ensures that only experienced police officers make these orders.

Item [7] inserts section 28A to allow the senior police officer to make a provisional order if satisfied that there are reasonable grounds for doing so. This is the same as the existing power of an authorised officer to issue an order. The section includes a safeguard to prohibit a police officer who is applying for the provisional order from being the police officer who makes the provisional order. Section 28A also requires the provisional order to set out the address or facsimile number of the local area commander of police at which the defendant may serve an application for variation or revocation of the order.

Like the existing provisions applicable to provisional orders made by authorised officers, a provisional order issued by a senior police officer is taken to be an application for a final order under the Act. Only courts have the power to make a final order and the application will be subject to judicial scrutiny before any final order is made. Item [8] amends section 29 of the Act to require the provisional order to contain a direction for the appearance of the defendant at a hearing of the application for a final order by an appropriate court on a specified date. The specified date must be the next date on which the matter can be listed on a domestic violence list at the appropriate court and a date that is not more than 28 days after making of the provisional order. This is to ensure that the matter is dealt with as soon as possible. It reflects the current provision applicable to provisional orders made by authorised officers but states that the matter should be listed on a domestic violence list.

The application must be listed at an appropriate court. This will always be a Local Court but this provision allows it to be listed at a place best suited to the circumstances of the matter. In most cases this will be the court that is closest to where the incident occurred. However, there may be some instances where the incident occurred while the parties were on holiday in another part of the State. In those cases the appropriate court will be a court near their usual residence. Items [1], [2], [3], [6] and [9] make consequential amendments to the Act. Item [13] inserts section 33A to allow a defendant to a police issued order to apply to the appropriate court to vary or revoke the order. This is included to ensure that orders issued by senior police officers may be reviewed by the court. The application to vary or revoke must be made to and heard by the appropriate court at which the final order is listed for hearing. For example, if the hearing is listed at Manly Local Court the variation should be heard at Manly Local Court. The application may be heard before the matter is listed for hearing.

An application to vary or revoke a police issued order can be made by a police officer only if a child is named as a protected person on the order. This is consistent with existing provisions that apply to the variation or revocation of interim or final court orders. Certain existing provisions will apply to the variation or revocation of a police issued order such as how an order may be varied, in what circumstances the order may be revoked, explanation of the order to the defendant and protected person, and service of the order. The existing requirement to notify the protected person of a variation or revocation application extends to a defendant's application under section 33A so that the protected person is aware of any application.

Proposed section 33A (4) requires the defendant to serve a notice of the application to revoke or vary the police issued order on the local area commander of police. As noted earlier, the address for service must be included on the provisional order. Proposed section 33A (5) allows the police officer who applied for the order or another police officer to appear at the hearing for revocation or variation. Item [4] inserts section 15 (3) and item [14] inserts section 34A to address the situation where a senior police officer issues a provisional apprehended domestic violence order but the protected person and the defendant in the order are not in a domestic relationship. Currently, section 15 provides that if an application is made for an apprehended domestic violence order and the protected person and defendant are not in a domestic relationship the application is treated as one for an apprehended personal violence order. However, because senior police officers do not have the power to issue an apprehended personal violence order, section 15 (3) is inserted expressly to exclude police issued orders. This means that where no domestic relationship exists between the protected person and the defendant a police issued order cannot be taken to be an application for an apprehended personal violence order.

Proposed section 34A goes on to provide that when the senior police officer has, in good faith, made a provisional order but no domestic relationship exists, the officer is not liable for anything done or not done in good faith by the police officer or other person pursuant to that order. Item [17] remakes the existing power in section 37 for the court or authorised officer to make a property recovery order in relation to interim or final apprehended domestic violence orders whether issued by the court, authorised officer or senior police officer. A police officer will also be able to apply for a property recovery order. Items [10], [11], [12], [15], [16] and [18] make consequential amendments to the Act.

Schedule 1 to the bill remakes and expands the existing provisions giving police the power to direct and detain a person for the purpose of serving a provisional order. A number of safeguards will be inserted which are not currently provided for by the Act. Item [19] replaces section 89 and inserts two separate powers for detention: one for the making and service of interim apprehended personal violence orders and one for the making and service of interim apprehended domestic violence orders. Section 89 is amended to create a stand-alone police power in relation to personal violence orders. It maintains the existing provisions and provides that police may direct a person to either remain at the scene of an incident or at a place where the person is located for the purpose of serving an interim apprehended personal violence order, which is a provisional order. If the person fails to remain at the specified location the police officer may arrest and detain the person at the scene, other place, or take the person to the police station until the provisional order is made and served.

Proposed section 89A expands the types of direction a police officer may give to a person for the purpose of making and serving a provisional apprehended domestic violence order. The existing power to direct a person to remain at the scene can effectively force the victim to leave his or her home. The increase in the range of directions that police can give a person will provide police with the flexibility to respond to the specific circumstances. A police officer may direct a person to remain at a particular place or go to and remain at a police station or another place that has been agreed to by the person. A police officer may also direct a person to accompany a police officer to a police station or other place that has been agreed to or a place to receive medical attention.

If a person refuses or fails to comply with a direction, the police officer may detain the person at the particular place or at a police station. If a direction is given to accompany a police officer to the police station or other place the person may be detained in the police vehicle for so long as is necessary to transport the person to the police station or other place. Once the person has arrived at the police station the person is released from detention but is still under a direction to remain at the police station until the provisional order is served. Before detaining a person for the purposes of transporting that person to the police station or other place a police officer may consider the need to ensure the safety of the protected person.

Proposed subsection (4) provides an inclusive list of things to be considered. It is drafted broadly to ensure that circumstances are properly taken into account. The considerations outlined in the Act include: the



need to ensure the service of the order; removal of the defendant from the scene of the incident; prevention of substantial damage to property; and the circumstances of the defendant and any other relevant matter. The circumstances of the defendant may include the person's youth or advanced age, whether the person has a disability or cognitive impairment, whether the person is under the influence of alcohol or drugs, or whether there has been a history of victimisation of the person by the protected person.

The power to detain a person only for the purpose of serving an apprehended violence order or variation of such an order in section 90 (2) is being reframed by item [20] to allow a police officer who did not give the direction to detain the person. These powers have been expanded to ensure the police have the power to ensure the immediate safety of the victim and others who may be present. It will also ensure that delays associated with completing service of an order on a defendant are reduced. It is important to allow the police to diffuse a domestic violence incident as quickly as possible to prevent further incidents from occurring. Studies have shown that the prosecution of domestic violence abusers is a powerful strategy that protects victims and prevents future violence.

Similar powers exist in Victoria. A recent evaluation of that legislation indicated that the police removed approximately 90 per cent of defendants in domestic violence incidents and this had clear advantages in improving victim safety. Victorian police also noted that being taken back to the police station underscored the seriousness of the domestic violence order. Item [21] introduces a number of safeguards in respect of these extended police powers. It also gives police the power to search a person and requires certain records to be kept. Proposed section 90A sets a time limit on the period a person may be directed to remain at a place or detained. If the person has been directed to remain at a place he or she must stay there for as long as is reasonably necessary for the provisional order or a copy of the apprehended violence order to be made and served.

Where the person has been detained he or she may be detained until the provisional order or a copy of the apprehended violence order has been served, but for no longer than two hours. Reasonable travel time to the place or police station is excluded from the two-hour calculation, as in some remote areas the scene of the incident may be a considerable distance from the police station. Proposed section 90B states that once a person has been detained under sections 89, 89A or 90, he or she may be detained by any police officer. Proposed subsections (2) to (4) provide for the treatment of a person detained at particular places under the Act. The provisions are modelled on part 16 of the Law (Enforcement Powers and Responsibilities) Act 2002 relating to intoxicated persons. The amendments represent a balanced approach. The safeguards apply to the extent that they are reasonably practicable.

Where persons are to be detained in a vehicle they should be given an opportunity to make a call, for example, to arrange for someone to pick them up. However, if allowing the person to make a phone call will inflame the situation or delay the removal of the person from the scene it may not be reasonably practicable to allow the person that opportunity. The provision that a police officer must provide necessary food, drink or blankets to a person detained at a police station or other place does not place a positive requirement on police to provide these things unless it is necessary to do so and reasonably practicable. It does, however, acknowledge that a person should not be denied a glass of water or a blanket if one is available. People will, of course, be treated humanely.

Proposed section 90C will allow the police to conduct an ordinary search of a person detained under part 11 of the Act. This is the same as the ordinary search power from the Law (Enforcement Powers and Responsibilities) Act 2002. Such a search may include requiring a person to remove his or her coat, gloves, shoes, socks and hat for the police to examine those items. The police may hold any personal belongings found on the person until the person is released from detention. Proposed section 90D requires the police to keep certain records in accordance with the regulation under the Act for a period of three years. These new powers will help to ensure the immediate safety of domestic violence victims in New South Wales. The Government will be monitoring the operation of these provisions closely to ensure that police are able to respond to domestic violence incidents effectively.

I now turn to the amendments made by schedule 2 in respect of apprehended personal violence orders. Item [1] of schedule 2 amends section 21 (1) of the Act to create a presumption in favour of mediation as recommended by the interim review. When considering whether to make a final order, the court is required to refer the parties to the application for mediation at the community justice centre unless there are good reasons not to do so. Item [4] extends this presumption to when the court is considering making an interim order. These amendments have been framed to provide magistrates with a broad power and greater flexibility to refer matters to mediation and will ensure that magistrates turn their mind to whether mediation will assist in resolving the

matter. Item [2] amends section 21 (2) to provide a non-exhaustive list of considerations for determining whether to refer the parties to mediation. Notably, it removes the prohibition on referring to mediation where one of those factors is present. Item [3] of schedule 2 provides that the presence of any one or more of those factors listed in section 21 (2) does not prevent a court from referring the matter to mediation.

The interim review considered that unwillingness to mediate should not render a matter unsuitable for mediation because research suggested that mediation had been positive even where the parties appeared unwilling initially. The review found that a history of violence should not prohibit a court from referring parties to mediation, but that it should be one of the factors to be considered. The review noted that there are some circumstances of lower level violence that did not affect the capacity of the parties to mediate. The decision to refer parties to mediation where there has been a history of violence should be made in light of the individual circumstances of the case.

Item [5] makes it an offence to make a false or misleading application for an apprehended personal violence order. The proposed offence carries a maximum penalty of 12 months or 10 penalty units or both. This is intended to deter people from making false or misleading applications in these matters. To establish the offence it must be proved that the person knew the statement was false or misleading in a material particular. Finally, item [6] amends section 53 (8) to allow a magistrate, in chambers, rather than in a court, to decide whether an application notice is to be accepted for filing where a registrar has refused to accept it. The review noted concerns that there is a disincentive for registrars to exercise their discretion to refuse an application under section 53 of the Act because the applicant can nevertheless apply to the court for an application to be accepted. The amendment is being made to encourage registrars to exercise the discretion to refuse to accept an application notice where it is appropriate to do so. The provision is modelled on section 49 of the Criminal Procedure Act 1986 and the exercise of the magistrate's discretion under section 53 (8) is an administrative function to which a judicial mind is brought.

The Government is making amendments that respond to the different challenges and characteristics of domestic violence orders and personal violence orders. The amendments will ensure that the safety and protection of victims in domestic violence situations are at the forefront of the police response. The amendments will provide the court with greater flexibility in relation to personal violence orders to ensure that only appropriate matters are brought before the court. 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.**

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

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**Private members' statements, by leave, taken forthwith until 6.30 p.m.**

#### **LIVERPOOL TO PARRAMATTA BUS SERVICES**

**Mr PAUL LYNCH** (Liverpool) [5.05 p.m.]: I draw to the attention of the House the avalanche of complaints I have received from my constituents about the privatisation of the service that operates on the Liverpool-Parramatta transitway, also known as the T80. This privatised service commenced on Monday 14 October, and I have received complaints about it since that day. Shane Evans, a constituent of mine, contacted my electorate office the day after the new service commenced stating that no information had been provided about the changes, that already purchased tickets were not accepted, and that the automated ticketing machine was not working, which added considerably to the inconvenience and delay. The trip he took was between 10 minutes and 20 minutes longer under the new arrangements and buses were not running according to the timetable. It was, in his words, a shemozzle. I received an email from another constituent on Tuesday 15 October, which states:

Apparently the T80 service has been taken over by a private contractor. It would have been good to have been told this before Monday. There was an add for a new timetable but other than that nothing. On Monday I arrived at my bus stop at Green Valley at 7:25am for my 7:29am bus, no bus so I figured I must have been early. No bus at 7:38 or 7:44, finally 3 buses arrived around 8am. Got on. No ticketing system in place, so they checked off each ticket one by one manually. Some got sick of waiting and got another bus. In addition to this the driver couldn't hear the buzzer, over shot stops, cut corners as he was obviously not familiar with the route.

As if that were not bad enough, when the buses arrived at Cerdon College the bus driver stopped even though no-one wanted to get off and another bus was already at the stop. That bus then hit the other bus smashing a side mirror, which caused the bus to stall and it took another 10 minutes to get it going. The trip did not seem to improve much. My constituent's email continues:

Pulling up at Parramatta he stopped at the drop off, everyone got up, then he changed his mind moving up to the pickup zone with everyone screaming at him to stop and trying not to fall over. The trip that would normally take 50 minutes was nearly an hour and a half, it took me two hours from the time I left home to get to work. Today am, no ticketing, no charge but still late and a real stop/start trip. Today pm, still no ticketing the bus pulled up in the wrong spot so others who didn't have to wait as long got the bus. Finally got a bus to pull up, got as far as Smithfield only to be put off the bus to get another as it was "change over time." No air conditioning on the second bus and everyone was very cranky.

My constituent's response to this was to use her car to drive to work at Parramatta because she could not afford to be late to work three days in a row. As one of my constituents commented, one would anticipate teething problems, but it was a complete debacle. Another resident of Liverpool, Chantelle Gourcle, uses the T80 service to commute between Liverpool and Parramatta. She normally leaves Parramatta at 6.00 p.m. and the trip takes 45 minutes. Since the privatisation and the introduction of new contractors, the trip is taking one and a half hours. Many residents of Liverpool tell similar stories.

