LEGISLATIVE ASSEMBLY

Wednesday 13 November 2013

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

The Speaker read the Prayer and acknowledgement of country.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT AMENDMENT BILL 2013

RESIDENTIAL (LAND LEASE) COMMUNITIES BILL 2013

Messages received from the Legislative Council returning the bills with amendments.

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

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Auditor-General's report for 2013, Volume Five.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

CRIMES LEGISLATION AMENDMENT BILL 2013

Second Reading

Debate resumed from 30 October 2013.

Mr PAUL LYNCH (Liverpool) [10.10 a.m.]: I lead for the Opposition on the Crimes Legislation Amendment Bill 2013. The Opposition does not oppose this bill. The bill makes miscellaneous and comparatively minor amendments to various pieces of legislation relating to criminal justice. It is part of a monitoring and review program adopted by governments of all persuasions in this State. The bill provides as follows. First, the bill makes it clear that under the 1978 bail legislation a magistrate of the Children's Court may review a bail decision of the President of the Children's Court. At the moment they cannot do so because the president must be a District Court judge, rather than a magistrate.

Second, the bill extends the period in which the Ombudsman must prepare a report on the operation of the recently amended consorting offences from two years to three years, from 9 April 2014 to 9 April 2015. That amendment is necessary because the police have not been able to gather sufficient information on warnings to allow the Ombudsman to conduct a proper report. Granted that the consorting laws do not seem to have had anything like the intended effect and the major casualty to date is an intellectually disabled teenager, it is critical that the report be done with all available information. The bill clarifies the procedural aspects of non-intimate forensic procedures and allows sensible procedures for orders when someone is interstate.

Third, the bill makes it easier for the Attorney General to request a court to provide material relating to an offender before the court. Fourth, the bill extends the protections for sexual offence complainants to sexual offence witnesses under the Criminal Procedure Act. The Attorney General has advised that this flows from advice from the Sexual Assault Review Committee. That seems entirely sensible. Fifth, the bill clarifies references to offences punishable by imprisonment for a specified term or more. The Opposition does not oppose the bill.

Mr DARYL MAGUIRE (Wagga Wagga) [10.12 a.m.]: The Crimes Legislation Amendment Bill 2013 amends the Bail Act 1978, the Crimes Act 1900, the Crimes (Forensic Procedure) Act 2000, the Crimes (High Risk Offenders) Act 2006, the Criminal Procedure Act 1986 and the Interpretation Act 1987. Section 44 of the Bail Act 1978 makes provision for a review of bail decisions and sets out the judicial officers who are able to determine such reviews. Currently, section 44 (2) provides that a magistrate may review a bail decision of an authorised officer, magistrate, including the reviewing magistrate, or authorised justice. Under the Children's Court Act 1987, the President of the Children's Court has the status of a District Court judge; therefore, it would appear that a magistrate is unable to review his bail decisions in the Children's Court.

The proposed amendment to section 44 of the Bail Act will clarify that the president's bail decisions in the Children's Court jurisdiction may be reviewed by magistrates in that court. This issue will not arise under the new Bail Act 2013, which does not incorporate a scheme of review for bail decisions. Instead, that Act generally provides powers to hear further bail applications, following an initial bail decision, to particular courts, rather than to particular judicial officers, subject to limited exceptions. Whilst it is anticipated that the new Bail Act will commence in May 2014, it is important that this issue be resolved urgently so that magistrates in the Children's Court can review bail decisions made by the President of the Children's Court while sitting in that jurisdiction.

In terms of the amendment to the Crimes Act 1900, the amended consorting provisions commenced in April 2012. The legislation that introduced the amendments includes a requirement that the NSW Ombudsman review them as soon as practicable two years after their commencement date. It is an offence under the provisions for a person to habitually consort with convicted offenders, but only after they have been given an official warning by the police not to consort with such offenders. The NSW Police Force's computerised operational policing system [COPS] has not, to date, been able to collate the data necessary for the Ombudsman to review the provisions. This means that the Ombudsman will not be able to conduct a proper review of the provisions within the current review time frame. However, changes are being made to the computerised operational policing system to ensure that this data can be provided.

The Government is committed to ensuring that the Ombudsman has the necessary data to conduct an informed review of the provisions. Extending the review period from two years to three years will allow time for the police to provide the necessary data to the Ombudsman so as to allow an effective and comprehensive review to be prepared. Currently, sections 26 and 30 of the Crimes (Forensic Procedures) Act provide that any application and any order for the carrying out of a forensic procedure are to be made in the presence of the suspect, subject to any contrary order made by the magistrate hearing the application. This may already provide for ex parte applications. However, the proposed amendments are intended to make this clear.

The clarification is required as difficulties arise in relation to suspects detained in another State where the police seek an order from the court for a forensic sample—for example, saliva or blood—to be taken as part of a New South Wales investigation. It would be undesirable if, in every such scenario, the suspect had to be returned to a New South Wales court for the application for the order to be made. The proposed amendment to the Crimes (Forensic Procedures) Act will make it abundantly clear that an application and an order can be made in the absence of the suspect, but only at the discretion of the court. The amendments do not remove a suspect's right to be legally represented at the application hearing, whether or not they are present.

Currently, section 25 of the Crimes (High Risk Offenders) Act provides that the Attorney General may require, by order in writing, from any person the provision of documents, reports or other information that relate to any offender. The section also provides that any such documents, reports or other information provided are admissible in proceedings under the Act. It is not unusual for documents, reports or other information to be obtained by the Attorney General from the courts under section 25. The proposed amendment will provide for a more appropriate mechanism of obtaining such material from the courts by way of a request from the Attorney General, rather than by an order in writing. Any material provided by the courts will be admissible in proceedings under the Act, as is now the case.

Complainants who give evidence in sexual assault trials are entitled to various protections under the Criminal Procedure Act. For example, they may be allowed to give their evidence outside the courtroom via closed-circuit television facilities or screens may be used in court to restrict the accused's visual contact with them. Sexual offence witnesses are people who give evidence in proceedings other than as the complainant about certain offences or acts alleged to have been committed against them by the accused. For example, they may be called by the prosecution to give evidence about certain sexual offences as tendency evidence, having already given that evidence against the accused as a complainant in a previous trial.

Section 294D extends the provisions in the Criminal Procedure Act to sexual assault witnesses. However, the Sexual Assault Review Committee has advised the Government that the courts are interpreting the section as only making its protections available to sexual offence witnesses when they are giving evidence about the alleged offences committed against them by the accused, but not when they give other types of evidence, for example, context evidence. The proposed amendment will ensure that the Act's protections will be available to sexual offence witnesses when they are giving any type of evidence, for example, context evidence. These amendments are important. I commend the bill to the House.

Mr RON HOENIG (Heffron) [10.20 a.m.]: I will make a brief contribution to debate on the Crimes Legislation Amendment Bill 2013 and in so doing reiterate the Opposition's position as expressed by the shadow Attorney General: The Opposition does not oppose the bill. I will confine my remarks to two areas. First, I refer to the proposed amendments of the Children's Court Act 1987. In my view, it was an exceptional Labor Party reform amending the Children's Court Act that provided for the restructure of the court to be presided over by a President of the Children's Court who must be a District Court judge. The decision of the Parliament to create that position, and the appointment that was made, was significant because it gave the Children's Court the appropriate and renewed status within the criminal justice system that we all knew it had.

The first judge to be appointed to that position was Judge Mark Marion, which in my view was an ideal appointment. His appointment was not renewed and he returned to the District Court, where he is a fine judge. The Children's Court plays such a significant role not just as part of the criminal justice system but also as part of a system that enables the rehabilitation of young offenders, many of whom are before the court because of unfortunate circumstances. It is important to treat them in a particular way but one of the failings that has occurred in that jurisdiction probably over the past 10 to 15 years, if not longer, has been a lack of resources needed to provide appropriate supervisions. Nevertheless, like all amendment Acts done with the best intention, errors occur. An error occurred in relation to the provisions relating to the granting of bail and the interaction with the Bail Act whereby because the President of the Court was a District Court judge there was no power for another magistrate to review his or her decision, whoever the officeholder was, under the Bail Act. This bill rectifies that particular anomaly.

Second, I refer to the amendments proposed to the provisions of section 294D of the Criminal Procedure Act 1986 that relates to the special protection provided to complainants in trials of sexual offences. In all the many trials in which I have appeared or prosecuted, this problem has not presented itself to me, as was referred to by the Attorney General in his second reading speech. I find it quite extraordinary if the anomaly exists, and the Sexual Assault Review Committee has indicated it does, that whilst they may not be complainants in sexual assault trials, they are like complainants who are giving either tendency evidence under the Evidence Act or alternatively evidence is permissible as context evidence relating to specific sexual acts that have occurred to them and they are not being given the benefit of section 294D of the Criminal Procedure Act. As I said, in all my years in practice at the bar—both defending and prosecuting cases—that anomaly has not been apparent to me. In many trials evidence has been given of context and rarely tendency and that has not been apparent. However, such an anomaly should not occur and it is important that it be rectified. For that purpose I thank the Sexual Assault Review Committee for so doing.

This is never popular to say but for the benefit of the House, and as an experienced trial lawyer, I know technology is improving and the quality of screens is improving. It is important to provide some measure of protection for those who complain and are the victims of these horrendous types of attacks. But juries are made up of ordinary people and they judge people by how they see them. There is a difference between seeing someone in a two-dimensional image and someone in a witness box. I apprehend a number of people have been acquitted because the demeanour that appeared on the screen was not the same demeanour as would have been apparent in the witness box.

I have seen people convicted, when I read their evidence it did not seem to be as probative as one might think it was and their appearance in the witness box was quite compelling to the jury. We are now reaching the stage where three-dimensional images can be protected and it is important that the Government look towards that technology. A three-dimensional image to a jury has a far more realistic effect and we must constantly examine such technology to ensure not only that we protect the horrendous trauma to witnesses giving evidence in trial but also to try to give as best as possible a realistic appearance of their demeanour to tribunals of fact.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [10.26 a.m.]: I will make a brief contribution to the Crimes Legislation Amendment Bill 2013. A number of members have spoken very eloquently and informatively in relation to this bill. The objects of the bill are:

(a) to amend the *Bail Act 1978* to clarify that a magistrate may review any decision made in relation to bail by the President of the Children's Court, exercising the jurisdiction of the Children's Court,

Section 44 (2) of the Bail Act provides a magistrate may review a bail decision of an authorised officer, magistrate, including the reviewing magistrate, or authorised justice. Under the Children's Court Act 1987 the president of the court has the status of a District Court judge. It would appear, therefore, that a magistrate is not able to review his or her bail decisions in the Children's Court. The proposed amendment will clarify the president's bail decisions in the Children's Court jurisdiction, which may reviewed by magistrates of that court. That is a very important provision. I have been in a Children's Court on a couple of occasions as an observer and I know it is a fairly horrific place and a lot of emotions are displayed. I know that this review is necessary. Another object of the bill is:

> (b) to amend the *Crimes Act 1900* to extend the period for review of certain provisions of that Act relating to consorting with convicted offenders,

Under the provisions of the Crimes Act it is an offence for a person to habitually consort with convicted offenders, but only after they have been given an official warning by the police not to consort with such offenders. These amendments to the Crimes Act 1900 are important and pertinent to what is occurring in many parts of Sydney and New South Wales. As the member for Tweed it is pertinent to me because of what is happening with outlaw motor cycle gangs in Queensland and the potential for that problem to flow over State borders.

The bill will make various amendments to the Crimes (Forensic Procedures) Act 2000, including the provision that a hearing of an application for an order to authorise the carrying out of a forensic procedure may be heard ex parte. That is an important provision. Difficulties arise with respect to suspects detained in another State where police seek an order from the court for a forensic sample—for example, for saliva or blood—to be taken as part of a New South Wales investigation. I can relate that to experiences in the Local Court on the far North Coast. I am sure the members for the electorates of Albury, Murray-Darling and Monaro would appreciate the importance of this provision in cross-border investigations.

The bill also amends the Crimes (High Risk Offenders) Act 2006 in relation to the provision to the Attorney General of information held by a court relating to the behaviour or physical or mental condition of an offender. The Attorney General may require, by order in writing, from any persons the provision of documents, reports or otherwise information relating to any offender and that any documents, reports and information provided are admissible in proceedings under the Act. This will enable our judicial system, in which I have great faith, to have appropriate information, and it also gives police appropriate investigative powers.

The bill will amend the Criminal Procedure Act 1986 to make it clear that protections that apply to the giving of evidence by a witness in certain sexual offence proceedings extend to evidence about acts that would constitute a relevant sexual offence. I have had the good fortune not to be involved in any sexual cases but in my first term of office I served as a member on the Standing Committee on Broadband in Rural and Regional Communities, of which Madam Acting-Speaker was an excellent Chair. The committee attended Central Local Court and observed court proceedings, prisoners giving evidence and video conferencing. We all walked away that day impressed by the technology used in that court. I take on board the points raised by the member for Heffron about witnesses giving evidence—and we should do everything in our power to protect witnesses, particularly those involved in horrendous sexual offences—but it is essential that we maintain the integrity and fairness of the judicial system for all.

Finally, the bill will amend the Interpretation Act 1987 in relation to the interpretation of references to offences punishable by imprisonment for a specified term or more. That amendment will ensure protections for sexual assault witnesses when they give any type of evidence. This bill is a good step forward. I would be the first to admit that our legal system is not perfect but the many learned minds in the Attorney General's department and all members are working towards the common goal of delivering a fair justice system to the good people of New South Wales. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [10.33 a.m.]: Today I speak on the Crimes Legislation Amendment Bill 2013. The object of the bill is to amend the Bail Act to clarify that a magistrate may review any decision made in relation to bail by the President of the Children's Court, exercising the jurisdiction of the Children's Court; to amend the Crimes Act to extend the period for review of certain provisions of that Act relating to consorting with convicted offenders; to make various amendments to the Crimes (Forensic Procedures) Act, including to provide that a hearing of an application for an order to authorise the carrying out of a forensic procedure may be heard ex parte; to amend the Crimes (High Risk Offenders) Act in relation to the provision to the Attorney General of information held by a court relating to the behaviour or physical or mental condition of an offender; to amend the Criminal Procedure Act to make it clear that protections that apply to the giving of

evidence by a witness in certain sexual offence proceedings extend to evidence about acts that would constitute a relevant sexual offence; and to amend the Interpretation Act in relation to the interpretation of references to offences punishable by imprisonment for a specified term or more.

A number of questions have been raised; I shall deal with a couple of them. Why cannot the amendment wait until the introduction of the new Bail Act next year? The amendment is needed now to make clear that bail decisions of the President of the Children's Court can be reviewed by other magistrates who sit in that jurisdiction. If the amendment is not made until the new Bail Act commences, any decision of the President will have to go back before him or to a higher court for review. This is an undesirable outcome. Will not a delay to the Ombudsman's review mean that any changes to the consorting provisions that may be identified by the review will be delayed? The proposal will delay the review by one year. However, it is appropriate that the Ombudsman have sufficient data in order to conduct a proper review of the operation of the provisions so that he can make informed recommendations relating to them. The proposed amendment will ensure that the Ombudsman has access to such data.

Will the changes to protections available for sexual assault witnesses make sexual assault trials more complicated and lengthy? The changes are likely to have a limited impact on sexual assault trials in terms of making them longer or more complicated. These witnesses can already access protections under the provisions in relation to specific parts of their evidence. The amendment makes clear that the protections apply to all of their evidence, not just certain aspects of it. Further, the provisions will only be used in limited matters, being those where a sexual assault complainant is called as a witness at a subsequent trial of the same accused. Sexual assault witnesses called as a witness in a subsequent trial should be allowed the same protections they were afforded when they gave evidence against the accused originally, irrespective of the type of evidence they give at the later trial.

Will allowing ex parte hearings deny a suspect their right to make representations to the court opposing the application? A suspect's rights will be protected as an ex parte hearing will only be allowed at the court's discretion and a suspect's lawyer will still be able to attend to make representations on behalf of the suspect. In exercising its discretion the court will consider factors such as whether the suspect is a vulnerable person or is legally represented. Those are just some of the questions that have been raised but I thought it prudent to answer them today. I commend the bill to the House.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [10.37 a.m.], on behalf of Mr Greg Smith, in reply: I thank the members for the electorates of Liverpool, Wagga Wagga, Heffron, Tweed and Wollondilly for their contributions to this debate. This bill makes a number of important amendments to the criminal laws of this State. The amendments will ensure that criminal laws and procedures continue to be as effective as possible. The amendments will also support the effective administration of justice in New South Wales. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Craig Baumann, on behalf of Mr Greg Smith, agreed to:

That this bill be now read a third time.

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

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (ARREST WITHOUT WARRANT) BILL 2013

Second Reading

Debate resumed from 30 October 2013.

Mr PAUL LYNCH (Liverpool) [10.38 a.m.]: I lead for the Opposition on the Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013. The Opposition does not oppose

this bill. We do not oppose the concept of clarifying police powers. It seems to us that this is to the benefit of all concerned, including those with whom the police interact. I might say, though, that the preparation of this bill has been so unorthodox and so innocent of any of the usual consultation or public consultation that we are entitled to be concerned about whether the bill is technically adequate, especially bearing in mind the amendments proposed by the New South Wales Bar Association and the connection between this bill and some of the provisions of the Bail Act.

The bill's overview states that the objects are to amend the Law Enforcement (Powers and Responsibilities) Act 2002 [LEPRA] to extend police powers of arrest without warrant. The overview's claim that this bill extends police powers of arrest is echoed in a media statement which refers to police powers being strengthened. Upon proper examination the details of the bill do not match that rhetoric. The bill seems far more about clarifying the provisions that are already there. When the Law Enforcement (Powers and Responsibilities) Act 2002 was first introduced it resulted from a process envisaged by the Wood Royal Commission inquiry into the police force. The Law Enforcement (Powers and Responsibilities) Act 2002 consisted largely of the codification of common law and legislative provisions. There were no particularly novel propositions in the Law Enforcement (Powers and Responsibilities) Act 2002.

If it is as flawed as some of the more hysterical tabloid commentary asserts, then those flaws well and truly predated the Law Enforcement (Powers and Responsibilities) Act 2002. The parliamentary debate on the Law Enforcement (Powers and Responsibilities) Act 2002 was quite interesting. The then Opposition, led in debate by Andrew Tink, did not oppose the bill. He did move amendments but not one related to issues in this bill or in the report he recently co-authored. The major opposition to the bill came in the other place from The Greens and Richard Jones, who were voted down by the combined Opposition and Government forces. It is worth pointing that out because some of the comments from the Coalition suggest longstanding and resolute Coalition opposition to the Law Enforcement (Powers and Responsibilities) Act 2002.

As to the process of how the bill came to be in this place, I will quote from a letter that the New South Wales Bar Association sent to the Premier. I should preface the quote by noting that the New South Wales Bar Association has no major concerns about the bill. My own attitude to the bill has been significantly influenced by the attitude of the Bar Association and its president Phil Boulten, SC. The letter states:

> We remain concerned, though, about the process of developing amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 outside the usual departmental mechanism. With all due respect to Mr Tink and Mr Whelan, it is unusual that the Government would bypass the expert advice that is available to it through, for instance, the criminal law review division of the Attorney General's department. The association was not consulted about the current bill and has offered to provide assistance to the Government with the remainder of the review of the Law Enforcement (Powers and Responsibilities) Act 2002.

A similar point is made somewhat more forcefully by the NSW Council for Civil Liberties. Its letter to all parliamentarians concerning the bill states in part:

> We are also concerned and disappointed with the unwise exclusion of the wider community and informed stakeholders and organisations from the review process leading to its formulation.
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> This bill addresses a matter of vital importance in democratic society: the appropriate balance between effective police powers of arrest and the fundamental right of the public to liberty and protection against arbitrary arrest. A review of this importance ought to be open and inclusive.

Other stakeholders have proposed public consultation on this bill, something lacking so far. I shall now make brief comment on some of the public discussion, better described as criticism, of the bill. One comment made several times is that with the removal of the words "reasonable grounds to suspect" there is no objective test to justify an arrest. I am not inclined to accept that argument quite so easily given the provisions of the new section 99 (1) (a) that refers to a police officer suspecting "on reasonable grounds that the person is committing or has committed an offence". The proposed section is drafted to require that as a precondition of every arrest. Certainly objective tests are not missing from the bill as some have suggested.

Extending the power to arrest without warrant to all previous offences and not just to indictable offences seems to have made no real difference to the previous section 99 (2), despite some of the claims made. When I addressed this bill in the party room that well-known member and ex-policeman Richard Amery said, "That has always been the case, hasn't it?" The issue of identity in new section 99 (1) (b) (iii) would, in many cases, already be subsumed in section 99 (3) (a). I also note that on the question of identity there are 40 separate pieces of legislation on the statute books allowing authorities to demand identification be provided, with criminal sanctions to deal with any failure to provide such identification.

There are other concerns expressed about the bill. One is that the proposed provision about establishing identity may give police a mistaken impression that they have the power to arrest just to establish a person's identity. That is not what the bill says and unless it is in one of the 40 legislative provisions I mentioned a moment ago, they do not have this power. While it is not in the bill it is not altogether a fanciful concern. The Premier acknowledged 378 claims against the police for wrongful arrest in the five years until April 2012. If the average settlement over the last 12 months has been over $75,000 then clearly at least some police do not fully understand the current law. It would be more than ironic if this present attempt to clarify the law just led to more confusion or confusion about different provisions. We need to hear something about the proper training for police in the redraft of section 99 and what the Government and police hierarchy propose in that regard.

Another issue that has been raised with me is that the powers of arrest under the Law Enforcement (Powers and Responsibilities) Act 2002 in the proposed bill would differ markedly from the powers of arrest in the recent Bail Act, coming into force in 2014. I ask that the Premier, or whoever is speaking on behalf of the Government, to respond to this concern in their speech in reply. This issue has been raised both with me and the Government. The conflict is said to be between the proposed section 99 of the Law Enforcement (Powers and Responsibilities) Act 2002 and section 77 (3) of the Bail Act 2013. It would be useful to have that clarified in reply. Equally, I would seek the Government's response to the Bar Association's proposed amendments. They propose that section 99 (1) (b) be amended to read:

> The police officer is satisfied on reasonable grounds that the arrest is necessary for one or more of the following reasons: …

They also propose a technical amendment of section 99 (2) to read:

> A police officer may arrest a person without a warrant if directed to do so by a police officer who may lawfully arrest the person pursuant to subsection (1).

That is clearer than the current drafting, and I would need to hear a strong argument to convince me that the Bar Association draft is not a better option. It is purely a technical amendment and should not excite much resistance. I ask that the Government respond to the Bar Association's proposal.

I turn now to submissions I recently received from the Law Society of New South Wales. The Law Society is concerned that the changes proposed by the bill will weaken the safeguards properly provided by the Law Enforcement (Powers and Responsibilities) Act 2002. It said:

> These powers threaten to undermine the balance between the State's responsibility to investigate and prosecute crime and the rights of individuals to carry on their lives without fear of intrusion, in accordance with the rule of law.

The Law Society is also reasonably concerned that the safeguards currently set out in section 99 are being described as loopholes to avoid conviction. It said further:

> On a correct reading, the requirements of section 99 constitute important protections to ensure a balance between the proper exercise by police of the powers given to them and the need for ordinary citizens to feel free to live their lives without fear of unreasonable interference by police.

The Law Society also makes the point that a large proportion of unlawful arrests are made as a result of police not fully understanding their powers and how they should be exercised, not because they do not have the power they need. This goes to the point I raised earlier—making sure if there are changes to the law that those changes are fully understood by police and proper training programs are run. Given the figures quoted earlier, and the Premier has now conceded there is a problem with the understanding of the law, one would not want to repeat that confusion having moved amendment to clarify the bill. The Law Society is concerned that the proposed changes will make police powers more complicated rather than simpler. It said:

> The committees are disappointed that there has been no stakeholder consultation in relation to this bill other than with the police. The committees consider the matter should be returned to the working group to fully consider the views of all key stakeholders, including the Law Society of New South Wales, to enable a more comprehensive review of the Law Enforcement (Powers and Responsibilities) Act 2002.

Its specific concerns include the objective reasonable grounds test and the removal of the reference to arrest for the purpose of commencing proceedings. It also regards two of the additions as being broad and therefore potentially conducive to confusion. One of those relates to the welfare of any person provision.

The other is that the inclusion of a provision regarding the nature and seriousness of the offence is very broad and could lead to arrests being based on blanket policies or stereotypes. Having raised those issues, the Opposition does not oppose the bill. However, we seek clarification on the issue about the connection between this Act and the provisions of the Bail Act, as well as the amendments proposed by the New South Wales Bar Association.

Mr DARYL MAGUIRE (Wagga Wagga) [10.48 a.m.]: I contribute to debate on the Law Enforcement (Powers and Responsibilities) Amendment (Arrest Without Warrant) Bill 2013. This bill will amend the Law Enforcement (Powers and Responsibilities) Act 2002 to extend police powers to arrest without warrant. The revised powers of arrest are modelled on the Queensland Police Powers and Responsibility Act 2000. In particular, the bill deals with section 99 (1), (2) and (3) of the Act. Before arresting a person, a police officer must hold a reasonable suspicion that the person has committed an offence or is in the process of committing an offence. In forming that reasonable suspicion, police officers will turn their mind to the nature and seriousness of the offence they suspect has been committed. If the police officer is satisfied that the nature and seriousness of the offence means that it is reasonably necessary to arrest as an immediate response in the circumstances, these reforms will ensure that they can do so. This will be a judgement call for officers on the ground to make in the circumstances in which they encounter the suspected offender, having regard to the offence they suspect the person has committed.

Police officers often must make decisions about arrests in difficult and rapidly changing circumstances. This will sometimes include circumstances in which a person seeks to avoid being apprehended by fleeing from police or from the scene of a crime. This bill provides absolute clarity that police officers have a power to arrest where it is reasonably necessary to prevent the person fleeing in these circumstances. This reform means that police officers are not required to consider separately the likelihood that the person will attend court when deciding whether or not to arrest. Given the dynamic circumstances in which the decision to arrest will often be made, it is appropriate that police officers have clear and explicit powers to respond appropriately. It must also be remembered that police officers will have to have formed a reasonable suspicion that the person has committed or is committing an offence before arrest can be considered.

Under the amended provision, police officers will be permitted to arrest someone in order to make inquiries to establish a person's identity only if the person's identity cannot be readily established or if the police officer holds a reasonable suspicion that the person has provided false identity information. The new power is not, therefore, a blanket power to arrest a person to establish their identity. Rather, a threshold must be met before the arrest power is triggered, either because identity cannot be readily established or because there is a reasonable suspicion about the veracity of the identity information given to police. The legislation does not prescribe what inquiries police officers must make to establish identity before making an arrest because that will be a judgement call for police to make in the relevant circumstances.

The provision also does not require a specific form of identification—different circumstances will, of course, require different responses—nor does it require written proof of identity. I note that in many country towns police will know by sight the people they are dealing with. It is anticipated that in many situations police will be able to make inquiries to establish a person's identity without arresting them. However, in some cases it may not be possible to make such inquiries, in which case police, if satisfied that it is reasonably necessary, will be able to effect an arrest. Since the enactment of the Law Enforcement (Power and Responsibilities) Act 2002, police officers have had the power to detain a person following arrest for the purpose of investigation under the provisions of part 9, which includes safeguards to protect the arrested person and obligations applying to police officers. Proposed new subsection (4) simply makes the link between arrest under section 99 and detention under part 9 absolutely clear for police officers. It does not provide separate or new powers of arrest or detention.

One of the goals of these reforms is to simplify and clarify police arrest powers. Consistent with those goals is the removal of the reference to "serious indictable offence" that appears in section 99 (1) because it is not considered necessary. Section 99 (1) provides police officers with the power to arrest where they reasonably suspect that a person has committed an offence for which they have not been tried, but only where the offence is a serious indictable offence. However, section 99 (2) provides police officers with the power to arrest if they reasonably suspect that a person has committed an offence. This power applies to an offence regardless of when it was committed and is not limited to serious indictable offences. It therefore allows police officers to arrest for offences for which a person has not been tried that are not serious indictable offences. This apparent inconsistency is one of the reasons simplification of the provision is required. These are welcome amendments to the Act and I commend them to the House.

Mr RON HOENIG (Heffron) [10.54 a.m.]: The shadow Attorney General has indicated the Opposition does not oppose the Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013.

Mr Alex Greenwich: Common sense.

Mr RON HOENIG: I would not say that. However, the Opposition does have some concerns about certain aspects of the bill. One of the reasons for the introduction of this bill was because of comments made by Judge Paul Conlon, a District Court judge at Wollongong. I have known Judge Conlon for some time. He was a Crown prosecutor when I was first appointed as a public defender. I have appeared in front of him as both defending and prosecuting counsel. I have found him to be a very good, fair and practical judge. There are about 40 or 50 judges on the District Court bench but when I Google judges he is the most frequently quoted in newspapers giving the public the benefit of his advice on law reform. For example, A *Sydney Morning Herald* article entitled "The secret lives of judges" features Judge Paul Conlon, an article in the *Illawarra Mercury* is entitled "Conlon calls for review of police powers", another in the *Daily Telegraph* is entitled "Predator's reign of terror shocks Judge Conlon", yet another the *Courier Mail* is entitled "Judge Paul Conlon backs smacking after overturning stepdad's assault conviction".

His Honour Judge Conlon seems to have a unique ability to communicate with the public via media in a way that would be the envy of every member. Some members constantly visit the press gallery on the sixth floor of this building in an attempt to get a snippet in a metropolitan newspaper; Judge Conlon appears to have very little difficulty. In particular, His Honour Judge Conlon has raised concerns about one provision of section 99 of the Act. An article in the *Illawarra Mercury* states:

> A Wollongong judge has called for an urgent review of the legislation governing police powers for on-the-spot arrests, following a court challenge yesterday over the legality of an arrest in April this year.

His Honour said:

> … Section 99 of the Act, outlining the powers police have to arrest someone without a warrant, focused on "preserving the safety or welfare of the [arrested] person" but failed to adequately consider the safety of other people at the scene.

That is a legitimate issue to raise and one that the Parliament must consider in relation to the operation of the Law Enforcement (Powers and Responsibilities) Act 2002. When the Parliament sought to codify situations in which the police can deprive citizens of their liberty, it created a difficulty. It is said that where the legislature intrudes on the common law it always creates difficulties. I had no problem with section 352 of the Crimes Act 1900—which I know the member for Mount Druitt had great affinity with—nor did I have a problem with the common law as expressed by the High Court in *Williams v The Queen*, which specified the common law powers of arrest. In fact, those powers were probably considerably broader under those provisions.

If the legislature intrudes and replaces common law powers that can cause problems. The reasons the intrusion causes problems are: firstly, that the common law has been developed sometimes over hundreds of years by hundreds of judges, who through trial and error eventually get it right; and, secondly, I have experienced in a little over a year of being a member of this House that out of 93 members hardly anyone reads the legislation. If anyone thinks that members of this House will find an error in legislation, they would be kidding. Even when I have found errors in legislation and I have genuinely raised them in the House, those errors are ignored. Again the Parliament is sticking its nose not into where a problem exists but into a far greater area, and that will have considerable consequences.

The current section 99 provides for a police officer to arrest without warrant in certain circumstances. Paragraphs (i) to (iv) of subsection (1) are basically a restatement of the common law. Other provisions, apart from those raised by His Honour Judge Conlon, will be added to the provisions of section 99 if the bill is supported. They relate to, first, stopping a person from committing or repeating an offence, which is perfectly reasonable; and second, stopping a person from fleeing, that is, allowing a police officer to stop a person if the police officer reasonably suspects that person of having committed an offence. Third, it enables inquiries to be made to establish identity, although an ordinary citizen would probably not want to be detained to have his identity established. It also relates to, fourth, ensuring a court appearance, which I believe is a genuine reason; fifth, to obtaining property connected to an offence, which is important; sixth, preserving evidence and preventing fabrication; seventh, preventing harassment of witnesses, which is exceptionally important; and, eighth, protecting the safety and welfare of any person, which is the matter referred to by Judge Conlon. Finally, a person can be detained because of the nature and seriousness of the offence, which is also important.

I see the prospective problems in respect of the bill. The first is that consultation has not occurred in the usual way of dealing with law reform issues through the Criminal Law Division of the Criminal Law Review Committee of the Department of the Attorney General. Consultation has been with a select group involved in arrest and prosecution. There was no public review. The second problem is it may encourage the arrest of people for spurious reasons, who then could be held in custody even if they face financial penalties. It will enable people to be arrested for trespass, the very acts that the Law Enforcement (Powers and Responsibilities) Act tried to discourage from occurring. It will give the mistaken impression that police can arrest someone to check their identity. The bill removes the explicit reference to limitation of the purpose of arrest being for the purpose of taking proceedings against a person. There will no longer be an objective basis to arrest someone. Most importantly, the unintended consequences of the legislation will lead to the arrests of many more vulnerable people.

These are the possible consequences of the bill, as the Government has not gone through the normal consultative process. As I said, when the previous Government sought to enact the Law Enforcement (Powers and Responsibilities) Act 2002 it tried to codify the common law. The previous Government knew that despite extensive consultation with all parties, not every conceivable consequence of legislation could be foreseen. The issue raised by Judge Conlon was one not foreseen at the time and seemingly not brought to anyone's attention for a decade. I caution the Government and indicate that between now and when this bill goes to the other place a careful examination will need to be conducted to ensure unintended consequences do not occur.