The Government is treating Liverpool with contempt. Larry Stanley, another resident of Liverpool, also travels between Parramatta and Liverpool. Because the arrangements for prepaid tickets have changed, it is taking much longer to board buses and his trip is now taking much longer. To overcome this, at times bus drivers are letting commuters board buses without paying and without checking whether they have tickets. This is causing chaos. Larry also notes that some buses seem to be waiting far longer at traffic lights. It appears that the new buses do not have the priority at traffic lights that the older buses had. If that is not the case, there is obviously some other technical problem affecting the T80 service.

The Government-operated T80 service was a good, efficient and widely praised service, and the local community appreciated it. It has now been privatised and a second-rate, inefficient private service has been provided as a substitute. One assumes that because the service operates in Western Sydney the Government was content to retain the cheapest service available regardless of its quality. Driven by ideological obsessions about privatisation, this Government cares not one jot about the quality of services it delivers to south Western Sydney. The Government's decision to provide this new inferior service is in addition to the appalling decision to terminate Liverpool's shuttle buses, and it demonstrates its contempt for our area.

### SWANSEA ELECTORATE BUSHFIRES

**Mr GARRY EDWARDS** (Swansea) [5.09 p.m.]: I rise to speak of the horrific fires that affected my electorate last week and the heroic efforts of emergency services volunteers who risked their lives to protect communities across the State, as well as the selfless acts of kindness and generosity displayed by individuals and corporations alike from within my electorate. Members of the Rural Fire Service, Fire and Rescue, ambulance and police demonstrated once again how indispensable they are to every community. I am sure that all members of this House share my admiration for the brave men and women who save many lives each year as a consequence of responding to fires and other emergencies.

Last Thursday fires first broke out in the southern end of my electorate at Doyalson, Lake Munmorah, Chain Valley Bay and Gwandalan, and later further north at Catherine Hill Bay. In modern terms these communities are isolated. They are very heavily wooded and the fires quickly spread due to hot and windy conditions. Police assisted emergency services to evacuate residents whose homes were under threat. The fire at Catherine Hill Bay moved so quickly that it engulfed the area, cutting off access and egress to the north via Montefiore drive. Residents were forced to take refuge at the beach.

The Rural Fire Service managed to stop the fire just as the flames began to threaten the popular Catho pub and the adjoining residential precinct of Clark Street. Had it not been for this containment line established by the Wallarah unit of the Lakes team some 15 months ago by carrying out back-burn exercises, it is probable that the entire village of Catherine Hill Bay would have been destroyed on this occasion. On Saturday I was joined by Premier Barry O'Farrell and Rural Fire Service Commissioner Shane Fitzsimmons to inspect the damage at the township of Catherine Hill Bay. The fire destroyed five structures including the historic Wallarah House, which was built in the late 1870s. Had it not been for the efforts of the Wallarah Rural Fire Service volunteers some 15 months prior the fire could have spread and destroyed the iconic village of Catherine Hill Bay. Another structure that was destroyed by the fire was a local landmark situated on the Pacific Highway, the

petrol station on the side of the big prawn. However, I am happy to report that whilst the petrol station, the adjoining restaurant and plant nursery were destroyed, the big prawn itself, sitting proudly on its pedestal, survived the attack.

I will complete this private member's statement next week, because time does not permit me to mention all the individuals and corporations that helped in this time of need. I will mention one evacuation point, and that is the Swansea RSL Club. Staff members who had completed their shifts and gone home returned to the club to see what they could do. Other staff members refused to go home and stayed on to help at the club. One fantastic image appeared on NBN Television on Friday night. It was the image of a 97-year-old lady who for all intents and purposes looked as if she was snuggled up in her bed. She was in her pale-blue dressing gown and covered in a blanket while cuddling her teddy bear. She had been evacuated from Catherine Hill Bay earlier in the evening. She refused to go to other accommodation—she could have been accommodated at a hotel or a motel. She refused to move beyond the RSL club, because she was looked after so well and so she stayed tucked into a lounge cuddling her teddy bear. From memory that picture was taken at around two o'clock in the morning. I cannot speak highly enough about those who helped. I will finish this private member's statement next week when I will name individuals and organisations whose efforts were extraordinary in this time of need.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [5.14 p.m.]: I thank the member for Swansea for praising the Rural Fire Service and other emergency workers; on behalf of the Government, I echo his appreciation of their wonderful efforts. I know the member would not want me to say this, but we heard in question time that he lent a helping hand in relation to provision of food during the fires. I was particularly interested to hear about the saving of Catherine Hill Bay and the back-burning work prior to the fires. Like all members of this House, I thank everyone involved in the firefighting effort.

#### **WILLIAMS RESERVE, LENNOX HEAD**

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [5.15 p.m.]: I highlight the efforts of many people involved in the development of facilities at Williams Reserve, Lennox Head in my electorate. It is a story that started in 1988, the year I was elected to this place, and it is about the community and the dedicated volunteers who were and are committed to fostering pride and spirit in sport in their local area. Williams Reserve is approximately four hectares of land that sits just 200 metres from the ocean behind Lennox Head's main street. The majority of the reserve is green, open space which is home to the local rugby union club, the Lennox Head Trojans; the rugby league club, the Lennox Head Dolphins; and in summer the local cricket club, the Lennox Head Pirates. Over the years it has also housed tennis courts and a basketball court. Williams Reserve is the focal point for the town of Lennox Head and it looks like this will continue for a long time. Lennox Head may have one of the most famous surfing breaks in the world—and surfing is certainly a favoured pastime of many residents—but the community is very active in a range of other sports as well and many of these sports call Williams Reserve home.

The sports clubs of Lennox Head have finally, after more than 25 years, almost finished turning their amenities block and canteen into a substantial clubhouse. This would not have been possible without the support of the New South Wales Government. Shortly after I was elected as the member for Ballina, the Lennox Head Combined Sports Association received grants from the Greiner Government and the Ballina Council for the construction of a canteen, change rooms and toilets. Volunteers did all the construction work and, to their credit, they made sure the building was double-brick and had a concrete slab roof to allow for a second storey in the future. A little more than 20 years later, in 2009, we were able to secure, through the Community Builders Funding Program, a \$20,000 grant, which combined with a \$30,000 subsequent grant allowed the existing building to be refurbished and the long-awaited second storey to be added.

Recently the Lennox Head Combined Sports Association won a competition which allowed it to finish its clubhouse and turn a covered viewing platform into an enclosed clubroom. This room will be used by the rugby union and rugby league clubs, as well as other local sporting groups including the Lennox Head Cricket Club, the Lennox Longboarders Club, the Le-Ba Boardriders Club, the Lennox Head Fishing Club, the Police Touch Association, Lennox Head Public School and other community organisations. In the 1800s Williams Reserve was part of a farm belonging to the Williams family. In the late 1950s it was bought by the Department of Lands and the then Tintenbar Shire Council and earmarked as a perfect site for a caravan park. By the time the approval for a caravan park came through it was no longer a priority. A couple of tennis courts were built, accompanied by a clubhouse, which I am told went up without permission from the Department of Lands. I guess Lennox Head was a long way from Sydney in those days.

In 1977 the Williams Reserve Sporting Complex Committee was formed with the objective of establishing sports facilities on the reserve. Over the years Williams Reserve has become home to sporting organisations and it is a place for the entire community. There is the football field and cricket pitch. There are also cricket nets, a skate park, the Lennox Head Community and Cultural Centre, the Country Women's Association rooms, a scout hall, a preschool and the nearby Rural Fire Service shed. Around Christmas and New Year the grounds are used by the general public as a place to gather on blankets to sing carols by candlelight, listen to music and generally have family time together.

While we deal with State budgets worth billions of dollars, sometimes people lose perspective on how significant relatively small grants are to many community organisations. Through a series of State Government grants over 25 years and contributions both in kind and in cash from the local community, and with council support, Lennox Head will soon have a wonderful clubhouse that can be accessed by the community generally and by sporting clubs in particular. The capital assistance grants, which were removed a few years ago and replaced by Community Building Partnership grants, have been good at supporting community organisations; and the experience of the new facilities at Lennox Head is repeated all over my electorate and across the State. Applications have closed for the 2013 Community Building Partnership Program and I am looking forward to calling the successful applicants later this year. Each organisation makes a little money go a long way and there is a genuine benefit for the entire community.

### **24 HOUR FIGHT AGAINST CANCER MACARTHUR**

**Mr BRYAN DOYLE** (Campbelltown) [5.19 p.m.]: I always tell the Parliament that Campbelltown is the opal of the south-west because of the great community spirit that we enjoy there. It therefore gives me great pleasure to inform the House about the 24 Hour Fight Against Cancer Macarthur, which held its annual event in my electorate of Campbelltown at the Campbelltown Sports Stadium last weekend. I had the privilege again to attend the event along with my parliamentary colleagues the member for Wollondilly and the member for Camden and the mayors of both Camden and Campbelltown councils. We had the honour to present a cheque for \$5,000 to the 24 Hour Fight Against Cancer on behalf of the Premier.

Few of us have not been touched by the scourge of cancer and the 24 Hour Fight Against Cancer is about the Campbelltown Macarthur community coming together to raise funds to combat the illness. A record-breaking 1,500 walkers were registered for this year's event, and it was estimated that more than 2,000 walkers and supporters attended the event to raise funds for the Macarthur Cancer Therapy Centre, the Paediatric Ambulatory Care Service and the oncology ward at Campbelltown Hospital, as well as for the palliative care unit at Camden Hospital. It is estimated that money raised from this year's event will take the total of funds raised since the event began to more than \$2 million. The chairman of the organisation's committee, Councillor Fred Borg, was optimistic that they would beat the amount of \$304,000 that was raised at last year's event.

The event has become a major community event for the people of Campbelltown, with teams registered from Beverley Park School, St Patrick's College, John Therry Catholic High School and Team Green, to name just a few. I was lucky enough to get to the event early and help Beverley Park School and St Patrick's College set up their tents with Mrs Louise Ibbett. I also bumped into Mrs Lorraine Ranchandra from John Therry Catholic High School. The keynote speech was presented by my friend Samantha McGarritty, whose daughter Niamh tragically passed away at the age of four after a valiant fight with brain cancer. Samantha told the 1,500 people gathered that she has experienced firsthand what the funds raised from the 24-hour fight can do. She went on to say:

This is not a time for sadness and mourning. The next 24 hours are about celebrating loved ones who have gone before us in the fight against cancer. It is about raising vital funds that will assist in the fight against cancers for there is still so much to do.

For all those who have lost loved ones—I lost both my father and mother to cancer about a decade ago—and for all those who have family members living with cancer, this 24 Hour Fight Against Cancer Macarthur event and other similar events held throughout New South Wales are an opportunity not only to raise funds to support cancer centres and research but also to reflect on those we have lost and to celebrate those who have made it.

I take this opportunity to congratulate the entire 24 Hour Fight Against Cancer Macarthur committee for its year-round work in organising this event. The committee consists of the chairman, Councillor Fred Borg; the deputy chair, Sue McGarritty, who recently won a Premier's Community Service Award; Dr Stephen Della-Fiorentina; John Doherty; David and Gabrielle Dykes; David Eckford; Christine Edge; Adam and Sharon

Galway; Nicole Howie; Brian Laul; Dot Lechner; Brooke Manzione; Jeff McGill; Warren Morrison; David Muller; Sue Scobie; Rebecca Purcell; Ken Stonestreet; Sandra Speechley; Litsa Terizis; Mark Wallington; and Darrin Wilson. Even though the event is called the 24 Hour Fight Against Cancer Macarthur, it takes place over a whole weekend and the committee works throughout the year holding fundraising events each month. It is a wonderful initiative that joins the community together in the fight against cancer and to raise funds. Hopefully one day we will find a cure and remove this scourge from our community. I commend the work of this group to the House.

### TRIBUTE TO MARY HAMER

**Mr RON HOENIG** (Heffron) [5.24 p.m.]: Mary Hamer, the founding junior school principal of St Spyridon College, Kingsford, sadly lost her long and brave battle with cancer at the age of 61 on 16 July 2013. St Spyridon College is a coeducational school providing education to about 700 students, from kindergarten to Year 12. It was established in 1983 by the St Spyridon Parish of South East Sydney under the auspices of the Greek Orthodox Archdiocese of Australia. St Spyridon students come from 20 different cultural backgrounds. They all share a caring environment that promotes educational excellence. St Spyridon College prepares young people to take their place in a rapidly changing world with confidence and success.

Everyone in the local community knew Mary well. She had been a long-serving principal, since 1982, who was committed to St Spyridon, but most of all she wanted to provide every child with the best education within a positive, respectful and well-rounded learning environment. Mary had the personal touch that was needed in her role as a school principal. She loved what she did—it came easily to Mary—and everyone who knew her would say that she was meant to be the principal of St Spyridon. Mary thought that every student, every teacher, every parent and every grandparent—anyone who entered the gates of St Spyridon College—was her extended family.

Mary Hamer had many achievements, one of which was establishing the first Greek Orthodox day school in New South Wales. Mary was also honoured with a plaque and the naming of the Mary Hamer Quadrangle in September 2012 for her tireless work over the past 30 years. Father Steven Scoutas, parish priest of St Spyridon Church, said the school community and the worshipping community were grieving the loss of a unique teacher and educator. Father Scoutas described Mary as a very courageous and brave lady who was a dynamic leader in education. He also went on to say that Mary was a very resilient principal with great integrity and an exclusive love for children. That is possibly one of the greatest compliments that a principal can receive. I was touched to hear that the school, the parish and the students all paid their respects for a day in honour of Ms Hamer. Flags at St Spyridon Church and College were flown at half-mast on the day of the funeral, wreaths were laid in her memory and the college closed for the day so that students, teachers and parents could attend the funeral.

I toured the school when I attended its speech day towards the end of last year and Mary Hamer showed me around the school. She was very proud of the school and the school's achievements. Although I had heard that she had been sick I could not detect in any way from Mary's demeanour that she was so seriously ill. It was not apparent to me as she took me from classroom to classroom and had me pose for photographs with kindergarten children. To me she appeared so well that when I heard of her passing I could not reconcile in my mind that that was the same charming and delightful lady who had taken me through the school. I extend my deepest sympathy to Mary's family and friends and I formally recognise Mary's everlasting legacy. May Mary rest in peace and be remembered for the wonderful, passionate and inspirational woman that she was.

### BURRINJUCK ELECTORATE PUBLIC SCHOOLS

**Ms KATRINA HODGKINSON** (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [5.29 p.m.]: Tonight I speak of the good news for public schools in the Burrinjuck electorate. We heard over the last day or so a terrific announcement by the Minister for Education in relation to the new public school resource allocation model in support of the Gonski review's key point that every child should have access to the best possible education regardless of where they live, the income of their family or the school that they attend. I am proud to be the member for Burrinjuck, and I am proud to be a member of The Nationals and to have a Minister from my party who knows what it is like to live in western New South Wales. Under the previous 16 years of New South Wales Labor Government we were constantly left behind and forgotten. It is terrific to have a regional Minister who understands the needs of regional and rural education.

Under Local Schools, Local Decisions, schools are getting unprecedented levels of local choice in the selection of staff and flexibility in decision-making. That happened early in the piece. The fundamental premise of that reform is that decisions are best made by those closest to the people they affect. Many schools have a much bigger say over how to use their resources for their students. From next year schools in the Burrinjuck electorate, and indeed schools across New South Wales, will begin to be funded using a new resource allocation model. Schools will see more of the total public school education budget and they will have more authority over how to spend it. Importantly, this new public school resource allocation model, which is known as RAM, distributes funding to public schools in New South Wales much more fairly and transparently than happened in the past.

Funding provided to schools will directly reflect the needs of schools and their students. I am proud to say that an additional almost \$2 million will go to schools in the Burrinjuck electorate. I have 58 public schools in my electorate, and I will highlight some of the funding changes and the great news for some of those schools. My former primary school, Berinba Public School at Yass, will receive an increase of nearly \$30,000 from the beginning of next year. That is great news for Berinba. Boorowa Central School will receive more than \$35,000 extra. Bowning Public School will receive an increase of more than \$22,000. Bribbaree Public School will receive an increase of almost \$15,000. Some of the high schools are the big winners in my electorate.

Cootamundra High School, which is doing a great job, will get an increase of \$186,322. Cowra High School will receive an extra \$231,155. These are the sort of figures that these schools could only have dreamed about in the past. It is wonderful news. The wonderful Cowra Public School will get an increase of \$234,104. Crookwell High School, which is close to Goulburn, will get an increase of nearly \$40,000. Crookwell Public School, of which I am the patron, will get an increase of more than \$32,000. EA Southee Public School in beautiful Cootamundra will get an increase of more than \$91,000. Grenfell Public School will get an increase of more than \$32,000. Gundagai High School will get an increase of more than \$122,000. Gundagai High School parents will be thrilled with this funding source.

Gundagai Public School will get an increase of nearly \$13,000. Gundagai South Public School will get an increase of nearly \$34,000. Homewood Public School in Cowra—a wonderful school with some special students—will get an increase of more than \$22,000. Maimuru Public School just outside Young will get an increase of more than \$14,000. Mulyan Public School just outside Cowra will get an increase of more than \$241,000. Stockinbingal Public School—I recently attended the school play at this small school—will get an increase of \$34,000. Yass High School will get nearly \$42,000 extra. Yass Public School will get more than \$20,000 extra. Young High School will get more than \$267,289. And the list goes on. There is nearly \$2 million in extra funding for public schools in the Burrinjuck electorate. This is a dream come true for many of our education experts. Certainly, many parents, friends and teachers will be delighted with this announcement.

### **HMAS PARRAMATTA**

**Dr GEOFF LEE** (Parramatta) [5.34 p.m.]: Today I inform Parliament of the hard work and dedication of the officers and sailors of HMAS *Parramatta*. I visited HMAS *Parramatta* on 5 October 2013 as an invited guest to view the International Fleet Review. On the day, during the historical re-enactment of the Fleet Entry of 1913, I was privileged to meet the 180 sailors who call this ship home. I was also in attendance on 8 October when the ship's company exercised their right to parade through the streets for the Freedom of Entry Parade into the city of Parramatta. I was privileged to meet family members of the ship's company on both occasions. During these visits I spoke to a large number of them. It is fitting that the New South Wales Parliament recognises the sacrifice and efforts of one of our ships, and that of the Royal Australian Navy.

HMAS *Parramatta* has had a busy year, which included three operational deployments to Operation Resolute in support of the protection of Australia's borders to the north. In her time with Operation Resolute, HMAS *Parramatta* was involved in numerous search and rescue operations. The swift response from HMAS *Parramatta* during these tragic situations resulted in many lives being saved. The ship has been challenged a number of times in difficult situations and the crew has always risen to the challenge. The commitment of HMAS *Parramatta* to protecting Australia's borders and her efforts in preserving the safety of life at sea are exceptional. The ship is due to undertake another operational deployment to Operation Resolute over the Christmas period, in the coming months.

Most recently, HMAS *Parramatta* participated in the International Fleet Review, which saw Sydney host warships from more than 20 nations. A highlight for the ship's company and the people of Parramatta was the Freedom of Entry Parade. HMAS *Parramatta* is known as "first born of the Commonwealth" as she was the

first ship built for the Royal Australian Navy. It is a great source of pride to me and to the people of my electorate that HMAS *Parramatta* was able to represent us at these fantastic celebrations. I commend Commander Simon Cannell who has commanded HMAS *Parramatta* since June 2013. Simon takes an active role in maintaining the relationship between the ship and the city. All his officers and crew know of his love of sport. That is reflected in HMAS *Parramatta*'s sporting performance, which recently included coming second in the Mons Cup for Rugby and the award of the Pakistan Shield, which is the Royal Australian Navy's trophy for sporting excellence.

During my visit two notable events were discussed about which I will inform Parliament. On 20 February this year HMAS *Parramatta* intercepted and trailed a vessel for some 12 hours through the night, crew being unable to board due to poor sea conditions. At approximately 0800 hours the commanding officer made the decision to board and transfer the people due to concerns for the safety of the vessel. There were 92 people aboard, and the transfer started with women and children. At approximately 1000 hours the vessel, slowly filling with water, breached due to the action of the sea on her stern, causing the vessel to roll heavily to port. This caused three of the four HMAS *Parramatta* sailors to be cast into the water. Immediately, one of her two rigid inflatable boats went to their aid and recovered them. Bravely, the three members were reinserted onto the vessel. The Royal Australian Navy member who remained on board calmed the crew and at the same time attempted to clear water from the bilges in order to keep the vessel afloat long enough to rescue the remaining personnel.

Approximately 15 minutes later the vessel again breached and capsized, throwing the remaining 22 people, including the four Royal Australian Navy sailors, into the water. These four sailors pulled the remaining people free from the wreck and calmed them in what can only be described as a harrowing experience. Within 10 minutes HMAS *Parramatta* and her boats had recovered all personnel from the water, and within an hour had all personnel on board, alive and safe. The four sailors involved were Lieutenant Bowman Trezise, Leading Seaman Marine Technical Brian Campagnoni, Able Seaman Combat System Operator Nicholas Luttrell, and Able Seaman Communications Information Systems Jackson Mahy. The second incident occurred on 20 August 2013. HMAS *Parramatta* responded to a search and rescue call from a vessel in distress some 120 nautical miles north of Christmas Island. Upon reaching the last known position, and being first on scene, HMAS *Parramatta* discovered 106 people in the water, with the vessel having already sunk.

In what can only be described as a tremendous display of teamwork and professionalism, HMAS *Parramatta* and her crew recovered all 106 survivors in under an hour. The commanding officer could offer only complete praise for these young Australians, who so bravely do their job day after day, week after week, in order to keep our shores safe. Their compassion in dealing with people who have become so desperate as to place their lives at risk and endure such incidents represents Australians, one and all, in a most positive way. In closing, service to the nation on one of Australia's warships comes with significant sacrifice. The families—wives, husbands, sweethearts, mums, dads, brothers, sisters, sons and daughters—forgo much time with their loved ones in order for them to continue their devoted service to this country. [*Time expired.*]

### ABC RADIO 1233

**Mr ANDREW CORNWELL** (Charlestown) [5.39 p.m.]: This afternoon I acknowledge the outstanding work of the ABC 1233 radio team in the Hunter during the recent bushfires that raged through southern Lake Macquarie from Doyalson North, and through 5,000 hectares at Heatherbrae, Williamtown and Medowie, causing the closure of Newcastle Airport, the evacuation of many homes and the destruction of several buildings, vehicles and other property. Also relevant is today's fires at Minmi and at Gates Head. During major emergencies radio 1233 provides the latest advice, information and news reports—an incredibly valuable service, particularly in a regional area such as ours where localised updates are vital. All emergency warnings and alerts issued by official emergency agencies and the Bureau of Meteorology are communicated by 1233, in addition to explanations of what each alert means to the community and what action should be taken at each point. This is done through its broadcast team, as well as a detailed website and rolling Twitter updates.

Led and coordinated by radio manager Phil Ashley-Brown and content director Theresa Rockley-Hogan, the team delivered the latest information, timely warnings and up-to-the minute communications as the disaster progressed and was managed on the ground. Radio 1233 has a long history of assuming this role with incredible professionalism dating back to World War II. I cannot speak from personal experience of the wartime coverage, but I clearly remember the 5.6 magnitude earthquake that rocked my home town in December 1989. The earthquake killed 13 people, hospitalised more than 160 people, made approximately 1,000 people homeless and resulted in the demolition of more than 300 buildings. As one can



imagine, confusion reigned in the aftermath—and, of course, with power outages everywhere, people tuned in to 1233 Newcastle for information. Within two hours a special earthquake current affairs program was broadcast to provide information and cover the disaster.

Unfortunately, natural disaster struck Newcastle again in 2007 when what has become known as the *Pasha Bulker* storm lashed our region during the June long weekend, resulting in flash flooding and the grounding of the bulk carrier *Pasha Bulker* on Nobbys Beach. Once again, the team at 1233 rose to the occasion, with award-winning coverage that saw the station win the All Media: Best Use of the Medium category at the 2007 Walkley Awards for Excellence in Journalism. Radio 1233 provided 72 hours of continuous live radio coverage over the weekend, with the emergency broadcast streamed live on the internet and visitors to the site peaking at more than 640,000 for a fortnight running. In turn, listeners sent in more than 2,000 photos of the damage, as well as their stories of survival and courage. Over the years, the team at 1233 has continued to demonstrate an amazing commitment to communicating the news to our region, and this is particularly evident during times of disaster and hardship.

Over the past week, as fires have torn through parts of the Hunter, terrifying residents and causing incredible chaos—in the short term for some, and in the long term for many—1233 Newcastle has once again proven to be an accurate source of news, vital information and, just as importantly, comfort, as familiar voices give us the facts as well as stories about the diverse people who live in our beautiful region. We are not the only place affected by this terrible disaster, and my heart goes out to everyone who has suffered over the past week or so. Hopefully, they will be as lucky as our region has been in the face of these terrible infernos that could have taken a much greater toll on human life and property. Thanks again to the team at 1233, which, along with the heroic efforts of our firefighters, I truly believe has played an integral role in ensuring that everyone in the Hunter has been as fortunate as we have been.

I seek the indulgence of the House to name some of the staff at 1233. The presenters involved were: Carol Duncan, Paul Bevan, Aaron Kearney, Phillip Clarke, who was covering for Jill Emberson, Craig Hamilton and Helen Clare plus Paul Turton, Garth Russel and John Clarke. The producers involved were: Nick Gerber, Hannah Thompson, Beth McMullen, Ben Millington, Liesel Rickarby, Clare Mortenson, Sue Steens, Amanda Astri, Natalie Holland, Grant Wolter, Ashleigh McIntyre, Josh Callinan, Sophie Brown and online producers Jeannette McMahon and Maynard. Staff behind the scenes were: station manager Philip Ashley-Brown; content director Theresa Rockley-Hogan; unit co-ordinator Narelle Connor; and, on reception, Katja Baidoo, who fielded so many phone calls. Radio 1233 is an integral part of the region. At times of crisis it provides rolling crisis coverage that makes an enormous difference. This afternoon when I learned of an out-of-control fire in my electorate with an emergency rating the first thing I did when I left the Chamber was go online to listen to radio 1233 in my office. Likewise, when I want to disseminate information my first port of call is always radio 1233. As they say in the classics, we certainly get our 8¢ a day.

#### WARRIEWOOD VALLEY PUBLIC TRANSPORT

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [5.44 p.m.]: On many occasions I have brought to the attention of the House the importance of all government agencies working together to ensure improved infrastructure and services for residents of the Warriewood Valley in my community of Pittwater. Whilst we have recently seen a number of key projects commenced or completed, including the \$32 million upgrade of the Warriewood Wastewater Treatment Plant, one of the most commonly raised issues is the need to expand the focus of Pittwater's public transport services to better reflect the changing needs of Warriewood Valley. I certainly share this opinion, particularly as increasing numbers of dwellings are being constructed and as investigations are continuing into further land use opportunities in accordance with the strategic review concluded by the Department of Planning and Infrastructure and Pittwater Council in consultation with the local community.

Without digressing too far into another issue that I have also been rather outspoken about in this place, it is unknown to many—including me—why such large-scale development was permitted to proceed in the Warriewood Valley prior to the existence of adequate and established transport linkages and other services. Nevertheless, thousands of residents and hundreds of families now reside in our community's highest-growth area that still lacks any direct express bus services linking it with Sydney's central business district. Throughout Pittwater the demand for bus services continues to increase. Scores of commuters are transitioning from their cars to public transport, and local park-and-ride facilities are struggling under increased strain. There is no area of Pittwater where this is more evident than in the Warriewood Valley, and the constructive feedback I am receiving from concerned residents and commuters suggests that the situation is only getting worse.

That points to the importance of introducing dedicated express services to help accommodate demand, help alleviate the need for commuters to rely on their cars to access express services, and improve convenience. Whilst the Warriewood Valley's current bus services, namely the L85 and the 185, may be adequate for many local residents and for local trips, particularly when travelling outside peak periods, the ongoing expansion of the area dictates that the service mix must change and that express services must be introduced, especially as the number of commuters and young families in the area continues to increase. By way of comparison, I refer to travel times of non-express services departing the Warriewood Valley in the morning peak and express services departing from Pittwater Rugby Park. There is much to be considered. For example, at 7.13 a.m. an L85 service departs the Warriewood Valley near the intersection of McPherson and Garden streets. The journey takes one hour and 14 minutes, and the bus arrives at Wynyard at 8:27 a.m. At exactly the same time, 7.13 a.m., an E88 service departs from the Warriewood park-and-ride facility at Pittwater Rugby Park. This journey takes 49 minutes—25 minutes less than the L85 service.