Mr TIM OWEN (Newcastle) [11.04 a.m.]: I support the Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013 as it ensures that New South Wales police have clear, simple and effective powers to protect the community. I note the comments of the Opposition. Notwithstanding those comments, the bill has great merit. The member for Heffron insinuated that we do not read legislation, but I have read this bill. As requested by the Premier, former shadow Attorney General Andrew Tink and former police Minister the Hon. Paul Whelan provided advice to the Government on police powers under the Law Enforcement (Powers and Responsibilities) Act 2002. For far too long there has been confusion about the police arrest powers, particularly section 99, which was deemed too confusing and too complex and resulted in offenders escaping conviction or large payouts for wrongful arrests.

Taking into consideration the feedback from the police officers who are directly on the ground, Mr Tink and Mr Whelan in their report recommended that changes be made to make police arrest powers without a warrant simpler, clearer and more effective. I note that senior operational police were consulted as well and that the New South Wales Commissioner of Police, Mr Andrew Scipione, and the legal fraternity agree with and support the proposed changes. As I just mentioned, the reforms follow concerns raised earlier last month about police arrest powers and an urgent review of current laws. Police have raised particular concerns about part 9 and sections 99 and 201 of the Law Enforcement (Powers and Responsibilities) Act 2002, commonly known as LEPRA.

The proposed reforms will give police the certainty that they need in order to do their job and protect our community. As advised by the Premier, Mr Tink's and Mr Whelan's recommendations were also influenced by the 2012 Bureau of Crime Statistics report regarding the effect of arrest and imprisonment on crime, which indicated that the most important deterrent to criminals is the risk of arrest. The key changes to section 99 of the Law Enforcement (Powers and Responsibilities) Act 2002 clarify that the police can arrest without a warrant for any offence if there is reasonable suspicion that a person is committing an offence. Previously, police were only able to arrest without a warrant to protect the safety of the offender and not the public. Police will also now have the ability to arrest to "obtain property in the possession of the person that is connected with the offence", as well as to establish their identity. These powers are already in place in Victoria and Queensland and they work well.

In an article in the *Daily Telegraph* on 29 October 2013, former detective Tim Priest said the present laws around arrest powers could make enforcing anti-bikie laws very tough. Mr Priest said the legislation had "handcuffed police for the past 11 years and prevented them from cleaning out the violent and antisocial elements controlling our streets". He added that there are strict guidelines police must follow before they can arrest an offender. These guidelines are heavily slanted towards the offender being given a ticket to attend court rather than being arrested and removed from the streets. This is exactly why we have to ensure that the police have the appropriate powers in order to do their jobs and continue to protect and service our community.

I will note the key changes to section 99. Police will be able to arrest without a warrant in situations where they need to preserve the safety or welfare of any person, including the person being arrested. The same

matter was raised by Judge Conlon of the District Court as one of the issues, and the New South Wales Government has agreed that it is important to allow police to issue an arrest without warrant if the person, other than the offender, is at risk. This will be useful in situations of domestic violence. International academic research has demonstrated that arresting domestic violence offenders deters future domestic violence from occurring. Further, police will be able to obtain property in the possession of the person connected with the offence and make inquiries to establish the person's identity, or if there is reasonable suspicion the information provided by the person is false.

Additionally, the police will have arrest powers if a person is fleeing from police or from the location of the suspected offence. It should be noted that the amendment to section 99 makes it clear that a police officer can discontinue an arrest at any time in such situations where the arresting officer believes that the reason for the arrest no longer applies or exists. In such circumstances, if appropriate, police may issue a caution, a penalty notice or a court attendance notice. Lastly, this bill will clarify that a lawfully arrested person can be detained by police for the purpose of investigating whether the person committed the offence. This particular amendment will erase any confusion about whether or not a person can be detained for questioning. I congratulate the Premier on this piece of legislation and on giving police clear, effective powers in order to do their jobs and to continue to safeguard the community of New South Wales. I commend the bill to the House.

Mr ALEX GREENWICH (Sydney) [11.10 a.m.]: The Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013 clarifies existing provisions that allow for lawful arrest without a warrant and introduces new circumstances for when this can occur. Arrests without warrant help police to prevent crime and protect the community. Importantly, the new provisions will allow arrests on the street in late-night hot spots such as Kings Cross where alcohol-fuelled violence occurs every weekend. The police in my electorate do a fantastic job in very difficult circumstances. They face violence and abuse and they have to deal with intoxicated people and those with mental health issues.

I understand that police sought clarification of the circumstances in which arrests without a warrant can and cannot occur, which led to a review and this bill. I am concerned that this bill fails to strike the right balance between ensuring police have the power to enforce the law and protect the community and protecting people's right to liberty. The bill will allow an arrest without a warrant if an officer is "satisfied that the arrest is reasonably necessary". This is significantly weaker than the existing objective benchmark that an officer's suspicion must be on reasonable grounds. The NSW Council for Civil Liberties tells me that the subjective nature of the proposed grounds will make it difficult for a court to determine that an arrest without a warrant was ever unlawful, which could encourage arbitrary arrests.

The bill allows for an arrest without a warrant if a suspected offender cannot identify themselves or if an officer reasonably suspects their identification is false. I have serious concerns that this could facilitate increased arrests of homeless people, people with a mental illness and Aboriginal people, because they are less likely to carry identification and arrests could occur to establish their identity. The bill will allow arrests without a warrant "because of the nature and seriousness of the offence", which is vague and broad, and thus open to abuse. The bill allows for the detention of a person for the purpose of investigating whether he or she has committed the offence for which they were arrested.

Under the existing Act arrests are unlawful for the purpose of taking proceedings unless the police officer suspects on reasonable grounds that the person will not appear in court or that the person will recommit an offence, destroy evidence, harass a witness or fabricate evidence, or if the person is arrested to preserve their safety or welfare. These safeguards should be retained because without them provisions will be open to misinterpretation and arbitrary arrest. The Government has not provided any real-life examples showing how existing provisions are inadequate. Arrests without warrant are necessary but we should be careful to ensure the laws we pass are necessary and do not encourage arbitrary arrests. It is long accepted that healthy democracies avoid arbitrary arrests and support people's right to freedom if they have not committed a crime. I am concerned that this bill fails to do that.

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [11.13 a.m.]: I am proud and extraordinarily pleased to support the Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013. Unlike the member for Sydney, I have had 22 years experience in arresting people and I have a very clear and cognitive understanding of how the Law Enforcement (Powers and Responsibilities) Act has impacted on police capacity to maintain law and order and simply to do their job. The object of the bill is to amend the Law Enforcement (Powers and Responsibilities) Act 2002 to extend police powers of arrest without

warrant. The object of this legislation is not to extend police powers. I am sure that the father of the House, the member for Mount Druitt, will agree with me when I say it is somewhat of a return to section 352 of the Crimes Act.

In that section, the powers were clearly articulated and were known to police without any confusion. In fact—and I am sure the father of the House will support me in these comments—police officers, during training, had to know the powers of arrest verbatim. We were tested on the powers of arrest; they were entrenched in our minds. There was no uncertainty; there was absolute clarity about the powers that police officers had to effect an arrest, which contained elements of "reasonable cause to suspect" and "with or without a warrant" and also the qualities and characteristics of the level of force to be used. The powers of arrest in relation to a fleeing felon were also contained within the Act. It was all very clear to police officers.

I am not sure what the Labor Government was smoking in 2002 when it brought this legislation into the House. I was stationed at Tenterfield in New England on the Queensland border at the time and I was very proudly a special constable of police, which meant that I was a police officer under law both in New South Wales and in Queensland. When these laws were introduced I was requested by the commander of the Warwick Police District in Queensland to attend a training day and to train the special constables of police in Queensland, who had powers in New South Wales, in understanding and applying the new Law Enforcement (Powers and Responsibilities) Act. To say that that task was onerous is an understatement.

At the time we were issued with a pocket guide to go inside our notebooks, which tried to explain the implications of section 99 and how it was to be applied, as well as the horrific section 201, which I understand is part of the review being undertaken by the Hon. Paul Whelan and Andrew Tink, the former shadow Attorney General. I welcome that review; it is well overdue. For an example of how complex these laws have become and why this reform and this amendment are so vitally important, one only has to go to the speech of the member for Heffron. I nearly went into a coma listening to him explain the complexities of this legislation, the good provisions and the potential difficulties that need to be considered in the other House. That in itself explains the difficulties faced by police in the field who have to try to decipher and understand this very complex and totally unnecessary legislation.

I have absolutely no idea why section 352 was ever repealed and replaced by this pack of garbage—and that is what it is. Obviously the police commissioner and every officer who works under him will welcome these reforms. I will relate to the House an example of a problem with the legislation. I was called out to respond to a report of a domestic violence incident. I went as a single unit to a street in Tenterfield where a man had assaulted his de facto wife. While I was taking down the woman's statement in my notebook the man wandered back onto the scene. He came towards me carrying a cask of wine in a box—commonly referred to in the area as a "lady in a boat" because of the picture of a lady in a boat on the packaging—and tried to strike me in the head a couple of times with this box.

This incident occurred when the laws had only just been introduced and I had to try to decipher if my powers of arrest in this situation would fit within those laws. That should not have been a consideration; I was about to get belted in the side of the head with a cask of wine and there was a victim who had just been belted. Under section 352 I had reasonable grounds to suspect that the woman had been assaulted and she had nominated the man as the offender, but under the new laws I almost had to get out the pocket guide to make sure that the arrest I was about to make—which my heart, my mind and my training told me was right—was lawful. Because of this complex legislation I had to check to ensure that I was not going to lose the matter in court.

I arrested the man and luckily I was not injured in the attempted assault, but it is an example of the complexity of the legislation that police have to consider. Making an arrest should be instinctive by way of training and enforcement. That is how it used to be. It used to be instinctive, based on an intricate knowledge and understanding of their powers. The new Act far overreached any concerns of civil libertarians which may have pushed the Labor Party into adopting the recommendations. Although section 201 is not part of the bill before the House, I want to place on record one of my experiences, for the benefit of the gentlemen conducting the review. At the time I was a police officer in Tenterfield, the community comprised 3,500 people. Everyone in town knew I was the local sergeant; there was no ambiguity about it. Indeed, many of them knew me by way of a nickname.

Mr Geoff Provest: Which was?

Mr TROY GRANT: I will elaborate on that later. A gentleman was disturbing the neighbourhood and causing a ruckus, so I followed him and gave him a move-on direction. I told him my name, rank and

station: Sergeant Troy Grant of Tenterfield Police Station. The man knew who I was, as I had arrested him 15 or 20 times before this incident. He moved on, and he went around the corner and committed another offence. I gave him another move-on direction but I did not state my name, rank and station because I had done so only 10 minutes before around the corner and, as I said, I had arrested him 15 times previously. He then went up the street and committed another offence and I arrested him. I lost that case in court because I had failed to tell him who I was, where I was stationed and my rank, even though I had already done so 15 minutes earlier.

That sort of complexity is absolutely ridiculous. It is no wonder the State is facing law and order issues when police officers have to deal with the rubbish and nonsense that is contained in the Law Enforcement (Powers and Responsibilities) Act. This bill is long overdue. The Premier should be applauded for introducing this legislation. I thank the Minister for Police and Emergency Services for his efforts, and I thank the Parliamentary Secretary for Police for advocating on this issue. The Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013 is long overdue and is welcome legislation. The Government must act quickly on completing the review of the Law Enforcement (Powers and Responsibilities) Activity. I support the bill.

Mr RICHARD AMERY (Mount Druitt) [11.21 a.m.]: I speak on the Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013. The title is a mouthful, but members will note that the bill has only a few pages. The bill is designed to clarify the existing powers of arrest given to police officers in this State. I follow the member for Dubbo, who is a former serving member of the Police Force, as am I, although there is a considerable gap between our service in the Police Force. Apart from a short period, I spent all my time in uniform as a general duties police officer, starting in 1970 when the police passing-out parade was inspected by Commissioner Norm Allen and the Premier Bob Askin. It was a long time ago.

I note the comments of the member for Dubbo on the old section 352 of the Crimes Act. At that time, as part of the training at the police academy, police officers were taught various aspects of the law. Motor traffic and summary offences were the two big ones, as well as the Mental Health Act. When police were tested on the powers of arrest in the Crimes Act, their answers could not be general. In order to pass, they had to have more than a general knowledge of the provisions of section 352. Indeed, their answer had to be word perfect, stating the provisions in parrot fashion, right down to the punctuation. Any error was considered a failure.

Through the decades the training of police officers on their powers of arrest has been taken extremely seriously. When I was a police officer, it was the intention of the legislators and the trainers that every police officer, whether a 19-year-old recruit or a senior officer, should know instinctively the powers of arrest. That is the history of this area of law. The member for Dubbo made the colourful comment, "What was the Labor Government smoking in 2002 when it made the changes?" I point out two matters. Changes come about as a result of comments by judges in court or legal reviews by the Law Reform Commission. Sometimes they result from changes in community attitudes. In the 1970s, when the Summary Offences Act was amended, the change was dramatic. Perhaps the member for Dubbo's question would be more appropriately related to the 1970s, not 2002.

As I recall, police powers were a contentious issue in Cabinet in 2002. It was felt that the Government was being too tough and too pro police. I do not want to verbal any former Attorney General in relation to disputes between Premier Carr and police Minister Whelan in Cabinet. I supported a pro-police attitude in Cabinet. The changes got through, but they were not as dramatic as has been alluded to. In practice, our good friends in the legal profession—

Mr Paul Lynch: Someone has to be sensible in this debate.

Mr RICHARD AMERY: —if I can be a bit cheeky, have found a comma in the wrong place or an incorrect word, definition or emphasis. As the member for Dubbo said, police officers often have to make a split-second decision when depriving someone of their liberty. With respect to our legal fraternity, very few have to make split-second decisions in court. They study a brief for months and they find angles, twists and turns to pull down a police witness who had to make a split-second decision. In the overwhelming majority of cases, their decision has proved to be correct. I appreciate where police officers are coming from in regard to these laws. It is absolutely appalling to think that police officers may not arrest a person because they fear they could be charged with or found to be responsible for false arrest on a legal technicality. In that regard, changes to the legislation are warranted.

I made reference to police in the early 1970s compared with police today. Before we make changes to legislation we should look at the environment. I recall in the 1970s the moratorium demonstrations. During discussions in caucus, some members have expressed with pride their involvement in the moratorium marches of the early 1970s. I interject and say, "I was there too." Then laughter breaks out because we realise we were on different sides during those demonstrations. When people at those demonstrations were arrested—which the media and the legal profession said was unfair—Premier Askin simply said, "I have been briefed. I commend the police for acting responsibly under difficult circumstances" and that was the end of the story. If it occurred today, or in the past 10 or 20 years, those who felt they were wrongly arrested could go to the Ombudsman or the Police Integrity Commission.

It is fair to say that today's police commissioner, as opposed to the police commissioners of yesteryear, is more receptive and sympathetic to complaints by the public about police misbehaviour. It was a completely different environment 20 or 30 years ago. I do not believe that laws should be changed to weed out police officers who act irresponsibly if those laws stop the majority of police officers from doing a difficult job mostly in difficult circumstances. As I said, spur-of-the-moment decisions can be challenged by lawyers who have had many months to study case law. They try to pull down the evidence of an officer who was trying to put a criminal behind bars or at least take a serious offender off our streets. The officer's actions should be commended. Reference has been made to a review undertaken by Paul Whelan and Andrew Tink, who are both lawyers. One is a former police Minister, the other a shadow Minister in this House and I have a great deal of respect for them. I am sure they came up with the right package and many of the changes before the House today are based on their recommendations.

I am pleased that the Opposition does not oppose the bill. I know that a few people in the legal profession on both sides of politics have some disquiet about it. However, if they are concerned about toughening police powers of arrest there is always a safety net available in the current environment—that is, the Ombudsman, the Police Integrity Commission and the Independent Commission Against Corruption—to the extent that it deals with police matters. Today's senior echelon of the NSW Police Force is more receptive to ensuring that its officers do the right thing. A Los Angeles police commissioner said that we will always have problems with people abusing the laws or with "police brutality"—I think those were his words—because police forces have to recruit from the human race, just like every other employer.

Mr Paul Lynch: That is a concession about police.

Mr RICHARD AMERY: He was roundly condemned for that quote. We should not affect the operations of what is probably one of the best police forces in the world in an attempt to weed out the few officers who are not above board and who should not be in the force by changing the law for the great majority of police who do an excellent job under very difficult circumstances. I support the bill.

Mr JAI ROWELL (Wollondilly) [11.31 a.m.]: I support the Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013. The member for Dubbo described himself as having been a single unit in his local area. He might have been a single unit in those days but he certainly has the force of 10 in this place. It is great to have the member for Dubbo in the Coalition ranks to give his insight about his experiences in the police force. This Government is backing our police to give them necessary powers after consulting judges and other officers who are on board with what the Government is trying to achieve. In October 2013 the Premier announced that former shadow Attorney General Mr Andrew Tink and former Minister for Police the Hon. Paul Whelan would provide urgent advice on police powers under the Law Enforcement (Powers and Responsibilities) Act 2002. I think all members who have contributed to this debate have remarked on how well respected those two gentlemen are. I have known Mr Tink for more than a decade and he has given me very valuable advice over the years.

Police had expressed a number of concerns about the existing arrangements. The object of this bill is to amend the Law Enforcement (Powers and Responsibilities) Act 2002 to extend police powers of arrest without warrant. The revised powers of arrest are modelled on the Police Powers and Responsibilities Act 2000 of Queensland. Schedule 1 to the bill repeals section 99 and replaces it with a provision that allows a police officer to arrest a person without warrant if the police officer suspects on reasonable grounds that the person is committing or has committed an offence, and if the police officer is satisfied that the arrest is reasonably necessary for any one or more enumerated reasons. The substituted section does not purport to limit the power of arrest for previous offences to serious indictable offences. The substituted section extends the reasons for arrest without warrant to include additional reasons in line with section 365 of the Police Powers and Responsibilities Act of Queensland.

Those additional reasons include to stop the person fleeing, to make inquiries to establish the identity of the person, to obtain property in the possession of the person connected with the offence, to preserve the safety or welfare of any other person and because of the nature and seriousness of the offence. A police officer is also empowered to arrest a person without a warrant if directed to do so by another police officer who may lawfully arrest that person. Additionally, the substituted section makes it clear that a person lawfully arrested without a warrant may be detained by any police officer for the purpose of investigating whether the person committed the offence for which the person has been arrested. Schedule 1 [2] to the bill clarifies that a police officer may discontinue an arrest at any time despite the requirement that the arrested person be taken as soon as reasonably practicable before any authorised officer to be dealt with according to law.

The Wollondilly, Hume and Macarthur regions are served by fantastic police officers who put their life on the line each and every day. The bulk of my electorate is served by the Camden Local Area Command, which does a fantastic job policing many hundreds of kilometres. It has posts at Picton, the Oaks and Warragamba to name but a few, and those officers need to do their job in the full knowledge that the government of the day will back them and given them the necessary powers and resources. This Government is doing just that, and I commend the bill to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [11.35 a.m.], on behalf of Mr Barry O'Farrell, in reply: On behalf of the Premier, I have pleasure in speaking in reply to the second reading debate on the Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013. I thank members representing the electorates of Wagga Wagga, Newcastle, Dubbo, Wollondilly, Liverpool, Heffron, Sydney and Mount Druitt for their contributions to this debate. The bill will ensure that police have clear, simple and effective powers of arrest without a warrant to keep our communities safe. The amendments will address police concerns that the current provisions are complex and difficult to apply. As Parliamentary Secretary I make a concerted effort to visit as many police stations as I can. I have been to police stations in the metropolitan area including Kings Cross and in Goulburn, Singleton, Cessnock and Mudgee. One of the first issues police raised with me was arrest powers so I am very pleased to speak to this bill.

The amendments will simplify the existing reasons for arrest without a warrant and remove uncertainty and ambiguity. The bill also introduces new reasons that reflect the reality of operational policing and the extreme variables that police confront daily on our streets and in our neighbourhoods. The bill ensures that police can arrest a suspected offender without a warrant to preserve the safety and welfare of any person, not only the person arrested. It also gives police the certainty they need to act swiftly and arrest without a warrant in the case of serious crimes. Similar provisions exist in other Australian jurisdictions. The bill introduces changes recommended by a former Minister for Police, the Hon. Paul Whelan, and a former shadow Attorney General, Mr Andrew Tink, following discussions with senior operational police. The reforms are supported by the Commissioner of Police, Mr Andrew Scipione. The Government is pleased with members' support for the proposals in the bill.

The member for Liverpool asked: Why change the requirement for the officer to suspect on reasonable grounds that it is necessary to arrest to a requirement that the officer be satisfied that arrest is reasonably necessary? The intention of these reforms is to simplify the arrest provision to make it easier for police to understand and apply. The Government made a decision to move away from the prohibitive language that is currently featured in section 99 (c) and to provide a clearer, positively stated arrest power for police. The wording in the new provision is similar to that used in the equivalent Queensland arrest provision. The provision retains a number of significant safeguards to ensure that the power of arrest is used appropriately. First, the officer needs to hold a reasonable suspicion that the person has committed, or is committing, an offence. Further, the officer will have to be satisfied that arrest is reasonably necessary in the circumstances presented to the officer to achieve one of the purposes for arrest listed in the provision. This is a finite list of permitted purposes for arrest; it does not create an unlimited power of arrest.

The member for Sydney asked what steps the police would have to take to establish a person's identity before they could arrest under the new power related to identity. The answer is that under the new amended provisions police will be permitted to make inquiries to establish a person's identity only where the person's identity cannot be readily established or where the police officer holds a reasonable suspicion that the person has provided false identity information. The new power is not a blanket power to arrest a person to establish their identity, rather a threshold that must be met before the arrest power is triggered either because identity cannot be readily established or because there is a reasonable suspicion about the veracity of the identity information given to the police. The legislation does not prescribe what inquiries police have to make to establish identity before making an arrest. This will be a judgement call for police to make in the relevant circumstances.

The provision does not specify a specific form of identification. Different circumstances will require different responses. Written proof of identity is not required. It is noted that in many country towns police will know by sight the people with whom they are dealing. It is anticipated that in many situations police will be able to make inquiries to establish the identity of people without arresting them. However, in some cases it may not be possible to make such an inquiry. In those cases police can effect an arrest if they are satisfied it is reasonable and necessary. The New South Wales Government is committed to providing the NSW Police Force with the powers necessary for officers to do their job. This bill is a much-needed step in that direction. Mr Tink and Mr Whelan are continuing their reforms and the Government will introduce further reforms in the 2014 budget session. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Geoff Provest, on behalf of Mr Barry O'Farrell, 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.

CASINO CONTROL AMENDMENT (BARANGAROO RESTRICTED GAMING FACILITY) BILL 2013

Second Reading

Debate resumed from 12 November 2013.

Mr MICHAEL DALEY (Maroubra) [11.42 a.m.]: I lead for the Opposition in debate on the Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013. We on this side of the House are very proud that Barangaroo is a Labor concept. Barangaroo is a Labor project and Barangaroo, once is it built, will forever stand as a legacy of the former Labor Government. I note that contributions will be made by many members. Like Darling Harbour before it, Barangaroo will always stand as a great Labor legacy. This project began back in 2005 and has received input from renowned experts from all over the world. It is now starting to take shape and this bill makes a major contribution to the continuing development of that project. Barangaroo is one of the most prominent development sites not only in Sydney—Australia's only international city—but also in Australia. In 2005 an open architectural competition was launched by the New South Wales Labor Government, with five finalists from 137 entries. In 2006 Hill Thalis Architecture, Urban Projects, Paul Berkemeier Architect and Jane Irwin Landscape Architecture were announced the winners of the international architectural competition.

In 2007 a concept plan was lodged and in 2008 the Labor Government established the Barangaroo Delivery Authority to oversee the development. In 2009 Lend Lease was declared the preferred tenderer to develop and build Barangaroo South, at a construction cost of in excess of $6 billion—a massive, expensive and iconic project for Sydney and for Australia. The Lend Lease bid included a hotel over the harbour. I note that architecture, development and planning are always subject to a degree of subjectivity but, in my view, the hotel over the harbour was a feature of the design and it was a mistake to do away with it. Nevertheless, it does not compromise the project to the degree that we would even consider criticising it. Barangaroo's location in Sydney Harbour, with all its history along the Hungry Mile, combined with its proximity to the commercial and financial hub of Sydney, and the tourism aspects of Sydney Harbour and the central business district generally, its cultural facilities, waterfront and parklands, makes it a jewel in the crown of Sydney and probably the last transformative development site in Sydney's east, certainly in Sydney Harbour.

The conception has been careful and thoughtful, with world-renowned experts, indeed artisans—if one can call them that—involved in the concept and design. Even legendary former Prime Minister Keating has had input on several occasions that has been invaluable. It is the last waterfront site of any scale close to the central business district. When it is completed the applicant, Crown Limited, has said that 23,000 people are expected to live and work at Barangaroo and another 33,000 people are expected to visit the site every day. When completed, it will be one of Australia's most vibrant urban precincts. Opposition members are proud that at the project's

conception we gave a commitment to maximise public open space. Even with the movement of the hotel from the pier to dry land, 52 per cent of Barangaroo remains public open space. A mechanism employed from the outset to boost a tourism presence on the site and its utility, usefulness and value is the establishment of an international hotel. We note that the international tourism market is highly competitive and that Sydney requires a world-class hotel. I do not think one has been built for more than a decade; certainly one has not been built on the Sydney Harbour foreshore for quite some time. The New South Wales Government's Visitor Economy Action Plan states:

> Raising the global profile of Sydney and New South Wales was one of the key principles critical to boosting tourism in New South Wales.

Sydney needs a landmark building on Sydney Harbour that will gain international attention and acclaim. An iconic building such as Barangaroo will lift the status of Sydney as an international tourism destination. There has been no major redevelopment of Sydney since Darling Harbour—Labor did it then and Labor has done it now. One of the desirable features of Barangaroo is the six-star international hotel. At present there is no six-star international hotel in Sydney. Despite its unique natural attractions and icons, Sydney cannot guarantee ongoing tourism growth in a very competitive international market. It must compete with emerging economies and growing wealth throughout the world. On 2 August 2012 Paul Keating issued a statement, saying:

> Today's Lend Lease announcement represents an important third element, following the two announcements of a week ago, that Lend Lease had secured $2 billion in funding for the project and that tenants had been found for two of the towers. A well-designed hotel building standing apart from the three towers is central to the precinct and is a point of recognition identifying Barangaroo as a place other than an office development site. The hotel was always intended to provide that exclamation mark. I am pleased in its announcement that Crown has nominated the north-west corner of Barangaroo south as its preferred site rather than the public lands at Barangaroo central, which it had nominated in earlier announcements. The Barangaroo south site would make any hotel development contiguous with the general area of development, thereby better serving the project's cohesion.

There is little doubt that Lend Lease as developer and contractor, along with Crown as the hotel designer and operator, will build a hotel of world rank. Allowing VIP-only gaming should bring revenue to the hotel that hotel-only operators are unable to produce. This revenue can underwrite a premium on the quality and design of the building—the very thing the precinct requires to give it world-class status. This announcement gives the State Government a clear opportunity to design a master plan for Barangaroo central. The public lands are such an important component of the civic dividend flowing from the Barangaroo project. In its report entitled "Sydney hotel accommodation report", Jones Lang LaSalle stated:

> We do not believe that a standalone hotel development of the scale and quality proposed by Crown, that is what Crown describes as a six star hotel resort, is viable given the expected low development return of such an investment, unless the development includes a gaming component or other concessions to underpin the overall viability of the project.

I accept that conclusion and the comments by Paul Keating. A six-star hotel at Barangaroo in Sydney, underpinned by VIP gaming, will be able to compete for the tourist dollar of the emerging middle and upper classes we know are starting to travel throughout the world in astronomically increasing numbers from growing economies such as China and India. There are also established travellers and spenders from the Middle East. With a construction and fit-out cost of $1.3 billion, this hotel needs a revenue source and VIP gaming has been chosen as a contributor to that funding model. Jones Lang LaSalle confirms the view that it is not only appropriate but necessary; it makes sense. It is unobjectionable if it is properly restricted—and it is.

To put it in the vernacular, if high rollers from other countries want to donate to the economy of Sydney, New South Wales and Australia then go for it. Despite the many attractions in New South Wales, and particularly the great tourist destination of the Sydney central business district, its share of the international gaming market is minuscule. Melbourne and Perth are ahead of New South Wales. It is not inappropriate, and is in fact desirable, for the construction of this project that we increase Sydney's share of VIP gambling revenue from foreigners as long as it is restricted appropriately. Labor's position on a second casino at Barangaroo has always been subject to non-negotiable conditions. First, there will be no poker machines. There will be none. I will talk more about that later in the debate. Secondly, it must offer a fair rate of return for New South Wales, and Labor is satisfied it does that.

Thirdly, the development must not encroach on land set aside for public use at Barangaroo. I am proud that Labor was one of the voices that forced the relocation of the hotel from public land at Barangaroo central, where it was initially proposed to be built, and that 52 per cent of Barangaroo remains public open space. Fourthly, Labor saw no justification for upsetting the exclusivity arrangements held by Echo Entertainment and demanded that no second casino licence be granted to any other applicant until 2019. That condition has been met. Fifthly, Labor required disclosure of information considered by the David Murray independent assessment panel, and the Government has released that material and committed to its release. Sixthly, Labor demanded and secured agreement that the terms of the gaming licence will be made public. Those were the non-negotiable

conditions. Labor's position on this project has never been to rush in without justification to build a second casino. It always stated that the Government needed to be careful and thoughtful and ensure that appropriate restrictions were guaranteed by the applicant but also embodied in legislation.

I turn now to the bill and the restrictions that are inherent in it. For those not familiar with the characteristics of legislation I point out that it will not be possible to change any of those conditions unless and until amending legislation is brought back to the Parliament. It is not envisaged that amending legislation will be brought before the Parliament, and particularly not in relation to poker machines—ever. New section 13 provides that the applicant shall not gain a full casino licence but a restricted gaming licence. The clause states:

> (1) A person who is approved by the Minister in writing … may apply to the Authority for a restricted gaming licence to operate the Barangaroo restricted gaming facility.
>
> (2) An application for a restricted gaming licence must comply with [certain] requirements …

The first requirement relates to the appropriateness of the operators who are handling vast amounts of money. The usual satisfaction of the proper person test is set out in detail in new section 13A. I will not reiterate the details of that new section—those who are interested can read the bill. The physical boundaries of the gaming facility are restricted. There will be no expansion, not even an incremental expansion. A map accompanies the bill defining the site and there will be no expansion of this gaming facility. In addition, new section 19A (3) states:

> (3) In defining or redefining the boundaries of the Barangaroo restricted gaming facility, the Authority is:
>
> ...
>
> (b) to ensure that the total gaming area within the Barangaroo restricted gaming facility does not exceed 20,000 square metres.

Full stop, end of story. In accordance with one of the conditions Labor set down, new section 22A states:

> (1) **Gaming not lawful before 15 November 2019**
>
> The conduct or playing of any game in the Barangaroo restricted gaming facility is not lawful before 15 November 2019.

One of the great public concerns about this bill has been the prospect of the casino becoming a pokie palace. Labor was very quick out of the blocks to assure the community that it would not support this facility if it had even one poker machine. The Opposition is glad to see that that prohibition has been included in the legislation, which at new section 22A states:

> (2) **Poker machines not lawful**
>
> The playing of poker machines is not lawful in the Barangaroo restricted gaming facility.

While we are discussing poker machines, the Opposition sends a strong message to the applicant, the Government or anyone else who has a significant interest in this facility in the future, that poker machines are unlawful today and they should remain unlawful forevermore in the restricted gaming facility at Barangaroo. The Labor Party will never revisit this provision. New section 22A (5) and (6) provides:

> (5) **Low limit gaming not lawful in Barangaroo restricted gaming facility**
>
> The playing of any game in the Barangaroo restricted gaming facility is not lawful if the amount placed for any single bet or wager on that game is less than the minimum bet limit for that game.
>
> (6) The ***minimum bet limit*** is:
>
> (a) in the case of baccarat, blackjack or roulette (whether played at a table or by way of an electronic device):
>
> (i) $30 for baccarat, $20 for blackjack and $25 for roulette, or
>
> (ii) such higher amount as may be determined by the Authority in accordance with the licence for the Barangaroo restricted gaming facility, or
>
> **Note.** In the case of roulette, the minimum bet limit is the minimum total of all the bets placed by a player per spin.
>
> (b) in the case of any other game—the amount determined by the Authority in accordance with the licence for the Barangaroo restricted gaming facility.

The emphasis is on any higher amount. I am told that means that under normal playing conditions the hourly turnover for the three games would be between $1,500 and almost $2,200. The Opposition is satisfied that that is not a volume that would be ordinarily accessible by the average punter and that it is in accordance with the definition of VIP gaming. New section 22B provides that only members and their guests are permitted in the gaming rooms at Barangaroo. The membership conditions are quite onerous. Advice provided by the Government states:

- Only members and guests may be admitted;
- Crown Sydney is required to have a membership policy, a policy for the review of memberships and a guest policy. Copies of each form part of the commitments and must be provided to ILGA, who may audit compliance by Crown Sydney with each of those policies. Copies of any amended policies must also be provided to ILGA, and those amendments will not be effective if ILGA is not satisfied with the amendments being consistent with agreed principles relating to members and guests;

Under the agreed principles, people may be granted membership if they:

- are already members of a VIP gaming facility;
- are from overseas or interstate and have been accepted into "high roller" rebate based play (this includes requirements for front money); or
- have applied for membership and that membership has been granted having regard to the membership policy.

NSW residents may be granted membership if they meet the membership requirements, but subject to a 24 hour "cooling off" period unless they can provide evidence that they are already a member of an International or Australian VIP gaming facility.

The membership policy will require:

- written applications...
- background security checks;
- membership cards (which must contain a provision to identify the member) to be used to grant access to the Barangaroo restricted gaming facility;
- inclusion in a members' database;
- adherence to dress standards and rules; and
- not being an excluded, banned or self-excluded person.