This means that commuters who live in the Warriewood Valley generally have a choice between catching a service that takes considerably longer and leaving home much earlier or taking an extra journey in their cars to connect with express services that depart along the main Pittwater Road corridor. Whilst I understand that this scenario is faced by countless commuters throughout Pittwater and in other areas of the city and the State—many of whom catch multiple buses and even multiple modes of public transport to get to work—the recent, current and expected future growth of the Warriewood Valley, consistent with the strategic review, makes its claims for dedicated express services increasingly valid. We also know that despite Pittwater bucking the trend in creating skilled employment opportunities locally, population growth throughout the community—which is being driven chiefly by the expansion of the Warriewood Valley—means increasing numbers of residents are travelling outside the northern beaches, particularly to the Sydney central business district, to access employment opportunities.

That is why I believe the viable option of Sydney Buses commencing an inbound and outbound E85 express service can be readily achieved without any fear of insufficient patronage. In fact, the provision of a dedicated express service for the Warriewood Valley area was one of the key recommendations made during a comprehensive transport survey of all Pittwater residents that I undertook in 2007. During the past six years the need and demand for such a service has only increased so I believe it is certainly time for Sydney Buses to introduce changes for a direct express service along, for example, Ponderosa Parade and Garden Street. By no means will that solve all the problems of local commuters, nor will it markedly reduce congestion on our roads or prevent delays, but it will provide a convenient service where it is needed, give residents greater options and help to ensure the demands of this thriving area of our community are addressed to facilitate access from this outer suburban area into the heart of the Sydney central business district. I thank all those who have provided me with feedback on this issue and I look forward to Sydney Buses reviewing this proposal favourably.

### **DAPTO TAFE CAMPUS**

**Ms ANNA WATSON** (Shellharbour) [5.49 p.m.]: I wish to acquaint the House with the issue of the future of the Dapto TAFE campus, which is in my electorate. Since my election to this place in March 2011, I have been concerned about the Dapto TAFE campus. I have condemned the closure of the Dapto TAFE campus library, which in effect occurs this year. I am also extremely concerned by the evident decline in student enrolments at the campus. The Government's statistics, provided to me by the Minister for Education in an answer to a question on notice, show that in 2010—the last year of the former Labor Government—658 students were enrolled at the Dapto TAFE campus. In 2011 enrolments fell to 534 and in 2012 they fell again, to just 348. I am not able to obtain the figures for 2013 as they will not be available until March 2014, but I hope the trend of the past two years is reversing. At the same time staff numbers at Dapto TAFE campus are also falling. In 2010 the figure was 111, in 2011 it was 107, in 2012 it was 95 and in 2013 it is 97.

What makes the decline of the Dapto TAFE campus a real worry for me is that Dapto and West Dapto are key growth areas in the southern Illawarra region. Earlier this week I spoke in the House about the population explosion that the New South Wales Department of Infrastructure and Planning has projected for my electorate. Such is the population growth projection that the Minister informed me in answer to another question on notice earlier this year that it is likely a new school will be required in my electorate in coming few years. In this environment it is simply astounding that the Dapto TAFE campus appears to be closing key services such as its library and that student numbers are falling. I have arranged a briefing next week with Illawarra TAFE Institute Director Dianne Murray to discuss the two campuses in my electorate. I acknowledge her deep commitment and dedication to Illawarra TAFE as a learning institution and a key pathway to ongoing training

and skills development for so many people in the Illawarra region. I note that the report of the statewide stakeholder consultation by the NSW TAFE Commission Board in August this year highlighted this matter, and stated:

There was a range of concerns raised about the impact of change and primary among these was the potential for selected campuses to close.

Have Your Say respondents, especially employers and staff from rural and regional areas, were also concerned about the impact of campus closures on local communities.

The "Let's Talk About TAFE" report is a very useful document for those who are interested in vocational education and training. TAFE is universally valued across New South Wales, being seen as vital to the State's economy and, most importantly, crucial to local communities. I am not suggesting that Dapto TAFE campus is closing or will close, but I am deeply concerned by the declining trends in student enrolments, staff numbers and cuts to services at the campus and I wanted to place my concerns on the record in this place tonight. Nothing would please me more than receiving reassurance that my concerns are misplaced.

### CENTRAL COAST STREETLIGHT TRIAL

**Mr DARREN WEBBER** (Wyang) [5.53 p.m.]: I take the opportunity today to highlight to members and the wider community the importance of the proposed light-emitting diode [LED] streetlight rollout across the Central Coast, and eventually New South Wales and indeed Australia. Over the past 18 months Ausgrid has conducted a trial of LED streetlight installations. This trial extended over eight locations across Sydney and the Central Coast and included 62 individual installations. One location was Noraville in the Wyong electorate, which was the most efficient of all the trial sites. Central Coast councils will now become the first in Australia to be part of the rollout of this exceptional energy-saving technology throughout the grid. Most residential streetlights use between 46 watts and 95 watts of power. In addition to this high power use, problematically, they also require regular globe replacement, which can lead to maintenance backlogs and general safety issues.

Comparatively, LED lights use as little as 29 watts of power, and the exciting thing is that the lifespan of a LED globe is up to 20 years. Potential funds saved by local government in maintenance and energy costs will obviously be substantial and noteworthy. This will also have a significant impact on the environment as it will require the disposal of fewer globes. The wider rollout of LED lighting across Australia will be the most significant, practical measure to benefit the environment since the Howard Government's phasing out of incandescent light globes. When the standard incandescent streetlight on a suburban street fails and cannot be fixed, it will now be replaced with a super-efficient LED globe. A partnership has been established between council and local Central Coast based company Sylvania Lighting, which will be responsible for producing the LED streetlights. Sylvania Lighting has been actively servicing the Central Coast from its Lisarow-based operations centre for more than 30 years. This is a magnificent achievement by Sylvania Lighting in an industry that continually faces huge competition from cheap and nasty overseas imports.

Ausgrid predicts that Sylvania Lighting will supply about 10,000 LED lights a year. The positive impact of this production arrangement flows into greater employment opportunities, which in turn can lead to greater economic stability. Sylvania Lighting will work in conjunction with employment agencies contracted by the Department of Education, Employment and Workplace Relations. This will provide employment opportunities to those on the Central Coast who are long-term unemployed or simply looking to get back into the workforce. Before my election to Parliament I worked as an electrician for the best part of a decade so I know firsthand the practical applications and processes involved in this trial. I am also pleased to report that the trial conducted in the suburb of Noraville within my electorate was the most efficient.

I am proud to support and be part of the rollout of LED streetlights across the Central Coast. The rollout of energy-saving LED streetlights will bring benefits for the environment, councils and tradespersons in general. It will produce an enormously positive outcome for residents across the Central Coast, and eventually New South Wales and Australia, as this program will not only reduce power usage but also help to improve safety by keeping streets lit for substantially longer periods. It is a proactive venture that clearly shows the O'Farrell Government is serious about supporting ways to reduce energy costs for individual consumers, businesses and local councils. It shows that the O'Farrell Government and the Minister for Resources and Energy, who is also the Minister for the Central Coast, are serious about protecting the environment through reduced power costs and the disposal of incandescent, and eventually LED, streetlights.

The average person on the street will not notice the difference between an incandescent streetlight and an LED streetlight. They will notice only that more streetlights are on for longer and that there are fewer

blackouts. Also, it is hoped that, as a result of energy usage savings and light replacement reductions, councils will be able to invest more funds in expanding their streetlight network. I commend the program to the House. I thank the Minister for Resources and Energy, Ausgrid and Sylvania Lighting. I wish them all the best with the rollout. As a former electrician, I am proud to say that the Central Coast of New South Wales is leading the world in energy efficiency.

### **SOUTH WEST ITALO-AUSTRALIAN ASSOCIATION TWENTIETH ANNIVERSARY**

**Mr ANDREW ROHAN** (Smithfield) [5.58 p.m.]: I am delighted to inform the House that on Saturday 28 September I attended the twentieth anniversary celebrations of the South West Italo-Australian Association [SWIAA] aged care facility at Bossley Park in my electorate of Smithfield. The story of Italian migration to Western Sydney goes back to the 1880s, when a number of migrants settled in the area. The community grew steadily in the 1920s and 1930s to become one of the largest and most established ethnic groups in south-western Sydney today, particularly in the city of Fairfield and especially in the electorate of Smithfield. In the early 1990s a small number of concerned members of the local Italian community identified the lack of aged care services in the Fairfield area and formed the Fairfield Italian Need Committee to address this demand. Subsequently, the name of the group was changed to SWIAA Ltd and records show that it had its first meeting in 1993. The lack of aged-care services for the Italian community was discussed at that meeting.

The history behind the SWIAA Village development is amazing. Construction of the village commenced in 2001. Stage one included 41 self-care villas designed to provide secure independent living for seniors. In 2003 the village started to accept residents and was officially opened in 2004. The village continued to grow as a result of increasing demand for aged-care facilities. Stage two of the development was opened in 2006 and comprised 53 low-care beds, which included 12 special dementia care rooms. In 2012 the SWIAA Village commenced with stage three comprising 20 high-care beds, 30 low-care beds and 10 special-care beds for dementia sufferers. Stage three has been named "Park View" simply because the building faces a beautiful park. The SWIAA facility provides not only aged-care services but also 80 new employment positions locally. I was honoured to be present at the opening of stage three of the village on 28 September together with a number of local Italian Australians who have been assisting the SWIAA since its inception when the first plans for the village were drafted and subsequently presented to council.

The Italian Australian community has made a significant contribution to our city and State and there is no better example than to see established clubs, famous restaurants, successful family-based businesses, art and entertainment, and the celebration of various religious festivals. Today this vibrant community has largely integrated with the broader Australian community and has matured to include third- or fourth-generation Australian families. However, the strong religious and family values that were the basis for the construction of the village have not changed. The village was built to care for aging community members. On 28 September I witnessed the completion of a dream that began in 1993.

Although the SWIAA Village was built by Italian Australians it is not confined to the Italian community. It generously accepts residents from non-Italian ethnic backgrounds, thus providing aged-care services for the wider community, for which I commend it. It is the custom of the Italian Australian community to start any important event with a mass, and this occasion was no different. It started with a mass at 4.30 p.m. offered by Reverend Father Alberic. The official opening was conducted at 5.30 p.m. following the mass and a reception was held at 7.00 p.m. at Club Marconi to commemorate the project and to thank everyone who had helped with it. A number of individuals and sponsors were acknowledged for their contribution. Club Marconi has been a solid pillar of support to the SWIAA Village and vice-president Mario Soligo was present at the festivities representing the board of the club.

Also present were Bruce Thornthwaite, chief executive officer of the SWIAA Gardens, Charlie Barone, chairman of the SWIAA, and many other distinguished guests. At the reception it was announced that Reverend Father Alberic was honoured to be the patron for the village in recognition of his long-term service to the SWIAA and the community. It was a great pleasure to be part of this historic and worthwhile community. I would like once again to congratulate the SWIAA and its board for their hard work in making this a complete aged care facility.

### **CYCLEWAYS**

**Mr JONATHAN O'DEA** (Davidson) [6.03 p.m.]: Recently one of my constituents, Mr Paul Howarth, wrote to me commending the plan of the New South Wales Government for a network of cycleways through the

Sydney central business district—part of an integrated transport plan released by the Minister for Transport, Gladys Berejiklian, and Minister for Roads and Ports, Duncan Gay that takes into account the needs of cyclists. In addition to this initiative Roads and Maritime Services plans to increase the length of cycleways throughout the State by 200 kilometres per year over the next 10 years at a cost of \$251 million.

These plans and many others on a State and local government level are part of a greater awareness and recognition of the benefits of cycling, both as a recreational activity and as an important alternative to more conventional modes of transport. In September this year the New South Wales Government allocated over \$250,000 in funding to again sponsor New South Wales Bike Week. There were over 60 events around the State that attracted over 12,000 participants. In my electorate plans by Warringah council to develop and sustain cycleways and cycle access are well underway. Included in these plans is a cycleway from Chatswood to Warringah Mall, with a cycle lane upgrade to Roseville Bridge and its approaches.

The anticipated development of the Bare Creek Bike Park on the site of the Belrose Waste Management Centre is eagerly awaited, with development targeted to commence no later than November 2014 after the closure of the waste management site. Bike North is an organisation in the Davidson electorate dedicated to creating a bicycle friendly environment that aims to assist all bike riders who wish to use a bike for transport and recreation. Its Bike for Life education program seeks to encourage more skilled and confident cyclists. I was likewise impressed with the activities my constituent, Mr John Maloney, and his two companions, who are cycling 4,200 kilometres across Australia to raise \$120,000 for the mental health organisation, Black Dog Institute.

Another local constituent, Mr Harrold Burman of Lindfield, plans to cycle over 1,000 kilometres through Sri Lanka to raise money for Alzheimer's research. Mr Burman anticipates the trip will take him 10 days. The benefits of cycling are myriad and go some way towards explaining its increasing popularity. A recent Federal Government report entitled, "State of Australian Cities 2013", helps put the economic benefit of cycling into perspective: Cycling for 20 minutes to work and back benefits the economy by over \$21 each day. As an alternative transportation choice cycling provides a cheaper and more sustainable option by reducing air pollution, greenhouse gas emissions, parking costs, noise, traffic congestion and wear and tear on private motor vehicles.

This is not to say that other road users should not be considered or consulted. Separate cycle lanes, particularly alongside busy highways, are generally a necessity rather than an option. Until this arrangement becomes more available on busy roads, in the interests of safety and traffic management, there is a case to be made for restricting cyclist access to these roads completely or to non-peak hour periods. For some cycling is a sport, for others it is an efficient and practical form of transport and for yet others it is a way for families and friends to ride together socially, giving them an opportunity to be in direct contact with their surroundings and the environment.

It is in the area of health that the advantages of cycling can most clearly be seen. Access Economics puts the number of people who will be clinically obese in Australia by 2025 at seven million. Disturbingly, this will include a significant number of young children. Diabetes rates have also doubled in the past 10 years. It is significant to note that, according to a European report, cycling for 30 minutes a day reduces the incidence of obesity and diabetes by half. Cycling is not just a fad or a fashion; rather, it is an increasingly important economic and social solution to problems in our urban environment. Add to that the health benefits of cycling and we have a compelling case for cycling as an important and integral part of our society, deserving of government support and encouragement at all levels.

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [6.08 p.m.]: I commend the member for Davidson for his enthusiasm and support for cycling in his local electorate and across New South Wales. In recent years we have seen increased research into the costs and benefits of cycling. There are many transport, environmental, economic, social and health benefits to be gained from cycling. *New South Wales 2021: A Plan to Make NSW Number One* states that the Government will work with local councils to complete the local cycle network as part of an integrated transport network. The Minister for Transport recently announced that the Government was committed to spending up to \$2 million on the planning and design of a shared walking and cycling path between Sutherland and Cronulla. I reiterate the Government's commitment to cycling as part of an integrated solution to transport in New South Wales.

#### TRIBUTE TO SALVATORE LENTINI

**Mr CHRIS HOLSTEIN** (Gosford) [6.08 p.m.]: I draw the attention of the House to the Lentini family. Salvatore Lentini established his citrus farm at Kulnura on the central coast in 1965, not long after

migrating from Italy. The family initially had 30 acres of rich agricultural land that was perfect for orchards and farms. Other orchards and farms also flourished across the mountain communities of Somersby, Kulnura, Peats Ridge and Central Mangrove. Salvatore and his three sons, Frank, Mick and Sam, worked hard over the years picking and packing fruit to be sent to Flemington market for sale. Over the years, the landholding grew to 150 acres. A business that started out in a small wooden shed—which still stands—now occupies a 3,000 square metre factory which now employs more than 20 people and which houses highly engineered, state-of-the-art machinery capable of bottling and packaging 100,000 bottles of spring water and juice a day. It is now the headquarters of East Coast Beverages, which has become a household name and which is a thriving and successful business.

Unfortunately, Salvatore passed away in 1988, leaving the three boys to carry on his work. They have been joined in the business by their three sons—Dominic, Sammy and Samuel junior—and their wives—Maria, Rosa and Nina. All three families still live on the farm. They changed the focus of the business in 1995 from supply of fruit to the market to squeezing their own fruit and bottling the spring water that flows through their property. Theirs is another of the stories of migrants who came here to our wonderful country and who took full advantage of the opportunity to demonstrate their entrepreneurship. They have provided employment for the local community and developed a thriving business. Theirs is a truly great Australian success story.

It gives me great pleasure to acknowledge these wonderful success stories because they are at the core of what Australia is all about—the small businesses that are the pillars of our economy. The Lentinis bottle orange, grapefruit, lemon and lime juice using fruit grown on their farm and they support other local farmers. Their East Coast lemon juice is one of the most palatable beverages I have ever tried. It is amazing. One would not normally expect to find drinking lemon juice such an enjoyable experience, but the Lentinis have made an art of transforming their lemons into juice. I urge members to try it. The entire family works in the business and they continue to work hard. They have recently started supplying Coles and Woolworths. The business is a tribute to three generations of the Lentini family and I wish them continued success. They are great business operators and yet another migrant success story. They should be congratulated.

### SPORTS BETTING COMPANIES

**Mr CLAYTON BARR** (Cessnock) [6.12 p.m.]: A local constituent drew my attention to the need for greater regulation of multinational betting companies. I know it is rather unfashionable to go in to bat for punters, but I will do so because a few of them are getting duded—and that includes me. A story was recently brought to my attention about a man who has been banned from betting by a sports betting company for winning too much. A few weeks ago he won a few thousand dollars from one of these companies on a horserace, and the next day he was banned from betting. This has happened to him before.

He has opened accounts in the names of friends and family, but the company uses IP addresses and other information to work out what is going on and has closed those accounts. His stepson's account was closed after he won \$500 on the same race. My understanding is that every sports betting company with the exception of the TAB employs this system. That is tricky, but what it did next absolutely stinks. The company informed the man that it had launched an investigation into his winnings, and that he would therefore not be able to collect. Stories have emerged of people who have had thousands of dollars in winnings tied up and untouchable for as long as five years because of these alleged investigations.

Society often looks down its nose at gamblers, but some of them are quite accomplished. There are winning punters out there—not many, but they are out there—and the bookies hate them. They simply want to take money from mugs like me. I understand that refusing to let good punters bet is the prerogative of the company in question. I also understand that they are running a business. However, refusing to pay up when they have been fairly beaten is simply cowardly. People who have a win deserve to be paid. The legal system is limited in its ability to address this injustice. These multinational betting companies are not only well resourced, but also difficult to pin down to one jurisdiction. Even if legal action is taken, in most instances the cost cancels out the original win.

We have a broader problem here. The racing industry is interested in turnover, but the companies are interested in keeping their money. Less turnover means less revenue for the New South Wales racing industry. Our small Australian trackside bookmakers are also at a huge disadvantage because they cannot exclude people. If someone walks up and wants to make a bet, he or she must be allowed to do so. Betting companies constantly whisper to us that we should gamble responsibly, yet their business model allows desperate, addicted gamblers to bankrupt themselves through promises of free bets. These same companies have the audacity to ban

successful punters. If anything, it is the people incurring consistently heavy losses who should be excluded, not those who win. The Government could lead the way on this issue. New South Wales must work with the other States and the Commonwealth to develop clear guidelines for multinational corporate betting companies trading in Australia. If their behaviour continues to go unregulated the dirty tricks will continue. We all need to work together and pull them into line.

### CYCLEWAYS

**Mr ALEX GREENWICH** (Sydney) [6.16 p.m.]: Climate change, air pollution, traffic congestion, peak oil, obesity and lifestyle-related illnesses are increasing at alarming rates that require an urgent societal response. A vital part of the solution is to transfer to more active forms of transport, particularly walking and cycling. Cycling is experiencing a boom in the inner city, with rates doubling between 2010 and 2012. The number of cyclists and trips taken by bicycle are set to increase further under the State Government's Sydney City Centre Access Strategy, which will complete the missing links in the central business district bicycle network.

Cycling produces no greenhouse gases and no pollution. Bicycles take up less space than cars, with one car parking space able to accommodate at least eight parked bikes. Although bicycles travel at slower speeds, they take up less space so bicycle lanes can move more people than vehicle lanes. Bicycle traffic does not create the noise and emissions that motor vehicles do and therefore does not create negative neighbourhood impacts. A street full of bicycles is preferable to a street full of motor vehicles. Riding a bike is significantly cheaper than driving a car. Petrol, insurance, registration and toll costs are not incurred and bikes are much cheaper than cars. Bicycle NSW estimates that running the least expensive car would still cost a regular commuter \$90 a week. Cars are a burden, especially for lower socio-economic and disadvantaged people and the working poor. Peak oil will also increase the costs.

Increasing car use also costs the economy. The 2010 State of Australian Cities report warns that the avoidable cost of congestion in Australian capital cities will rise to \$20.4 billion by 2020 in lost productivity, poorer health and worse work-family balance. Traffic congestion is set to cost Sydney \$8 billion in lost productivity by 2020. Congestion has social costs because it takes time away from doing other things such as being with friends and family, sleeping or exercising. The frustration of being stuck in traffic is bad for mental health and mood as well as general health as one remains sedentary. Alternatively, cycling adds value. A City of Sydney commissioned economic analysis by AECOM found that investing in bike lanes gives a \$4 return on every dollar spent over 30 years compared with a \$2 return for motorways.

The health returns are immense. Australia is on the brink of an obesity epidemic. We are one of the fattest developed countries in the world and over the past decade the number of overweight and obese adults has doubled and the childhood obesity rate is also rising. Cycling as a form of transport allows riders exercise while travelling. Cycling to work increases productivity because employees arrive less stressed and more alert. Despite the benefits, Australia has low rates of cycling compared to countries like Denmark and the Netherlands. Billions of dollars continue to be spent on road infrastructure with the 2012-13 State budget allocating \$5 billion to build new roads and to maintain existing roads.

There is overwhelming evidence that if one builds a network of safe bicycle lanes, more people will cycle as a means of transport. Use of the City of Sydney's separated cycleways is growing significantly. Over the past 12 months daily trips on the Sydney Harbour Bridge cycleway near Upper Fort Street have increased from 1,795 to 2,248; at the College, Liverpool and Oxford streets intersection from 1,795 to 2,230; on the King and Kent streets intersection from 1,323 to 1,979; and at the Taylor Square, Liverpool and Oxford streets intersection from 1,728 to 1,900. The Government's City Centre Access Strategy reports that morning peak bicycle trips into the central business district have doubled over the past 10 years from 5,000 to 11,000.

The City Centre Access Strategy provides great opportunities to encourage more people to travel to and from the city by bicycle. Completing the missing link, extending light rail, making George Street a public transport, pedestrian and cycling boulevard and introducing pedestrian priority at intersections will significantly improve the way the city centre functions. The strategy has strong business support including from the Sydney Business Chamber, Infrastructure Partnerships Australia and the Property Council. However, we need to make sure that surrounding suburbs have bicycle lane networks that link to the central business district. The Inner Sydney Regional Bike Network of 15 councils that surround the city centre would provide a 284 kilometre network by continuing each council's existing bike plans, ensuring those within cycling distance of the city commute by bicycle safely.

I understand the project was listed as an early stage initiative on the national infrastructure priority list for Federal funding, the first bicycle project to be listed. I welcome recognition of the value of cycling infrastructure and request the new Federal Government to fund this essential project. Cycling is an important part of the transport mix and its importance is growing. I congratulate the Government on its recent proposal to expand the bicycle lane network in the central business district and hope to see a fully functioning safe network across the metropolitan area.

### **OATLEY ELECTORATE INFRASTRUCTURE**

**Mr MARK COURE** (Oatley) [6.21 p.m.]: It is a great honour to be the member for Oatley and to update the House on the progress of infrastructure in my electorate that is being undertaken by this Government. A few weeks ago I was at Sutherland Hospital making a joint announcement on the next stage of the redevelopment of the St George and Sutherland Shire hospitals. The New South Wales Government will spend \$800,000 to allow planning for major redevelopment after the new \$39 million emergency department, which was promised and is now being built at St George Hospital. The New South Wales Government is committed to upgrading hospitals and providing world-class facilities for our hospital staff and patients.

We are getting on with the job in the St George community by rebuilding St George Hospital. We are building a brand-new emergency department by relocating it from the existing Kensington entrance to Gray Street and doubling its capacity. St George Hospital was forgotten by Labor in its 16 years in office. Earlier this year I was delighted to turn the first sod with the Premier of New South Wales, Barry O'Farrell, and the Minister for Health, Jillian Skinner. We pressed the button to begin construction. There is now funding to start planning for the next stage. Only three weeks ago I stood at Sutherland Hospital with my colleagues the member for Cronulla, the member from Menai and the member for Heathcote, as well as the Minister and the Premier to announce planning money for both the Sutherland and St George hospitals.

The \$800,000 allocated to St George Hospital will allow planning for a major redevelopment, which this hospital needs desperately. The New South Wales Government is funding the \$39 million redevelopment of the emergency department. This is expected to be completed late next year. The redevelopment of St George Hospital will accommodate an expansion of high-priority clinical services such as intensive care, high dependency, cardiac care and new operating theatres. There will also be a significant enhancement of inpatient wards.

The South Eastern Sydney Local Health District board will determine the details of the development based on the future clinical needs of St George Hospital. The board will consult widely with staff, nurses and doctors, and take advice from the district's clinical and quality council. The funding means the South Eastern Sydney Local Health District can complete a business case for the redevelopment of the St George Hospital and submit the project to the Ministry of Health and New South Wales Treasury for endorsement. I fully support the redevelopment of this hospital. We are taking another step on the journey towards a world-class hospital for the St George district. It was an honour to be with the Premier and the Minister for Health during that announcement.

Another significant infrastructure announcement was that work has begun, and has almost been completed ahead of schedule, on the new gymnasium for Georges River College Peakhurst campus. A couple of months ago we turned the first sod of the new gymnasium and sports courts. This is a modern facility that will replace a 38-year-old structure that has outlived its serviceable life. We are determined to ensure that students and teachers have access to the best facilities in all public schools. This is another example of this side of the Parliament delivering for the local community. We have invested \$5.7 million in a new building, due to be completed in the middle of next year. I drove past it at the weekend and it looks as though it will be finished ahead of schedule.

I thank the Minister for Education and the Premier for delivering for the Oatley community. A number of infrastructure projects and programs are currently underway. The new gymnasium includes a stage, showers, change rooms, toilets, storage areas, a first-aid area and control room. The new gym will be a first-class facility for sports like basketball, netball and volleyball as well as many others. I am delighted to have secured this significant investment for education in our local community.

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [6.26 p.m.]: I commend the member for Oatley who is a fearless and fierce advocate for his community and the broader community in southern Sydney. Thanks to his advocacy and the advocacy of the member for Rockdale and other Liberal members of Parliament, \$800,000 has been committed in recent weeks by the Government for planning the redevelopment of the St George Hospital, including the expansion of high-priority clinical services such as intensive care, high dependency and cardiac care as well as new operating theatres. This step, after the \$39 million new emergency department, has been promised and delivered by the New South Wales Government after 16 years of nothing from Labor. Likewise, at Sutherland Hospital there has been a backlog and there is a need to develop beds after



Labor was asleep at the wheel for 16 years. Now \$400,000 has been committed to future planning for a revamped emergency department at Sutherland Hospital, and there will be 60 extra beds. I commend the member for Oatley for his interest in health infrastructure and broader infrastructure.

### **ORANGE ELECTORATE INFRASTRUCTURE**

**Mr ANDREW GEE** (Orange) [6.27 p.m.]: I wish to update the House on developments in the Mudgee area. Mr Acting-Speaker Barilaro, I know you are familiar with the area and that you have a great fondness for it. About four weeks ago a petition of more than 10,000 signatures was discussed in this House. That petition called for the upgrade of Ulan Road near Mudgee. There were 11,166 signatures on that petition, an extraordinary effort by the people of that region especially when we consider that Mudgee has a population of about 10,000 and Gulgong has a population of about 2,500.