Crown Sydney must review each member's status and suitability to be a member within its first six months of operation and at least annually thereafter.

The guest policy will require:

- a maximum of three guests may be admitted with a member;
- all guests' personal details will be recorded in the database;
- except in the cases of spouses or partners, there will be limits on the number of times that a person can be admitted as a guest...

The membership is restrictive and reasonably onerous. Significantly, Keno is prohibited along with poker machines. Policies have also been implemented to ensure that employees are not damaged by smoking, which will be allowed in the facility. I understand that the relevant provisions have been carefully negotiated with the United Voice. New section 89A provides:

Application of Smoke-free Environment Act 2000

(1) The *Smoke-free Environment Act 2000* does not apply to or in respect of the Barangaroo restricted gaming facility on and from 15 November 2019.

(2) However, the conditions imposed by the Authority on a restricted gaming licence must:

(a) require air quality equipment that is of an international best practice standard to be installed, maintained and operated in the Barangaroo restricted gaming facility, and

(b) provide for an independent person appointed by the holder of the licence to test the equipment on a quarterly basis and to report annually to the Minister for Health on the result of those tests.

(3) The Minister for Health is to cause each annual report under subsection (2) (b) to be tabled in both Houses of Parliament as soon as practicable after receiving the report.

That is maximum transparency for monitoring and policy. I worked in a club years ago, as did my father for many years, and there were no protections from passive smoking. We came home from work reeking of smoke having walked around in a smoke fog all night. If it were not for these stringent conditions, I would be unable to support this legislation.

All of the above restrictions, many of which Labor demanded and which were not negotiable, are enshrined in this legislation. As I said, the Opposition's position is that poker machines are unacceptable now and forever at Barangaroo. The Opposition also required that there be a more than reasonable economic benefit for Sydney as a result of the establishment of the casino. Firstly, and importantly, the Labor Party's primary focus has always been employment. It is estimated that the construction of the Crown Sydney resort will generate 1,300 jobs, 300 of which will be new jobs. In its peak year of construction, the net impact on gross State product will be almost $100 million. As I said, total investment will be $1.3 billion and by its first full year of operation it will directly employ about 1,250 people. It is possible that a significant proportion of those employees will come from other sectors and industries. They may also be attracted from interstate or overseas rather than from the local unemployed pool, but all employment is welcome in New South Wales and Sydney. Importantly, indirect employment is expected to increase by between 1,000 and 2,000 in addition to the direct 1,250 jobs that will be generated.

The figures that the Government has provided to Opposition indicate that in its first 15 years of full operation Crown Sydney is expected to pay gross gaming tax of $2.5 billion or net gaming tax of $1.7 billion after the goods and services tax offset payment on rebate player duty. Crown's $1 billion guarantee is against the gross $2.5 billion. When the State's 31 per cent share of all goods and services tax collected in Australia is taken into account, the State will receive a net total of $2.1 billion from Crown Sydney over the period 2022-36. The Government states that the figures are based on Crown Sydney's financial model, which has been reviewed and assessed as containing reasonable assumptions. The Opposition believes the economic benefits for Sydney are clear and unequivocal.

I am also pleased that Crown as an entity takes seriously its social responsibilities on training, apprenticeships and education. Crown has indicated that in order to meet the high service requirements of a six-star facility, the company will train its own employees. It operates a major in-house training college at Crown Melbourne. Crown intends to replicate such a facility in Sydney at the Penrith Panthers proposed community centre. Penrith Panthers is a partner of Crown in this endeavour. Crown also intends to replicate a training centre at Redfern at the National Centre of Indigenous Excellence. Crown is also working with Souths Cares, which makes me very happy as a proud supporter of the Rabbitohs. I accept that Crown will take seriously activities concerning Indigenous employment, Indigenous health, Indigenous leadership, employment training, sport and recreation. I welcome Crown's contribution to those endeavours.

The Opposition supports this bill, based on restrictions contained in the legislation. However, the Opposition may revisit the bill in the other place to make suitable amendments, depending on discussions and movements in the Legislative Council. I note that there has been some criticism of the way the Government handled this process, as there was no public tender. Those concerns should be addressed to the Government, which has run this proposal.

Barangaroo South will be developed by Lend Lease in an exclusive agreement with Crown. If Crown had not come on board, Lend Lease indicated it had had some difficulty in finding a funding model for such a large and iconic development. I am satisfied that an Australian proponent has this site. An international public tender may have resulted in an operation from another country running the site. As Barangaroo is an iconic Sydney project, we can be satisfied and proud that an essentially Australian proponent has won the right to develop the site. It will now proceed to the development application stage. Keeping in mind my earlier comments about subjectivity, this six-star building on a pier will make a statement. The design of this hotel and casino should be special—I am satisfied, based on public images, that it will be—and of a size that makes it really stand out. The Opposition supports this bill.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [12.13 p.m.]: I support the Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013. I praise the Minister for Tourism, Major Events, Hospitality and Racing and the Minister for the Arts for his vision and for responding immediately to the directions of this Government and the wider community. The bill amends the Casino Control Act 1992 to authorise the conduct of gaming in a restricted gaming facility to be situated at Barangaroo South. The following restrictions will apply to the new facility: gaming is not authorised until 15 November 2019; the

playing of poker machines is not authorised; minimum bet limits will apply; and only persons who, under the conditions of the licence for the facility, are members or guests of the gaming facility will be authorised to participate in gaming activities.

The bill is the result of an unsolicited proposal by Crown, which was dealt with in accordance with government guidelines and overseen by a steering committee independently chaired by Mr David Murray, AO. Having reached the end of stage 3 of the unsolicited proposals process the Government has approved Crown's final binding offer, which means it has agreed to introduce draft legislation into the Parliament, which if approved would enable Crown to apply for a licence for a restricted gaming facility licence at Barangaroo. There are many remaining future approvals and agreements that would also be required before the facility could be built and operated. These include the passing of the legislation, planning approval under the Environmental Planning and Assessment Act and licensing approval by the Independent Liquor and Gaming Authority for a restricted gaming licence.

The proposed Crown Sydney Hotel Resort offers a number of direct economic benefits to the New South Wales economy and the people of this State. These benefits include employment opportunities and jobs growth, both during the construction phase and following the commencement of operations, and considerable tourism benefits to the State. As the first six-star rated resort in New South Wales the Crown Sydney Hotel Resort will be instrumental in attracting tourists from around the world to Sydney, especially those from the growing Asia-Pacific region. In 2013 there were nearly 2.9 million overnight international visitors to New South Wales, which is approximately 51 per cent of all international visits to Australia. This was worth a total of $6.5 billion to the New South Wales economy. This Government is committed to achieving its ambitious target to double overnight visitor expenditure by 2020.

The proposal put forward by Crown, as stated by the Minister in his second reading speech, will assist in achieving key action items outlined in the independent Visitor Economy Taskforce report. This includes delivering additional accommodation capacity in Sydney and addressing the skills and labour shortage in the tourism industry. The restricted gaming facility will also create an important additional source of tax revenue for the State derived from participating in the international tourism economy. During the first 15 years of normal operations the State is guaranteed to receive $1 billion from the licence fee and extra gaming taxes. The Government has taken steps to restrict the proposed restricted gaming facility to cater for predominately international and interstate gaming tourists. The proposed facility differs from The Star casino as it will not allow poker machines or low-level bets and will be a membership-only facility.

In addition, as is public knowledge, The Star currently has an exclusivity arrangement with the State which allows it to operate the only casino in the State until 14 November 2019. The Government is committed to honouring those arrangements. Indeed, the bill explicitly states that, should a second licence be granted, gaming in any approved facility will remain unlawful until the conclusion of that exclusivity period. It is also important to note that the proposed restricted gaming facility will contribute to the Responsible Gambling Fund. The tax rate for non-rebate play at the restricted gaming facility includes a 2 per cent contribution to the fund. The Responsible Gambling Fund provides grants to counselling and support services throughout New South Wales as well as the 24-hour, seven-days-a-week gambling help-line service. Gambling Help services operate at more than 200 locations across the State, providing free confidential and effective counselling and support to problem gamblers and their families.

In the 2012-13 State Budget funding for problem gambling counselling and support services was increased to a record $10.6 million, and in 2013-14—the first year of the new funding round—funding increased to $10.7 million. Over the four years of the new funding round, 2013-14 to 2016-17, the New South Wales State Government has committed to spend up to $48 million supporting the delivery of these important services. Despite the record funding provided in the latest funding round the additional tax stream from the Crown Sydney Hotel Resort, of which none will be derived from poker machines, will provide a greater pool of funding for future services enabling the fund to provide an increased level of service across New South Wales. Having been involved in the gaming industry for some 27 years, I fully support this proposal. In summary, the bill provides the necessary legislative architecture for the balanced and highly regulated development of gaming operations as part of a proposed world-class accommodation and tourism development at Barangaroo. I commend the bill to the House.

Mr ALEX GREENWICH (Sydney) [12.19 p.m.]: The Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013 will allow for a second casino in Sydney on the Barangaroo site. I foreshadow that at the conclusion of my contribution I will move that the bill be amended by deleting the word

"now" and inserting the words "25 February 2014", to give the Government one last chance to engage in community consultation on this project. It is known that casinos can be hotbeds of crime. Casinos are places where people lose money—lots of money—their homes, valued possessions and jobs. Any decision to change the law to have another casino should be made only after extensive community consultation and with input from crime experts, welfare organisations and the local community.

So why is the Government—with the support of the Opposition—rushing this bill through when it cannot come into effect until 2019? What is the urgency? Why is it so important for the Government to sidestep proper scrutiny of the bill by community members, problem gambling experts and advocates? This Parliament will be sitting next week, and next year. This process shows absolute contempt for the communities we represent. The process to date has been appalling and, not surprisingly, community cynicism about the project is high. Let me take the House through how we got to where we are today with this legislation.

In June last year the Government established rules for unsolicited proposals. James Packer lodged a pitch under these rules for a new gaming facility and a so-called six-star hotel at Barangaroo in September 2012. Just before the submission, the rules were changed to allow approval without a tender process and, interestingly, the change occurred a week after James Packer met with the Premier. A panel was established to determine the net benefits of granting a gaming licence at Barangaroo, as well as the conditions and potential taxes and levies that should apply to ensure the highest public benefit. The panel did not call for public submissions and I am not aware of any discussions with gambling experts, community groups or welfare organisations that deal with problem gamblers. In my attempts to find the terms of reference I could not uncover any evidence that social impacts were considered at all.

The panel was chaired by David Murray, in whose home it has been revealed a Liberal Party fundraiser was once held. The panel sought commercial advice from Deloitte which, it has been uncovered, has had a financial relationship with Crown. We also heard that the Premier's department prepared media scripts for the panel to defend the Crown proposal before it had made its assessment. Meanwhile, when James Packer first touted his proposal he said that the casino was necessary to subsidise the six-star hotel. He later claimed that the building would need to incorporate luxury apartments so that the mega rich would subsidise the entire project. Only from media reports did we find out on Monday that Cabinet has approved the proposal. Yesterday the legislation was presented to Parliament—clearly it had already been drafted—and today we are debating it. Bills are supposed to lay on the table for at least five calendar days; substantial legislation such as this should lay on the table for longer. Rushing this bill through the House shows contempt for the Parliament, its members and the people we represent.

Despite public opinion polls indicating strong community opposition to a second Sydney casino, there has been no community consultation as to whether Sydney wants a second casino or wants gaming facilities on public land at Barangaroo. The Government says there will be consultation at the environmental impact assessment stage for the proposed building, as well as when an application is lodged for the Barangaroo restricted gaming facility. But the environmental impact assessment will only take into account planning matters such as bulk, scale, overshadowing and location, and the licence application will focus on whether the applicant is suitable. At no time will the community be able to oppose expanded gaming in Sydney and on public land.

This process has come from a Government that before the last State election promised it would end deals behind closed doors. The Minister has announced how much revenue the State will receive from the new gaming facility licence, but members have not been given data that compares the revenue with current casino tax income. When I met with The Star earlier this year I was informed that it pays 27.5 per cent in tax, which rises to 50 per cent for revenue over $792 million. The Star told me that if the revenue is split between two facilities no-one will reach that highest level and the State will lose out. This has not been adequately refuted. But of most concern to me is the potential impact this will have on people with gambling problems or on people who will develop a gambling problem at the proposed casino.

We were initially told that problem gamblers would be protected because the new facility would be restricted to high rollers. The Barangaroo restricted gaming facility will not be restricted to high rollers but rather to members and their guests. I see no restrictions in the bill on who can and cannot be a member. Indeed, I would be very surprised if membership was limited to the super-rich high-rolling whalers of whom there are very few globally. High rollers bet hundreds of thousands of dollars per game. Twenty-five dollar roulette tables will hardly attract them; it will certainly attract regular gaming punters and people with problem gambling addictions.

Multiplayer gaming terminals are essentially dressed-up poker machines. The bill requires them to have the capacity to be played by more than one person at a time, but that does not mean one person cannot play them on their own. The licence requires members to demonstrate a record of VIP gaming at other casinos or be subject to a 24-hour cooling off period. What guarantee does that really provide? Many problem gamblers will have no trouble demonstrating a record of VIP gaming. Will becoming a member encourage them to gamble more? The casino will have their contact details and could conceivably send them marketing material to entice them to return. While the licensee will have to review each member's gaming history and assess whether that person should remain a member, there are no requirements on how this is to be done and there are no requirements to prevent serious loss by a member.

Furthermore, there is a disturbing assumption that so-called high rollers cannot develop unsustainable gambling problems and it is apparently not a community concern if they do. Only this year a high-rolling gambler took Crown Casino Melbourne to court after losing $1.5 billion in just 14 months. The real estate salesman, who made a fortune selling houses on the Gold Coast, served a jail sentence for stealing. He borrowed money from banks, family and friends to feed his habit. He claimed Crown was aware of his problem and took advantage of him. This is a sad story of loss for him and his family, and we should be concerned. This happened in a casino that, as I was told by Crown executive officers this morning, is a world leader in responsible gambling management. There are similar stories in Las Vegas, Macau and no doubt across the globe. Is this what we want for Sydney?

We already have high-roller facilities at The Star, including private gaming rooms connected to four penthouses. Aside from encouraging gamblers to lose their money, casinos can be hotbeds for crime, especially so-called high-roller crimes. [*Extension of time agreed to.*]

Mr George Souris: Just remember that.

Mr ALEX GREENWICH: Thank you, Minister. I appreciate that. In 2011 the Australian Transaction Reports and Analysis Centre [AUSTRAC] investigated money laundering in Australia. Its report found:

> High-stakes gaming is vulnerable to abuse because it is common for players to gamble with large volumes of cash, the source and ultimate ownership of which may not be readily discernible.

The Barangaroo restricted-gaming facility will be located within my electorate adjacent to Millers Point, where the Government is proposing to sell-off public housing and break-up a tight-knit supportive community. Public housing in Millers Point has been neglected by the O'Farrell Government and the former Labor Government. I share the local community's concern that the Government is bending over backwards to give James Packer exactly what he wants while neglecting and taking away the security of vulnerable public housing tenants.

I call on the Government, the Labor Opposition, the Christian Democratic Party and the Shooters and Fishers Party to tie their support for this legislation to the retention of public housing in Millers Point and to action on much-needed repairs and maintenance. Barangaroo should be a world-class extension to the central business district that provides new and much-needed public space. It should bring the harbour back to the community. The Crown Sydney Resort Hotel will be on the foreshore and I understand that public access will be provided. Will it feel public or will it merely feel like private land that allows some sort of public access? This facility, which will be up to 60 storeys high, will have major impacts on the Barangaroo development—particularly on the adjacent public open space.

Any decision to change the law for another casino should be made only after extensive community consultation; with input from crime experts, welfare organisations and the local community. This, of course, has not happened, and with the support of Labor this decision will be rushed through. Members often claim they are concerned about problem gambling, but that is not enough. As members of Parliament we have the power to wind back gambling in this State. We have the power to make a real difference and go beyond just boosting help for those who have developed a problem. We can take away the incentives to gamble. But the focus of this bill is to expand the gambling industry at whatever cost. As there has been no community consultation or input, I will now share with members feedback that I have received from the Sydney community and others about this proposed development and the granting of a casino licence. Gavin Smith said:

> A prosperous society cannot be built on the exploitation of its most vulnerable members, and gambling is an insidious tax on vulnerability.

Benji Driver said:

> Public land. Our asset—but Packer will have it privatised and lost to us forever. So many modifications to the original winning concept it's become a circus of bad urban policies. Uncoordinated, oversized and never in the public interest.

Rosie Wood said:

> There are more than enough casinos. Vulnerable people have been taken advantage of quite enough! Wouldn't it be great if Mr Packer actually had a business where he "built" something other than financial problems for vulnerable people?

Lucy Evans said:

> I was a gaming analyst for a while and the gaming industry sickens me. I saw people spend their entire lives inside clubs, pumping money into machines that are designed to win. I have seen grown men sit in their own faeces because they couldn't rip themselves away from the game they were playing long enough to use the toilet. I have had people yell at me because they thought the machines were rigged but only because they'd lost … I have seen people drink and gamble their way into a misery filled existence, only to end up dead because of it. The people I have described were always waiting outside half an hour before we opened so they could quickly race to their machine. It is an addiction like no other yet it isn't considered as serious as tobacco or drugs …

Maggie Wojciechowska is one of many people in my electorate who shared with me that we need a public high school in the Sydney electorate that will serve the city for the next 100 years, not a casino. Instead we are relying on fewer schools than we had 30 years ago. Jonica Paramor said:

> This will bring nothing to our city except more profit for the Packer family. It just feels so dodgy and wrong.

Brian McKinlay said:

> Beside the demerits of it being a casino, the architecture is dull and out of keeping with the setting. Can we not have something that befits the Sydney harbour side?

Dario Burgel said:

> Tell them no more casinos—we do not need any more. What we need is more housing, parks, community spaces and bicycle lanes.

Sunil Gopinath said:

> What great city has a casino smack bang in the middle of it? Surely we need better office space, housing, public services. Casinos degrade society. Have a look who is in there. The high roller room should just kill it altogether. It should be accessible for all. I would prefer a restaurant district or non-mainstream theatre which keeps Aussie artists in Australia.

A minority of people have expressed to me support for the casino, but they were opposed to the lack of transparent process and community consultation. Paul Sheridan said that the Government has no social licence and will be judged on having exploited land set aside for the benefit of all to secure obscene profits for a few. Rodney H said:

> Just some of the many aspects which I detest of this outrage: A casino is not a Sydney Opera House like project as claimed by Packer. Casinos are well known for money laundering. Casinos in Macau/Las Vegas are hotbeds of crime and prostitution. Where is the open tendering process to ensure this is the best option—Crown is not the only casino operator in the world. The Government's own report from Deloitte said that a 5 star hotel would be built without a casino. What other world class financial district has a casino in its midst?

Mark Spencer said:

> Alex keep fighting the good fight! That site is meant to be a public park instead it is going to be owned by Packer and monopolised by money men who don't care whether they are on the harbour or in a windowless box. There is no way this venture will avoid impacting locals with its lure of high returns (at loaded odds).

Phil Scott, who is well known to many in the arts circle, said:

> This is not good news for Sydneysiders. In particular, it's bad news for those people who patronise the theatres in Hickson Road because the infrastructure will be completely inadequate. Traffic is already a problem around the area and public transport is hopeless. Once Barangaroo is up and running the traffic situation will reach nightmare proportions. As for the tourism aspects, I cannot see how the city, other than the casino itself, will benefit from gamblers' presence. Look at the Star casino and how well local restaurants and businesses are doing around it. Answer: They're quiet. The people who go to Star spend their money there, nowhere else. And this is what it will be like for Barangaroo. No-one else does well out of it except for the owner.

Clearly, I oppose this bill. I oppose the appalling process that has frozen out the public and fast-tracked this legislation for Crown casino. I have done a great deal of consultation on this among my community. I have met with The Star, the Crown Casino and gambling experts, and I have reached the opinion that this casino will be an appalling blight on the city. I oppose the bill. I move:

> That the motion be amended by leaving out the word "now" and adding the words "on 25 February 2014".

ACTING-SPEAKER (Mr John Barilaro): Order! Pursuant to Standing Order 80 (13), the amendment is not open to debate. I therefore put the question.

Question—That the words stand—put.

Division called for and Standing Order 181 applied.

Noes, 3

Mr Greenwich
Mr Parker
Mr Piper

Question declared resolved in the affirmative.

Amendment negatived.

Mr JAMIE PARKER (Balmain) [12.40 p.m.]: On behalf of The Greens I address the Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013. I have had much to say about Barangaroo in previous private member's statements. I believe that the people of New South Wales have been short-changed by the Barangaroo development in general. The Barangaroo development is not delivering money for the people of New South Wales; it is costing the taxpayers hundreds of millions of dollars—and that is before we even look at the real cost that Lend Lease has paid for the site. Sites in the surrounding area cost in excess of $3,000 per square metre. The amount that Lend Lease will pay for this site is significantly less. In fact, when compared to the cost of sites in surrounding areas, it will pay close to $750 million to $1 billion less than the market price.

The Government said that it decided not to make money from the site but to have it developed at no cost to government. Recently, the Barangaroo Delivery Authority and Lend Lease met in court because Lend Lease does not appear to want to pay the final value payment, which the Auditor-General has determined will be an income of $1.03 billion from Barangaroo. However, the real value is approximately $500 million plus the $200 million that Lend Lease has committed for public works in the area. The taxpayer, of course, will pay for the pedestrian link, which will cost in excess of $150 million, the White Bay cruise ship terminal at a cost of $68 million and the fit-out of the cultural facilities on the site. It is a very expensive proposal.

The primary purpose of this legislation, which I oppose, is to amend the Casino Control Act 1992 to authorise a second casino facility in New South Wales. The restrictions placed on the new casino facility are that gaming is not authorised until 15 November 2019 and poker machines are not permitted, but other electronic gaming machines are allowed. Also, minimum bets will apply—the legislation stipulates $30 for baccarat, $20 for blackjack and $25 for roulette. The Independent Liquor and Gaming Authority may increase these minimums. Finally, only persons who are members or guests of the gaming facility will be authorised to participate in gambling activities. It is unclear at this stage how members and guests will be selected.

The legislation distinguishes between the existing casino, The Star, and this new licence by calling it the Barangaroo Restricted Gaming Facility. This is because there are certain differences between the two facilities. The pitch has always centred on the fact that this development would not be a second casino for Sydney. The Independent Liquor and Gaming Authority will have similar oversight responsibilities to its responsibilities for the existing casino but it will not be able to determine such things as the hours of operation and may not redefine the boundaries of the premises without an application from the licence holder. Additionally, the authority may not amend the conditions of the licence without the agreement of the licence holder.

The legislation has come about from the James Packer-Crown Casino application, through the Government's unsolicited proposals process to develop an elite hotel and gaming facility, and now also residential apartments, in the Barangaroo redevelopment area. The application was made in September 2012 and the Premier very quickly supported the idea. Since then, there have been a number of embarrassing revelations about the process. But that does not seem to have influenced the outcome or Packer's red carpet treatment by the Government. The unsolicited proposal process has drawn criticism throughout the entire process. The main issue is that the proposal was kept almost entirely confidential with a commercial-in-confidence veil. It also has been revealed that the man appointed to oversee the process has been involved in Liberal Party fundraising.

Key documents that may have criticised the claims made by the Government and Packer about the potential benefit the development would bring to the State have been kept private. No opportunity has been provided for public discussion on the establishment of a second casino in New South Wales or for a public tendering process. This argument was limited to a feigned engagement with the Echo Entertainment Group, which to me is a significant issue. A competitive tender would have demonstrated how much Packer, or anyone else, is prepared to pay for a casino licence. If the process is not open to competition, including from international bidders such as Asian conglomerates, how do we know whether Packer is paying true value for such a licence? The question here is about true value.

I argued for a transparent international competitive process, if the Government wanted a second casino licence. I am surprised that members opposite seem to think that an open tender process should be opposed. No public or independent review has been conducted of Packer's claims that the casino was necessary for a high-end hotel to be viable or that large amounts of tourism dollars will be brought into this State. The Greens have been the only party to consistently oppose this proposal. The former member for Sydney, Clover Moore, has been a champion of this issue, as has the current member for Sydney. Labor hesitated about its support for a while but eventually came out in favour of the proposal. It has proposed some flimsy and hopelessly weak restrictions, such as, VIP only with very poor definitions; no poker machines but poker machines in any other name are allowed; and alienation of public land. The hotel will hide the public park land. The public land will be situated behind the casino, monstered by huge developments surrounding it—breaking the promise of establishing waterfront parklands on the Barangaroo site.

I also note that last year changes were made to the smoking legislation. Labor tried to remove the exemption to allow smoking in high-roller rooms. The Greens supported the amendment but the Christian Democratic Party did not, despite earlier indicating it would. This change in position came about after Reverend the Hon. Fred Nile was lobbied heavily by Packer and his new employees Mark Arbib and Karl Bitar. It is interesting to note that the Crown not only is playing the Liberal side of the equation but also has managed to recruit general secretaries from the Labor Party to lobby Labor to ensure its silence and acquiescence on this matter.

The Greens also have raised serious concerns about the impact of a second casino on increased gambling problems and gaming normalisation for residents and visitors, as well as the increased addiction to gaming revenue by the State and therefore the increased likelihood of the introduction of poker machines. An article in today's *Sydney Morning Herald* shows that a supposedly high-end casino in Adelaide was not permitted poker machines but within two years it had them. The justification for this proposal that we are getting a lot of money is the same justification that casinos will make in the future about poker machines, that is, we can get more money with poker machines.

In reality, much of the money going through the casino may be dirty money and/or the proceeds of crime or corruption and New South Wales will become a place to launder illegal cash. The *Sydney Morning Herald* published a significant story on this issue. International, United States of America and Asian evidence suggests that an increase in the number of casinos increases the risk of corruption and illegal activities in the State. The academic evidence is clear on this matter and it is not disputed. The behind-closed-doors process failed to provide evidence to support the Premier's assertion that without a second casino Sydney would be deprived of additional luxury tourist accommodation. We have not seen detailed evidence to support that assertion. The O'Farrell Government also has ignored evidence provided by the Las Vegas casino regulator warning of the inevitable flow of billions of dollars of dark money into New South Wales with the creation of this so-called VIP casino in Sydney.

As I have said, there has been relatively little community engagement on this matter. There was not even an open international tender for what is an incredibly valuable licence. The lack of pricing signals that such a tender would send undermines confidence in the process. Serious concerns remain about the impacts of this new casino, the potential for expanded operations in the future and the actual benefits it will bring to the State.

ACTING-SPEAKER (Mr John Barilaro): Order! The member for Dubbo will come to order.

Mr JAMIE PARKER: As the relevant documents are not available to the public to be interrogated, it is very difficult for people to adequately analyse the project and support the Government's views. The members of this House, with very exceptions, have not seen the data on which the Government is relying. The members and the public have not seen the documents on which the Packer group and others are relying to justify this

development. To my mind, the issuing of a second casino licence for this significant development impacts negatively on the community in my electorate. It should be noted that this development will be 500 metres or so across the harbour from the residents of Balmain.

The Greens will oppose the bill in the lower House and in the upper House where we will move to raise minimum bets in line with other VIP gaming facilities to prove that the Government's claim is legitimate. We will require that an exemption from the Smoke-free Environment Act zones only applies to gaming areas and we will ask the Minister to release the licence details before a vote in the House is taken. I support the amendment of the member for Sydney to allow time for more community consultation. I am disappointed that the Labor Party and the Coalition have joined forces not to allow that to happen. In summary, the process has been appalling. In my view, the outcome is less than optimal; in fact, it is very negative. Unless it is subject to public scrutiny it cannot be supported today.

Mr RON HOENIG (Heffron) [12.50 p.m.]: I make a brief contribution to the Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013. The Opposition supports the comments of the shadow Treasurer. The Government has indicated that as part of its financial arrangements a $100 million up-front fee will be paid by the proponent and $1.7 billion net over 15 years. They are the financial amounts disclosed in the Minister's second reading speech. The bill provides for the conduct of gaming in a restricted gaming facility from 2019; it says nothing more. The Government has been up-front in stating that this will be part of a continuing development process.

I raise two issues that are the focus of considerable public opposition. The first relates to the proliferation of gambling in this country. Although I have some sympathy with the views expressed by the Federal member for Denison and Senator Nick Xenophon on poker machines, I am not philosophically opposed to high-roller casinos. The Federal member for Denison has highlighted the many problems associated with addiction to poker machines that he would like addressed. However, it should be remembered that clubs and community groups have benefited significantly from the revenue of poker machines, with many jobs being generated. As a criminal lawyer I am aware of the tragedies that flow from gambling. Gambling addiction does not affect only people from low socio-economic backgrounds; people who are high-profile members of the community have become addicts and lost everything.

One cannot stop gambling or make casinos illegal. When it was illegal in the 1960s and 1970s the underbelly of organised crime continued and casinos flourished, which is why the Opposition and I do not have that philosophical view. The second issue relates to criticism that has and will be made of the Government not putting this project out for tender; indeed, the Opposition will be criticised also for not taking issue with the Government's stance. It is always desirable for governments to have a tender process to ensure transparency. However, it is not always required. Private corporations do not have to call for tenders; they make commercial decisions. Governments also should have the same opportunity to make commercial decisions in the interests of the State and not call for tenders.

The Government has made the decision in this case not to call for tenders based upon specified amounts, not all of which have been disclosed to the Opposition. Therefore, the Government must accept responsibility if the State is worse off as a result of this project not going to tender. If the Government's financial arrangements are wrong, the decision will be an albatross around its neck. Nevertheless, the Government needs some flexibility. There is, and has been, considerable opposition to every conceivable attempt to obtain successful development for Barangaroo. Sometimes governments have to bite the bullet and do what is best in the interests of the State. For 13 years this city has not benefited from any substantial hotel investment and the Government expects to receive considerable revenue from this development that it would otherwise miss out on.

The Opposition has not taken issue with this matter as a favour to anybody. We acknowledge that for such a major project in such an iconic location with major investment required in this State the Government must make a decision and take a risk. The Government has had these transactions examined by people such as David Murray in an effort to obtain the best possible advice, but in the end the Government must accept responsibility for the decision. The project has gone on for too long and if the Government has made the wrong decision it will be called to account.

Mr GEORGE SOURIS (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [12.57 p.m.], in reply: I thank the members representing the electorates of Maroubra, Tweed, Sydney, Balmain and Heffron for their contributions to the debate. As previously stated, the Government is pleased to introduce this bill to facilitate the introduction of a world-class tourist resort in the

Barangaroo district. The resort will attract millions of international and domestic visitors to our State, create and support employment and investment opportunities, and facilitate a range of direct economic benefits for the people of New South Wales. The accommodation and tourist activities will include a highly regulated, members-only gaming facility. The balance of features will create a landmark, vibrant centrepiece to the Barangaroo South precinct and provide a destination attraction for residents and all types of tourists to Sydney. I commend the bill to the House.

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

Division called for and Standing Order 181 applied.

Noes

Mr Greenwich
Mr Parker
Mr Piper

Question declared resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr George Souris agreed to:

That this bill be now read a third time.

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

CRIMES (APPEAL AND REVIEW) AMENDMENT (DNA REVIEW PANEL) BILL 2013

Second Reading

Debate resumed from 12 November 2013.

Mr PAUL LYNCH (Liverpool) [1.02 p.m.]: I lead for the Opposition in debate on the Crimes (Appeal and Review) Amendment (DNA Review Panel) Bill 2013. The Opposition does not oppose the bill at this stage. However, as it was received only yesterday the Opposition reserves the right to respond in a range of ways in the other place when our members have read the bill. The overview of the bill suggests that the objects are to amend the Crimes (Appeal and Review) Act 2001 to implement the recommendations arising from the statutory review of the DNA Review Panel under section 97 of the Act. I note that the bill was introduced and read a second time yesterday. Notice of the bill was given before the review was tabled. In particular, the bill makes amendments to provide for the following:

(a) the abolition of the DNA Review Panel and savings and transitional arrangements consequent on that abolition,

(b) the imposition of an on-going duty on the NSW Police Force and other authorities of the State to retain biological material (or swab or sample taken from such material) obtained in connection with the investigation or prosecution of an offence for which a person was convicted if:

  (i) the offence was punishable by imprisonment for life or 20 years or more, and

  (ii) the convicted person was sentenced to imprisonment or full-time detention for the offence following a trial on indictment,

(c) enabling a person convicted of an offence or his or her legal representative to request information about, and the DNA testing of, biological material that may have been retained by the NSW Police Force or any other authority of the State in connection with the offence.

I note from my quick reading of the review tabled yesterday that during the six years the panel has been established it has considered 31 applications and has made no referrals to the Court of Criminal Appeal. There

are other review mechanisms. Those other review mechanisms for convictions have resulted in 69 applications to the Court of Criminal Appeal and the quashing of at least five convictions. This bill was introduced yesterday. When and if Labor has had time to consider the bill properly it will make a decision about its attitude to the bill. Ramming it through Parliament at this speed is intellectually offensive and demonstrates an utter contempt for democracy. It is a reflection of the Government's incompetence in running its agenda.

Mr DARYL MAGUIRE (Wagga Wagga) [1.04 p.m.]: What short memories Opposition members have. The Crimes (Appeal and Review) Amendment (DNA Review Panel) Bill 2013 amends the Crimes (Appeal and Review) Act 2001 to implement the recommendations arising from a statutory review of the DNA Review Panel under section 97 of the Act. Unlike many other jurisdictions, New South Wales has a court-based system for review of wrongful convictions. Part 7 of the Crimes (Appeal and Review) Act 2001 sets out procedures for seeking review of a conviction after appeal rights have been exhausted. Applicants may apply to the Supreme Court for an inquiry, and their matter may be referred to the Court of Criminal Appeal to be dealt with as an appeal. The existence of these mechanisms means that a separate referral mechanism, through the DNA Review Panel, is not required in New South Wales.