The people of that region are united in their desire for the upgrading of Ulan Road—the main road between Mudgee and the mines. It is dangerous and this has caused great angst for those who travel on the road and their loved ones. When the mine shift changes the road carries a lot of traffic and many parts of the road are deteriorating. It is a narrow road and a number of constituents have told me that it has to be fixed: It has probably been the biggest issue in that area in the past few months. Recently the New South Wales Government has found a solution to this vexing problem through the Resources for Regions program, with \$9.5 million allocated to the Mid-Western Regional Council to upgrade Ulan Road.

I do not think I am putting it too highly when I say that the people of the Mudgee and Gulgong region rejoiced when they heard that news. I thank the Deputy Premier for making an announcement about something that will make a real difference to the lives of many people in that area and that will, ultimately, lead to the saving of lives. I particularly pay tribute to the efforts of Colleen Holland who drove this petition for years. I remember meeting Colleen in a cafe in Gulgong just after I first became the local member and she indicated to me that this was something that she wanted to pursue and she discussed the need for a petition. I indicated to her that I would give her all the help that I could muster. She never let up; she was tireless in her pursuit of this issue. So it was a great personal triumph for her and probably a moment of great satisfaction when she found out that the funding would come through to fix this dangerous road.

I also pay tribute to the efforts of Mid Western Regional Council, in particular Mayor Des Kennedy and general manager Warwick Bennett. A whole range of councillors have expressed an interest in this topic and I will not name them all, but Lucy White was one councillor who was very keen to get this road fixed. Over the past few months Mid Western Regional Council has had 20 meetings with Ministers—they basically camped out here in Macquarie Street lobbying to get this road fixed—and I think this result is a great testament to their tenacity and their never-say-die attitude; they just kept coming back. When they had a setback they got back up again and kept on going.

I also pay tribute to the *Mudgee Guardian*, which has pursued this issue as well, in particular the editor, Robyn Murray, and Darren Snyder, one of the excellent journalists who write for that publication. They have followed this issue and reported on it with tenacity but they have not gone over the top. They have pursued this issue and shone a light on it but in a way that ultimately helped to lead to such a productive result in this Resources for Regions announcement. I thank the 11,166 people who took the time to sign the petition. I believe it played a crucial role in securing this result and that it shows that people power can still play a role in our democracy in New South Wales. I also thank the New South Wales Government for delivering on Resources for Regions—a decision that will save lives.

**Private members' statements concluded.**

### **SKILLS BOARD BILL 2013**

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

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

*[Acting-Speaker (Mr John Barilaro) left the chair at 6.32 p.m. The House resumed at 7.00 p.m.]*

**The DEPUTY-SPEAKER (Mr Thomas George):** It being 7.00 p.m., the House will now deal with private members' statements.

## PRIVATE MEMBERS' STATEMENTS

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### LIVERPOOL HOSPITAL 200TH ANNIVERSARY

**Ms MELANIE GIBBONS** (Menai) [7.00 p.m.]: Recently I had the pleasure of attending the mayoral reception to celebrate 200 years of Liverpool Hospital. I acknowledge the efforts of Liverpool Mayor Ned Mannoun, Deputy Mayor Mazhar Hadid and councillors for hosting the celebratory event and book launch. Mayoral receptions are quite rare, and it is fitting that the anniversary be celebrated in this way. I congratulate Liverpool Hospital, its staff and the local community on the hospital's 200-year anniversary. I am sure there have been some big, important years over the hospital's history, but this one has been huge. I have greatly enjoyed attending a number of events throughout the year, many of which I have spoken about in this House, to celebrate this important milestone for the hospital. I was asked to make the opening address at the Inaugural Diabetic Foot Conference, one of the most unexpectedly interesting events I have been part of this year.

I have toured new and improved units throughout this vast hospital, including the sub-acute mental health unit, the palliative care unit; the always impressive Ingham Institute for Applied Medical Research, the cancer therapy unit's new magnetic resonance imaging scanner and the innovative Wellness Centre, which I spoke about earlier, to support those going through cancer treatment. Each time I visit Liverpool Hospital I learn something new, see something different and leave completely impressed by the hospital. Liverpool Hospital has come a long way from its humble beginnings in 1813 as a small brick building made up of three rooms that could house up to 12 patients. I learnt that the hospital has had many faces over the years: it has been a convict hospital, a benevolent society asylum, a government asylum for the infirm and destitute, a State hospital, and a district hospital. Today it is a principal referral teaching hospital.

The Minister for Health and I had the chance to see some early memorabilia and photos of the original hospital when we attended the opening of the hospital's museum earlier this year. I am sure that those who built the original building could hardly imagine the state-of-the-art, 875-bed facility it has become, with capacity for 23 operating theatres, two helipads and a range of leading-edge medical technology. Following the recent completion of the hospital's \$390 million redevelopment, Liverpool is now the largest hospital and tertiary referral centre in New South Wales and one of Australia's leading trauma centres. I am proud to have Liverpool Hospital as one of my local hospitals, but its role in the New South Wales health system is much bigger and more important than the local community may realise. In the words of the general manager, Anthony Schembri, in his opening address:

Liverpool Hospital may not have a Prince, a Royal or a Saint before our name, but we don't need to. Our hospital stands on our achievements and merits as a health care facility of international significance.

Over the years Liverpool Hospital has cared for some of the State's sickest patients. With a commitment to innovation, the hospital has pioneered a number of world-class treatments. Liverpool Hospital pioneered day surgery admissions and the medical emergency team that is now an established system that is saving lives in many hospitals around the world. The hospital's Raptor suite—a hybrid surgical theatre and interventional radiology suite used to operate on critically ill emergency trauma patients—is the first of its kind in the world. The hospital also houses a tomotherapy machine, the first in New South Wales, which combines a CT scanner and linear accelerator to treat cancer tumours with high energy x-rays while at the same time imaging the area to ensure the highest accuracy.

And the hospital's new magnetic resonance imaging/linear accelerator research bunker, which is currently under construction, will be one of only three of its kind in the world. But perhaps the greatest asset of Liverpool Hospital is the more than 4,000 dedicated staff. I love getting to meet and speak with the new nurses, midwives and interns as they start their training. They are all bright eyed. At the end of the week they are looking a bit tired after their first week of training. There are staff who undertake life-saving procedures, researchers who are conducting world-class and ground-breaking medical research, and experienced staff sharing their knowledge to train the next generation of doctors, nurses and allied health professionals. It is little surprise that these dedicated staff are highly awarded. Last year the hospital won two prestigious NSW Health awards for patient safety.

Every staff member makes an important contribution to providing quality care and ensuring that the hospital continues to meet the changing needs of our patients. One thing I know for sure is that Liverpool Hospital will continue to provide quality health care with the dedication of its staff and continued support from its local community. I congratulate Liverpool Hospital on 200 years of caring for the community. I especially

mention Professor Phillip Harris and members of the South Western Sydney Local Health District, Ms Amanda Larkin, the chief executive, and her executive team, and Anthony Schembri, general manager, Liverpool Hospital and his executive team. [*Time expired.*]

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.05 p.m.]: I thank the member for Menai for informing us about the 200 years of Liverpool Hospital. I congratulate the member on recognising the important contribution made by staff and clinicians over the past 200 years. They have done an incredible job while caring for their community. The member for Menai has been a strong advocate for health in her electorate and has raised many matters in the House, as well as with the Minister directly. She is a strong advocate for diabetes treatment, cancer research, new innovations and new technology being used. To highlight that for members of the House and for families that have utilised Liverpool Hospital over many years is a great service to that area. I thank and commend her for raising the matter in the House.

### **BANKSTOWN MEMORIAL OVAL**

**Ms TANIA MIHAILUK** (Bankstown) [7.06 p.m.]: I am pleased to report on the successful hosting of seven Ryobi Cup interstate one day series cricket matches at Bankstown Memorial Oval from 29 September to 12 October this year. Bankstown Memorial Oval has a proud and longstanding tradition of hosting first-class domestic and international cricket fixtures. The opportunity to host these most recent Ryobi Cup one day series matches was a real benefit for the local community, both on and off the cricket pitch. Bankstown Council purchased the oval from the Fripps family in 1920. It was named the Memorial Oval to honour the returning and fallen servicemen from World War I.

The Bankstown Memorial Oval has come a long way since the 1930s when the then concrete pitch was graced by the great Sir Donald Bradman. The ground is frequently awarded the ground of the year award by grade cricket umpires due to the superior quality of the pitch and the drainage. It is a regular host of the Sydney grade cricket grand finals. The facility was recently upgraded to include the Bankstown Sporting Hall of Fame, which pays tribute to local sportsmen and sportswomen who have represented the Bankstown area and achieved notable success. The list of achievers includes Australian cricket legends Mark and Steve Waugh who began their careers at the Bankstown District Cricket Club. The pavilion at the Memorial Oval is named in honour of the Waugh twins. The current scoreboard is named in tribute to the late Dion Bourne, the record holder for the most runs scored by a Bankstown District Cricket Club member.

The facility also boasts the newly constructed John Mackay Sports Centre. The facility provides an opportunity for local youth to develop their sporting skills so they, like the Waugh twins, have the opportunity to succeed in their sport at the local, State and international levels. Young cricketers have always been attracted by the high standard of the facilities available at Bankstown Memorial Oval. The ability to attract first-class domestic cricket events further showcases the direct pathway available to local youths if they are willing to work hard to achieve success in their chosen sport. Bankstown Memorial Oval has previously hosted many significant international cricket events, a testament to the quality of the ground.

The 2002-03 and 2011 women's Ashes series were hosted at Bankstown Memorial Oval. The Memorial Oval must breed success for our women cricketers—not only did the Australian women's team successfully win the Ashes series on both occasions, but the Bankstown district women's team are the reigning champions of their competition. The Memorial Oval hosted the touring Sri Lankan side on 27 January 2008. The Sri Lankan captain at the time, Kumar Sangakkara noted that when the team bus pulled into the Memorial Oval, he was astounded that a suburban ground in Bankstown was of equal quality to the main test venue in Colombo.

Further, in 2009 Bankstown Memorial Oval was chosen as a host venue for the ICC Women's Cricket World Cup. During this tournament, Bankstown hosted the national teams of Australia, India, West Indies, Pakistan, England and New Zealand. These matches, broadcast internationally, showcased the City of Bankstown throughout the world. In September 2012, after a Sheffield Shield match between New South Wales and Tasmania, Michael Clarke, the current Australian cricket captain, described Bankstown Oval as "the best suburban cricket ground in the world". As the member for Bankstown, I am proud to say that I wholeheartedly agree with that sentiment.

I take this opportunity to commend the entire Bankstown cricket community for the contribution they have made to the history of Bankstown Memorial Oval. In particular, I commend the work of Marty Klumpp, Eris Dignam and Brian Freedman, OAM, of the Bankstown District Cricket Club for ensuring that future generations will have the opportunity to emulate their cricket heroes at Bankstown Memorial Oval. The

contribution of these gentlemen is not limited to the Bankstown District Cricket Club. Through the work of Mr Klumpp, Mr Freedman, and others Bankstown District Cricket Club has organised the shipment of used cricket clothing and equipment to Uganda to facilitate the growth of the game in a country where children cannot afford to purchase their own equipment. I also thank one of our great cricket tragics, Mick Stephenson, the author of *50 Not Out: Fifty years of Bankstown Cricket* for his knowledge, contributions, his tremendous love of cricket generally and cricket in Bankstown and his passion in making sure that the history of Bankstown cricket is a great read.

### TRIBUTE TO DONALD EDMOND HOPKINS, OAM

**Mr STEPHEN BROMHEAD** (Myall Lakes) [7.11 p.m.]: I inform the House of the sad passing of a good friend of mine, Donald Edmond Hopkins, OAM. Don was a great member of The Nationals and a supporter, and attended my preselection for the electorate of Myall Lakes. Donald Edmond Hopkins will be fondly remembered as a kind and compassionate man who devoted his life to helping others and serving his community. Don passed away peacefully at his home on 13 October, marking the end of an era in local and State racing, but his legacy will live on across the four sectors to which he devoted his life.

About two weeks before Don passed away I had the privilege of visiting him at his home. Don was best known locally for his many years of association with the Taree and Taree-Wingham race clubs. Don also focused his passion in other areas, including education, Rotary and local government. Don is survived by his wife, Trish, his three children and their families, who have witnessed his drive and passion for his varied commitments. An eternally humble man, when he was awarded his Medal of the Order of Australia, Don instead chose to acknowledge all the people who had assisted him in his achievements over the years. At the time he said:

You think about the other people involved with you that played a big part in making what you've done work.

It's the support that makes it successful.

That teamwork concept was especially evident in his work for the education system, in which he was involved from 1960. Over the years he served as district superintendent of Taree district from 1995 to 1997, director of schools at Maitland, cluster director for the Manning district, principal at Taree High School, deputy principal and head teacher of science at Kempsey High School and a teacher at Gunnedah. Don was a racing stalwart, often referred to as the Manning's Mr Racing, and he was formally recognised for his achievements in 2008 when he received a Medal of the Order of Australia for service to horseracing in New South Wales through executive roles in industry organisations, and to the community of Taree. Greg Coleman, Taree Wingham Race Club chairman said:

The entire racing industry in New South Wales as well as the Manning community are much poorer for his passing.

He was a very special man and he will be dearly missed.

It was in horseracing circles that Don became well known across the State and beyond. His roles included: deputy chairman and board member of Racing NSW, chairman of the integrity assurance and licensing committees, a New South Wales delegate of the Australian Racing Board, a delegate of Racing NSW Country, formerly New South Wales Country Racing Council, treasurer of Central and Lower Coast Racing Association and chairman, treasurer and life member of Taree Wingham Race Club. Don served as deputy chairman of the board of Racing NSW from 2002 to 2008 and as director of the Australian Racing Board from 2004 to 2008.

Don was awarded life membership of Racing NSW Country in 2008, having served as a director on the NSW Country Racing Council/Racing NSW Country from 1998 until 2013. Don had also been treasurer of the Mid North Coast Racing Association from 1979 to 1981, and was a member of the New South Wales Government Senior Executive Service from 1989 to 1997. Don's input has led to many changes in the way racing is conducted but he always maintained that his involvement in establishing the NSW Country Racing Council was one of the most important, giving country clubs a fair go.

He developed his passion for the sport in his early teens and also had success as an owner, with two victories in the Taree Cup, with Forerunning in 1974 and Shoemaker in 2001, two of his proudest moments. At a local level, he was most proud of the construction of the Winning Post Function Centre—I was secretary of

the building committee—considering the many organisations that worked together on the project and the benefits for both the club and the community. Racing NSW chief executive Peter V'Landys also acknowledged Don's passing, calling him a warrior for country racing. He said:

In my time at Racing NSW I have never met a person who was more dedicated and passionate about country racing.

An extremely intelligent man, Don was as good a racing administrator as I have met and was highly respected and very popular with his peers. Don's passing is a great loss not only to his family, but for the racing industry.

People like Don come along once in a generation and he will be impossible to replace.

Vale, Don Hopkins.

**The DEPUTY-SPEAKER (Mr Thomas George):** I endorse the comments of the member for Myall Lakes. My son Cameron George is involved in the integrity side of racing and he has always spoken very highly of Don Hopkins. I know that Don was an advocate for and passionate about supporting country and regional racing in New South Wales. I support the words of the member for Myall Lakes.

### CESSNOCK ELECTORATE VOLUNTEERS

**Mr CLAYTON BARR** (Cessnock) [7.17 p.m.]: I thank and commend the volunteers who work so hard for our communities each and every day, but I question whether our volunteers are becoming a dying breed, and if they are, why is that? Volunteers in the electorate of Cessnock help out in every facet of our community. They may be volunteers at schools serving on committees, working in canteens, taking reading classes, assisting on excursions, fundraising or preparing special events and occasions. Volunteers for sporting activities are coaches, trainers, primary carers, umpires, referees, linesmen, groundsmen, managers and committee members. Community volunteers are committee members, drivers, fundraisers, organisers, gardeners, delivery people, shop assistants, sorters, collectors, craftsmen, carers and so on. There are also the volunteers for churches and religious groups, political parties, charities, community-based programs such as radio stations, men's sheds and branches of the Country Women's Association—the list is endless.

Why do people volunteer, donate their time and want to help others? Some people want to give back because they have benefited from assistance previously given to them. For some it is to mix and make friends, while others see that a job needs to be done. As I look around my community and marvel at the wonderful people who continually give their time, expertise, financial support and passion to a cause, a challenge or just a job that needs doing, I also wonder about the volunteers who are quiet achievers. They want no accolades; they give freely of their time and just want to get things done. What has changed so much in our lives over the years that volunteers are getting harder to find? The same faces appear on committees for years on end—many admit that it is because they cannot get someone to take over from them. The jobs still need to be done, the causes are still just as worthy, the challenges are still as great; but, while our people base is growing, there are fewer people wanting to put up their hand.

Are we time-poor? Is it that we have become selfish and do not notice anything unless it affects us directly? I certainly hope not. Is it the old attitude of "someone else will do it"? That has never been the attitude of our community more broadly and it is certainly not the attitude of the member for Cessnock. What can we do to encourage more people to take an interest in those around them and offer to help others? An example of this change is in the sport of netball in the electorate of Cessnock. People want their children to play netball but would prefer to pay someone to do the umpiring or the canteen duty than to make a contribution and do it themselves. This is a sad turn of events. About 15 years ago my local netball association had to hold a ballot to choose umpires volunteering to go away to the State age representative weekend. So many umpires wanted to go they even paid their own way and umpired for other clubs and districts. Progressively over the years, and with club umpires being paid by parents who did not want to umpire themselves, the number of umpires has dwindled—so much so that this year not one local umpire was prepared to attend the representative weekend. The association had to pay for five umpires from a Sydney association to attend.

Why has this happened and what can be done to change the situation? What can we do to get more people involved in assisting others and then be prepared to take over from our amazing stalwarts of organisations like the local netball club? Some big businesses are trying to do their bit; they provide for their staff to have up to two paid volunteer days per year to give back to the local community. However, the days are sporadic and not a long-term solution; they are more a short-term, interim fix. I ask that we lead by example and I challenge my community to do exactly that. I ask people to get involved if their spouse, children, grandchildren, nieces, nephews or even close friends are involved with a group, sport or school—even if it is

only in a small way. Volunteers who have given many years of service deserve support from the broader community by other people offering their help. They should be given the opportunity to step down when the time is right. We all need to play our part and, if every person makes even a small contribution, wonderful things can be achieved for our communities.

### NEWCASTLE 2020 PROJECT

**Mr TIM OWEN** (Newcastle) [7.22 p.m.]: Recently I had the opportunity to view some outstanding design concepts submitted as part of the Newcastle 2020 project. Newcastle 2020 is about provoking thought, pride and creativity on a platform that gives our city vision and life. By engaging the young creative community of Newcastle, the competition ask entrants to cast their visions for what the Newcastle central business district could look like in 2020. The team behind Newcastle 2020 is a group of young emerging leaders in their respective fields who have a common vision to see the city reach its potential. The team of young people, under the leadership of Pastor Ryan Croxford, developed the Newcastle 2020 concept, seeing it come to life in 2012. I take this opportunity to commend individually the Newcastle 2020 team—which includes Ryan, Reg, Rhiannon, Bella, Oliver, Gab, Elyse and Chris—for working together to develop and execute such a wonderful concept from 2012 into this year, 2013.

For the 2013 competition 13 well thought-out and creative ideas were submitted and displayed at the Newcastle Museum and consequently judged by a panel of local dignitaries, creatives and professionals alike. As a viewer and judge I found it fascinating to be exposed to the artists' vastly different ideas of Newcastle in just seven years. With the support of the city of Newcastle \$2,500 in prize money has been awarded both years to people whose ideas are judged to be particularly outstanding, and I commend the council for its support of this event. The Overall Vision award this year went to University of Newcastle architecture graduate Steani Cilliers for her work "Faculty of Food". The proposal takes an old site in Newcastle and, using the community and culture found in sharing and preparing wholesome food and meals, transforms it into a space that not only makes the central business district more alive and welcoming visually but also attracts people from all walks of life. With features such as a ceremony hall, communal produce gardens, culinary school, gardens and cafes, Steani's proposal is not only realistic but also incredibly well thought out.

Other proposals included creating Newcastle's version of Muscle Beach at our very own Nobbys Beach, the installation of giant surf condition boards along the Newcastle coastline and the redevelopment of several prominent buildings along Hunter Street in the Newcastle central business district. It is wonderful to see the youth of our city so excited by its potential. One of the biggest catalysts for change and growth in Newcastle is positivity in the community. Indeed, as the local member I could not be more proud of the attitude displayed by these individuals, and the talent and ideas shared by this year's design entrants. With such a great response, the Newcastle 2020 team and I look forward to seeing even more well thought-out and well-constructed ideas come to light in the coming years.

### TRIBUTE TO MICHAEL MAHER, OAM

**Mr JOHN SIDOTI** (Drummoyne) [7.27 p.m.]: It is my privilege to pay tribute to a former member of the Legislative Assembly and representative of my electorate of Drummoyne, Michael Maher. Like me, Mr Maher grew up in the electorate and attended De La Salle College at Ashfield. Coming from a political family, he too was interested in politics from an early age. He joined the Australian Labor Party when he was 17 and upon finishing high school went to study at the University of Sydney, where he graduated with Bachelor of Arts and law degrees. In 1973 he was elected the member for Drummoyne and from the very beginning of his time in this House his commitment to hard work and to the needs of his constituents was impressive. Even in his maiden speech, after taking the opportunity to thank his predecessor for his service and to wish him well, Mr Maher launched straight into a substantive analysis of what he saw as the defects in the Strata Titles Act and a bill before the House, which he believed were critical to the needs of many of his constituents in Drummoyne and too important to wait.

This commitment became the hallmark of his career. He was a kind, gentle and caring man, absolutely committed to the needs of the people he represented—no matter how small those needs might be. Mr Maher's unflinching pursuit of the issues and problems facing his electorate was legendary, and many Ministers and bureaucrats soon learnt that he was not a man to be ignored once he committed to an issue that needed to be addressed. Mr Maher cultivated an unassuming approach and many underestimated his intellect, shrewdness and tenacity at their own peril. I recall the story told by Kevin Stewart, the health Minister from 1976 to 1981, that every night when he prayed the first thing he would say is, "Thank God Michael Maher has no hospital in his electorate."

Apart from the needs of his constituents, the most important things in Mr Maher's life were his family, the Catholic Church and the Australian Labor Party. Throughout his career in this House and later as the Federal member for Lowe, the interests and needs of each of these groups often blurred and blended with the others. People in my electorate still talk of going to see Michael on Saturday afternoons or waiting at his house for a quick chat after mass on Sundays. One can only imagine how our spouses today would feel about constituents dropping in at home at odd hours or just as the Sunday lunch was being served. It cannot have been easy with the telephone reportedly ringing day in and day out at their house in Five Dock. In this regard, Mr Maher was blessed with a perfect partner. His wife, Margaret, was a lecturer in biochemistry at the University of Sydney. Following their marriage in 1971 she put her career on hold, working part time to support Michael and raise their children.

An article published in the *Sun-Herald* newspaper in 1982 not only complimented and acknowledged Margaret Maher's contribution but also noted that she was no-one's fool and could "dodge controversial questions with an alacrity that would put many seasoned politicians to shame". I do not propose to give a detailed account of all Mr Maher's many achievements and admirable qualities; many others have already done so. However, for anyone who would like to know more about his life and achievements I commend to them chapter 4 of the publication *The Worldly Art of Politics*, which is devoted to Mr Maher's career and is aptly titled "Michael Maher: A good local member". Mr Maher has left a great legacy and example for each member in this House. He is universally, and rightly, respected for his commitment to the job at hand and to his principles.

Across all sides of politics he earned a reputation for being an honest, hardworking man who always did what he believed was right for both his constituents and the people of New South Wales—irrespective of whether it was perceived to be in the political interests of the party to which he belonged. In this regard his service is a shining example to us all. Perhaps the best tribute I can pay to Mr Maher is that, although his political career ended in 1987, until his recent death he continued to be a well-known, respected and much-loved member of our community. I am often reminded, especially by my older constituents, of the big shoes I have to fill and the standard they expect from those who have the privilege to represent them. On behalf of the people of Drummoyne, I pay tribute to Mr Maher for his service and send our prayers and support to his family at this very sad time.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [7.32 p.m.]: Michael Maher was a friend of mine. I worked with him at the Deputy Crown Solicitors Office for some years. I remember he took us to Randwick Racecourse to see Pope Paul VI and I was amazed by the number of people who knew him and whom he knew—we were stopped all the way from the bus to the area where we watched the mass. He was a marvellous man. We often socialised at each other's houses and I believe he attended my wedding. He was known as the member for hats as well as the member for bus stops—which is what he always used to get. He always wore a hat.

Later in life he showed great courage in going to the authorities to report an approach that had been made to him by Al Grassby. That led to Al Grassby being investigated and charged. Mr Grassby beat the case in the High Court, overturning his conviction. Mrs Mackay was being slandered and Michael Maher thought that was wrong so he came forward. He was a fine man, who was prepared to stick up for what was right. His wife, Margaret, and their children are wonderful people and great representatives of his tradition. He was a true gentleman in the full sense of the word, which is something you rarely see in society these days. I pay tribute to him.

#### **NORTHERN TABLELANDS PUBLIC SCHOOL FUNDING**

**Mr ADAM MARSHALL** (Northern Tablelands) [7.33 p.m.]: It is with great pleasure I welcome the massive amount of extra funding that the 53 public schools in the Northern Tablelands electorate will receive as a result of the announcement this week of the new resource allocation model by the Minister for Education, Adrian Piccoli—a good Minister. In 2014 the Northern Tablelands electorate will see an increase in funding for public schools of more than \$2.8 million and equity for schools in our region total \$5.05 million. This is fantastic news for schools, but most importantly for the students, in our region. This new funding formula is world-leading, based on student need and tailored to the characteristics of each individual school and its students, which is in stark contrast to the former funding formula. This follows the Government's support for the Gonski education reforms, which had at their core the view that every child should have access to the best possible education regardless of where they live, the income of their family or the school they attend. Consequently, our rural and regional schools are the major beneficiaries of these reforms, which recognise the unique and often challenging nature of rural educators and rural students.

I am particularly pleased not only to see the massive increase of more than 120 per cent in equity funding for the Northern Tablelands electorate but also that through the Government's Local Schools, Local Decisions reform the new equity funding will be controlled by school principals and expended according to each school's priority. Principals, students, staff and parents know what is best for their schools and how best to improve school performance. Principals are free to use this funding as they see fit. I have already spoken to principals across the electorate and they are talking about employing speech pathologists and specialised teachers, running breakfast clubs for students, purchasing specialised equipment or starting innovative education programs tailored to the needs of their individual schools. I think that is absolutely fantastic.

From 2014 it is true to say that every parent in our region can be confident that the school their child attends is getting its rightful share of funding under the new formula. I am particularly pleased to see that the Ashford, Bundarra and Emmaville [ABE] central schools will share in this enormous increase in funding. Ashford Central School, and Principal Mick Lewis, will receive an extra \$195,000 next year, which is an increase of 154 per cent for a total equity funding increase of \$322,170. Bundarra Central School will have its funding increased by a huge 333 per cent, from \$61,000 this year to \$268,000 next year. Emmaville Central School, and Principal Von Slattery and her team—who do a magnificent job—will see their equity funding grow from \$48,000 this year to more than \$91,000 next year. That is an increase of 91 per cent. I am advised that that funding will allow those three schools to continue their successful distance education for years 11 and 12 students, which is coordinated through the Dubbo School of Distance Education.

I am thrilled that the Ashford, Bundarra and Emmaville central schools will receive the funding they need to continue this very important program. It would be remiss of me not to refer to some other schools in my electorate. I recently joined Principal Ruth Samuels at Sandon Public School, Armidale, to celebrate its twentieth anniversary. Ms Samuels does a fantastic job and will shortly celebrate her tenth anniversary at the school. Sandon Public School's funding will increase by 889 per cent next year, from \$5,176 to \$51,230. The same can be said for Macintyre High School and Principal Lindsay Paul—who was my deputy principal when I was at high school. Macintyre High School will have its funding increased next year by 239 per cent, from \$70,000 this year to \$239,000 in 2014. This is a fantastic program and I congratulate the Minister. It is thrilling to see students in our area getting the funding they deserve.