Under the bill, the DNA Review Panel will not continue, which will create a single system for post-conviction review in New South Wales. The elements of the Act that deal with exhibit retention and testing will be retained and expanded to ensure that people seeking DNA testing to establish innocence will continue to have access to the evidence they need to support their application for review. The current exhibit retention provisions of the Crimes (Appeal and Review) Act 2001 are limited in scope. They require police to retain evidence only in cases where a person was convicted prior to 19 September 2006. There has been criticism of this limitation and the statutory review of the panel recommended that it should not be retained.

The 2006 time limit was based on an assumption that DNA testing would not be required after 2006, as tests would be routinely conducted during criminal investigations. However, new developments in DNA testing technology mean that DNA profiles may now be obtained where previous tests could not provide conclusive results. We cannot know the extent to which DNA testing technology will improve in the future. New procedures down the line may yield results from samples that today are inconclusive. This bill removes time limits from evidence retention and testing provisions. This will futureproof the bill and ensure that those people who are factually innocent will continue to have access to DNA testing.

While thankfully rare in Australia, we should not become complacent about the possibility of wrongful convictions. There have been cases in Australia, and many more overseas, where people have been wrongfully convicted because of mistaken eyewitness identification, investigations that are limited in scope, or tunnel vision about the infallibility of DNA evidence. In some cases, the evidence that proves a person has been wrongfully convicted comes to light only after a person has exhausted their appeal rights. That is why New South Wales has post-appeal review mechanisms in part 7 of the Crimes (Appeal and Review) Act.

A person may need to seek post-appeal testing of DNA evidence in a number of circumstances. For example, it may be that DNA testing was not in regular use at the time the person was convicted or that new DNA technology can identify an offender where older technology could not. For every person who is wrongfully convicted, there is a guilty person who has been allowed to go free. As well as establishing innocence, DNA testing can often identify the actual perpetrator of a crime and ensure that they are brought to justice. This bill does not provide new appeal or review rights but it ensures that people in New South Wales will continue to have access to DNA testing to support an application for review under the existing mechanisms in part 7. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [1.08 p.m.]: Before I speak to the Crimes (Appeal and Review) Amendment (DNA Review Panel) Bill 2013 I take the opportunity to acknowledge the previous speaker, the member for Wagga Wagga, who last night celebrated his 10-year anniversary in his role as Whip. I take the opportunity to congratulate him and thank him for the mentoring and guidance he has given me in my new role. The bill makes amendments to provide for retention of exhibits and access to DNA testing by convicted persons. These provisions will replace the current functions of the DNA Review Panel. The bill amends the Crimes (Appeal and Review) Act 2001 to abolish the DNA Review Panel and to make transitional arrangements for any applications outstanding on the date that the panel's functions cease. It expands the current exhibit retention provisions under the Act so that police officers must now retain relevant biological exhibits obtained after 2006, which were previously excluded. The bill also enables a convicted person to request information about what biological exhibits are held by police. Information may be provided voluntarily by the police or in accordance with an order made by the Supreme Court.

The bill also enables police to forward biological exhibits to the NSW Forensic and Analytical Science Service for DNA testing and to provide the results of testing to the convicted person or their representative. This may be done voluntarily by police or in accordance with an order made by the Supreme Court. The bill provides that the Supreme Court should make an order for facilitation of access to information or testing only in limited circumstances, which are that the offence for which the person was convicted was punishable by imprisonment for 20 years or more or there are other special circumstances that warrant the making of the order. The person's claim of innocence may be affected by the DNA information or if the person is still subject to the sentencing phase in respect of the offence. The member for Wagga Wagga provided a great deal of detail about the various aspects of the bill and I will not repeat them. I note that the Attorney General is in the Chamber and I commend him for introducing this bill. I commend the bill to the House.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [1.11 p.m.], in reply: I thank members representing the electorates of Liverpool, Wagga Wagga and Wollondilly for their contributions to this debate. The Crimes (Appeal and Review) Amendment (DNA Review Panel) Bill 2013 streamlines the process for post-conviction review based on DNA evidence. It creates a system for exhibit retention that will operate now and into the future. 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.

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

COMMUNITY RECOGNITION STATEMENTS

SUPERINTENDENT WAYNE COX

Mr RICHARD AMERY (Mount Druitt) [1.12 p.m.]: It is with some regret that I acknowledge that the area commander of Mount Druitt police station, Superintendent Wayne Cox, is to leave that position over the Christmas break to take up the position of area commander at Parramatta Local Area Command. Superintendent Cox took up the position at Mount Druitt nearly four years ago. I would like the Parliament to acknowledge his excellent service to the Mount Druitt community and to the officers and staff of the Mount Druitt Local Area Command. My office gets many inquiries about police-related matters and I have found that Superintendent Cox and his officers conduct top-shelf investigations. My office staff, my community and I thank Superintendent Cox for his service and wish him well at Parramatta. His good work has obviously been recognised given his transfer to such a large police command. Our loss is Parramatta's gain.

DUBBO WALK TO CURE DIABETES

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [1.13 p.m.]: I congratulate passionate Dubbo resident Katie Young, who recently organised a successful event in Dubbo that raised more than $23,000 for research into juvenile type 1 diabetes. The Walk to Cure Diabetes attracted about 300 locals, who after a hearty breakfast at Sir Roden Cutler Park took to the Tracker Riley Cycleway, walking for a great cause. Katie's nine-year-old daughter Ashleigh struggles with type 1 diabetes, which prompted her mother to organise this event. Now in its third year, this annual walk has raised more than $47,000 for the Juvenile Diabetes Research Foundation, whose goal is to find a cure for this disease. I wish our communities were filled with people like Katie. I congratulate her and her daughter Ashleigh on organising this successful event and wish them the best for next year's Walk to Cure Diabetes. We are enormously proud of Katie.

GLEBE CHAMBER OF COMMERCE

Mr JAMIE PARKER (Balmain) [1.14 p.m.]: I draw the attention of the House to recent activities in Glebe. The Glebe Chamber of Commerce has announced its executive line-up for the coming year. Sofi Lidgren was re-elected as president at the chamber's 2013 annual general meeting on 8 October. Chris Newton will serve a second term as vice-president, and four new officers were welcomed to the team. Bruce Robertson, from Cycle Tours Global, whose business acumen has been so valuable in his capacity as treasurer, stood down, making way for Dan O'Hara from the great Nag's Head Hotel. North Sullivan, from the Photo Studio, also left the executive, but he will remain actively involved with the Glebe Chamber of Commerce through the Eat and Drink Campaign that he will be managing. Paul Brown is staying on as public officer, along with executive team members Graham McKay, from GlebeMac; Tristan Blattman, from RedAnt Media; Nik Hoar, from Mr Falcon's; and John Fischer, from CardBank. They are joined by newcomers Joanne Mackie, from Winedown Events; Kris Spanner, from The Works; and Christina Anthony, a property consultant. Longstanding secretary Gay Kalnins was re-elected. I congratulate them all on their involvement. I also draw the attention of the House to the Glebe Street Fair on 17 November, which is so fantastically organised by Roselle Gowan.

TELSTRA RURAL DOCTORS OF THE YEAR

Mr ADAM MARSHALL (Northern Tablelands) [1.15 p.m.]: I commend Glen Innes doctor duo and husband and wife team Dr Peter Annetts and Dr Trish Mackay, who have been jointly named the Telstra Rural Doctors Association of Australia Rural Doctors of the Year. Dr Annetts and Dr Mackay are partners in the AMH Medical Centre and also work at the Glen Innes Hospital in obstetrics and accident and emergency. For 30 years both doctors have been dedicated to providing the best medical care to their patients in Glen Innes and training and teaching countless medical students and nurses over those many years. Dr Annetts has always provided emergency care at the hospital as well as general, paediatric and geriatric care. He was the founding chairman of the New England Division of General Practice, now Medicare Local, and has worked tirelessly to keep the division up and running. He served on the Rural Doctors Association of NSW board for many years and was a founding member of the Australian College of Rural and Remote Medicine.

Dr Mackay remains one of the very few female rural general practitioner obstetricians who still perform caesarean section deliveries. She is known for her dedication to her patients and on many an occasion has travelled with labouring mothers who were in need of specialist care. I commend both doctors on this well-deserved award and thank them for their ongoing care of the community of Glen Innes.

MONIKA'S DOGGIE RESCUE

Mr ALEX GREENWICH (Sydney) [1.16 p.m.]: I acknowledge the great work done by Monika Biernacki and Monika's Doggie Rescue, a no-kill shelter that she founded in 2001. My husband and I adopted Max, a whippet foxie cross from Monika's last year and he has become a much-loved and valued addition to our family and my electorate office. It is thanks to the dedication and commitment of the volunteers and foster carers who work with rescue organisations that hundreds of dogs like Max are saved from death row in pounds each year. At the Doggiewood shelter, abandoned dogs get vet health checks, are microchipped, heartworm tested, vaccinated and desexed before being found homes with caring and responsible owners who are assessed as suitable and who learn what their dog needs. Donations and volunteers make this happen, and I encourage everyone to support shelters like Monika's that work to reduce the number of abandoned dogs who are killed or suffering. Those wishing to support Monika's Doggie Rescue service and homeless pets can join me in participating in the Give a Dog a Bone Christmas appeal by donating food, toys and pet products at collection points throughout Sydney, including my electorate office, between 25 November and 15 December.

LONDONDERRY ELECTORATE COMMUNITY VOLUNTEER LES DOLLIN

Mr BART BASSETT (Londonderry) [1.17 p.m.]: I draw to the attention of the House one of the priceless community-minded residents of the Londonderry electorate. Les Dollin is a community volunteer who has enjoyed beautifying and mowing an eight-kilometre stretch of road along Comleroy Road and Bells Line of Road between North Richmond and Kurrajong through the Adopt-A-Road Program since 2007 with the support of his wife, Anne. I was delighted to be able to make Les's job easier by securing $2,500 in State Government funding. That money was contributed to Kurrajong and North Richmond Rotary's fundraising efforts to purchase a new lawnmower. As Les tells it, he was mowing on the side of the Comleroy Road on 5 October when Rob Ewin from Kurrajong and North Richmond Rotary Club came over to him with a smile

on his face and told Les that the club was raising money to help him buy a new mower. Les is retired and his new mower means that he can continue to do what he loves to do: make the Kurrajong district look its best and keep the major roads of the area looking like a drive-through park. Our communities are richer because of the tireless efforts of volunteers such as Les Dollin, who often receive no thanks. It is important to recognise them whenever possible.

NONNI CLUB GRANDPARENTS DAY

Mr NICK LALICH (Cabramatta) [1.18 p.m.]: On Sunday 20 October 2013 I attended the eighth annual Nonni Club's Grandparents Day Celebration held at Club Marconi, Bossley Park. Nonni, or Grandparents, Day was fought for by Mr Joe Commisso, NSW Grandparents Day Ambassador and President of the Nonni Club, and his board of directors for many years, and was finally proclaimed by this Government to be 27 October of each year. The celebration was well attended by some 700 people, including grandparents, children and grandchildren. They enjoyed delightful food, live entertainment and great lottery prises. It was great to see so many families getting together to pay respects to their grandparents, who have sacrificed so much to make the life of their descendants much better than their own. I again congratulate Mr Joe Commisso and his board on holding this wonderful celebration and Club Marconi's President, Vince Foti, for his support and the use of the venue.

STATE EMERGENCY SERVICE VOLUNTEER JOANNE FISCHER

Mr STEPHEN BROMHEAD (Myall Lakes) [1.19 p.m.]: Joanne Fischer of Taree retired recently after more than 21 years of voluntary service to the State Emergency Service unit in Taree, where she was the unit controller. Initially Joanne was a member of the volunteer rescue squad for seven years and she became State Emergency Service unit controller for Taree in February 1999 until her retirement in October 2013. During that time Joanne displayed a selfless dedication to the community at times when people are in the most difficult of circumstances. During the major flood events in the Manning in 2009, 2011, 2012 and 2013 Joanne led the Taree State Emergency Service operations, guiding and commanding the emergency response to maintain community safety.

Joanne is also a tireless supporter of community relationship building in the Manning. She has contributed to many events such as the Old Bar Beach Festival, Carols by Candlelight, Anzac Day parades and the Taree Aquatic Festival. Joanne has been formally recognised with many awards, including the State Emergency Service State Medal, the State Emergency Service Long Service medal and the National Medal for diligent service. Joanne holds more than 70 emergency service qualifications, which demonstrate the depth of her experience and knowledge.

HUNTER MEDICAL RESEARCH INSTITUTE

Ms SONIA HORNERY (Wallsend) [1.20 p.m.]: We congratulate Professor Phil Hansbro on receiving the 2013 Hunter Medical Research Institute Award for Research Excellence for his work in developing treatments for asthma, emphysema and other related diseases. Working too in respiratory research, Associate Professor Vanessa McDonald was named the PULSE Early Career Researcher of the Year. More than 50 grants, totalling $1.4 million, were presented at the awards night. We thank the generosity of the Hunter community for fundraising for such a worthy organisation. We appreciate the efforts of all researchers at the Hunter Medical Research Institute.

TRIBUTE TO BARRY RYAN, OAM

MRS GEORGINA HRDINA NINETIETH BIRTHDAY

Mr JOHN FLOWERS (Rockdale) [1.20 p.m.]: I congratulate opera singer Barry Ryan of Bardwell Park on receiving the Medal of the Order of Australia for service to the performing arts. Barry has been involved in opera for than 30 years and has been Opera Australia's principal baritone since 1993. He has performed throughout Europe, Australia and Asia. When not performing, Barry teaches at the Sydney Conservatorium of Music and many of his students now perform all over the world.

I congratulate Mrs Georgina Hrdina, of Monterey on celebrating the special occasion of her ninetieth birthday on 14 June 2013. I wish her continued good health and happiness, and thank her for her volunteer work over many years with community groups and charities.

AUSTRALIAN CHINESE TEOCHEW ASSOCIATION INC.

Mr GUY ZANGARI (Fairfield) [1.21 p.m.]: On Thursday 8 August 2013 the Australian Chinese Teochew Association Inc. held its fourteenth executive committee inauguration ceremony in Cabramatta. The Teochew Association aims to promote and maintain its culture and language, which originated in the southern provinces of China. The Teochew Association has been established for 25 years and provides outstanding support for the elderly in its community. The Teochew advocate not only for their community but also for others in times of need via fundraising activities. Congratulations go to committee chairman Mr Frank Chou, OAM, president Mr Hung Ly, and the entire committee of the Australian Chinese Teochew Association Inc. for hosting the successful inauguration ceremony.

CAMPBELLTOWN THEATRE COMPANY

Mr JAI ROWELL (Wollondilly) [1.22 p.m.]: I recognise the Campbelltown Theatre Company for its recent performance of the August Osage County production. The Campbelltown Theatre Group was given the distinguished honour of being granted the rights to produce the first non-professional production in Australia. A frightening yet exhilarating opportunity for the Macarthur-based theatre company, I can confirm that it did an outstanding job. I am privileged to be the company's patron and attended its opening night performance of the production last week, which I thoroughly enjoyed.

Mr Andrew Gee: Do you sing?

Mr JAI ROWELL: Yes, I do sing. The Wollondilly community is home to many talented individuals, and members of the Campbelltown Theatre Company are a shining light of our region's artistic and cultural heart. I take this opportunity to thank the brilliant cast: Nick James, Leanne Sutton, Felicity Burke, Amber Van Dussen, Jess Bell, Paul McKenzie, Tenielle Thompson, Ben Denmeade, Phillip John, Trevor Burdon and Christina Donoghue. I commend them for their talent and will continue to support them.

NOWRA COMMUNITY CABINET

Mrs SHELLEY HANCOCK (South Coast—The Speaker) [1.22 p.m.]: On Monday 4 November the member for Kiama and I hosted the Premier and his Cabinet at the Shoalhaven Entertainment Centre for the Community Cabinet in Nowra, in my electorate. Community Cabinet is an important opportunity for local community groups, concerned individuals and small businesses and organisations to discuss issues of concern with the relevant Ministers. The forum was well attended, with more than 200 people coming along to discuss various issues with the Government. Aunty Ruth Sims gave an excellent Welcome to Country to begin the public forum, and, as always, I am grateful to her for her attendance at these functions. I thank the Premier and his Ministers for attending the event and taking the time to address the concerns of many South Coast constituents. I hope to invite them to the South Coast again in the near future. Finally, I express my appreciation to the Premier's office, Department of Premier and Cabinet and the Shoalhaven Entertainment Centre management for their assistance in organising the event.

THE HILLS REMEMBRANCE DAY SERVICES

Mr DAVID ELLIOTT (Baulkham Hills) [1.23 p.m.]: I acknowledge the two very moving Remembrance Day commemoration services that occurred recently in The Hills district. I thank Mrs Connie Keith, of the Balcombe Heights 355 Committee, for organising Sunday morning's service at Balcombe Heights Estate that hosted more than 60 people. I also thank Mike Yeo, Colonel Don Tait, OAM, and the Castle Hill sub-branch for Monday's Remembrance Day service at the Castle Hill RSL Club. It was satisfying to join other veterans and returned peacekeepers in marking the ninety-fifth anniversary of the First World War armistice. Both services were followed by morning tea, where local residents enjoyed hospitality and fellowship. It was wonderful to see so many people taking time out of their busy lives to reflect and remember the sacrifice of our fallen heroes. The people of The Hills will never forget their service. Lest we forget.

TRIATHLETE LUKE CHALKER

Mr ANDREW GEE (Orange) [1.24 p.m.]: I congratulate Luke Chalker, who last month competed in his second ITU World Triathlon age championship in London. Luke, who is a 17-year-old

student at Kinross Wolaroi School in Orange, also contested the event in New Zealand last year. The triathlon featured a 750-metre swim, 20-kilometre cycle and five-kilometre run, which Luke completed in one hour, eight minutes and 10 seconds, finishing twenty-ninth overall out of a total of 92 competitors, in the men's 16 to 19 age group. This was a fantastic result for Luke, who went into the event knowing that the flat and speedy track inside Hyde Park, coupled with strong competitors from the European countries, would be tough. I commend Luke for his efforts and look forward to hearing of his success in the future. The Orange electorate is very proud of Luke's achievements, and there are clearly great things to come for him.

ALBURY ELECTORATE COMMUNITY ACHIEVEMENTS

Mr GREG APLIN (Albury) [1.25 p.m.]: Congratulations to Erin Macdonald, a year 10 student at Albury High School, on being selected for the prestigious Premier's ANZAC Memorial Scholarship. Erin will travel to the 1914-18 battlefields of World War I, including Armentières and Villers-Bretonneux. Best wishes go to Dr Arthur Frauenfelder, a former Mayor of Albury and councillor, who retires after 41 years as Albury's longest-serving companion animal veterinarian. Arthur was the local public face for vets, with his regular newspaper articles, radio and television segments, and his role with the RSPCA. Thank you for your great service over so many years and all the best in your retirement, Arthur. Congratulations to Paul and Wendy Smith of the Green Zebra Cafe, Albury, who won Best Coffee and Tea House in the 2013 national Savour Awards for Excellence. This is great national recognition for a renowned Albury cafe.

HAMMOND GROVE RETIREMENT VILLAGE

Ms MELANIE GIBBONS (Menai) [1.26 p.m.]: They say age is just a number, and this could not be more true than at Hammond Grove Retirement Village. Residents recently participated in the village's annual pantomime by performing their adaptation of the production *Dick Whittington and His Pussycat*. With some help from amateur theatre director Jean Hunter, who produced last year's village production of *Cinderella*, the drama enthusiasts put on two performances of the pantomime. I am told that the 10 cast members put a lot of time into rehearsing and learning their lines, while making their costumes and constructing the sets. With the average age of the cast being 77, and going up to 94, there was plenty of experience to share around. I congratulate the cast of *Dick Whittington and His Pussycat* on their successful performances and look forward to next year's offering.

NEW ENGLAND BREWING COMPANY

Mr ADAM MARSHALL (Northern Tablelands) [1.27 p.m.], by concurrence: I commend Ben Rylands and Andrew Tracey-Smith of the New England Brewing Company at Uralla who, after only six months of operation, have been awarded silver and bronze medals at the Perth Royal Beer Show for their brown and dark ales. The New Englander Brown Ale and New Englander Dark Ale were awarded bronze medals and New Englander Dark Ale picked up a silver medal for packaging and design. Armidale design company Necleo designed the label, which gives another of our Northern Tablelands businesses a great deal of kudos. The competition judges sampled 423 artisan beers, so it was no mean feat to win these medals. I offer my sincere congratulations to the head brewer, Andrew Tracey-Smith, and his staff on a great job—and it is a very good drop.

NEW MATILDA WEBSITE

Mr ALEX GREENWICH (Sydney) [1.28 p.m.], by concurrence: I commend the independent online news site *New Matilda*, which is based in my electorate. It is an excellent source of ideas, analysis and information about current community issues and events. Since 2004 it has reported on Australian and international politics, and has been a fresh voice of investigative journalism, publishing more than 1,000 writers. *New Matilda* reports on anything from a financial column on taxation to a satirical look at the Australian media. *New Matilda* is completely funded by readers, which means that the news reported has no affiliation to any particular group or vested interests. This makes it a great source of information and analysis for all members of Parliament to engage with news stories about Australian and New South Wales politics. I commend *New Matilda* and its contributors for sustaining independent reporting and diverse voices, and encourage all members to contribute to it.

ORANGE UNDER 15 GIRLS INDOOR HOCKEY TEAM

Mr ANDREW GEE (Orange) [1.29 p.m.], by concurrence: I draw the attention of the House to the Orange under 15s girls indoor hockey team, who took out the Hockey NSW division 2 Indoor State Championships over Illawarra on Monday. The team competed at Maitland Federation Centre for the three-day championships, going through the pool stages of the championships undefeated. The Orange girls continued their unbeaten run with a comprehensive 6-2 win over Grafton in the semifinal, which set them up for a grand final clash with Illawarra. The deciding goal did not find the back of the net until after the full-time siren, with Ally Thurn securing the one-goal triumph and the State indoor championship crown for Orange. I congratulate the entire team, including Erin Abrahams, Rachael Hinds, Dearne Geddes, Chloe Barrett, Annabelle Tierney, Kelsey Gray, Tori Mansfield, Grace Evans and Coach Alex Said. Well done.

TRIATHLETE AARON ROYLE

Ms SONIA HORNERY (Wallsend) [1.29 p.m.], by concurrence: We are very proud of our plethora of local talents. One shining example is Maryland triathlete Mr Aaron Royle. I congratulate Aaron on his recent victory in the Noosa triathlon. There were more than 8,000 competitors in the triathlon. Aaron won the race in one hour, 46 minutes and 11 seconds. He dominated throughout the race and cruised to victory, with plenty of time in the last 500 metres to celebrate his most significant senior victory. Along with everyone in the Wallsend electorate, I wish Aaron every success in his future endeavours.

Community recognition statements concluded.

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

MEMBER FOR CAMPBELLTOWN FIFTIETH BIRTHDAY

The SPEAKER: I extend very special congratulations to the member for Campbelltown, who turns 50 today. He is looking good for 50, but he should have combed his hair!

PHILIPPINES TYPHOON DISASTER

The SPEAKER: I inform all members that following the tragic loss of life in the Philippines after the devastating Typhoon Haiyan, a book of condolence will be made available for members to sign. The book will be available in the Speaker's Garden following question time until 5.00 p.m. today.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
Governor

Office of the Governor
Sydney, 12 November 2013

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she has re-assumed the administration of the Government of the State.

COMBAT SPORTS BILL 2013

WORK HEALTH AND SAFETY AMENDMENT BILL 2013

Messages received from the Legislative Council returning the bills with amendments.

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

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

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

DEATH OF THOMAS KELLY

Mr JOHN ROBERTSON: My question is directed to the Attorney General. Will the Attorney General apologise to the Kelly family for his disgraceful comments on Sydney radio yesterday in reference to the tragic death of Thomas Kelly? He said:

> It wasn't the punch that killed him it was the hit on the back of the head on the cement.

The SPEAKER: Order! Members will cease arguing across the Chamber. The Attorney General has the call. The Leader of the House will come to order.

Mr GREG SMITH: I thank the member for his question. That matter was raised with me as being broadcast this morning. It did not give the whole context of it. That was in the context of discussing why he was not charged with murder. He was not charged with murder because the elements were not there. They were not satisfied because of the lack of intent. However, if I have offended the Kelly family, I apologise wholeheartedly for it.

WESTERN SYDNEY HEALTH SERVICES

Dr GEOFF LEE: My question is directed to the Minister for Health, and Minister for Medical Research. How is the Government delivering record investment in health services across Western Sydney?

Mrs JILLIAN SKINNER: I thank the member for his question. Last week it was a pleasure to join the member for Parramatta and the member for Granville, together with the Chair of the Western Sydney Local Health District Board, Steven Leeder, the chief executive, Danny O'Connor, the hospital manager, Shaun Drummond, the Chair of the medical staff council, Dr David Farlow, and the director of nursing, Jo Edwards, to announce $1 million in funding to plan the next major upgrade of Westmead Hospital. It is long overdue. We have spent $5 million on upgrading the emergency department. This planning money will deliver information to us about the scope, the size and the plan to go forward in the major capital upgrade of that hospital.

Work is already underway on many hospital upgrades in the district. The $324 million upgrade of Blacktown Hospital is well underway. This will provide an extra 170 hospital beds, bringing the total to 650 beds across the two campuses. There will be a new clinical services building, a new comprehensive care centre for radiotherapy and other cancer treatments, and a new renal dialysis unit. I have visited Westmead Hospital and Mount Druitt Hospital, and morale at both hospitals is better than it has ever been.

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

Mrs JILLIAN SKINNER: At Mount Druitt we have expanded the urgent care centre. We have upgraded existing departments and provided a new dental facility and 10 new sub-acute rehabilitation beds. The hospital is well known for its rehabilitation. We have provided $24 million to build a car park at Blacktown Hospital, and work is underway. This will provide an extra 600 car park spaces. The member for Campbelltown, and indeed all Macquarie members, as well as the doctors, are happy about the $139 million upgrade to Campbelltown Hospital. Indeed, the member for Campbelltown and I were talking about that as we walked into the Chamber. I think we are up to level three or level four of that major rebuild, which will provide 11 new emergency spaces, 90 inpatient beds, with capacity for 30 more, and provide two cardiac catheter laboratories, plus an additional 250 car parking spaces. We have officially opened the new car park at Nepean Hospital, which was promised by the member for Penrith during the by-election and beyond. We are finalising the redevelopment of Nepean Hospital.

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

Mrs JILLIAN SKINNER: We have opened the operating theatre, the surgical ward, and the mental health and dental facilities.

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

Mrs JILLIAN SKINNER: In the past year at Liverpool Hospital we have opened—

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

Mrs JILLIAN SKINNER: In September I inspected the new $3 million MRI machine at Liverpool Hospital.

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

Mrs JILLIAN SKINNER: Liverpool Hospital is the first hospital in Australia to have a high-strength MRI unit devoted to radiotherapy planning. At Liverpool Hospital I was impressed with the new $3.5 million, 16-bed acute palliative care unit, which is much appreciated by the families to whom I spoke and the staff. As well as capital works, the recurrent budget has increased by $430 million since Labor was in office. Some $430 million will be spent across the greater Western Sydney district. That means Western Sydney, south-west Sydney, Nepean-Blue Mountains and the Children's Hospital at Westmead. This funding has enabled us to employ 660 extra full-time equivalent nurses in greater Western Sydney since the election. That is in stark contrast to the 340 nurse positions in Western Sydney that were abolished when Labor was in office. So there is a massive increase in nursing numbers. Some 267 medical interns have commenced working in hospitals in greater Western Sydney and we have increased the number of salaried medical officers—in other words, staff doctors are working in our hospitals.

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

Mrs JILLIAN SKINNER: In terms of hospital performance, according to the Bureau of Health Information we have made major improvements in our National Emergency Access Target [NEAT] targets.

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

Mrs JILLIAN SKINNER: These are the targets for hospital emergency department patients; for example, a 20 per cent improvement at Nepean, a 14 per cent improvement at Westmead and a 14 per cent improvement at Fairfield. [*Extension of time granted.*]

The SPEAKER: Order! Members will come to order.

Mrs JILLIAN SKINNER: There has been a 12 per cent improvement at Liverpool. According to the latest Bureau of Health Information figures, in Western Sydney Local Health District a huge 97 per cent of elective surgery patients are receiving their surgery on time and in South Western Sydney Local Health District it is 96 per cent, which is higher than the Australian average. Right across Western Sydney there have been huge increases in capital and recurrent investment and some absolutely wonderful performance. I congratulate the staff right through the system. I draw to the attention of the House that at the recent Innovation Symposium a Harry Collins award was given for decreasing health care associated bloodstream infections at the neonatal intensive care units in Western Sydney.

That is a wonderful example of what happens when responsibility is devolved down to the local health district—the doctors, nurses and others are engaged and given the opportunity to come forward with programs that are making an absolute difference to patient performance and improvement in patient care. This Government is employing 159 extra doctors across the greater Western Sydney area and they are making a huge difference, along with all of those extra nurses and the people who help them to run the system. I am proud of what the Coalition Government is doing after 16 long years of neglect. The former Labor Government made promises but delivered almost nothing. Now this Government has hospitals that are rejoicing, with staff morale at its highest. I thank them for it.

ALCOHOL-RELATED VIOLENCE

Mr PAUL LYNCH: My question is directed to the Attorney General. After admitting on Sydney radio 2UE that the Attorney General's proposed new laws would not have guaranteed a tougher sentence for Kieran Loveridge, will he now admit the Government is failing to proactively address alcohol-related assaults?

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

Mr GREG SMITH: The member for Liverpool is always trying to help, although during the 16 years of the former Labor Government it did not introduce laws that formulated a new homicide alternative to catch those who committed it.

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

Mr GREG SMITH: The proposed law for unlawful assaults will create a new stand-alone offence that will remove ambiguity about what the community expects for these types of assaults.

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

Mr GREG SMITH: There has been some commentary comparing the proposed maximum penalty of 20 years and the maximum penalty for manslaughter of 25 years. However, such a direct comparison is misleading because it is does not compare like with like.

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

Mr GREG SMITH: This new law removes the clutter that applies to all the other types of manslaughter, which covers a wide range of offences ranging from medical negligence to long-term neglect of a child leading to his or her death. I am proposing a new specific law only for those types of deadly assaults. With this new offence there will be no ambiguity: it sends a clear message to the courts that this is a very serious offence and that is what the community wants and expects. This will send a strong message to drunken idiots that their violent assaults—

Mr John Robertson: There are a few on your side.

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

Mr GREG SMITH: There are also a few on your side, I am afraid.

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time. I warn him about making comments of that nature. Government members will come to order. The Leader of the Opposition does not have to withdraw the remark as it was not directed at a particular member.

Mr GREG SMITH: This will send a strong message to drunken idiots that their violent assaults are serious crimes, not a fun thing to do on a drunken night out. This behaviour will not be tolerated and they can expect a very heavy penalty.

WESTERN SYDNEY SCHOOLS

Mr KEVIN CONOLLY: My question is addressed to the Minister for Education. How is the Government improving public schools across Western Sydney?

Mr ADRIAN PICCOLI: I am often asked about the increasing demand for public school places across Sydney, particularly in Western Sydney.

The SPEAKER: Order! The member for Canterbury will come to order. If the member for Canterbury continues to interject she will be removed from the Chamber.

Mr ADRIAN PICCOLI: I confirm that the total teaching space utilisation rate in Western Sydney is currently at 82 per cent and 88 per cent for high schools and primary schools respectively, and in south-western Sydney it is at 85 per cent and 90 per cent respectively. This is comparable to the New South Wales average of a total teaching space utilisation rate of 82 per cent for high schools and 88 per cent for primary schools. A number of new public schools will be opening in Western Sydney and south-western Sydney in the next three years. Ten out of the 15 new or relocated schools announced since March 2011 by the Government are in Western Sydney or south-western Sydney, which is a great investment.

The schools include a new high school, primary school and school for specific purposes at The Ponds, a $58 million investment in the electorate of Riverstone and a great outcome for Western Sydney. There is the new Marie Bashir Public School in Strathfield—the Premier and the Governor recently unveiled its name.

Unfortunately, my flight was delayed so I was not able to be there. That is a great investment in public education in the electorate of Strathfield of approximately $13 million. It would have cost about $30 million for us to build a new public school. The new Oran Park Public School in the electorate of Camden cost about $15 million. The new George Bass School for Specific Purposes in Bass Hill cost $14 million.

A new primary school in the Canada Bay local government area cost about $28 million in the electorate of Drummoyne. A primary school in Spring Farm and Wangee Park School for Specific Purposes will relocate to new facilities on the Harcourt Public School site at Campsie at a cost of about $10 million. In the electorate of Penrith the former Government announced a change of name from Nepean High School to the Nepean Creative and Performing Arts High School. The former Government invested heavily, at least several hundreds of dollars, in a new sign to identify it as "Nepean Creative and Performing Arts High School". The former Government thought it could create a performing arts school simply by changing its name.

The SPEAKER: Order! Government members will come to order. I am having difficulty hearing the Minister.

Mr ADRIAN PICCOLI: It took this Government and the member for Penrith to spend $5 million to building a performing arts centre at a performing arts high school. A new primary school is also expected to open in Wentworth Point for the start of the 2017 school year. This Government has spent more than $113 million in major capital works in Western Sydney. This Government bought the former Hope Christian School in the electorate of Camden, which will expand its capacity to provide public education. This Government had $100 million of Building the Education Revolution funds left over. Under the old rules, had the former Government been re-elected, that would have been spent on rainwater tanks. Somebody would have made a lot of money from supplying rainwater tanks.

Ms Pru Goward: Eddie.

Mr ADRIAN PICCOLI: Eddie Obeid, with a registered business "Obeid and Sons Rainwater Tanks". The State Government renegotiated with the Commonwealth Government as to how it could spend that $100 million. I pay credit to Bill Shorten, who was the Assistant Treasurer at the time. Through negotiations with him we were able to essentially change the rules so that with that money we could rebuild 19 special schools across New South Wales, many of which are in Western Sydney. I have visited schools in East Hills a number of times with the local member. The Caroline Chisholm School has been opened at a cost of about one-third of the cost per square metre of its hall under Building the Education Revolution. I have visited the Holsworthy School in the Menai electorate and the Kurrambee School in the Mulgoa electorate, which is half completed. It looked absolutely fantastic and will transform the education experience for those kids in Western Sydney. It is hard to find a seat held by Labor, especially in Western Sydney, but we did find one. The Government is redeveloping the William Rose School in the electorate of Toongabbie. [*Extension of time granted*.]

The SPEAKER: Order! Government and Opposition members will come to order. There is too much audible conversation in the Chamber.

Mr ADRIAN PICCOLI: The Government has achieved great things with the $100 million Building the Education Revolution funding left over. We are rebuilding 19 special schools for students with the most complex needs in the State. We drove past the GS Kidd Memorial School in Tamworth the other day to have a look; it is being completely rebuilt. The current school is an old fibro house they have added to, and done a good job, but the Government is building a brand new school. The same applies to Kurrambee School and all the other schools. The Government has made that $100 million work for students. Labor took $4.3 billion and tried to make it work for the Labor Party. If the Coalition had had that $4 billion in the first place it could have done amazing things with it.

The O'Farrell Government has reduced the fees paid as part of its capital works projects in Western Sydney and the rest of New South Wales. Instead of lining our pockets in nefarious ways like Labor, we looked at whether we were getting value for money. The answer was no. The Government has saved New South Wales taxpayers about $9 million a year as a result of savings it has made in fees. That equates to the cost of building an extra primary school every year, and much of that money is being spent in New South Wales. The Government is investing heavily in Western Sydney. The people of that area have placed great confidence in their Liberal Party members of Parliament and we are paying them back by delivering. I know that every Western Sydney member of Parliament is proud of that.

CRIME SENTENCING PROCEDURES

Mr NATHAN REES: My question is directed to the Attorney General. When in opposition the Attorney said, "For too long only lip-service has been paid to the voices of family members of murder victims when it comes to sentencing a convicted murderer." When will the Attorney honour his election commitment and give courts the power to consider victim impact statements when handing down sentences for homicide?

Mr GREG SMITH: Victim impact statements allow victims, or their families in the case of homicide, to express the harm done to them or the community by the offence. With respect to questions asked of me today, I expressed my great sympathy to the Kelly family—as I have done on at least three occasions in their presence—and my officers have spoken to them a lot more. The tragedy has affected their lives and the lives of many other people. It has brought into focus the scandal of drug- and alcohol-induced violence around this city, at night time generally but often late at night. The Government has done a great deal to try to alleviate opportunities for thugs and idiots, who often prime themselves with alcohol in the hours before they even go to venues—it is cheaper out in the suburbs. They might pick a designated driver, then go out and often wreak havoc. The Government is sending a message to them that it will not tolerate that behaviour. We will come down hard on them and we urge the community and the courts to back us on that.

The other day the Leader of the Opposition supported our proposed legislation, but he seems to have moved away in order to take political advantage from what he is hearing in some of the discussion. In May 2011 a background policy paper prepared by the Department of Attorney General and Justice, at my request, was circulated to stakeholders, including victims groups. The paper sought their views on a proposal to introduce legislation to allow courts to consider victim impact statements of family victims when sentencing in homicide cases. For the previous 16 years the law was based on the decision of Justice Hunt in the Previtera case in which he said that one could not take into account victim impact statements in murder cases because not everyone has family; all lives are worth the same—that is a paraphrasing of his decision.

The Government considered that to be not appropriate and was heartened by Chief Justice James Spigelman's comments in 2004 to encourage change. That change did not occur. Those opposite had seven years to take action but did not do so. The O'Farrell Government has decided to do something. Eleven responses were received and the majority did not support the proposal. Seven organisations did not respond. We do not shy away from the fact that we consulted with people involved in the process and listened to their views. We do not shy away from the fact that victims of crime who survive attack can give evidence about the impact to them and that it can be taken account. However, in homicide cases that cannot be taken into account under the present law.

We also received a submission from the Homicide Victims' Support Group, which did not support the proposal. Its submission raised a number of issues. I shall read onto the record part of its well-research submission. It stated:

> It is our view that the proposed legislation creates a number of difficulties that have the potential to deter families from making [victims impact statements]. The legislation now proposed would create the perception that families would be compelled to make a victim impact statement or risk having the offender receive a lighter sentence … We have to reassure the community and family members that every matter heard before a Supreme Court judge will be given just as much importance and priority as the other—there should be no distinction between victims of homicide in the sentencing process.

The submission raised a number of important issues. Some family members chose not to make a victim impact statement because they do not want an offender to hear their pain and may feel pressured. Some victims do not have families who can make statements. Many families already are under pressure and emotional trauma and would not want to give evidence or write a submission. It is difficult for families from non-English speaking backgrounds or low socioeconomic status. The Victims Advisory Board also was consulted on the issue but could not agree on one view. [*Time expired.*]

WESTERN SYDNEY INFRASTRUCTURE

Mrs TANYA DAVIES: My question is addressed to the Minister for Transport. How is the Government delivering improved transport and road infrastructure across Western Sydney?

Ms GLADYS BEREJIKLIAN: I start by thanking the member for Mulgoa, who does an excellent job representing her constituents, especially on public transport issues. I thank her for her ongoing interest. The Government is investing heavily in public transport and road infrastructure in Western Sydney. Our record in

only 2½ years puts those on the Opposition benches to shame, but the good news is that there is plenty more to come for Western Sydney. Before I go through the long list of things we are doing in public transport and roads, let us look at the Opposition's record. Labor first promised the North West Rail Link in 1998, to be completed in 2010. Did they do it? No. Labor members did not know where they stood on the North West Rail Link and they still have no idea. Labor announced the South West Rail Link in 2004, to be completed by 2012. Did they deliver that? No. They reannounced it again and again. When we came to government Labor had not laid a single centimetre of track. They promised the Parramatta rail link in 1998. Did they deliver the Parramatta rail link?

Government members: No.

Ms GLADYS BEREJIKLIAN: No. They axed that project. I am sure the member for Penrith is interested in this. They promised the Penrith fast rail link in 2008. Did they deliver that project? No.

Mr Mark Coure: What was the member for Keira doing?

Ms GLADYS BEREJIKLIAN: Exactly, what was the member for Keira doing at the time? I think it was a first when the State Labor Party gave money back to the Federal Labor Party in relation to the West Metro project, which it promised in 2009. Did they deliver the West Metro project? No. The clincher, which occurred when the Leader of the Opposition was the Minister for Transport, was the promise to deliver air-conditioned rail carriages. They did not deliver a single Waratah carriage when they were in government. The Opposition cut services and really failed the people of Western Sydney.

[*Interruption*]

Exactly, cut, cut, cut. They had a lot to say about the M4 East and the M5 duplication, but did they deliver any of these road projects? No. But it is opportune for us to talk about our proud record in just 2½ years, and I can assure all constituents, residents and customers who live in Western Sydney that there is more to come. The Government is well on the way to delivering the $8.3 billion North West Rail Link. There will be eight new railway stations in places such as Bella Vista and Kellyville. A station at Kellyville will help the residents of Blacktown and the Leader of the Opposition should do more to support the project for his constituents. Not only will the North West Rail Link have a positive impact on those who will use that line but also it will give greater future capacity to the Western Line, which is so important to the residents of Western Sydney. The South West Rail Link project is about a year ahead of schedule and $100 million under budget. Pleasingly that project will be completed in the near future and residents in the south-west will be able to use that rail line.

I am especially proud of—and I get lobbied by every member in the House about it—the Transport Access Program. When those opposite were in government they managed one or two upgrades, we have done about 20 or 25 in the last 2½ years. I want to make particular reference to a number of infrastructure improvements in Western Sydney, including the Auburn and Fairfield interchange programs, station improvements at Guildford, other improvements at Canley Vale, Glenbrook, Fairfield, Kempsey, Clarendon, Ingleburn, Quakers Hill, Riverstone and Sydney Olympic Park—the list goes on but I need to cover a lot more.

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

Ms GLADYS BEREJIKLIAN: Those opposite failed to deliver a single thing when they were in government. They well know what is like to travel in the cold and the heat with no air conditioning.

Dr Andrew McDonald: We do know. We actually catch a train.

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

Ms GLADYS BEREJIKLIAN: They failed to deliver a single Waratah carriage. We have already delivered more than 50, and I am proud to say that by the end of next year 95 per cent of all carriages will be air-conditioned. That is something that the Government should be proud of. [*Extension of time granted*.]

I need to acknowledge the great work of my friend and colleague in the other place the Minister for Roads and Ports. The Government is committed to building the WestConnex, which is a critical piece of

infrastructure. This 33-kilometre motorway will link Sydney's west with the central business district and airport for the first time. It will slash travel times. The Government is widening the M5 West also and that project is expected to be completed next year. The Government has completed also the $48 million Erskine Park Link Road. I am advised by the Minister for Roads and Ports that in the budget the Government has invested $602 million in Western Sydney roads.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Opposition members will come to order.

Ms GLADYS BEREJIKLIAN: If they cared about Western Sydney they would listen and learn. Regrettably, they have forgotten what it is like to use public transport or the road system every day. I also make reference to some service improvements in Western Sydney. Western Sydney now has more than 690 extra weekly services as a result of the new timetable. This includes increased frequency and connection for major hubs such as Parramatta, Strathfield, Bankstown and Penrith. The new bus timetable delivers more than 1,200 extra weekly services for Western Sydney—more than any other area—and the Government is very proud of that. We are also improving infrastructure, building the projects and providing services that those opposite neglected for 16 years. The Government cares about Western Sydney and this is demonstrated in our public transport and infrastructure projects. [*Time expired*.]

The SPEAKER: Order! There is too much audible conversation in the Chamber. Government members were particularly noisy during the Minister's answer. Members who want to engage in private conversations will do so outside the Chamber.

RURAL AND REGIONAL JOBS

Ms SONIA HORNERY: My question is directed to the Deputy Premier. In the last three weeks almost 1,000 jobs have been lost in the Central West. Yesterday another 80 industrial workers, including 16 apprentices, were sacked in the Hunter. Will the Minister take action to address the jobs crisis in rural and regional New South Wales?

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

Mr ANDREW STONER: It is always disappointing to lose jobs in regional areas. However, I can advise the House that the New South Wales Government, through its Jobs Action Plan, its record infrastructure spending and other measures supporting regional development is actually helping the growth of regional employment. In fact, the Australian Bureau of Statistics regional labour force estimates to the year ended September 2013, which were released on 17 October 2013, show that the number of people employed in regional New South Wales has grown by 22,800, or 1.8 per cent, compared with the same time last year.

Mr John Robertson: What is the unemployment rate?

Mr ANDREW STONER: Don't you know?

Mr John Robertson: I do. It is 5.9 per cent. It has gone up by 0.3 per cent.

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

Mr ANDREW STONER: Once again he is wrong with his inane interjection.

Mr John Robertson: You have got the wrong information.

Mr ANDREW STONER: The regional labour force data for September 2013 shows that the unemployment rate in regional New South Wales is 5.5 per cent. But the old union bobber boy never lets a few facts get in the way of a good story. The same regional labour force data for September 2013 shows that the labour market in the Hunter is recovering from its downturn during 2011-12. In fact, it has posted 14 consecutive months of employment growth to September 2013, with a steady participation rate and a falling unemployment rate in recent months.

Whilst the Government is disappointed with the decisions of a couple of companies to reduce their workforce in the Hunter, the overall impact of its strong economic and regional development policy is seeing

growth in employment in regional New South Wales. Indeed, companies right across New South Wales are feeling the impact of the high Australian dollar, weakened global demand, particularly for commodities such as coal, and the impact of the former Federal Government's carbon tax.

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

Mr ANDREW STONER: The Leader of the Opposition and his colleagues shamefully supported that tax but thankfully the Prime Minister is working towards repealing that tax today. I will tell the House what the Labor Party is doing for manufacturing and business in New South Wales.

The SPEAKER: Order! The member for Oatley will cease arguing and interjecting.

Mr ANDREW STONER: When members opposite were last in government they sent a contract for 626 new rail carriages to China.

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

Mr ANDREW STONER: That is what the Labor Party did.

The SPEAKER: Order! The member for Cessnock will cease shouting across the Chamber. The member for Keira will come to order. I call the member for Cessnock to order for the first time. I call the member for Keira to order for the first time.

Mr ANDREW STONER: It was the largest public transport public-private partnership—

Ms Gladys Berejiklian: At the time.

Mr ANDREW STONER: Yes, at the time. Once again, hypocrisy, thy name is Labor. The Liberal-Nationals Government is working hard to assist industry with a number of industry action plans, which are available on the website. Members opposite should read about what the Government is doing in partnership with industry to grow the economy and employment in this State. I urge any New South Wales company that is facing hardship or financial difficulties to approach my agency—NSW Trade and Investment—to determine what assistance can be provided to help them and their employees.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Opposition members will come to order.

Mr ANDREW STONER: This Government is supporting regional jobs through its reforms to WorkCover and by implementing the Jobs Action Plan and the associated payroll tax rebates. It also is supporting regional investment through its Regional Industries Investment Fund.

WESTERN SYDNEY INFRASTRUCTURE AND JOBS

Mr GLENN BROOKES: I direct my question to the Treasurer and Minister for Industrial Relations. How is the Government delivering increased job opportunities across Western Sydney and related matters?

The SPEAKER: Order! Members will come to order.

Mr MIKE BAIRD: I thank the member for East Hills for that question. Before he was elected he ran a business and employed people, so he understands what people do in front-line businesses and the need for more jobs in this great State. He does a great job. It is fantastic to be a member of a government that is delivering for Western Sydney. The Minister for Health and the Minister for Transport have outlined—

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

Mr MIKE BAIRD: This Government is delivering for the people of Western Sydney. Obviously, one of the Government's key concerns is increasing employment in Western Sydney. The Government is doing everything it can to generate more jobs. Employment has increased in Western Sydney over the past seven months. That is a very positive trend. Greater Western Sydney's employment participation rate has risen over the past eight months and Western Sydney employment has been particularly strong over the past year. Members

opposite do not understand that we must look at trends; we cannot grab one statistic here and there. Employment in Canterbury-Bankstown has grown by 3 per cent over the past year and by 2.8 per cent in north-west Sydney. The unemployment rate is higher in Western Sydney than in the rest of the State, but the Government is taking action to address that.

Members should understand what this Government is doing. The payroll tax rebates are working well. The Government has told businesses that it wants them to employ people and to encourage them to do so it has provided a payroll tax rebate of $5,000 for each new job created. The majority of those rebates have been claimed in Western Sydney local government areas. Rebates have been claimed in Blacktown—the Leader of the Opposition's electorate—Bankstown, The Hills, Fairfield, Parramatta and Liverpool. There has been a great take-up and that has resulted in jobs on the ground in Western Sydney. The Government is also building infrastructure. Members opposite do not know how to build infrastructure. They talk about it and release videos, but they know nothing about delivering it. In contrast, Jillian builds it and Gladys builds it. Governments build infrastructure; they do not simply talk about it. The infrastructure that this Government is providing will deliver jobs across Western Sydney. The long overdue WestConnex project will deliver 10,000 jobs for the people of Western Sydney during the construction phase. The North West Rail Link project, which is being overseen by the Minister for Transport, will deliver 49,500 jobs over the next 25 years, and the M5 West widening project is delivering jobs as I speak.

The Government has expanded also the State's employment lands. It is important to have transport and housing, but we also need land on which people can work. The Government has delivered infrastructure in the greater Western Sydney Employment Area. The member for Penrith knows the area well and the work being done on Old Wallgrove Road and Erskine Park Link Road. The Western Sydney Employment Area has been increased from 2,000 hectares to more than 10,000 hectares, making it the largest employment zone in New South Wales. That is what this Government is delivering. The expectation is that 57,000 jobs will be created over the next 30 years. The Government is increasing confidence also across New South Wales. It is great to have a good government and the people of this State love this Government. Various companies also are investing in this State. Costco has opened a new store in south-west Sydney that will provide 390 new jobs and the Wet'n'Wild project in Prospect will provide 300 new jobs. Digital Realty has established a new information and communications technology centre that will provide 350 jobs and the Toll Group has established a new distribution centre that will provide 200 new jobs. Nothing like that happened when members opposite were in government.

A report issued by the former Federal Minister for Infrastructure and Transport, Anthony Albanese, entitled "State of Australian Cities 2013", stated that from 2006 to 2011 the "net growth in private sector employment in Western Sydney was virtually zero". That is the Labor Party's record. This Government is getting on with the job of delivering more employment for this great State, and particularly Western Sydney. I am concerned about one job in Western Sydney. Do members want to guess which job it is? It could well be the Leader of the Opposition's job. [*Extension of time granted.*]

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

Mr MIKE BAIRD: I refer members to a letter to the editor in today's *Sydney Morning Herald*. I regularly read the letters to the editor and one today dealt with the shenanigans in the Labor Party—of course, we never know what they are up to on any given day. The letter was not written by a friend of the Government; it was written by one of the great heroes of New South Wales Labor and the State's longest serving Treasurer. He aired his views about the Leader of the Opposition, and that makes me nervous for the member for Blacktown. The letter states:

> I don't want to get involved in the piddling argument about whether Chum Darvall's appointment as chairman of Transgrid was made by the full cabinet or made by the Premier after his nomination was taken to cabinet …
>
> I do, however, want to take the Opposition Leader, John Robertson, to task for his description of Mr Darvall's appointment as "shady" and the implication that it is without merit.

The letter was written by Michael Egan. The letter continues:

> In fact, there are few people in Australia who can match Mr Darvall's commercial experience and financial acumen, his engagement with governments of all political colours, or his contribution to the wider community.

Michael Egan agrees that he is a good man doing a good job for this State. He continues:

> I should also declare a bias in this matter.

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

Mr MIKE BAIRD: The letter continues:

> I have known and worked with both Mr Robertson and Mr Darvall for many years. I like and trust Mr Darvall. I don't like or trust Mr Robertson, whose chronic lack of judgment will continue to damage the Labor Party until he is replaced as leader.

Michael Egan is absolutely correct. The Leader of the Opposition's lack of judgement on this issue is the reason his job is under threat. In the meantime, the Government continues to deliver real jobs for the people of Western Sydney.

Mr Alex Greenwich: Madam Speaker—

The SPEAKER: Order! Members will come to order before I call the member for Sydney. The member will be heard in silence. Some members do not know how to behave in a parliamentary manner. Can the member for Sydney believe how some members will not come to order?

Mr Alex Greenwich: I can.

The SPEAKER: Order! How thick and stupid they are. Unlike some members, the member for Sydney has a modicum of intelligence.

MATURE-AGE WORKERS

Mr ALEX GREENWICH: My question is to the Treasurer and the Minister for Industrial Relations. Given work participation rates for 50- to 69-year-olds are at 62 per cent and for women aged between 55 and 64 years they are as low as 53.8 per cent, how would the Treasurer encourage employers to hire mature-age workers who want to contribute to the workforce, such as mothers and carers, including through payroll tax rebates similar to those offered to employers for hiring a person with a disability?

Mr MIKE BAIRD: I thank the member for his question. Members of the Opposition, that is how you do it. That is a sensible and substantial question about policy.

The SPEAKER: Order! I direct the member for Keira to remove himself from the Chamber until the conclusion of question time.

[*Pursuant to sessional order the member for Keira left the Chamber at 3.10 p.m.*]

Mr MIKE BAIRD: Yes, we do prefer Shane Mallard, but I acknowledge the contribution of the member for Sydney and the sensible approach he has taken to policy. It is a good question, because the Government wants to encourage more people to work, as we articulated in our strategy for Western Sydney. That is exactly what we have done since we came to power: close to 100,000 new jobs have been created in Sydney and New South Wales since the O'Farrell Government was elected. Increasing female participation in the workforce requires a two-pronged approach: grow the broad economy, because that is how to create more jobs and more opportunities; and provide a flexible workplace. Mothers and carers need flexible workplaces, and part-time work is a key part of that. A bigger economy means more jobs.

We are confident that as the economy recovers there will be movement in job creation. We remember the 16 years under those opposite; they were not good. We have come from a position of inheriting the lowest jobs growth in the country and the lowest economic growth in the country, yet we have started to make significant movement. New South Wales is now just behind Western Australia for jobs growth and just behind Queensland for economic growth. Those are positive indicators that things are starting to move. Unlike those opposite, we look at the trends and not the individual statistics.

There is a trend in the participation rate for older workers, which is encouraging. The participation rate has grown from 33.3 per cent in June 2011, just after we were elected to government, to 34.3 per cent in June 2013. That is quite a large shift in the participation rate, and I am advised that it was driven by female participation. There is increased female participation for the older age bracket that the member asked about. The mature women participation rate—for those aged 55 and over—grew from 26.4 per cent in June 2011 to 27.7 per cent in June 2013. The participation rate has gone up, which has encouraged others to seek work and

boost their opportunity for finding jobs. In addition, the female underemployment rate has reduced under our Government and is 0.7 per cent lower than it was under Labor. There has been some movement in those indicators, although I acknowledge the need to continue that trend.

How do we get the economy going? While we are trying to control our budget, we are trying also to invest in drivers of the economy. That is why we have purposely invested in infrastructure, including the $60 billion spend that will create many jobs over the next four years. We have put money also into housing. The Minister for Planning and Infrastructure is overseeing legislation to encourage housing investment, and all indicators show that the New South Wales housing sector, after a long period of lagging, is moving. That will bring significant jobs and a multiplier effect across the broad economy.

We are trying also to make New South Wales a competitive place to do business. We have increased payroll tax thresholds and we have a jobs action plan. We are doing everything we can to drive the economy forward and encourage businesses to employ workers. An important statistic came out today on business confidence. Business confidence in New South Wales is the second highest in the nation and well above the decade average. Consumer confidence in New South Wales is the highest in the nation; I am sure all members of the House are pleased about that. The latest ANZ report states:

> The economic outlook for NSW remains upbeat, with the pieces falling into place for a sustained improvement in economic growth after a decade of underperformance.

To borrow someone else's words, we have more to do, but trends are moving in the right direction. New South Wales is definitely moving again.

WESTERN SYDNEY INFRASTRUCTURE

Mr STUART AYRES: My question is directed to the Premier. How is the Government delivering to Western Sydney?

Mr BARRY O'FARRELL: I thank the member for Penrith for his question. He knows, as my Government knows, that Western Sydney has no better friend than the New South Wales Government. As we have heard today, despite the neglect of 16 years of Labor in government, we are getting on with the job of delivering the services, the infrastructure and the opportunities that people in Sydney's west want. The Treasurer, a man from Manly, is helping to create those jobs that are critical to paying bills in Western Sydney. The member for Willoughby is delivering the rail infrastructure projects that were promised time and again by those opposite but never delivered during their 16 years in government. The bloke from Crookwell, the Minister for Roads and Ports, is finally getting on with projects involving the M4 and the M5. Those projects were talked about for 16 years by those opposite, but nothing was done.

The member for Murrumbidgee, a bloke who lives in Griffith, is delivering 10 out of the 15 new schools to be built in Western Sydney while ensuring that we manage our Education budget in a way that delivers additional funding to special schools. I am bemused when I hear those opposite talking about getting a better deal for Western Sydney. For 16 long years they had an opportunity to deliver, but for 16 long years all they did was take Western Sydney for granted. That is something my Government will not do. I am bemused by voices outside this Parliament of former Ministers in the Labor Government seeking a better deal for Western Sydney.

I think David Borger is one of them. He is involved with some business in Sydney's west. He was a Minister in the former Labor Government that failed to deliver WestConnex, that failed to invest $324 million in Blacktown Mt Druitt Hospital, that failed to invest $139 million in Campbelltown Hospital, and that brought in a train timetable change that took services away, not deliver the extra 690 weekly rail services introduced by the member for Willoughby. We do not need a Cabinet full of Western Sydney members of Parliament to deliver for the west. In 2½ years we have delivered more than successive Labor governments delivered for Western Sydney.

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

Mr BARRY O'FARRELL: The road projects are being delivered by someone who comes from Crookwell. The public transport projects are being delivered by someone who comes from Willoughby. The education projects are being delivered by someone who comes from Griffith. Health projects are being delivered by someone who lives in Neutral Bay. Economic projects, including seven months of jobs growth and eight months of increased participation rate, are being delivered by a member from Manly, not a former member from Granville, Penrith, Blacktown or Parramatta. These projects are being delivered by members of my Government.

The SPEAKER: Order! I call the member Fairfield to order. He will cease interjecting.

Mr BARRY O'FARRELL: Western Sydney has 10 per cent of the nation's population and we will address its needs, together with those of other regions of the State. We will ensure that we put the economic interests of the State first because, like families and businesses in Western Sydney, we know without a strong bottom line there is no strong future. Without a strong bottom line there cannot be opportunities for people in Western Sydney or elsewhere in New South Wales. I mentioned before the great job that the Minister for Health, the member for North Shore, is doing in delivering hospital projects across Western Sydney.

Last week $1 million was announced for planning for a further upgrade to Westmead Hospital, and the Minister has delivered the first funds in a decade for the upgrade of Blacktown Mt Druitt Hospital. The former member for Blacktown said that this project had been denied funds because, in the words of the former member for Blacktown in his last speech in this place in November 2010, Labor had simply treated Blacktown and the region as a safe seat. They are not my words; they are the words of a former respected member for Blacktown—someone who was liked and trusted. [*Extension of time granted*.]

My favourite road, Erskine Park Link Road—on which I travelled in a truck driven by the Minister for Roads and Ports to attend the opening only a few months ago—is a small road but represents a $70 million commitment to a road project in Western Sydney that former Premier Kristina Keneally said was too complicated to get done. The importance of the road is that it unlocks the Erskine Business Park—an area that offers local jobs to people who live in that part of Sydney. Not only did we deliver it—because it was not that complicated—but we are now about to deliver the connector to Old Wallgrove Road, which will link that business park to the M7 and unlock even more land in the western employment lands, providing more jobs in the local region to the people in Western Sydney.

In the electorate of my friend the member for Campbelltown, who does not look the 50 years old he is turning today—never have I seen an opal look so young—the other project that was too hard for the former Government was the M5 West widening. That project is progressing as I speak, and it is progressing because this Government had the commitment to deliver it. That is why I say whether it is Western Sydney or other parts of this State we are the best friends of those communities. We are determined to deliver a strong economy, we are determined to deliver the jobs that people need, we are determined to invest the $60 million in the infrastructure long neglected by those opposite, and we are determined to return quality services to the people of the State. I remind the former member for Granville that we are delivering the Granville commuter car park, long sought by commuters in Granville. For all his talk about the arts, it was this Government that extended the Sydney Festival to Parramatta and the west, because we continue to deliver to Western Sydney.

Question time concluded at 3.22 p.m.

BUSINESS OF THE HOUSE

Inaugural Speech

Motion by Mr BRAD HAZZARD agreed to:

That the business before the House be interrupted at 6.00 p.m. to permit the presentation of an inaugural speech by the member for Miranda.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.22 p.m.]: I move:

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

(1) Provide that:

(a) from 7.00 p.m. until the rising of the House no divisions be conducted or quorums be called; and

(b) any divisions called from 7.00 p.m. until the rising of the House be deferred until 10.00 a.m. on Thursday 14 November 2013.

(2) Provide for the following routine of business following the conclusion of the inaugural speech by the member for Miranda:

(a) Government business;

(b) at 7.00 p.m. private members' statements;

(c) Government business;

(d) matter of public importance; and

(e) the House to adjourn without motion moved at the conclusion of the matter of public importance.

(3) Permit the passage through all stages, at this or any subsequent sitting, of the Mental Health (Forensic Provisions) Amendment Bill 2013 and the Rural Fires Amendment Bill 2013.

I point out that the House must deal with a number of bills today because of the cut-off time imposed by the Legislative Council. At 3.45 p.m. there will be a joint sitting. At 4.00 p.m. we will have the second reading speech of the Rural Fires Amendment Bill 2013 and then the Mental Health (Forensic Provisions) Amendment Bill 2013 will be dealt with. At about 4.10 p.m. the House will consider the Motor Dealers and Repairers Bill 2013, which will proceed through all stages this afternoon. If debate on the bill is not concluded by 6.00 p.m. it will be interrupted for the inaugural speech by the member for Miranda.

Unfortunately, there will be no dinner break this evening. At the conclusion of the inaugural speech by the member for Miranda we will deal with Government business again until 7.00 p.m., when the usual order of business will proceed—that is, private members' speeches. Thereafter we will deal with the bills I have mentioned through all stages. At the conclusion of Government business the House will then proceed to the matter of public importance. Pursuant to the motion, no divisions or quorums will be called after 7.00 p.m. Therefore, any divisions called will be held tomorrow at 10.00 a.m. So members should be aware that they will need to be available then.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Government Response to Report

The Clerk announced the receipt of the Government's response to report No. 3/55 entitled, "Review of the Parliamentary Electorates and Elections Act 1912 and the Election Funding, Expenditure and Disclosures Act 1981", received out of session and authorised to be printed on 7 November 2013.

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**.

Solar Feed-in Tariff

Petition calling on the Government to legislate a metered solar feed-in tariff for all New South Wales residents to contain electricity costs and provide financial incentives to the solar industry and customers, received from **Mrs Tanya Davies**.

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**.

Inner-city Social Housing

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

Container Deposit Levy

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

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Western Sydney Infrastructure

Mr STUART AYRES (Penrith—Parliamentary Secretary) [3.27 p.m.]: My motion calls on this House to support the Government's commitment to delivering better infrastructure and services for Western Sydney. When this Government was elected there was no doubt that Western Sydney found its voice. For too long the people of Western Sydney felt they had been neglected. Across Western Sydney, places such as Penrith, Mulgoa, Londonderry, Riverstone and Smithfield finally found their voice in strong community advocates—people who put their hand up to say that they could do a better job and who came into this place to ensure that Western Sydney has a strong voice in government and that it gets the services and infrastructure it requires.

The people of New South Wales spoke very clearly on that fateful day of the election to those opposite. For Western Sydney it was like releasing the shackles and breaking away from the chains that had been wrapped around it by the Labor Party for countless numbers of years—for longer than the 16 years of the former Labor Government because for a long time the Labor Party had neglected and avoided Western Sydney. For my entire life the Labor Party had not been able to come up with a solution for the M4 East—that indicates how little the Labor Party thought about Western Sydney. We have heard already today about a number of the Government's achievements. In health there have been rebuilds and upgrades of hospitals at Blacktown, Campbelltown and Nepean. In transport the North West Rail Link was just a matter of fiction for those on the opposite side of Chamber; it is now being delivered by this Government.

A group of people in north-western Sydney have no rail services. They cannot complain about bad service because they have never had a rail line. They deserve to have a rail line. The South West Rail Link was announced time and time again. Under this Government, it is being delivered early and under budget. That demonstrates the quality of the Government's commitment to Western Sydney. The Waratah carriages are another great example. That project was almost lost to the people of New South Wales. It was saved by this Government to ensure that people who live in Western Sydney can travel in air-conditioned train carriages. We are debating these issues in 2013 because of the way the previous Government treated Western Sydney.

We are upgrading roads across Western Sydney. We are widening the M5 to ensure that people in the south-west have access to a motorway that suits their needs. We are investing in what is the largest infrastructure project in the country—WestConnex. That project will create the M4 East and duplicate the M5 tunnel. Once again, we are correcting a mistake of the previous Government. WestConnex will provide people in the inner west with a distributor that allows them to move from north to south. There are growth roads, such as Richmond Road and Schofields Road. In the south-west, the Government is upgrading Narellan Road and Camden Valley Way. We are investing also in schools. [*Time expired.*]

Hunter Employment

Ms SONIA HORNERY (Wallsend) [3.31 p.m.]: My motion states:

That this House:

(1) Acknowledges the importance of a strong and expanding workforce and employment opportunities in the Hunter.

(2) Regrets the news that 80 Hunter industrial jobs were lost this week.

(3) Calls on all members of Parliament to stand up for communities outside Sydney and ensure New South Wales maintains regional and rural jobs.

Many governments crow about minor successes, but when there is an employment crisis regional centres such as the Hunter lose jobs. That indicates to our community that this Liberal-led Government is happy to let market

forces drive jobs away. About 80 Hunter industrial jobs were lost this week when Caterpillar distributor WesTrac and train builder UGL Ltd cut their workforce. Sadly, 16 apprentices who had started their journey into the workforce have had their futures thrown into turmoil. The impact on the community of having at least 80 people retrenched goes well beyond employment. These are young people whose futures have been halted, and families with one fewer wage earner or, sadly, in some cases no wage earner at all.

These families may be forced to leave the Hunter in search of jobs that have been sent interstate. As the knock-on effect begins, sports clubs, schools and local businesses will be impacted. It is clear that the Hunter is being let down by the Government, which is more intent on building a rail shuttle in north-west Sydney than spending money on supporting regional centres such as the Hunter. The Hunter prides itself on being the industrial powerhouse of the State. The Government has already sent bus building projects—jobs that should have been awarded to Volgren at Tomago—to Queensland. Seemingly so concerned with Queensland Premier Newman's own slashing of jobs, Premier O'Farrell has sent our jobs to the Sunshine State as some kind of perverse care package.