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.38 p.m.]: The member for Northern Tablelands is a strong advocate for education across the State. He acknowledged the hard work the Minister for Education has done in ensuring that rural and regional students get a fair share of school funding. As the member stated, schools in his electorate have received significantly more funding—some have had a 4,000 per cent increase. That funding will allow schools to employ more teachers and to provide more resources. As a former schoolteacher, I know that the member is correct. These schools deserve this money and it should have been provided a long time ago. Finally they will be able to spend money on the programs and resources they need. I commend the member for his contribution.

## STATE BUSHFIRES

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.39 p.m.]: Our State has been challenged this week by the assault and fury of fire. No words adequately express the depth and reality of the impact of an out-of-control bushfire. Our topography is unique and diverse and we live with incredible beauty. However, in contrast, we also face the devastation that flood and fire can wreak. Over the past week the ferocity of fire has presented us with challenges and, for some, great heartache. Of course, stories of courage and the Aussie spirit have emerged from the ashes. We have so many heroes, but the emergency services personnel who are at the forefront must be acknowledged and commended for their outstanding dedication and commitment. How selfless they are in their care of each of us, what incredible sacrifices they make and how blessed we are to have them.

Today behind the inferno are hundreds of charred homes and hundreds of hectares of devastated bushland. It left a trail of destruction. The blackened earth shows where crews back-burned to reduce fuel in a herculean effort to keep the fire out of mountain communities. Even as stumps still smoulder, crews are working to shore up ridges in an endeavour to keep the fire at bay. The fight to contain the fires continues. In addition to the difficult terrain, today firefighters face erratic winds and continued high temperatures. We are anticipating one of our most intense days and face the challenge of dealing with possibly one of the most destructive fires in our lifetime. However, on this canvas of ultimate destruction are the men and women who are facing incredible odds and challenges to control the inferno. With crews being brought in from other States, we see the spirit of the people of our country displayed as we come together to quell the fury of this fire.



I have seen the faces of our emergency services personnel and I have felt their anguish and their exhaustion. I am in awe of their strength and commitment and their determination to beat the odds, and I am humbled by their courage and tenacity. Behind the scenes there are many people who have come together to ensure that the emergency service crews are fed and offered a little respite. From small community groups to corporations, donations have continued to flow and have provided refreshments that these volunteer workers prepare and deliver to tired and hungry crews. The Premier visited Lithgow last Friday and spoke to a number of firefighters and State Emergency Service personnel. We went to the Lithgow Rural Fire Service control centre, where we spoke with Superintendent Greg Wardle and received a briefing about the fires in Lithgow and the Blue Mountains.

Crews from throughout the State have come to the area to help fight the fires. The stories told by firefighters are incredible; some of them have never seen anything like this before, especially those fighting fires at Mount York, Dargan, Clarence, Oaky Park and so on. The Lithgow Workmens Club has done an incredible job providing an evacuation centre for those who have lost their home and those who have been evacuated. In the aftermath of the horror of the past week, there is a significant number of ways in which we can support those in need. Many agencies such as the Salvation Army have launched appeals. If people are in a position to contribute, I encourage them to do so. My heart goes out to the families who will not have a home in which to celebrate Christmas, let alone clothes to wear. I ask everyone to spare a thought for them and the plight they now confront. If people have the opportunity, I urge them to say thank you to our fireys.

**Private members' statements concluded.**

**WISE UP WEEK**

**Matter of Public Importance**

**Mr CLAYTON BARR** (Cessnock) [7.44 p.m.]: Incredibly, this is Wise Up Week, which is a national fundraising initiative of the Fire Foundation. It is not necessarily the highest-profile initiative, but it is likely to have a much higher profile after this week's fires, which have ravaged New South Wales and destroyed homes and property. Wise Up Week, which runs from 21 to 27 October, is dedicated to raising awareness of the importance of being fire wise and raising funds to assist those affected by fire and burns. The campaign will raise funds through the sale of fire-wise merchandise, donations and sponsorship of Fun Seeker participants, who wear something orange for a week. I congratulate the member for Menai on her participation as a Fun Seeker. Every person can become involved by buying a merchandise pack, donating money, wearing something orange for a week or by sponsoring a Fun Seeker. If members want more information they can go to [www.firefoundation.org.au](http://www.firefoundation.org.au).

The Fire Foundation provides support to hundreds of families affected every year by bushfires, house fires and other fire incidents. Fire affects many Australians. It can take lives, destroy homes, vehicles and possessions, and it leaves destruction in its wake. The foundation's role is to support those affected and to help them recover and to rebuild their lives. Fire does not discriminate. The Fire Foundation was established in 2011 by Jodee Wyatt, who was the victim of an early morning Brisbane house fire. She lost her home and almost her life and the lives of her children. Everything Jodee and her family owned was destroyed in the fire. Luckily, she and her children had temporary accommodation with family and were able to borrow clothes and other things to function. Many fire victims do not have the luxury of that support. Because of that life-changing experience, Jodee realised that Australia needed a national organisation to assist fire victims. The Fire Foundation provides emergency packs to families who have lost their homes as a result of fire. Emergency packs include basic essentials such as food, clothing, household items, medical and health supplies and other necessary items.

The foundation also arranges temporary accommodation. This support is designed to help affected families to cope immediately after the event and to assist them to start the recovery process. It also provides guidance and support and connects families with other fire victims to foster an environment of support and understanding. It provides people with an opportunity to communicate with others who have experienced a similar tragedy. It also offers counselling. The Fire Foundation relies on the support of the community to deliver its services. We can help by donating money, products and time. We can also help by raising funds, supporting foundation events, including a bequest in our will, providing sponsorship or purchasing merchandise. Volunteers are needed and are integral to the Fire Foundation's delivery of programs and campaigns. Volunteering is a positive way for members of the community to assist Australians affected by fire and burns, and there will be plenty of people looking for support in the coming weeks and months.

The Fire Foundation advises the qualifications needed for volunteers are enthusiasm and a desire to help—things I am sure we can find within ourselves. The foundation is also passionate about promoting fire safety and prevention in the community and advocating for the use of the safest possible fire products. Fire safety saves lives and reduces the impact of fire. Some tips from the Fire Foundation on implementing precautions to protect ourselves include making sure that we have an evacuation plan—we do not plan house fires but we can plan to escape and survive; installing only photoelectric smoke alarms because they detect smoke faster than ionisation smoke alarms; regularly checking that alarms are working; turning off appliances at the wall when they are not in use; taking care in cooking areas such as in kitchens and around barbecues; and purchasing fire blankets and fire extinguishers for our homes. Please support Wise Up Week and wise up to fire.

**Mr GARRY EDWARDS** (Swansea) [7.49 p.m.]: At the request of the member for Hornsby, I will do my best to make this speech as Churchillian as possible, but I promise not to light a cigar. I speak in debate on the matter of public importance raised by my good friend the member for Cessnock regarding the annual national fundraiser Wise Up Week 2013 that runs from 21 to 27 October. This initiative supports those who have lost their homes due to fire, or who have suffered a detriment as a consequence of fire.

Given the horrific fires of Thursday and Friday last week that affected communities right across the State, particularly in the Blue Mountains region, there has never been a more important time to support this initiative and to help those who have lost everything to rebuild their lives. Each year many Australians are affected by bushfires, house fires and other fire-related accidents. I have experienced first-hand the devastation felt by families who were displaced from their homes due to a fire emergency, or family members cut off from one another because fire crews were battling blazes. For instance, people could not traverse certain roads due to fire crews trying to put out blazes.

Fires broke out at the southern end of my electorate of Swansea at Chain Valley Bay, Lake Munmorah, Doyalson and Gwandalan, and later further north of the electorate at Catherine Hill Bay. By modern measures these communities are isolated. They are surrounded by bushland and in this instance the fires quickly spread due to hot and windy conditions. A number of structures were lost in the township of Catherine Hill Bay and the fire was so intense and moving with such speed that some residents who had remained behind were forced to take refuge at Catherine Hill Bay Beach. Had it not been for the dedication and efforts of Rural Fire Service personnel the entire township could have been destroyed.

As crews from the Rural Fire Service and Fire and Rescue NSW battled fires in communities in my electorate, evacuation points were established at Swansea RSL and the Doyalson-Wyee RSL. Some 600 displaced residents were forced to stay at these venues overnight and well into Friday. My family, my staff and I were able to help at the Swansea RSL Club evacuation centre in a small way by assisting residents who had been displaced or isolated from their homes due to the fires. We prepared food for more than 300 unexpected overnight guests and their pets.

For those residents who were displaced from home for a time even basic items such as a blanket or a bed were in very short supply, and the generosity of others in the community became paramount. Local butchers Matthew Vos and Dean Charlish donated 800 sausages to help feed evacuees. Woolworths and Coles also donated huge quantities of food and other supplies such as toothbrushes and toothpaste, as well as pet food. The Swansea RSL quickly established a fire-relief fund and donations started coming in right away. Very early on Friday morning I received with pleasure a call from Mr Sam Maresh of Rio Tinto. Within a couple of hours Rio Tinto had couriered to the Swansea RSL Club a \$5,000 cheque for the fire-relief fund. That was the sort of response we witnessed at this evacuation centre. It was evident during this time of crisis that without the generosity of others many people simply would not have coped well in such a devastating situation. That is why it is crucial to support initiatives such as Wise Up Week 2013. [*Extension of time agreed to.*]

Money raised during Wise Up Week will go to the Fire Foundation to provide emergency accommodation, emergency funds and the supply of basic essentials including food, clothing, toiletries and medical and health products for those affected by fire. The Fire Foundation supports those affected by fire in Australia, not just immediately following a fire-related incident but also in the long term. The level of hardship and frustration that people face after a fire often carries on for months and even years. We can all support Wise Up Week by purchasing a Wise Up Merchandise Pack, by donating money to the campaign or by wearing something orange for a week and raising funds. Supporting Wise Up Week in some small way could mean that a desperate family finds much-needed accommodation or enjoys a hot meal during a bushfire crisis. I am sure many in this House would agree that this small gesture could make a world of difference. I thank the House and the member for Cessnock.

**Ms TANIA MIHAILUK** (Bankstown) [7.57 p.m.]: I am delighted to make a contribution in debate on this matter of public importance, Wise Up Week. As more than 200 Australian families come to terms with the

unimaginable reality of losing their homes to fire, there can be no more poignant time to speak on this matter of public importance. Wise Up Week began on Monday and concludes on 27 October. I take this opportunity to congratulate the member for Cessnock on raising this matter of public importance. Wise Up Week is an educational and fundraising initiative of the Fire Foundation, which provides support to victims of fire when they most need it. The Fire Foundation began in tragic circumstances when its founder Jodee Wyatt and her family lost their home, possessions and almost their lives in a 2007 fire. Yet out of that tragedy Ms Wyatt was driven to build this inspiring organisation in 2011.

The Fire Foundation provides emergency accommodation, financial and emotional support, basic essentials such as food and medical supplies, and a port of call to those who have lost everything. The foundation connects victims with others who have been affected by fire and who have volunteered to provide assistance and share their experience. Both active and retired firefighters play an important role in the organisation's work by performing demonstrations and delivering educational workshops at schools and in the community. The Fire Foundation has taken a lead role in lobbying governments and retailers to promote the best possible fire prevention practices. An effective smoke alarm, for example, is a small and simple piece of equipment that saves lives and property every day. Of course, such an active organisation requires a host of dedicated people such as Ms Wyatt and the organisation's ambassador, former rugby league great and current Senator Glenn Lazarus. I thank all those involved for their service to the community.

During Wise Up Week the foundation seeks to encourage public awareness of fire safety and the importance of being prepared for the worst. Through a range of activities much-needed funds are raised and information is made available. Becoming involved in Wise Up Week can be as simple as wearing something orange, donating directly or organising a creative fundraising event. Tonight our thoughts are firmly with the firefighters battling emergencies across the State and, of course, with the families impacted by this disaster. I particularly acknowledge the selfless work of our emergency services men and women who are risking their lives to save the lives of others. My heart goes out to the families who have lost their homes but I hope that the wonderful community spirit shown by organisations such as the Fire Foundation is some comfort at this difficult time.

**Mr CLAYTON BARR** (Cessnock) [8.00 p.m.], in reply: I thank the member for Swansea and the member for Bankstown for their poignant contributions, in particular, the Churchillian contribution of the member for Swansea. For the West Pennant Hills Adventurers who are in the gallery today this is terrific evidence that much of what happens in this Chamber is not the argy-bargy that people see on the news on television; we all get along quite well and enjoy one another's company. Occasionally I even have nice things to say about the member for Hornsby who is sitting in the gallery with those young people. We have done some great work together and he is a very good man.

I commend the member for Swansea for the help he has been giving to his local community and Swansea RSL for organising an evacuation centre and fundraising to help members of the community who have been impacted by the bushfires. It was remiss of me not to mention that in the electorate of Cessnock Minmi Public School has been evacuated and the community of Minmi is on standby as the fire is coming towards them from the west. They may indeed lose homes and property this evening, although I certainly hope that is not the case.

I echo the comments of the member for Bankstown who said that our thoughts should be with the firefighters who are risking their lives right now and, in the case of Minmi, trying to contain the fire to the west of the F3, or the M1 as it is now known. We are bipartisan in our support for the firefighters and the emergency services rescuers. We are wholeheartedly bipartisan in our concern and our best wishes go to all those who have been affected by fires in the past week and those who unfortunately might be affected in the coming weeks, if not months, of bushfire events during the summer period. Wise Up Week is a great opportunity for us to make a contribution in some small way to an organisation that is entirely dedicated to supporting people who are impacted and affected by fire. I encourage all people to support Wise Up Week.

**ACTING-SPEAKER (Mr Gareth Ward):** I take this opportunity to thank the member for Cessnock for raising this matter of public importance. Coming from the Shoalhaven region, which has seen some extraordinary bushfires, I know all too well the importance of volunteers and their firefighting efforts.

**Discussion concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 8.03 p.m. until  
Thursday 24 October 2013 at 10.00 a.m.**

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