The Secretary of the Australian Manufacturing Workers Union [AMWU], Mr Ayres, said EDI Downer was also likely to cut jobs from its Cardiff plant next year if the Government did not provide some clarity on future rail contracts—an indication that there is something the Government can do. Recently I wrote to the Minister for Transport on behalf of 36 constituents who work for four Newcastle companies within the rolling stock manufacturing industry. The workers, from Goninan, EDI, Varley and RPC, are worried about losing their jobs. The Minister said the Government had dedicated $833 million for new rolling stock and that all decisions to acquire new equipment would follow standard procurement procedures. But the Minister gave no indication of when the decisions would be made.

All Hunter members should vote for this motion to be accorded priority. I have some advice for the member for Bathurst and others: They should follow my lead and that of the Labor Party and demand a debate on the jobs crisis facing their communities. Sadly, it is not only the Hunter being let down; the centres of Bathurst, Orange, Goulburn, Broken Hill and Tweed are suffering under a Government that is committed to pleasing bureaucrats by slashing jobs. [*Time expired.*]

The SPEAKER: I welcome to my gallery Anglican Archbishop Glenn Davies.

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

The House divided.

Ayes, 61

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

Noes, 23

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

Pair

Mr Edwards Mr Furolo

Question resolved in the affirmative.

SENATE VACANCY

Joint Sitting

At 3.43 p.m. the House proceeded to the Legislative Council Chamber to attend a joint sitting to choose a senator in the place of the Hon. Robert John Carr.

At 4.00 p.m. the House reassembled.

ACTING-SPEAKER (Mr John Barilaro): I report that at a joint sitting this day Deborah O'Neill was chosen as senator in the place of the Hon. Robert John Carr. I table the minutes of proceedings of the joint sitting.

Ordered to be printed.

ACTING-SPEAKER (Mr John Barilaro): Order! It being 4.00 p.m., the House will now consider Government business.

RURAL FIRES AMENDMENT BILL 2013

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

Second Reading

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [4.00 p.m.], on behalf of Mr Greg Smith: I move:

That this bill be now read a second time.

I am pleased to introduce the Rural Fires Amendment Bill 2013, which will support emergency management arrangements in New South Wales by, among other things, strengthening current penalties and enhancing the legislative framework for the carrying out of hazard reduction in New South Wales. Members need no reminding of the danger that bushfires present to the people of New South Wales. Unfortunately, the bushfire season has hit us early and hit us hard this year. Through this bill it is the Government's intention to ensure that the NSW Rural Fire Service has the necessary tools at its disposal to prevent and respond to bushfires across the State this summer. We want to make sure, for example, that where hazard reduction is required it can occur when the weather permits and with the minimum of red tape, and where a fire is found to be the result of reckless conduct that strong and effective offences and penalties are in place to address this behaviour and send a message that this type of behaviour will not be tolerated.

The primary focus of the bill is to amend the Rural Fires Act 1997 to implement eight of the recommendations from the Independent Hazard Reduction Audit Panel's final report. As members may be

aware, as an election commitment the Government established the Independent Hazard Reduction Audit Panel to conduct a review of the hazard reduction program in New South Wales and to provide recommendations on potential enhancements. Overall, the panel found that the hazard reduction program is strategic and well administered. The recommendations in the panel's final report identify a number of areas where the hazard reduction program could be enhanced. The panel made 18 recommendations, eight of which require legislative amendments. All these are included in the Rural Fires Amendment Bill 2013. Other recommendations related to enhancements to cross-portfolio collaboration, Commonwealth relations, community engagement and funding.

The New South Wales Government accepted all 18 recommendations arising from the panel's review and these are in the process of being implemented. A key outcome of this bill is that it will provide for more flexibility in the issuing of hazard reduction certificates. By enabling hazard reduction to be carried out at opportune times in this way we are ensuring that burns can take place when the weather conditions are right, which is especially important when the season starts so early. Fire experts constantly remind us that hazard reduction will not stop bushfires. However, it is important that every effort be made to minimise their impact. The early start to the fire season in New South Wales clearly demonstrates the importance of mitigation strategies such as hazard reduction. Following the recent bushfires the Government again sought advice from the Rural Fire Service about whether further legislative changes were identified and should be included in this bill.

I now turn to the provisions of the bill in greater detail. The Independent Hazard Reduction Audit Panel found that the provisions facilitating hazard reduction could be refined in a number of ways to enhance the hazard reduction program. The first two recommendations of the panel seek to extend the NSW Rural Fire Service's role to protect infrastructure, environmental, economic, cultural, agricultural and social assets, in addition to property. The bill seeks to address this by amending section 3 (c) of the Rural Fires Act to extend the objects of the Act to include protecting infrastructure, environmental, economic, cultural, agricultural and social assets from damage. Similarly, section 9 (4) (b) of the Rural Fires Act 1997, which sets out the functions of the NSW Rural Fire Service, will be amended to include protecting infrastructure, environmental, economic, cultural, agricultural and social assets from damage.

The third recommendation of the panel seeks to give the Commissioner of the NSW Rural Fire Service the power to quality-assure bushfire risk management plans by allowing the commissioner to direct a bushfire management committee to amend its plan if it is inadequate. The fourth recommendation proposes that the Commissioner of the NSW Rural Fire Service be able to carry out hazard reduction on land without the consent of the owner after reasonable attempts to contact the owner have failed. The bill establishes a new notice under section 73 for this purpose. If the owner or occupier does not come forward within seven days of the notice being served, the Rural Fire Service may carry out the bushfire hazard reduction work. The fifth recommendation proposes to include fire trails in the definition of "hazard reduction" to ensure that hazard reduction is carried out on fire trails and hence poorly maintained fire trails do not inhibit access to remote areas by firefighters during bushfires. Recommendations 6 and 7 propose amendments to the way that public authorities report on hazard reduction works to the Commissioner of the NSW Rural Fire Service in order to facilitate greater transparency and accountability.

Public authorities will be required to report to the commissioner within one month of the end of the financial year on activities undertaken to reduce bushfire hazards on managed land during the preceding year. Additionally, public authorities will be required to give the commissioner a monthly update, including the reasons why any planned activities did not take place. This regular update will allow the commissioner to better manage the hazard reduction program, and identify and rectify underperformance at an early stage. Recommendation 8 proposes that hazard reduction certificates for annual low-impact works may be issued for a period of three years rather than one. The bill proposes an amendment to section 100 (1) of the Rural Fires Act to facilitate this change. The bill also contains three other amendments that seek to align provisions of the Rural Fires Act with similar provisions in the Fire Brigades Act 1989. For instance, the bill provides for the NSW Rural Fire Service to draw or use water from any source by arrangement for training purposes.

At present section 26 only allows this to occur for the purpose of controlling and suppressing a fire. Section 39 of the Fire Brigades Act provides Fire and Rescue NSW with a similar entitlement. It also proposes to amend section 25 to make it clear that the NSW Rural Fire Service can pull down, destroy or shore up any part of a structure considered to be dangerous to life and property. At present the provision refers to whole structures. The NSW Rural Fire Service will also be able to recover costs for this action given that the safety of a structure is the owner's responsibility. It is not unreasonable to allow the NSW Rural Fire Service to seek such reimbursement. Section 17 of the Fire Brigades Act contains a similar provision.

Additionally, the bill proposes to make consequential changes to the National Parks and Wildlife Act to clarify that hazard reduction work carried out under section 100C will not constitute an offence of harming or picking threatened species, or endangering populations or ecological communities under section 118A, or damaging habitat of threatened species, endangered populations or endangered ecological communities under section 118D. The bill also proposes a number of legislative amendments which do not derive from the final report of the Independent Hazard Reduction Audit Panel, but which are aimed at strengthening current emergency management legislation. For instance, through the bill an offence will be inserted into the Rural Fires Act to effectively cover instances of littering where an individual deposits lit cigarettes, matches or any other incandescent material on land thereby creating an increased risk of fire.

Provision also has been made for an aggravated version of this offence to cover instances where such activities take place during a period of total fire ban. The maximum penalty sought for this aggravated version of the offence is 100 penalty units. A similar offence will be removed from the Rural Fires Regulation. The recent fire at Homebush, which destroyed dozens of vehicles, highlights how devastating the consequences arising from such contact can be. It is hoped that these new offences and penalties will help to deter people from such risky behaviour this summer. Following the passage of this bill regulatory provision will be made for enforcement officers, including police, Rural Fire Service staff and local council officers to have the discretion to issue penalty notices for those offences, where it is deemed appropriate. The penalty notices will be $330 for a standard offence and $660 for an aggravated offence where the behaviour occurs during a total fire ban.

Through the bill it is also proposed to ensure that the Rural Fire Service volunteers are covered by existing provisions in the Rural Fires Act under which it is an offence to obstruct or hinder firefighters in the exercise of their legislative functions or to incite or encourage anyone else to do the same. The bill also amends the State Emergency and Rescue Management Act 1989 to create an aggravated offence of impersonating an emergency services officer, or pretending to exercise a power or function, or intending to commit a criminal offence. This builds on an existing offence in section 63B of this Act to better provide for instances where an individual may not merely seek to impersonate an emergency service officer for the purpose of general deception, but where someone may go further and use the credibility provided by a uniform to create greater harm or risk to those around them. Law enforcement officers may also seek to lay charges under the Crimes Act or other legislation in such instances.

Through the bill section 66 (3) of the Rural Fires Act will be amended to provide for more flexible approval processes for issuing of hazard reduction certificates in cases where, for example, there may already be an existing environmental approval in place or an environmental approval is not required. Section 100E will also be amended to allow single bushfire hazard reduction certificates to be issued for a cross-tenure hazard reduction. The bill also references a number of agencies that have had name changes in sections 47 and 100K. I seek leave to table the report of the Independent Hazard Reduction Audit Panel entitled, "Enhancing Hazard Reduction in New South Wales", dated March 2013.

Leave granted.

Document tabled.

I commend the bill to the House.

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

MENTAL HEALTH (FORENSIC PROVISIONS) 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) [4.16 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Mental Health (Forensic Provisions) Amendment Bill 2013. The purpose of the bill is to allow for extension orders to be made in respect of a limited number of forensic patients

in order to facilitate the continued supervision and review of those patients by the Mental Health Review Tribunal. The bill implements a recommendation of the NSW Law Reform Commission in its report titled, "People with cognitive and mental health impairments in the criminal justice system, criminal responsibility and consequences", May 2013.

The Mental Health Review Tribunal can already make orders in relation to the care, treatment and control of a forensic patient who is assessed as a mentally ill person at the expiry of their limiting term. However, the NSW Law Reform Commission noted that there is a gap in the New South Wales legislative framework for dealing with forensic patients who pose an unacceptable risk of serious harm to others at the end of a limiting term but who may not come within the definition of a mentally ill person. This bill addresses that gap by ensuring that the Mental Health Review Tribunal can continue its oversight of these forensic patients.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber.

Mr GREG SMITH: The bill addresses the gap by ensuring that the Mental Health Review Tribunal can continue its oversight of these forensic patients in limited circumstances, making sure they continue to receive the help they need. The bill enables the Supreme Court to make an extension order which continues the jurisdiction of the tribunal for up to five years after a limiting term expires. Extension orders will be made available for patients who have been found to be unfit to be tried for an offence but are not acquitted at a special hearing and in respect of whom a limiting term is imposed provided that strict risk criteria are met. The risk threshold for making an extension order is high. A high-risk threshold is appropriate as one of the orders the tribunal may make in respect of a forensic patient subject to an extension order is that the patient be detained. Detention for the protection of the community should only ever occur in exceptional circumstances. Such detention is permissible if it can be demonstrated that less intrusive alternatives have been expressly considered and found to be unsuitable. This proposal specifically requires the Supreme Court to consider the availability of less restrictive options, such as the transfer to the civil mental health scheme, the making of a guardianship order or entry into the Community Justice Program, before making an order.

I will now turn to the detail of the bill. Items [1] to [11] of schedule 1 make amendments to the Mental Health (Forensic Provisions) Act to define extension orders and provide that a patient whose status as a forensic patient has been extended by the Supreme Court is to be treated as any other forensic patient under that part. The Mental Health Review Tribunal will continue to review the case of a forensic patient subject to an extension order every six months. The tribunal may make any order or recommendation in relation to that person that it can make in relation to other forensic patients, except for an order for unconditional release. This includes a recommendation under section 47 that, in the tribunal's opinion, the person has become fit to be tried. In accordance with the recommendation of the Law Reform Commission, the tribunal may not make an order for unconditional release but may recommend to the Supreme Court that the extension order be revoked.

Item [12] of the bill inserts schedule 1 into the principal Act. Schedule 1 contains the procedures for applying for and making an extension order. Proposed clause 2 of schedule 1 sets out the test for making an extension order. Orders are available where the Supreme Court is satisfied, to a high degree of probability, that the forensic patient poses an unacceptable risk of causing serious harm to others if he or she ceases to be a forensic patient, and that risk cannot be adequately measured by other less restrictive means. The test varies in one respect from the test recommended by the Law Reform Commission. Rather than requiring that the forensic patient pose an unacceptable risk of causing "serious physical or psychological harm" to others, the bill provides that the patient must be at risk of causing "serious harm" to others. That change brings the test into line with the test for involuntary detention under the Mental Health Act, without losing the stringency of the Law Reform Commission's test. It is noted that a number of the commission's recommendations make changes to statutory tests in the Mental Health (Forensic Provisions) Act. Those recommendations are still under consideration by the Government.

Under proposed clause 3 of schedule 1, applications for extension orders may be made by the Minister for Health, the Minister for Mental Health, or the Attorney General, and must be made within the last six months of a forensic patient's limiting term. Proposed clauses 5 and 6 of schedule 1 set out the requirements in respect of making an application, including the documents that must accompany an application, and the notice requirements. The procedures require a preliminary hearing into the application. If, following a preliminary hearing, the Supreme Court is satisfied that the matters alleged in the application would, if proved, justify the making of an order, the court must appoint independent clinical experts to conduct examinations of the patient.

Proposed clause 7 of schedule 1 sets out the matters to which the Supreme Court is to have regard in determining whether to make an extension order. Proposed clauses 8 and 9 provide that extension orders are limited to five years in duration, but that subsequent orders may be made. Proposed clauses 10 and 11 of schedule 1 enable the Supreme Court to make an interim extension order if the matters alleged would, if proved, justify the making of an extension order, and the person would otherwise cease to be a forensic patient before the proceedings are determined. Proposed clause 12 provides for the variation or revocation of an extension order at any time following an application by the patient or a Minister or a recommendation by the tribunal. Parts 3 and 4 of schedule 1 set out procedural provisions and provide rights to appeal a decision of the Supreme Court. The bill does not permit the Supreme Court to make specific orders about the care, treatment or control of a forensic patient. Those orders will continue to be made by the Mental Health Review Tribunal, which has expertise in determining the best options for the care, supervision, treatment and, if necessary, detention of forensic patients.

The Government will consider the other recommendations made by the Law Reform Commission with regard to people with cognitive and mental health impairments in the criminal justice system in coming months. However, this recommendation has been progressed in advance of a full government response in order to address an identified gap in the legislation in relation to forensic patients who may pose an unacceptable risk to public safety. The Government considers that the bill strikes the right balance between protecting the interests of forensic patients and protecting the community. The legislation will apply only to a very small number of patients and will leave questions about the appropriate care, treatment and control of patients to the Mental Health Review Tribunal, which has expertise to make orders appropriate to each individual patient. 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 later hour.

MOTOR DEALERS AND REPAIRERS BILL 2013

Second Reading

Debate resumed from 24 October 2013.

Ms TANIA MIHAILUK (Bankstown) [4.26 p.m.]: I lead for the New South Wales Opposition on the Motor Dealer and Repairers Bill 2013. The Opposition supports this bill in principle. From the outset, the Labor Party has strongly advocated for the core elements of this bill; namely: the provision of greater protections for consumers, motor dealers and motor vehicle repairers to result in a more transparent motor industry in New South Wales. Notwithstanding the benefits of the overall reforms provided by this bill, the Opposition foreshadows a series of amendments that have been drafted after extensive consultation with the Motor Traders' Association of NSW and other major stakeholders.

The bill does not protect the interests of smash repairers in respect of their relationship with large insurance companies and the potential for unjust conduct and unfair contractual terms in their dealings. Furthermore, the bill does not contain provisions that will assist consumers who have suffered from poor-quality repairs. I ask that the Minister clarify how these significant issues can be redressed in his speech in reply. In 2006, the Labor Government introduced mandatory compliance with the national Motor Vehicle Insurance and Repair Industry Code of Conduct, becoming the first State to do so. I outlined the practical difficulties in enforcing certain aspects of the code to this House in September. Nevertheless, mandatory compliance to the code is a significant reform.

The bill consolidates and replaces the Motor Dealers Act 1974 and the Motor Vehicle Repairers Act 1980, following a 2011 review by the NSW Department of Fair Trading. The Opposition welcomes the reduction in licence categories for motor vehicle repairers, dealers and tradespersons from 22 to just four. It also supports the measures that will provide greater flexibility to businesses by giving them the option of applying for a one-year or three-year licence and the provision of tradespersons' certificates at minimal cost. The introduction of a new mechanism to resolve disputes between motor dealers and manufacturers over contracts or conduct seen as unfair or unjust is another important aspect of the bill. This mechanism will allow motor dealers to raise disputes with manufacturers with the Small Business Commissioner, thereby neutralising a potential imbalance between the interests of these two stakeholders.

Currently, small business owners could face a significant financial burden if they wish to enter into a formal legal dispute. The bill will provide a mechanism for access to low-cost mediation. If this mediation fails,

the Consumer, Trade and Tenancy Tribunal will assume jurisdictional and directional power over a potential dispute. The bill therefore provides a clear and affordable avenue for conflict resolution. For consumers, an increase of the maximum payment under the Motor Dealers and Repairers Compensation Fund from $30,000 to $40,000 and some expansion of NSW Fair Trading's powers to crack down on unsound business practices is a welcome aspect of the bill.

The New South Wales Opposition supports the mandating of rectification or compensation orders by NSW Fair Trading when repair work is found to be faulty. We also support the increased protection for consumers by the doubling of the penalty for odometer tampering to $22,000 and by requiring dealers and brokers to disclose relevant facts about a vehicle before it is sold. However, there are certain aspects of the current bill that fall short in the adequate protection of stakeholders, particularly relating to the smash repair industry. We share these concerns with a section of the Motor Traders' Association.

In March, the member for Hawkesbury and I attended a rally organised by the Motor Traders' Association with more than 400 smash repairers at the Greyhound Social Club at Yagoona. The smash repairers were disturbed by the practice of being locked out of the industry by large insurance companies providing preferential business to repairers based on cost rather than on the quality of work. Last night, the Motor Traders' Association held another mass meeting at the club, which was similarly well attended, and there they endorsed amendments that I will foreshadow.

Motor Traders' Association submissions to the New South Wales Opposition outline how the vast majority of insurers in New South Wales adopt a "take it, or leave it" approach when offering repairer agreements or terms of authority, requiring estimates based on a labour rate of $30 per hour. Aside from being uneconomical for many smash repairers, this approach negatively affects consumers as the emphasis is on the cost of the repair work rather than the quality of the repair work. This not only hurts local businesses but is also a road safety issue. Media reports have highlighted cases where workmanship provided by preferred repairers was below the minimum industry standards, therefore requiring rectification work for the vehicle to become roadworthy. This results in more unnecessary expense, delay, inconvenience and frustration for consumers. It can also have significant safety ramifications.

Last week, I visited T. R. Flanagan's Smash Repairs at Penshurst, where Terry Flanagan and his team are rectifying one particularly bad case of shoddy repair work. The vehicle, owned by Katherine Staunton, was parked when it was hit by a drunk driver at speed and badly damaged. The accident occurred in May. Ms Staunton's insurance company sent the car to a "preferred repairer". However, it was far from repaired when it came back. T. R. Flanagan found 35 defects in the initial repair, including incompatible parts and cracked welding which rendered the car unsafe. Ms Staunton has now been off the road for six months and relies on friends and borrowed cars to travel to work every day. Her case became the subject of a television news exclusive. The initial cost was $20,000, the rectification costs were $23,000, which makes a total of $43,000 on a car insured for $25,000. Ms Staunton is just one example of this growing problem, and Mr Flanagan is among hundreds of smash repairers across the State worried about customer safety and the future of the industry.

Last week I also met Sal Solano, Keith Byrne and Ted Lithgow, local smash repairers in the Bankstown region. They reiterated the concerns voiced by Mr Flanagan and many members of the Motor Traders' Association. These smash repairers are highly experienced. They have been in the industry for decades and have weathered countless changes to the industry, yet they feel this is the greatest challenge they will ever face. During the past year more than 30 smash repairers across New South Wales have been forced to shut their doors. I think everybody in this House shares their concerns, while the list of poorly repaired vehicles continues to grow.

The present form of the bill will not address these specific issues. The Opposition therefore foreshadows a series of amendments to improve the efficiency of the bill and more effectively protect all the stakeholders within the motor industry. For instance, the bill requires amendment to allow smash repairers to apply to the Small Business Commissioner about the unjust conduct of or unfair terms in a contract with respect to their dealings with a repair authority. This amendment would be similar to the proposed provisions available to motor dealers against manufacturers. In its present form, smash repairers have no such course of action. Furthermore, under the bill's disciplinary provisions every insurer should be required to report instances of poor quality repair work or fraud to NSW Fair Trading. NSW Fair Trading could establish a public register recording all serious breaches of the Act, giving consumers the necessary information to make an informed choice of smash repairer.

The NRMA called for such a register in its 2012 submission, "Improving the Safety and Quality of Motor Vehicle Repairs in NSW", after identifying 65 possible breaches of current Act in New South Wales over

the previous 12 months. This register should take the form of a "name and shame" website, similar to that set-up by the NSW Food Authority with great success. There are many benefits to a "name and shame" register. For instance, such a move would safeguard consumers against poor quality repairs and provide an open, level playing field for all repairers. Exposing the unjust conduct of operators would see repair quality improve and, according to the Motor Traders' Association, inevitably lead to a decrease in insurance premiums. A more transparent industry is in the best interest of all stakeholders within the motor industry.

The bill requires further provisions to protect the interests of both smash repairers and consumers. It does not include scope for vehicle damage assessment as part of the meaning of repair work. This is a significant gap within the present form of the bill, as motor vehicle assessors are the stakeholders who inspect damaged motor vehicles to determine whether it is economical to repair a vehicle and to decide what repair work will and will not be carried out. The Motor Traders' Association has notified the Opposition of many instances of poor workmanship caused by either under-qualified or dishonest assessors. As it stands under the proposed bill, NSW Fair Trading remains powerless to take action against these assessors. I foreshadow that this issue can only be resolved through the insertion of further provisions in the bill.

Introducing vehicle damage assessment as part of the meaning of repair work will make the bill more robust. Every stage of the repair process will be able to be scrutinised by NSW Fair Trading, and appropriate action could be taken if necessary. The Motor Traders' Association has advised that assessors authorise almost 99 per cent of claims, and it is therefore imperative that recourse is available against assessors. This will help to expose and stamp out unscrupulous assessors and undoubtedly reduce the number of complaints about the poor quality of repair work. When a repair has been deemed to be poor quality, the Opposition believes there needs to be more focus on saving consumers unnecessary time and frustration. There have been instances when the cost of fixing a poor quality repair is greater than the value of the car, as evidenced by the example I gave earlier.

Another example was the subject of an article in the *Daily Telegraph* on 21 June last year. The article reported that shoddy repairs and paintwork saw a vehicle's value drop from its pre-crash value of $17,000 to around $5,000. The customer was informed by an independent panelbeater that a further $12,000 worth of repairs would be required to rectify the damage that had been caused. The crux of the issue is that there are circumstances where poor quality repair work causes the rectification of a vehicle to become uneconomical. The bill should furnish NSW Fair Trading with the capacity to determine that the pre-accident value of a vehicle should be paid to a consumer. I foreshadow that this is an area that requires further provisions to be inserted into the bill.

The New South Wales Opposition believes that if the foreshadowed amendments were to be enacted, consumers, dealers and smash repairers would be afforded the much-needed and essential protections to ensure a fairer, more open and transparent motor vehicle industry. I thank the Motor Traders Association for its consultation and advocacy on behalf of the thousands of stakeholders within the motor industry in New South Wales and their customers. I particularly recognise chairman Tod Sanna, chief executive officer Greg Patten, former chief executive officer James McCall, senior manager Graham Judge, and the association's entire executive. I also thank the Minister for Fair Trading and his staff for providing me with a briefing on the legislation. Some details relating to the operation of the proposed bill will be determined through regulation. The New South Wales Opposition looks forward to continuing its close engagement with industry stakeholders to ensure that the legislative framework provides a more sustainable, fair and transparent industry that benefits motor dealers, repairers, insurers and consumers.

Mr CHRIS HOLSTEIN (Gosford) [4.41 p.m.]: I support the Motor Dealers and Repairers Bill 2013. The bill will repeal and replace the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980 with a single consolidated Act that will reduce the regulatory burden on business and provide a more consistent regulatory environment across the motor vehicle industry in New South Wales. It is always informative to scope the size and economic impact of an industry when introducing new legislation. Almost 6 million cars are registered in New South Wales. In 2012-13 more than 180,000 new vehicles were sold and more than 1.4 million used vehicles were sold—sales worth more than $30 billion in total.

It is estimated that the smash repair and automotive services and maintenance sectors in New South Wales are valued at more than $5.5 billion per annum. The sector employs more than 140,000 people and there are more than 12,000 licensed repairers and 4,000 motor dealers in New South Wales. Those figures demonstrate that this is indeed a vital sector of our State's economy. In 2011, NSW Fair Trading initiated a review of the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980. The object of the review was to examine ways to minimise red tape for the motor vehicle industry and to find ways to provide meaningful protection for consumers when transacting with the industry.

As a result of that review it was deemed appropriate to focus on three themes: first, combining the two Acts into one that was clear and consolidated; second, ensuring consistency between the State bill and Federal consumer law; and, third, improving industry regulation and consumer protection. Following the release of the issues paper in 2012 there was extensive consultation with stakeholders, which included a roundtable meeting with key stakeholders. The object of the bill is to establish a scheme for the licensing and regulation of motor dealers, motor vehicle repairers, recyclers and tradespersons. It provides for remedies for customers of dealers and repairers who suffer loss as a result of unjust or illegal conduct by motor vehicle dealers and/or repairers. The bill empowers the Consumer, Trader and Tenancy Tribunal to declare terms of contracts for the supply of motor vehicles by manufacturers to motor dealers unfair and to make orders to protect motor dealers. The bill provides a transparent and simple system of licensing which reduces the current 22 licence types down to three: motor dealer, motor vehicle repairer and motor vehicle recycler.

The bill prohibits a person from carrying on a business of motor dealer, motor vehicle repairer or motor vehicle recycler unless that person holds an appropriate licence, carries out business at a place for which the licence is granted and complies with the licence. The bill introduces a simple, low-cost mechanism to resolve disputes between motor dealers and manufacturers over unjust conduct or unfair contracts. It introduces an optional, lower fee three-year licence, which will reduce business costs because processing fees will be avoided for years two and three and government paperwork will be reduced to once every three years rather than every year.

The bill updates vehicle warranty provisions to be more consistent with Australian consumer law. The bill also allows for an increase in the jurisdictional limit of the Consumer, Trader and Tenancy Tribunal to $40,000 and for an increase to $40,000 for the maximum payment under the combined Motor Dealers and Repairers Consumer Compensation Fund. It strengthens the investigation and enforcement provision, which includes doubling the penalties for odometer tampering from $11,000 to $22,000. It also allows Fair Trading inspectors to issue orders to a dealer or a repairer to fix faults without the consumer having to resort to legal action. Some business types will no longer need a licence to operate as they represent a low risk.

The bill will reduce red tape by allowing simple work, such as the fitting of wipers or roof racks or replacing light bulbs, to be carried out by a non-licensed repairer. However, new and emerging activities, such as vehicle brokering, will have new obligations to ensure the repairer discloses to their client any financial or business relationship with a supplier. This bill is good legislation in that it comprehensively addresses the issues and modernises the legislative arrangements for the motor vehicle industry. It achieves the objectives it set out to achieve whilst at the same time reducing red tape and improving consumer protection. I commend the Minister for the work done by his department. This is good legislation for every one of our electorates. The motor vehicle industry is substantial and it is important to the economy of New South Wales. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [4.47 p.m.]: I contribute to debate on the Motor Dealers and Repairers Bill 2013. The objects of this bill are to establish a scheme for the licensing and regulation of motor dealers, motor vehicle repairers, motor vehicle recyclers and motor vehicle tradespersons; to provide for remedies for customers of motor dealers and motor vehicle repairers who suffer loss as a result of illegal or unjust conduct by motor dealers or motor vehicle repairers; to empower the Consumer, Trader and Tenancy Tribunal to declare terms of contracts for the supply of motor vehicles by manufacturers to motor dealers unfair and to make orders for the protection of motor dealers; to repeal the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980; and to make amendments consequential on the enactment of the proposed Act and to enact provisions of a savings and transitional nature as a consequence of that enactment.

The former State Labor Government led the way on this issue as far back as 2006 by enforcing mandatory compliance of the Motor Vehicle Insurance and Repair Industry Code of Conduct. It is worth noting that in every other State the scheme is voluntary. When a vehicle accident occurs it can be a messy business to get everything sorted out from insurance to repairs. Motorists need a simple system that they understand and that does not negatively affect insurers or the motor trade industry, specifically the repairers. Smash repairers have voiced their concerns about potential lockouts from the industry by insurance companies looking only at their bottom lines. Any preferential treatment towards repairers on the basis of low cost and low expense could result in a decrease in the quality of repairs. That cannot be allowed to happen. Vehicles can be dangerous and our society demands that repairs are of the highest quality. No-one wants to see recently repaired vehicles veering off the road as a result of a low-quality repair job.

Obviously that is an extreme scenario, but when it comes to the lives of the citizens of New South Wales we should never cut corners. In fact, there have been reports that some repairs undertaken by the insurer's

preferred repairers were substandard and the vehicles in question required further repair. Whether it is a superficial job by a panelbeater or a complex repair job, there should be no decrease in repair quality because the insurers want to save a buck. The Motor Traders Association has made suggestions that it believes would improve the bill. Firstly, the association has suggested that smash repairers be allowed to apply to the Small Business Commissioner about an unfair term in a contract. It has also suggested that insurers be made to provide information to NSW Fair Trading about poor quality repairs and fraudulent activity from dodgy repairers, thereby protecting consumers. If the onus is transferred to insurers to report this kind of activity, it is hoped that Fair Trading can take appropriate action.

Currently, if consumers receive poor quality repairs authorised by the insurer, their only channel of grievance is via the Financial Ombudsman Service. The Motor Traders Association has recommended that Fair Trading be included for seeking a rectification order. During my consultation with the automotive industry, it reiterated its concerns regarding unfair business actions between motor dealers and car manufacturers. Specifically, there was a concern that car manufacturers could withdraw their vehicles from car dealer showrooms on a whim, basically leaving the car dealer with no stock to sell. I am advised by the motor industry that its specific concerns related to car manufacturers making small complaints about the showrooms, such as, "We don't like the location of your showroom", even though the location had been satisfactory and the dealer had been selling vehicles there for the past 20 years.

Dealers were concerned that manufacturers could simply walk into a showroom and say, "We don't like the location of your car sales yard. We don't think you spend enough money on your showroom. Either you spend another $1 million on the showroom or we will withdraw our vehicles from your company." That could result in a reputable company that has been operating for many years having no vehicles to sell and sending the company broke. That is a concern of motor dealers. I understand that the bill has taken care of this concern. I note that the Minister is shaking his head.

Mr Anthony Roberts: I'm nodding.

Mr NICK LALICH: The Minister is nodding. I understand the bill has taken care of this concern. The bill alleviates the concerns of motor dealers. I have had discussions with big motor dealers in my area. So long as the bill does not negatively impact on either side, the dealers or the manufacturers, I believe it is fair. The Opposition does not oppose the bill.

Mr ADAM MARSHALL (Northern Tablelands) [4.52 p.m.]: I am proud to support the Motor Dealers and Repairers Bill 2013. I congratulate the Minister for Fair Trading, who is present in the Chamber, on this welcomed reform. The bill consolidates the Motor Dealers Act 1074 and the Motor Vehicle Repairs Act 1980 into a single piece of legislation that will regulate both motor dealers and motor vehicle repairers in this State. As we have heard, the bill has a number of objectives, including: providing consumer protection and remedies for consumers who purchase motor vehicles from motor dealers or obtain motor vehicle repair services; establishing appropriate standards of conduct and transparency for motor dealers, motor vehicle repairers and motor vehicle recyclers; and providing enforcement mechanisms to prevent misleading or dishonest conduct and illegal dealings with motor vehicles and parts.

One of the most important provisions is protection for motor dealers against unfair contract dealings by motor vehicle manufacturers. That provision has caused a number of motor dealers in my electorate of Northern Tablelands to urge me to support the bill. They can see that for the first time—and I commend the Minister for introducing it—motor dealers will be on a more level playing field or even footing with motor vehicle manufacturers. As we heard from the member for Cabramatta, under the current provisions motor vehicle manufacturers can literally destroy the viability of a motor dealer's business by instructing the motor dealer to spend more money or by withdrawing cars from sale. The bill changes the relationship between the dealer and the manufacturer, as I will outline shortly.

The bill is important because it covers such a large industry. It is estimated that about 140,000 people are employed in the motor dealer and motor repair industries in New South Wales, with more than 12,000 licensed repairers and almost 4,000 motor dealers in the State. So we are talking about a significant chunk of the New South Wales economy. The reforms in this bill will make things a lot easier for dealers and save businesses a lot of money. For the first time businesses will be offered the choice of a one-year licence or a three-year licence. Businesses that choose a three-year licence will see large cost savings and major time savings in government paperwork, as they will not have to go through the licence requirements each year.

Also, the bill offers flexibility for smaller dealers who may wish to have a one-year licence. As I said, this may benefit smaller businesses that wish to set up and establish themselves before they choose the longer three-year licence term. I will briefly comment on the provisions in the bill that relate to the dealer-manufacturer relationship, because they are the highlights. Phil Hardman of Hardman Motors in Armidale contacted me earlier this week to encourage me to support the bill because it addresses the contractual relationship between small motor dealers and the manufacturer or supplier of the vehicles they sell. It assists to resolve the power imbalance that currently exists and introduces new provisions to establish a simple, cheap and effective mechanism for reviewing the fairness of manufacturers' contracts with motor dealers. That is in stark contrast to the current laws.

The bill also extends the protection to motor dealers where manufacturers have engaged in unfair conduct. It establishes a fair mediation and dispute resolution process through the Consumer, Trader and Tenancy Tribunal. It also allows the motor industry group to represent dealers without them being directly identifiable, thereby preventing fears of reprisal. Again, that aspect of the bill has been commended by motor dealers in my electorate. The new dispute resolution mechanism for dealers will for the first time provide a balanced, effective and low-cost means of resolution. It will rectify the power imbalance that currently exists which in some cases allows manufacturers to destroy the business case of small motor dealers who are doing the right thing and employing local people in rural communities. Again, I commend the Minister for this sensible bill, which not only cuts red tape and makes things cheaper and easier for motor dealers but also rectifies the power imbalance. I commend the Minister for his excellent legislation, and I commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [4.57 p.m.]: I support the Motor Vehicle Dealers and Repairers Bill 2013. I commend the Minister for Fair Trading, who is in the Chamber, on yet another raft of reforms to improve protections for business operators and consumers. For far too long we have been relying on outdated and inconsistent legislation to regulate the motor dealer and motor vehicle repair industries. The bill will ensure greater consumer protection for anyone buying a car or getting their car repaired. The bill consolidates the Motor Dealers Act 1974 and the Motor Vehicle Repairers Act 1980 into a single piece of legislation, recognising the connections that exist between these two important sectors of the industry. The industry will benefit from the cuts to red tape and the bill supports good businesses to get on with the job of selling and repairing cars.

We know the importance of the motor industry, particularly the vital role of selling and repairing cars, to the New South Wales economy, with almost six million cars registered in New South Wales. In 2012-13 more than 380,000 new vehicles and more than 1.1 million used vehicles were sold, with sales worth more than $30 billion in total. It is estimated that the smash repair, automotive services and maintenance sectors of the New South Wales economy are valued at more than $5.5 billion. The sector employs more than 140,000 people, with more than 12,000 licensed repairers and almost 4,000 motor dealers in New South Wales.

This is an incredibly vital sector to our economy. As I mentioned earlier, there was a need to update the legislation because it had become outdated. For example, the bill updates the required standard for repair work to meet the Australian Consumer Law standard for the supply of goods and services. This single change will help to ensure that consumers get essential and basic guarantees of goods and services when they enter into a contract to repair or buy a vehicle. It also holds repairers and dealers accountable when that does not occur. One of the fears of most consumers when purchasing a used vehicle is the undisclosed history of that vehicle. The bill includes provisions to ensure that dealers must disclose all relevant material facts to a consumer prior to the sale of the vehicle.

This includes factors that may or may not influence the sale of the vehicle, for example, any indication of odometer interference, previous hail or flood damage, or whether it has been written off in the past. Basically, anything that may affect the registration or insurance of the vehicle in the future must be disclosed. One of the most exciting features of this bill is the streamlined business licensing system. We have consolidated 16 motor vehicle repair licences and six motor dealer licences into three new licence categories. The new transparent and simple business licence categories include a motor dealer, a motor vehicle recycler and a motor vehicle repairer. In addition, the bill will no longer require car market operators and motor vehicle consultants to hold licences. This is to reflect their largely non-sales role.

The new licencing categories will also be offered a choice of one- or three-year licences for the very first time. Like most memberships or subscriptions, there are incentives for businesses to choose a three-year licence to receive cost savings and major time savings in dealing with government paperwork. They will also save time by people not having to complete a renewal form every year. The bill also amends the definition of

"repair work" to make it clear certain basic work on a vehicle does not require a person to have a licence. This means that some jobs, such as changing light bulbs or fitting windscreen wipers, will not need to be done by a licenced operator. However, the consumer will still be protected by the Australian Consumer Law regardless of whether the person replacing roof racks to their vehicle has a licence.

This leads me to the changes to the contractual relationship between small motor dealers and the manufacturer or supplier of the vehicles they sell. For many small motor vehicle repairers, it is often hard to challenge business disputes with larger contractors. Whether for reasons of prohibitive costs or the fear of soured business relationships, it is often not an option to challenge manufacturers who have engaged in unfair conduct. Included in this bill are three tiers which are available to dealers wishing to resolve an issue. Dealers are first encouraged to approach the New South Wales Small Business Commissioner for assistance in dealing with the dispute. They will be provided with a low-cost dispute resolution service for business-to-business disputes. Secondly, they will be referred to mediation. This will ensure that costs are kept low and are shared equally by parties. Should formal mediation fail, the parties will be allowed to apply to the Consumer, Trader and Tenancy Tribunal for the matter to be determined. The tribunal would be able to determine whether a contract or behaviour in relation to the contract is unjust.

The tribunal can also vary the contract or make directions to parties not to take specified actions relating to the contract and will be able to make orders for monetary compensation. This makes the system affordable and provides protection for dealers who sign up to contracts but cannot afford to fight manufacturers through the courts. This factor alone presently prevents many cases from being heard. These reforms will ultimately improve the way motor vehicle legislation is regulated in this State. It is hoped that through greater transparency and better protections consumers will be given the protection they deserve when buying or repairing a vehicle. I once again commend the Minister for Fair Trading on his work to improve the motor vehicle dealer and repairers industry for the better. I commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [5.04 p.m.]: I have pleasure in speaking to the Motor Dealers and Repairers Bill 2013. For the first time, the laws of the motor industry will be under one Fair Trading Act. This is a good move forward and represents a further cut in regulation, which is a significant and ongoing policy reform of this Government. The Government is replacing the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980 with the Motor Dealers and Repairers Act 2013 and will introduce a transparent and simple business licensing system consolidating 16 motor vehicle repair licences and six motor dealer licences into only three licence types, namely, a motor dealer, a motor vehicle recycler and a motor vehicle repairer.

Under the legislation, consumer protection will be strengthened by doubling the penalties for odometer tampering from $11,000 to $22,000, a practice that is commonly used to fool consumers in relation to the kilometres a vehicle has travelled in its life. I applaud the Minister for Fair Trading for doubling that fine. The Motor Dealers Compensation Fund has been combined with a repairers fund and the limit on claims has increased from $30,000 to $40,000. The bill increases the jurisdictional limit for a used vehicle dispute in the Consumer Trader and Tenancy Tribunal from $30,000 to $40,000 and allows Fair Trading inspectors to issue orders to a licensed dealer or repairer to fix faults without the consumer having to resort to legal action.

With all due respect to lawyers, who are represented in the Parliament, I say that is a great move forward. It will minimise the cost, frustration and time of people who are seeking recourse in relation to the repair of their vehicle. I do not want to take food out of the mouth of lawyers, but I believe this is a good move forward. The legislation will also support motor vehicle dealers and repairers by reducing business licence categories from 22 to just three. The bill allows a licence exemption for small and simple repair work that does not impact on vehicle safety, for example, fitting basic accessories such as windscreen wipers and roof racks. I ask the Minister to address in reply the need for a clearer definition of such repairs. The last thing we want is for an unqualified person to undertake what may be considered simple repair work, such as the replacement of a light bulb, and cause extensive damage.

In future, contract disputes or unjust conduct between dealers and manufacturers will be mediated by the Small Business Commissioner. If a dispute cannot be resolved, dealers may take the issue to the Consumer Trader and Tenancy Tribunal which can make enforceable orders. Greg Patten, Chief Executive Officer of the Motor Traders Association of New South Wales, said that the new legislation will provide motor dealers and repairers with the ability to conduct their business in a manner that will ensure quality service provision to consumers in New South Wales. He went on to say that the legislation is mutually beneficial to consumers and business and the Motor Traders Association of New South Wales commends the Minister and the Government. We appreciate those comments of Mr Patten.

The sale of motor vehicles and the subsequent repair of cars is a large contributor to the New South Wales economy, given there are almost six million cars registered in New South Wales. In 2012-13 more than 380,000 new vehicles and more than 1.4 million used vehicles were sold, with the sales worth more than $30 billion in total. It is estimated that the smash repairs and automotive services and maintenance sectors of the New South Wales economy are valued at more than $5.5 billion. It is estimated that the sector employs more than 140,000 people and there are more than 12,000 licensed repairers and almost 4,000 motor dealers in New South Wales. Competition is certainly fierce within the industry.

The Motor Dealers and Repairers Bill 2013 consolidates the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980 into a single piece of legislation. For the first time it will establish up-front objectives of the Act which will make clear the purpose and aims of the legislation to all stakeholders. They are: to provide consumer protection and remedies for consumers who purchase motor vehicles from motor dealers or obtain motor vehicle repair services; to establish appropriate standards of conduct and transparency for motor dealers, motor vehicle repairers and motor vehicle recyclers; to provide enforcement mechanisms to prevent misleading or dishonest conduct and illegal dealings with motor vehicles and parts; and to provide protection for motor dealers against unfair contract dealings by motor vehicle manufacturers.

As part of the new occupational licensing system for tradesperson certificate licensing, tradespeople will be required to renew their certificates every three years. This is an interesting aspect of the Act. The cost of renewal for the tradesperson will be minimal and is expected to be between $10 and $20 per year over the three years. A tradesperson certificate is the industry paper that is required to be employed in the industry. If a tradesperson's certificate is no longer valid or if persons have not kept their skills current through training or working in the industry, they will no longer be able to properly repair new vehicles. A regular licence renewal every three years will ensure the licence is valid and employers can be assured the person they are employing is a skilled worker with recent work experience. A regular renewal process and an up-to-date register of tradespeople will return legitimacy to the licensing system for employees and government alike. This will almost definitely mean that I will eventually be unable to repair motor vehicles legally as I have done in the past because I no longer work in the industry.

Mr Nathan Rees: We will all breathe a sigh of relief about that.

Mr RAY WILLIAMS: I will come back to that. Whilst I am disappointed about that, I believe it is a good step forward because anyone who is not working in the industry or who is doing backyard repairs is not maintaining the appropriate skills and standards required to work on motor vehicles. Although I am disappointed that I may not be able to repair vehicles in the future, this will stamp out any dodgy or backyard repairers who do not work continuously in the industry, so it is a good measure. I have raised previously the importance of motor vehicle repairs, and once again I take the opportunity to inform the House it is vital for the safety of our community that the vehicles on our roads are repaired only by qualified repairers. The bill will amend the definition of "repair work" to make it clear that certain basic work on a vehicle does not require a person to have a licence. Repair work that is not a repair class prescribed by the regulations will not require a licence. This clarification will allow certain work on a motor vehicle to be done without a licence, including basic repairs or accessories. I look forward to the Minister outlining the nature of those smaller repairs when he replies to the debate.

The Motor Dealers Act 1974 and Motor Vehicle Repairs Act 1980 provided for compensation to consumers in the event of a loss. The new bill will combine these compensation funds into a new Motor Dealers and Repairers Compensation Fund. Funding will come from a percentage of the licence application and renewal fees that dealers and repairers pay. In a major new benefit for consumers the maximum amount of money that a consumer can claim through the compensation fund will increase from $30,000 to $40,000. The bill will provide a new protection for consumers by allowing Fair Trading inspectors to issue rectification orders in clear examples where repair work on a vehicle is incomplete or defective, or if a dealer guarantee has not been completed or is defective. Rectification orders are effectively enforceable documents that can be used as evidence before a court or tribunal. Failure to follow an order can result in disciplinary action by Fair Trading. Rectification orders will advise the dealer or repairer exactly what work must be completed to fix the issue under dispute in order to abide by the requirements of the law.

Rectification orders are already used in Fair Trading home building disputes and are an effective method of resolving disputes quickly and efficiently in a fair and transparent manner. However, I raise one issue with respect to the dealing and repair of motor vehicles. I place this matter on the record and look forward to the Minister's answer in reply. The Motor Dealers and Repairers Bill 2013, which deals with written-off vehicles,

makes changes with respect to vehicles that are damaged in this State whereas if a vehicle is damaged to such an extent that it cannot be repaired, it is automatically written off. The vehicle can then no longer return to the road. However, that is only the case in New South Wales. It is my understanding that vehicles deemed to have been written off and unable to be registered in this State are being transported over the border to Queensland and Victoria, where they are repaired by unscrupulous repairers to a lesser standard, and then potentially sold back into New South Wales.

If under this legislation dealers must comply with certain restrictions to ensure that consumers are kept up to speed, do dealers then have to notify consumers if a vehicle has been repaired and registered in another State, brought back into New South Wales and subsequently onsold? If a vehicle is registered in another State when the buyer goes to register it in New South Wales it may be identified as a written-off vehicle. I seek clarification on this matter. It may be outside the leave of the bill and a matter for Roads and Maritime Services or the Register of Encumbered Vehicles [REVS]. [*Extension of time agreed to.*]

It is important to raise this matter on behalf of unsuspecting consumers who buy a vehicle from interstate. Hopefully we can get some clarification on that issue. I also raise issues regarding the proposed changes and the effect this will have on the auto body repair industry. In light of the examples of poor-quality repairs that have already been uncovered—many vehicles are not being repaired appropriately—will the customer be able to contact Fair Trading directly and have that agency resolve problems with poor quality? I believe it may be the case that under this bill a customer who has repairs authorised by an insurer will still have to pursue his or her dispute through the insurer's dispute resolution process and then the Financial Ombudsman Service. Under clause 170 (4) of part 8 of the Motor Dealers and Repairers Compensation Fund the secretary must disallow a claim unless the secretary is satisfied that the claimant has taken all reasonable steps to exercise any legal remedies or other rights of action available to the claimant in respect of the loss.

My question is: Does this mean a customer will have to proceed through the insurer's internal dispute process? If the dispute is not resolved then the customer has to contact the Financial Ombudsman Service. If this is so a customer who requests the secretary to review his or her case may have to wait a minimum of four months to have the matter addressed. Another issue is in regard to loss assessors who are not required to be licensed. An assessor can alter a quotation to allow only used and reconditioned parts, repair what is deemed an unrepairable vehicle, colour match the impossible and ultimately the repairer will be blamed for the poor-quality repair, not the unlicensed loss assessor. In addition, Budget and Youi insurance companies are compiling quotes and farming the work out to their repair networks. The quote is prepared by the insurance company but the repairer will be blamed if something goes wrong. I do not believe an insurer should be allowed to prepare an estimate at all. It is anti-competitive; but, as always, some repairers will accept a bad deal because they do not have any other option.

If action can be taken against a repairer for misleading or dishonest conduct, why is the assessor not also liable? If a dishonest assessor is identified, Fair Trading has no power to take any action against that person. The unfair contract provision for dealers should be extended to include auto body repairer terms of authority and repairer agreements with insurers. I hope that these issues will be addressed. I commend the bill to the House and look forward to answers from the Minister when he replies to the debate.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [5.17 p.m.]: At the outset I acknowledge the comments of the member for Hawkesbury and agree with most of them—except for his scandalous remarks about the legal profession. I am pleased to have the opportunity to speak to the Motor Dealers and Repairers Bill 2013 as it deals with a number of issues that have been brought to my attention by members of my community who are actively involved in these growing industries. I note the enormous amount of consultation that has taken place to bring this legislation before the Parliament. I particularly note the efforts of the Minister's staff and the department in identifying the issues requiring attention, developing responses and solutions, and consolidating them into one sharp piece of legislation that provides improved consumer protections and a more streamlined set of processes for business operators.

I note also that despite such a long period of consultation a number of important issues have emerged at the tail end of the process that will need to be dealt with at a later time. As all members will know, the vehicle repair and sale industry is a vital sector that contributes billions of dollars to our State's economy and employs tens of thousands of people. As mentioned previously, I understand the importance of this sector at a local level and I am fully aware of the many families and individuals in my community who are supported by its ongoing success. I am very pleased to have met with many of the dealers and vehicle repair operators in Pittwater. They are genuine people, who have a real passion for their industry. They are eager to ensure that it is protected and

that the high standards they employ in their businesses are upheld throughout the State. I also acknowledge the various car dealerships and mechanical repair shops that operate locally, including those led by the Sutton, Crawford, Guberina and Buckle families, all of who are strong supporters of our community on a much broader scale than just through their businesses.

I appreciate that there is some urgency in relation to my completing my comments on the bill. Suffice to say I note many of its objects have been outlined by other members in the debate. I note it is a voluminous bill that extends to 77 pages, with almost 200 sections consolidating the existing legislation. I conclude by referring to a few issues raised with me by local repairers in the past couple of weeks. The bill has been welcomed by both vehicle repairers and dealers in my community—I convey that message to the Minister and his staff. I am aware of a number of outstanding issues and concerns within the sector but I understand that there is no scope in this bill to address them. I strongly believe there is a need to examine those issues as part of further necessary reforms.

On top of the list is the ability for vehicle repair operators to apply to seek assistance with contractual issues they face with insurers under an arrangement similar to that being put in a place for motor vehicle dealers. The legal requirement for insurers to advise Fair Trading about any fraudulent activity or poor-quality repairs that they become aware of, including when the insurer has a financial interest in the repair shop in question, should be extended to consumers. Repairers I have spoken to are of the strong opinion that consumers need to receive this information from an independent source and they cannot rely on insurer recommendations. I was staggered to learn recently that insurers who have proven concerns about the quality of repairs done by a particular repair business do not share this information with their customers, but rather cash settle their claims. They do not give customers information that is absolutely relevant to their choice of repairer.

If I withheld relevant information when taking out insurance, it would vitiate the contract and void my insurance. Surely insurers should treat policyholders in the way they expect to be treated in return. Assessor licensing should be introduced to ensure that all players in the industry are competent and uphold the highest quality standards. I thank all those in my community for giving me feedback. I am grateful to all the vehicle repairers in my community, including Col Hallinan from Polo Smash Repairs at Mona Vale, Frank Slojik from B Brothers Smash Repairs at North Narrabeen, Sam Femia from Sam Femia Smash Repairs in Mona Vale and the many other high-quality repairers in our local area. They provided invaluable advice and detailed knowledge of the industry and displayed genuine interest in upholding high vehicle repair standards and ensuring the next generation of repairers is properly trained, equipped, informed and educated on proper practices and ethical behaviour. I commend the bill to the House.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [5.22 p.m.], in reply: As members have heard, the Motor Dealers and Repairers Bill 2013 will reform the regulation of motor dealers and repairers. The bill consolidates the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980 into a single piece of legislation to ensure that the requirements of the legislation are applied consistently to both motor vehicle dealers and motor vehicle repairers. The bill will modernise the law to recognise a more up-to-date marketplace and the motor industry will benefit from less red tape. The bill also creates a dispute resolution system that will enable motor dealers to resolve a dispute about unfair terms in their contracts or any unjust conduct involving motor vehicle manufacturers or suppliers.

The bill is the end result of a comprehensive consultation process that began in late 2011 and involved an issues paper, examination of many submissions and roundtable discussions with key industry groups. I now turn to issues raised by members, specifically by those opposite, during the debate. First, there is the issue of consumer protection. The shadow Minister suggested that the bill does nothing to assist consumers impacted by poor-quality repairs. In fact, the bill introduces rectification orders that will allow a Fair Trading inspector to advise the dealer or repairer exactly what work must be completed to fix the issue under dispute in order to abide by the requirements of the law. This is a new and innovative measure that ensures disputes are resolved quickly and cheaply before they escalate. It is a significant win for consumers.

The Government will examine the relationship between insurers and repairers in a separate process in order to ensure that there are fair and transparent business practices in the marketplace. Currently, this relationship is regulated by the Motor Vehicle Insurance and Repair Industry Code of Conduct. This code ensures that vehicles are repaired to the appropriate standards and that there is transparency in the vehicle estimation process. At a national level this code is voluntary but it is mandated in New South Wales and all insurers and repairers must abide by it. The Fair Trading Act 1987 mandates the code in New South Wales. Therefore, there is no scope for the bill to regulate the relationship between insurers and repairers.

I thank all members who contributed to debate on the bill. The industry of selling and repairing cars is an important sector of the New South Wales economy. New South Wales currently licenses more than 12,000 repair businesses and almost 4,000 motor vehicle dealers and almost six million cars are registered in this great State. Last financial year nearly 1.8 million vehicles were sold, including more than 380,000 new vehicles and more than 1.4 million used vehicles. The smash repair, automotive services and maintenance sectors of the industry are valued at more than $5.5 billion.

This simplified and consistent bill will bring great benefits to the industry and maintain and improve critical elements of protection for consumers who are buying or repairing a vehicle. The legislation will also allow for effective and efficient regulation of the industry well into the future. I thank all those involved in bringing this reform to fruition, including the Motor Traders' Association and its past and present leadership James McCall and Greg Patten; the NRMA and its president Wendy Machin, and Jack Haley; and the Federal Chamber of Automotive Industries led by Tony Webber. I acknowledge contributions from members representing the electorates of Gosford, Northern Tablelands, Hawkesbury, Menai, Pittwater, Bankstown and Cabramatta. The member for Hawkesbury raised issues with respect to accessories. We will look at windscreen wipers, simple roof racks, screw-in aerials and fluffy dice in that regard. The matter will be included in regulation following consultation with the industry. I thank my hardworking staff at Fair Trading, including Dr Rhys Bollen and Lucas Kolenberg. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Consideration in detail requested by Ms Tanya Mihailuk.

Consideration in Detail

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

Clauses 1 to 5 agreed to.

Ms TANIA MIHAILUK (Bankstown) [5.27 p.m.], by leave: I move Opposition amendments Nos 1 to 39 on sheet C2013-151 in globo:

No. 1 Page 4, clause 6 (2), lines 43 and 44. Omit all words on those lines. Insert instead:

(2) In this Act, repair work means the following work:

(a) carrying out a vehicle damage assessment referred to in Division 3 of Part 4.5 of the Road Transport Act 2013,

(b) performing the functions of a licenced repairer under section 98 of the Road Transport Act 2013,

(c) any other work of a class or classes prescribed by the regulations for the purposes of this section.

No. 2 Page 17, Part 3. Insert after line 12:

Division 3 Register of offences and penalty notices

48 Secretary to keep register of offences

(1) The Secretary is to keep a register of information about offences under this Act or the regulations under this Act relating to serious breaches of this Act or the regulations.

(2) The register may contain any of the following information in relation to a person who has been convicted by a court of, or has been issued a penalty notice for, an offence under this Act or the regulations that, in the opinion of the Secretary, is a serious breach of this Act or the regulations:

(a) the name of the person,

(b) the name and address of the place of business at which the offence was committed, including the local government area in which it is located,

(c) the name and address of the usual place of business of the person,

(d) the trade name under which the person trades,

(e) if the person is a company, the name of the chief executive officer and any director of the company,

(f) a description of the nature and circumstances of the offence, the decision of the court and penalty imposed or the order made against the person,

(g) any other information of a general nature in relation to matters connected with the motor vehicle dealing and repairing industry that the Secretary thinks necessary.

(3) Information relating to a particular offence is not to be published on the register until:

(a) in the case of a person who has been convicted by a court:

(i) if no appeal is made—after the last day on which an appeal may be made against the conviction, or

(ii) if an appeal is made—after a final order has been made on appeal affirming the conviction, and

(b) in the case of a person who has been issued a penalty notice:

(i) the amount payable under the penalty notice has been fully or partly paid, or

(ii) a penalty notice enforcement order under Part 3 of the Fines Act 1996 has been issued in respect of the penalty notice, or

(iii) at least 70 days have elapsed since the penalty notice was served and the penalty notice is unresolved.

(4) The register may be kept in any form that the Secretary considers appropriate.

No. 3 Page 32, Part 4. Insert after line 28:

Division 8 Motor vehicle repairers to report on incomplete or defective work

100 Motor vehicle repairers to report incomplete or defective repair work

A motor vehicle repairer who becomes aware that repair work carried out, or purported to have been carried out, by another motor vehicle repairer is incomplete or defective, or has been carried out otherwise than in accordance with this Act, must notify the Secretary of that fact as soon as practicable after becoming so aware.

Maximum penalty: 20 penalty units.

No. 4 Page 36, clause 111 (2) (a), line 19. Insert "(whether or not the work was authorised by the owner or by the insurer of the motor vehicle)" after "has been done".

No. 5 Page 37, clause 113 (1), lines 3 and 4. Omit "or the defect rectified". Insert instead ", the defect rectified or the owner compensated".

No. 6 Page 37, clause 113. Insert after line 10:

(3) A motor dealer or motor vehicle repairer on whom a rectification order that requires compensation to be paid has been served may apply to the Tribunal for the variation or revocation of the order.

No. 7 Page 45, clause 141. Insert after line 10:

motor vehicle repairers' group means a body, approved by the Secretary for the purposes of this Part, that represents motor vehicle repairers.

repairer contract means a contract (including documents forming part of, or referred to in, the contract) between an insurer and a motor vehicle repairer for repair work by the motor vehicle repairer.

No. 8 Page 45, clause 142 (1), line 16. Insert "or repairer contract" after "contract".

No. 9 Page 45, clause 142 (2), line 23. Omit "supply".

No. 10 Page 45, clause 142 (2) (e), line 34. Insert "or services" before "goods".

No. 11 Page 45, clause 142 (2) (f), line 35. Insert "in the case of a supply contract," before "a term".

No. 12 Page 45, clause 142 (2) (g), line 38. Insert "in the case of a supply contract," before "a term".

No. 13 Page 46, clause 143, line 2. Insert "or insurer" after "manufacturer".

No. 14 Page 46, clause 143 (a), line 4. Insert "or repairer contract" after "contract".

No. 15 Page 46, clause 143 (b), line 6. Omit "supply".

No. 16 Page 46, clause 144. Insert after line 14:

(3) A motor vehicle repairers' group may apply to the Small Business Commissioner for assistance in dealing with a dispute about an unfair term of a repairer contract or a class of repairer contracts or unjust conduct by an insurer who is a party to a repairer agreement or class of repairer contracts.

(4) A motor vehicle repairer may apply to the Small Business Commission for assistance in dealing with a dispute about an unfair term of a repairer contract or unjust conduct by an insurer who is a party to a repairer contract.

No. 17 Page 46, clause 145, line 17. Omit "supply"

No. 18 Page 46, clause 145. Insert after line 24:

(3) A motor vehicle repairers' group or the Small Business Commissioner may apply to the Tribunal on behalf of a motor vehicle repairer or class of motor vehicle repairers for a declaration that a term of a repairer contract or class of repairer contracts is unfair or that conduct of an insurer is unjust, and for orders under this Part.

(4) A motor vehicle repairer may apply to the Tribunal for a declaration that a term of a repairer contract is unfair, or that conduct of an insurer is unjust, and for orders under this Part.

No. 19 Page 46, clause 145 (3), line 25. Omit "or a motor dealer". Insert instead ", a motor dealer, a motor vehicle repairers' group or a motor vehicle repairer".

No. 20 Page 46, clause 145 (3), line 26. Omit "or motor dealer". Insert instead ", motor dealer, motor vehicle repairers' group or motor vehicle repairer".

No. 21 Page 46, clause 146. Insert after line 37:

(2) The Tribunal may, on application under this Part by a motor vehicle repairers' group, the Small Business Commissioner, or a motor vehicle repairer, declare a term of a repairer contract or a class of repairer contracts to be an unfair term or declare conduct of an insurer to be unjust.

No. 22 Page 46, clause 146 (2), line 38. Omit "supply".

No. 23 Page 46, clause 146 (3) (a), line 44. Omit "supply".

No. 24 Page 47, clause 146 (3) (b), line 2. Omit "supply".

No. 25 Page 47, clause 146 (3) (c), line 3. Omit "supply".

No. 26 Page 47, clause 146 (3) (d), line 5. Insert "or motor vehicle repairer" after "motor dealer".

No. 27 Page 47, clause 146 (3) (d), line 6. Omit "supply".

No. 28 Page 47, clause 146 (3) (e), line 8. Omit "supply".

No. 29 Page 47, clause 146 (3) (e), line 10. Omit "supply".

No. 30 Page 47, clause 146 (3) (g), line 14. Insert "or motor vehicle repairer" after "motor dealer".

No. 31 Page 47, clause 146 (3) (g) (i), line 15. Omit "supply".

No. 32 Page 47, clause 146 (3) (g) (ii), line 17. Omit "supply".

No. 33 Page 47, clause 146 (3) (g) (iii), line 18. Omit "supply".

No. 34 Page 47, clause 146 (3) (g) (iii), line 19. Omit "supply".

No. 35 Page 47, clause 146 (3) (g) (iii), line 21. Omit "supply".

No. 36 Page 47, clause 147 (1), lines 25 and 26. Omit "supply contract or class of supply contracts". Insert instead "supply contract or repairer contract, or class of supply contracts or repairer contracts,"

No. 37 Page 47, clause 147 (2), line 37. Insert "or insurer" after "manufacturer".

No. 38 Page 47, clause 147 (2) (a), line 39. Insert "or insurer" after "manufacturer".

No. 39 Page 47, clause 147 (2) (a), line 40. Omit "supply".

Opposition amendment No. 1 to the Motor Dealers and Repairers Bill 2013 omits lines 43 and 44 of the bill and inserts instead a more complete meaning of "repair work" by including "vehicle damage assessment within the scope of the meaning". According to the Motor Traders' Association of New South Wales motor vehicle assessors inspect more than 95 per cent of damaged vehicles before they are repaired. The bill does not refer to that crucial aspect of the motor repair industry. It is therefore imperative that vehicle assessors are included within the meaning of "repair work" to ensure that the provisions relating to disciplinary measures or remedies against misconduct apply also to assessors.

Amendment No. 2 proposes to insert new division 3, which will require NSW Fair Trading to keep and maintain a name-and-shame register of dealers or repairers who have breached the legislation. The register will safeguard consumers from poor-quality repairs and create a level playing field for all repairers by allowing consumers to make an informed choice. A consumer who is encouraged by their insurer to use a preferred repairer has no means of discovering whether that repairer has a poor repair record. The name-and-shame register would operate in a similar manner to the food industry's register of penalty notices and would enable consumers to check a repairer's record on the internet and then choose the best smash repairer.

Amendment No. 3 proposes to replace division 8 with a provision requiring motor vehicle repairers to report to NSW Fair Trading instances of incomplete or defective repair work. This amendment will ensure that consumers are protected because repairers will be punished if they do not report poor-quality workmanship. NSW Fair Trading, once informed of incomplete or defective repair work, will then be able to enforce the measures provided by subsequent provisions in the bill. This will be of great benefit to consumers who may not have the mechanical or technical expertise to discover incomplete or defective work. The onus will be on repairers to ensure that all repair work is undertaken to the required standard.

Amendments Nos 4 to 6 provide for consumers to be compensated if poor-quality repair work has decreased the value of a car. These amendments provide for the defect to be rectified through a rectification order or for the owner to be compensated. The amendments will save consumers time and reduce stress in the event that subsequent uneconomical rectification work is required. If poor-quality work has resulted in a reduction in the value of a car, a compensation order can be sought from NSW Fair Trading. These amendments will also enable motor dealers or repairers to apply to the tribunal for the variation or revocation of a rectification or compensation order. These amendments give consumers, repairers and dealers a wider safety net.

Amendments Nos 7 to 39 enable motor vehicle repairers to apply to the Small Business Commissioner for assistance in resolving disputes regarding an unfair term of a repairers contract or unjust conduct by an insurer. That is only fair. These amendments will improve the efficiency of the bill by more effectively protecting all stakeholders in the motor vehicle industry. The bill before the House allows motor dealers to apply to the Small Business Commissioner to address any discrepancies with a manufacturer. These amendments will ensure that the unjust conduct of big insurance companies against independent smash repairers is properly and thoroughly investigated by the Small Business Commissioner.

These amendments were given in-principle support at a meeting of the Motor Traders' Association Body Repair Division held at the Greyhound Social Club at Yagoona. Graham Judge, the acting manager of that division, is in the Chamber. I am more than happy to move these amendments on behalf of the Opposition. I respect the fact that the Government has asked for time to seek further clarification and legal advice. As such, the Opposition will not call for a division. However, I hope that the Minister's officers, together with representatives of the Motor Traders' Association, including Todd Sarina and Graham Judge, will consider the anomalies in the bill before the debate in the other place.

The Opposition is giving the Government the opportunity to peruse the amendments. They will be debated in the upper House and ultimately members will be asked to vote on them. I hope that the Government will work closely with the Body Repair Division of the Motor Traders' Association and the Opposition to achieve a fairer outcome. I believe the Opposition's amendments can be incorporated in the bill. However, I respect the fact that the Minister, his officers and the department need some time to consider them. I thank the Body Repair Division of the Motor Traders' Association—particularly Graham Judge, Todd Sarina and Kerry Flanagan, who are legends in the industry—for their assistance and advice in drafting the amendments.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [5.35 p.m.]: The Government opposes the Opposition's amendments but retains the right to review them in the other place. We cannot rush through 39 major, untested amendments at this late stage of a reform journey that has lasted more than two years. The Government received the amendments only about an hour ago. That is no way to make good public

policy. This Government has tackled the reform process, it has genuinely listened to the industry and it has genuinely consulted. It is incredibly disingenuous of any member of the Opposition to lecture the Government about these issues.

The Government will not play dangerous games with important legislation. The amendments must be reviewed. We will do something that members opposite should have done and will not simply ram through 39 amendments without any consultation with the major stakeholders. The amendments cover three main issues—a new and extensive name-and-shame register of poor-quality repairs, a new right of smash repairers to challenge unfair contracts with insurers, and a new right to compensation for inadequate repair work. These proposals have not been the subject of stakeholders' submissions as part of the reform process and they have not been the subject of key stakeholder support, for example, from the Motor Traders' Association.

The Motor Traders' Association has been on this journey for a long time and I am advised that it does not at this time endorse these amendments despite the comments of members opposite. These amendments are very worthy of consideration, but only in a considered fashion. We have time between when the legislation leaves this place and when it is debated in the other place to consider them. As I said earlier, the Government will examine the relationship between insurers and repairers in a separate process to ensure fairness and transparent business practices in the marketplace.

As I said, that relationship is regulated by the Motor Vehicle Insurance and Repair Industry Code of Conduct. That code ensures that vehicles are repaired to the appropriate standard and that there is transparency in the vehicle estimation process. The code is voluntary at the national level but it is mandatory in New South Wales. The member for Maroubra and I took on the insurance companies years ago and we had some incredible wins. There is currently no scope for this bill to regulate the relationship between insurers and repairers. The Government will not rush through these last-minute amendments. It will oppose them in this Chamber, but I undertake to speak with those who have contacted members opposite. My officers will be in touch with their officers to find a way forward. As I said, the Government will oppose the amendments in this place.

Ms TANIA MIHAILUK (Bankstown) [5.38 p.m.]: None of the issues I have raised in my amendments are new; they have been deliberated by members of the Motor Traders Association and the industry for many years. I understand that representatives and members of the Motor Traders Association have approached the Minister's office and various Coalition members trying to get their message across that the body repair division of the Motor Traders Association has not been given the same level of consideration as have motor dealers. I refute some of the comments made by the Minister that this was done in the last hour. I was given the proposals by the Motor Traders Association, and I understand that his office was also. I will not name and shame members on the other side approached by the Motor Traders Association, but no doubt a number of Coalition members were approached by the Motor Traders Association who raised concerns about the bill not adequately addressing the issues pertaining to the smash repair industry.

Whilst I am giving the Minister some breathing space in that we will not divide on these amendments, I put the Minister on notice that we will divide on these amendments in the upper House. I give the Minister the opportunity to come back with amendments that might more adequately address some concerns of the body repair division of the Motor Traders Association. Up to 30 smash repairers have shut down in the last month. We have to save this industry. Members on both sides of this House have been approached by the industry. This is a once-in-a-decade opportunity to look more closely at this legislation to see how we can provide the best legislation for an open and transparent industry and assist all stakeholders.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [5.41 p.m.]: I support what the member opposite has been talking about and I have concerns in respect to what is happening in that industry. However, at 2.38 p.m. today I received these amendments. That is no way to deal with this. Both sides are being reasonable by allowing this to go to the upper House.

Question—That Opposition amendments Nos 1 to 39 [C2013-151] be agreed to—put and resolved in the negative.

Opposition amendments Nos 1 to 39 [C2013-151] negatived.

Clauses 6 to 147 agreed to.

Clauses 148 to 191 agreed to.

Schedules 1 to 3 agreed to.

Consideration in detail concluded.

Third Reading

Motion by Mr Anthony Roberts agreed to:

That this bill be now read a third time.

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

REGIONAL RELOCATION (HOME BUYERS GRANT) AMENDMENT BILL 2013

BOARD OF STUDIES, TEACHING AND EDUCATIONAL STANDARDS BILL 2013

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

MENTAL HEALTH (FORENSIC PROVISIONS) AMENDMENT BILL 2013

Second Reading

Debate resumed from an earlier hour.

Mrs BARBARA PERRY (Auburn) [5.44 p.m.]: I lead for the Opposition in relation to the Mental Health (Forensic Provisions) Amendment Bill 2013. Unfortunately, we were only given notice of this bill today. I thank the staff of the Attorney General and the Minister for Mental Health for their briefing on this bill, but a briefing is no substitute for the Opposition being able to consult on legislation. I say that with the greatest respect and note the comments by the Minister for Fair Trading about best policy practice. It is not best policy to criticise the Opposition for doing what the Government is doing with this bill. It is important policymaking; the Opposition will neither oppose nor support the bill at this stage. However, we reserve our right to take time to look at this bill properly and put our position in the upper House.

The object of the bill is as stated in the bill. The amendments made by the bill apply to persons who are found unfit to be tried for an offence but are not acquitted at a special hearing and on whom a limiting term is imposed; and are found to pose an unacceptable risk of causing serious harm to others—being a risk that cannot be adequately managed by less restrictive means than extending the person's status as a forensic patient. The bill implements recommendations of the NSW Law Reform Commission in its report No. 138 entitled, "People with cognitive and mental health impairments in the criminal justice system: criminal responsibility and consequences", dated May 2013. The report also makes a number of other recommendations.

The Attorney General flagged in his second reading speech that this legislation was coming and that there would be other amendments. There is an identified gap in the legislation in relation to forensic patients who may pose an unacceptable risk to public safety, but it would be better to have this considered with the suite of recommendations of the Law Reform Commission. It is not in the Parliament's best interests to make these amendments in isolation from the other recommendations. Nor is it in the best interests of the patients we are seeking to support or the community we are seeking to protect.

The Opposition needs to review this bill closely to ensure that it does not have any unintended consequences. We need also to consult with those in the disability sector. The Minister for Disability Services in the other House will probably consult with them also. It is our right to do the same. We hope to be given the time to do that before the bill goes through the upper House, but I hope the bill does not get pursued with the same speed in the upper House as it has been in this Chamber. I am sure that the Minister, being a fair-minded person, will do his best to ensure that we have time to consult. That is the best way to ensure that good public policy is made.

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [5.49 p.m.]: I support the Mental Health (Forensic Provisions) Amendment Bill 2013. The bill implements a recommendation of the NSW Law Reform Commission in its report No. 138, entitled, "People with cognitive and mental health impairments in the

criminal justice system: criminal responsibility and consequences". The report noted that currently under the Mental Health (Forensic Provisions) Act 1990 when a person's limiting term expires he or she ceases to be a forensic patient, and if he or she is being held in a mental health facility they must be released or transferred into the civil mental health system. The report notes that some current arrangements can be used to manage forensic patients at the end of their limiting term who are at risk of harming themselves or others, but that there are problems with those arrangements.

Where a forensic patient is approaching the end of their limiting term the Mental Health Review Tribunal may reclassify that person as an involuntary civil patient under the Mental Health Act 2007. About one-fifth of forensic patients are currently transferred into the civil mental health system at the expiry of their limiting term. The problem with that in the current context is that not all forensic patients will meet the admission requirement of being a mentally ill person in order to be reclassified as an involuntary civil patient. In particular, people with a cognitive impairment or personality disorder will not, in the absence of a co-existing mental illness, come within the definition of "mentally ill person".

Guardianship arrangements may provide an alternative means of intervention for a forensic patient who has been released at the end of his or her limiting term. The Guardianship Tribunal can make an order appointing a guardian for a person who, by reason of a disability, including an intellectual disability or a mental illness, is totally or partially incapable of managing his or her person. A guardian could authorise the detention of a person who continues to pose a risk of harm to others but who has ceased to be a forensic patient. The problem in the current context is that the general principles underpinning the Guardianship Act state that the welfare and interests of a person with a disability should be given paramount consideration. Those principles focus solely on the best interests of the person subject to the order and the need for community protection is not a relevant principle.

The Community Justice Program, operated by the Office of the Senior Practitioner within Ageing, Disability and Home Care, can be an option for the ongoing management of people with an intellectual disability who have ceased to be forensic patients. The problem with that is that the program has only a limited number of places available and demand exceeds availability. Placements are only available to people who meet the Ageing, Disability and Home Care definition of "intellectual disability". Therefore some patients with cognitive impairments that do not meet this criterion will fall outside its scope. Further, the Community Justice Program relies on guardianship arrangements as the legal framework for service delivery where the client does not or cannot consent to the program.

This bill will amend the Mental Health (Forensic Provisions) Act in two ways: to provide for a scheme for the extension for a period of up to five years of the status of certain persons as forensic patients, to facilitate the review by the Mental Health Review Tribunal of those forensic patients' care, treatment, detention and release from custody; and to provide that this scheme applies to persons who are found to be unfit to be tried for an offence but are not acquitted at a special hearing and in respect of which a limiting term is imposed, and to those persons who pose an unacceptable risk of causing serious harm to others, being a risk that cannot be adequately managed by less restrictive means than extending the person's status as a forensic patient at the end of their limiting term.

The bill provides for extension orders to be made by the Supreme Court in a limited number of cases on application by the State. That application may be made in the six months prior to the expiration of a patient's limiting term. An order may only be made where a patient poses an unacceptable risk of causing serious harm to others if released into the community without the oversight of the tribunal. An order cannot be made if the risk posed by the patient can be managed by less restrictive means. Extension orders are made by the Supreme Court, which will be informed by the reports of clinical experts who have conducted individual examinations of the forensic patient. The court must be satisfied to a high degree of probability that the risk criteria are met.

The effect of an extension order is that the tribunal continues to have jurisdiction over the patient for the duration of the order. Orders are limited to five years duration, but subsequent orders can be sought. The tribunal can recommend that the Supreme Court revoke an extension order if the patient's condition has changed sufficiently to render the order unnecessary. The patient or the State can also seek revocation of the order at any time. The bill implements a recommendation of the Law Reform Commission and the Government has strived, in accordance with that recommendation, to get an appropriate balance between the liberty of the individual and the protection of the public. I commend the bill to the House.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [5.55 p.m.]: I make a contribution to debate on the Mental Health (Forensic Provisions) Amendment Bill 2013. I note that the bill implements a

recommendation of the NSW Law Reform Commission in its report of May 2013 entitled, "People with cognitive and mental health impairments in the criminal justice system: criminal responsibility and consequences", dated May 2013. I take the opportunity to thank the Law Reform Commission and its staff for the extraordinary amount of work that went into that very estimable and lengthy report.

The purpose of this bill is to allow for extension orders to be made in respect of a limited number of forensic patients, which will enable the Mental Health Review Tribunal to continue to supervise and review those patients. The Law Reform Commission noted in its report that there is a lacuna in the New South Wales legislative framework for dealing with certain forensic patients after the expiry of a limiting term. While patients with mental health impairments can be scheduled under the civil mental health system if they pose a risk of serious harm, there is no equivalent civil system for patients with cognitive impairments, including intellectual disability, who may not come within the definition of a mentally ill person in the civil mental health system. The bill addresses that gap by ensuring that the Mental Health Review Tribunal can continue its oversight of these forensic patients in limited circumstances, ensuring that they continue to receive the assistance that they need in their recovery journey.

Clause 1 (2) of the bill enables the Supreme Court to make an extension order, which in clause 8 of the bill continues the jurisdiction of the tribunal for up to five years after a limiting term expires. As the member for Cronulla has already noted, subsequent orders can be sought. Clause 2 provides that extension orders will be available for patients who have been found unfit to be tried for an offence but are not acquitted at a special hearing and in respect of whom a limiting term is imposed, provided that strict risk criteria are met. It is important to note that there is a high-risk threshold for making an extension order. A high-risk threshold is appropriate, as one of the orders the tribunal can make in respect of a forensic patient subject to an extension order is that the patient be detained.

Clause 4 (2) provides that an application may be made in the six months prior to expiry of a patient's limiting term. An order may only be made where a patient poses an unacceptable risk of causing serious harm to others if the patient is released into the community without the oversight of the tribunal. Clause 5 (b) (ii) outlines that an order cannot be made if the risk posed by the patient may be managed by less restrictive means. Clauses 7 and 9 provide that extension orders are made by the Supreme Court, which will be informed by the reports of clinical experts who have conducted individual examinations of the forensic patient. The court must be satisfied to a high degree of probability that the risk criteria are met.

The effect of an extension order is that the tribunal continues to have jurisdiction over the patient for the duration of the order. This means that the tribunal can make any order for the ongoing supervision, management and treatment of the forensic patient, including potentially continuing their detention, except an order for unconditional release. The Mental Health Review Tribunal can already make orders in relation to the care, treatment and control of a forensic patient who is assessed as a mentally ill person at the expiry of their limiting term. Detention for the protection of the community should only ever occur in exceptional circumstances. Such detention is permissible if it can be demonstrated that less intrusive alternatives have been expressly considered and found to be unsuitable. This proposal specifically requires the Supreme Court before making an order to consider the availability of less restrictive options, such as the transfer to the civil mental health scheme, the making of a guardianship order or entry into the Community Justice Program.

The bill is designed to strike a balance between protecting the interests of forensic patients and, importantly, protecting the community. The legislation will apply to only a very small number of patients and will leave questions about the appropriate care, treatment and control of patients to the Mental Health Review Tribunal, which has expertise to make orders appropriate to each individual patient. In commending the bill to the House, I note that mental health is an incredibly important issue in the community. We have an important obligation to ensure that appropriate treatment is provided to people who are not convicted of an offence due to mental defect but, equally, to ensure that the community is protected from antisocial or violent behaviour.

Mr KEVIN HUMPHRIES (Barwon—Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales) [6.00 p.m.], in reply: I thank members for their valuable contributions to debate on the Mental Health (Forensic Provisions) Amendment Bill 2013. In particular I thank the Attorney General for his opening speech, the Minister for Health for her support on this important issue as a Minister who has shared responsibility for this legislation, and the Minister for Disability Services, who will have responsibility for the care provided to this vulnerable group. I thank the member for Auburn, the member for Cronulla and the member for Pittwater for their contributions today. As the member for Auburn said, this recommendation was made by the Law Reform Commission. The Law Reform Commission review into

people with persistent mental health issues and intellectual disability has been ongoing for the past two years. I thank the member for her consideration and the description of members this side of the House as being fair-minded.

I acknowledge the member for Cronulla and the member for Pittwater who highlighted the need to fix the gap in the legislation as described by the Law Reform Commission to protect people with complex needs, particularly in relation to intellectual or cognitive disability. The role of the Supreme Court in this has been highlighted. We are talking about only a small group of people who are highly complex and who often struggle to make good decisions for themselves and others. This is about best care within the community for individuals with a disability. The bill is important because it implements a recommendation of the New South Wales Law Reform Commission which saw in its report on people with cognitive and mental health impairments in the criminal justice system that there was a need to fix a gap. The Law Reform Commission noted that there is a gap in the New South Wales legislative framework for dealing with limiting term patients who pose an unacceptable risk of serious harm to others at the end of a limiting term but who may not come within the definition of a mentally ill person.

The bill addresses that gap by ensuring that the Mental Health Review Tribunal can continue its oversight of these forensic patients in limited circumstances, making sure that they continue to receive the help they need. Turning to the debate, I think we all agree that the care and treatment of this vulnerable group is too important an issue to be politicised. In closing, again I offer my thanks to all those who participated in the debate. I am grateful for the thoughtful and considered approach that members have taken to this important issue. I thank the Attorney General, the Minister for Health and the Minister for Disability Services for their support in progressing this legislation. The bill strikes the right balance between protecting the interests of limiting term patients and protecting the community. The legislation will apply to only a very small number of patients, and will leave questions about the appropriate care, treatment and control of patients to the Mental Health Review Tribunal, which has expertise to make orders appropriate to each individual patient. 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 Kevin Humphries 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.

DISTINGUISHED VISITORS

The ASSISTANT-SPEAKER (Mr Andrew Fraser): I welcome the former member for Menai, Ms Alison Megarrity, back to the Parliament of New South Wales. I also welcome the other guests of the member for Miranda who are seated with Alison in the gallery.

INAUGURAL SPEECHES

Mr BARRY COLLIER (Miranda) [6.04 p.m.] (Inaugural Speech): I come before this honourable House ready once again to serve my community, ever thankful to the people of Miranda and deeply humbled by the faith, trust and confidence they have placed in me. The record 27 per cent swing against the Government is not, as some would have it, a ringing endorsement of me personally. Rather, the people of Miranda have sounded a warning bell; a bell that tolls a message for every member of this House, whether they represent the cities or the suburbs, the country or the regions. The message of the Miranda by-election is simply this:

If you do not listen to us, if you ignore us or if you take us for granted, then you do so at your peril.

By-elections are, by definition, extraordinary events in the political cycle. But the Miranda by-election on 19 October was replete with features that, to my mind, put it in a category of its own. While some of my

enthusiastic supporters have characterised the by-election as a "perfect storm", I trust that it heralds the winds of change so far as the service to my constituents and the shire are concerned. It is not for me to canvass here all the reasons for the result in Miranda; suffice to say that respected election analysts and even the bookies got it wrong. That, in my mind, is extraordinary in itself.

But there are some observations about the by-election that I must place on the record, including features which, in my view, made it unique and the issues that underlie the reasons for the return of the seat to Labor. The first of these was the unexpected resignation of my successor in Miranda, the Hon. Graham Annesley, on 28 August—about 2½ years into his first term in office. Constituents greeted the news of his departure with a mixture of shock, disappointment and anger. To the eyes of senior journalists and long-serving members, Mr Annesley's decision was extraordinary. They were hard pressed to recall a mid-term resignation by a member of Parliament that was not prompted by serious illness, family tragedy or even personal scandal, and certainly never one arising because, as reported in the *St George and Sutherland and Shire Leader* newspaper, the member discovered that "he did not like politics".

Earlier this year, and about two years after the 2011 general election, I was stunned to be asked ever so politely and sincerely by a lady at Kirrawee: "Mr Collier, are you still our local member?" Clearly, and as I am sure he himself would agree, Mr Annesley's heart was not in the job. I do not criticise him personally for that. Indeed, I sincerely wish Graham Annesley all the best in his new and personally more satisfying role as the chief executive officer of the Gold Coast Titans Rugby League Club.

But contrary to the assertion of one Federal member of Parliament, Mr Annesley's resignation was not the only reason for the loss of the seat to Labor. Rather, it was the catalyst for the by-election. Indeed, by the time the by-election was held on 19 October much of the anger about Mr Annesley's departure had dissipated and it really was the local issues that resonated amongst the electors of Miranda. First and foremost of these was, and remains, the issue of overdevelopment. The Premier, to his credit, acknowledged as much in the *St George and Sutherland and Shire Leader* newspaper on 22 October when he linked overdevelopment to voter anger about what he politely called:

> … the activities on Council", and went on to also include in those activities … "the allegations that have been referred to ICAC … and … the LEP".

There can be little doubt that overdevelopment is again rearing its ugly head across the shire. The Liberal-controlled council saw to that when, with breathtaking arrogance, it forced through widespread rezonings, doubled building heights and increased densities in a mayoral minute on little more than an hour's notice in July this year. Shire residents, angry and worried about the impact of these changes and overdevelopment on their quality of life, would soon learn that there was no point in complaining because the well-respected independent council ombudsman and the chief council planner had been sacked.

In September anger turned to outrage with the emergence of extremely serious allegations of favours and special treatment being given by councillors to developers, donors and friends with Liberal Party connections, rezoning windfalls worth millions to a serving Liberal councillor, the appointment of handpicked individuals on council planning panels and allegations of undue pressure on council staff by the then mayor. The need for an investigation by the Independent Commission Against Corruption was apparent to all and sundry.

This is the context in which council had devised a new local environmental plan [LEP] for the shire. Residents did not, and do not, in the circumstances, have any confidence that the proposed local environment plan is above board, totally transparent and not tainted by the virus of actual or perceived corruption. In the lead-up to the by-election, many were calling for the local environment plan to be scrapped. The new mayor refused, further adding weight to the issue of overdevelopment as a key issue in the by-election. Anyone who thinks overdevelopment is strictly a council issue that does not impact on State government is fooling themselves. Indeed, the very fact that overdevelopment was the key issue in the by-election is extraordinary in itself. Why? Let me quote:

> The people of Miranda were justifiably outraged at the Liberal council's open slather approach to development, at the pressure that this is placing on the shire's resources and at the detrimental impact that this rampant overdevelopment is having on the environment and on their way of life.

That is an extract from my inaugural speech in May 1999. Overdevelopment was the key issue that cost the Hon. Ron Phillips, then Deputy Leader of the Liberal Party, the seat of Miranda back then. Clearly, the Liberal councillors have not learnt the lesson of 1999. But, of course, there were other issues that came to the fore—

issues that, like overdevelopment, still need to be addressed. Take our precious Sutherland Hospital. In December 1998, Premier Carr opened a new $5.1 million accident and emergency department. During my subsequent 12 years as the member for Miranda, the hospital underwent an $89 million redevelopment, adding facilities and services to provide the people of the shire with a comprehensive health campus. But now Sutherland Hospital has reached capacity and we urgently need to expand its facilities and provide more beds, beginning with the accident and emergency department.

Government figures show that 43,100 more people will live in the shire over the next 20 years, putting pressure on our already stretched hospital. With patient numbers attending the hospital's accident and emergency department expected to almost double to approximately 97,000 during the next eight years, the situation is becoming critical. The doctors and nurses on the Sutherland Hospital Clinical Council have presented the Government with a detailed $50 million plan to increase the size of the hospital and meet the health needs of our shire. While the Government announced $400,000 in "planning" money for an upgrade eight days out from the by-election, it needs to get on with the job quickly. We need to see the detail, to see meaningful funding allocated in the next State budget and to be assured that the Government is listening to the concerns of our doctors and nurses. Make no mistake, the people of the shire will call any government to account if their expectations about their beloved hospital are not met.

The third issue which contributed to the result was, and remains, the continuing closure of fire stations. By the time of the by-election, fire stations in the shire had been closed some 60 times. Miranda fire station was closed on 10 September during a local bushfire emergency. We live in the shire on the edge of the Royal National Park and local residents live with the ever-present threat of fires. One senior in Kirrawee wrote to me that she was extremely fearful after she rang to report a fire that had been lit by an irresponsible person on a day of total fire ban only to find her local fire station was closed. There can be no doubt that closing a fire station for a 10- or 12-hour shift puts my community at greater risk. Indeed, one senior firefighter said of the closures, "It is only a matter of time before a life is lost."

Local cuts to rail services also figured prominently in the Miranda by-election. Under the new timetable, Jannali commuters lost four services to the city between 7.00 a.m. and 8.00 a.m. each weekday, while Como lost two morning services between 6.00 a.m. and 8.00 a.m. In the afternoon peak, those stations lost six and four services respectively. Other stations in the shire may have gained some extra services, but that is not the point so far as Jannali and Como commuters are concerned. When in office, I did not persuade the Carr Government to spend $344 million to duplicate the Cronulla rail line only to see cuts in rail services.

But there is another feature of the new timetable that affects the whole shire. The fact is the whole shire does not have a direct service to the large regional hub of Kogarah for approximately three hours after 6.45 a.m. each weekday. Removing those services is causing considerable delay and inconvenience, if not hardship, to those from the shire with disabilities who have to now change at Hurstville, to seniors who attend medical specialists at Kogarah, to those who receive outpatient treatment or visit loved ones at the three major St George hospitals, including Calvary, and to the many students attending the four large St George high schools and Kogarah TAFE. The timetable changes, which were due to commence on 20 October—the day after the by-election—were not lost on the people of Miranda. I have no doubt that their concerns were reflected in the results at polling booths such as Jannali East.

Last but by no means least of the current issues of the Miranda by-election were the cuts to courses and the fee increase at Gymea TAFE. Local students can no longer complete their Higher School Certificate at Gymea and hairdressing teachers have lost their jobs, while information technology, adult basic education, numeracy and literacy and business administration teachers at Gymea TAFE face redundancy. Fee increases are putting TAFE courses beyond the reach of many young people. When in office, Labor spent $1.5 million to upgrade the hairdressing and beauty therapy facilities at Gymea TAFE, and to see them close is simply a tragedy. The people of Miranda felt let down and ignored across five major policy areas: local planning, health, emergency services, public transport, and education.

But there was another factor, and that is what I describe as a seething disconnect generated across the shire by the closure of the iconic, 100-year-old, world-class Cronulla Fisheries Research Centre. The decision to close the fisheries centre, with the reported loss of approximately 350 local jobs, including some of our finest marine scientists, brought with it the continuing concerns among voters that prime public waterfront land at Hungry Point would be sold off to developers. Those who argue that the fisheries centre closure was not a factor in the Miranda by-election truly do not understand the close-knit shire community. These were the local issues. If anyone does not think they mattered, then I refer to the conversation I had with one very experienced Labor

scrutineer who told me of the extraordinary number of ballot papers with messages written on them. Far from offensive, these were, by and large, messages to the Government about the very issues I have just outlined. [*Extension of time agreed to.*]

Premier O'Farrell says he has heard the message sent by angry voters in the Miranda by-election. On 22 October he told senior journalist Murray Trembath of the *St George and Sutherland and Shire Leader* newspaper that he has learnt from the voter backlash. I trust this is so. The next 16 months will prove that one way or the other. I have no doubt that Miranda will be something of a litmus test for the Premier, his Cabinet and his Government in 2015. But there are at least some promising signs. Early today I met with the Minister for Planning and Infrastructure. We had a full and frank discussion in which I put my constituents' concerns about the draft local environment plan. The Minister put his concerns about the need for the shire to have a transparent local environment plan in which the community could have full confidence, sooner rather than later.

I am pleased to say the Minister has agreed, among other things, to a full independent public inquiry into the draft 2013 Sutherland shire local environment plan, which will give residents every opportunity to make oral and written submissions. While the terms of reference are yet to be finalised, it was agreed that these will include an examination of the 75 changes to the local environment plan made in the mayoral minute of 29 July 2013 and a report will be made to the Minister in due course. That is a good start. But at the outset, the people of Miranda also want to see the urgent allocation of $50 million to our precious hospital, our fire stations kept open 24 hours a day, a review of the train timetable and the restoration of courses at Gymea TAFE, as well as a reduction in TAFE fees for struggling students. They are the major issues to which I will devote my efforts over the term of this Parliament.

Much has been said about the reasons for my victory. Not least among them was our strong record of delivering infrastructure and services in Miranda and the shire from 1999 to 2011. Some will say that we won the by-election because my opponents ran a poor campaign. I prefer to say that Labor ran a better one. But whatever the arguments, one thing is clear: the result in the by-election could not have been achieved without the tireless dedication, the hard work, the commitment and, indeed, the unshakeable belief that despite the seemingly insurmountable margin of 21 per cent victory was possible. Whether it was the organisation or the workers on the ground, this campaign saw Labor at its best. I thank Opposition Leader John Robertson, General Secretary Jamie Clements and his assistant general secretaries, Kaila Murnain and John Graham, for their strong support.

I pay special tribute to New South Wales State Organiser David Latham for conducting what can only be described as a brilliant campaign. Thank you, David. I am ever grateful to Bob "Paddy" Rogers, my successful Miranda campaign director in 1999, 2003 and 2007—who is present in the gallery and who came out of retirement to work closely with David and local branch members from day one. I thank all the local branch members, young and old, who gave so much of themselves—from Jason Every, who celebrates his eighteenth birthday today and took part in every facet of the campaign, to 90-year-old Bob White, who built so many A-frames.

I am especially indebted to John McLean, Rose Maker, Neil Every, Maree Shepherd, Carole Ashworth, Peter Scaysbrook, Lyn Scaysbrook, Ann Holland, Jenny Raper, Jackie Lloyd and Paul Muir for their hard work and commitment. Nothing was too much for them. I am thankful for the work and support of Dennis McHugh, Marilyn Jervis, Mike and Dianne Batty, Bob and Barbara Sharkey, Graham Hill, and my State and Federal colleagues past and present who assisted on pre-poll and election day. I especially acknowledge the assistance of former Senator Michael Forshaw and the consistent hard work and input of my friend and colleague the former member for Menai, Alison Megarrity, who is in the gallery.

Along with all local branch members, I could not but be impressed with the many members of Young Labor who assisted with every aspect of our campaign. I congratulate President Jessica Malnersic and all her members. I especially mention Rosie Smith, Jack Boyd, Riley Campbell, Cameron Ritchie, Dominic Ofner, Sarah Coward, Michael Buckland, Kenrick Chia, Andrew Silk, Paul Doughty and Louis Hearnden for the many hours they put in. But none of this would have been possible without the love, support and encouragement of my family: Jeanette, my wife of 41 years, who is in the gallery tonight along with my son, Michael, and his wife, Anna, my daughter, Sarah, and her husband, Jason, and their children and my beautiful grandchildren, Taylah and Lucia.

While they well know firsthand the rigours and sacrifices of political life, they did not hesitate to support my candidacy in so many ways. When I asked eight-year-old Taylah what she thought about the

possibility of my running for Parliament again, she simply said, "Go for it, Pop!" The rest, as they say, is history. I thank the Leader of the House for the generous opportunity to make this contribution and all members of the House for their courtesy. I thank the people of Miranda for the great privilege of serving them once again.

The DEPUTY-SPEAKER (Mr Thomas George): I welcome and congratulate the member for Miranda.

BUSINESS OF THE HOUSE

Order of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [6.24 p.m.]: I apologise to members for not making them aware earlier, as I was not aware earlier, that the Cemeteries and Crematoria Bill 2013 is likely to be dealt with this evening. It would appear that there is an opportunity to deal with the bill now and I understand it is likely a division will be called. Therefore, I move the bill forward and we will deal with it before 7 o'clock, which is when the resolution for no divisions and no quorum will come into effect. If any members wish to speak on the bill, they will have the opportunity to do so now and then the Minister will give his address in reply.

Mr RICHARD AMERY (Mount Druitt) [6.24 p.m.]: What the Minister is seeking to do is contrary to the motion to suspend standing and sessional orders that he moved earlier and the contribution he made in debate to that motion. I remind the House that the motion stated:

> That standing and sessional orders be suspended at this sitting to:
>
> (1) Provide that:
>
> (c) from 7.00 p.m. until the rising of the House no divisions be conducted or quorums be called;
>
> (d) any divisions called from 7.00 p.m. until the rising of the House be deferred until 10.00 a.m. on Thursday 14 November 2013;

He then, importantly, went through what will happen tonight in paragraphs (2) and (3):

> (f) Government business;
>
> (g) at 7.00 p.m. private members' statements;
>
> (h) Government business;
>
> (i) matter of public importance; and
>
> (j) the House to adjourn without motion moved at the conclusion of the matter of public importance.
>
> (3) Permit the passage through all stages, at this or any subsequent sitting, of the Mental Health (Forensic Provisions) Amendment Bill 2013 and the Rural Fires Amendment Bill 2013.

There is no mention in the motion or in his contribution to the motion about the Cemeteries and Crematoria Bill 2013 being brought on this evening. Government members were only told by email in the last half hour about this matter coming on for the Minister's reply and then a vote before 7.00 p.m. Government members have been ambushed more than Opposition members have. I ask that the Cemeteries and Crematoria Bill be ruled out of order on the basis of my comments and the motion moved earlier today.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [6.26 p.m.]: The Opposition Whip, who has been in this place far longer than any other member, is well aware that he just addressed the House without the right to do so. I did not take exception to that, deferentially yielding to his seniority, and I allowed him to continue to speak even though he had no right. I convey to the House fulsomely and honestly what I believe to be the case to give members the maximum opportunity to participate. I have done that here. The member for Mount Druitt did not tell the House that I spoke to him privately just half an hour ago about this matter. I put that on the record since the member is keen to put matters on the record. I point out that No. 5 of the Orders of the Day states clearly that the Cemeteries and Crematoria Bill 2013 can be considered today.

Finally, I point out, as many Labor Party members regularly told me for years, that the business program is only a guide. It was not even a guide when Labor was in office. The business program is generally adhered to now, with full and frank disclosure. I am sorry if Opposition members do not like it. I understand their passion about the bill, but it is coming on. And if they try that stunt in the future, I will not continue to be so communicative.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The item is listed on the *Business Paper* as Government business. It is not 7.00 p.m.

Mr Richard Amery: I am not saying it is.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The suspension of standing orders applies from 7.00 p.m. The legislation is listed as Government business and may be debated.

CEMETERIES AND CREMATORIA BILL 2013

Second Reading

Debate resumed from 24 October 2013.

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [6.28 p.m.]: I make a contribution to the Cemeteries and Crematoria Bill 2013 and express concerns about certain aspects of the bill. I state at the outset that I support the vast majority of the bill. Although I have not been here as long as the member for Mount Druitt, I have been a member for quite a number of years and I have seen the proposal for renewable interment rights come up in this House on three occasions.

I remind members who were present in the Chamber, including the member for Mount Druitt, of Robert "Bobo" Harrison who, when opposing the bill, stood in this place with tears running down his face. On two previous occasions, once by a Coalition Government and once by the Carr Government, the renewable interment rights section of the bill was removed. I have concerns with sections 54 to 60 of part 4. I have been advised by the Minister and others that there was wide public consultation in relation to this bill. Submissions were received from the Jewish Board of Deputies, the Russian Orthodox Church, the Anglican Church Diocese of Sydney, the Synod of the Anglican Diocese of Sydney, the Maronite Chancery, the Funeral Celebrants Association, the Australian Society of Genealogists, Friends of Gore Hill Cemetery, the Office of Environment and Heritage, the Heritage Division Office of Environment and Heritage, the National Trust, the Sandgate Cemetery Trust, the Hartley Vale Mount Blaxland Trust, the Australian Funeral Directors Association NSW, the Office of Australian War Graves, the Institution of Surveyors and many more.

That indicates to me that the institutions concerned with the burial or cremation of human remains have been consulted. Six submissions in relation to the bill were received from private individuals. Even I as a member of Parliament had not taken a great deal of notice of this bill. I listened intently to the member for Mount Druitt when he spoke to the bill in this House. Whilst there are grave concerns—and I suppose they are grave concerns in relation to Rookwood Cemetery and major cemeteries in Sydney—about lack of space, the issue is not one of the interment of human remains but where we inter those human remains. It is an issue of planning. Why have progressive governments not insisted with the mushroom growth in Western Sydney, Newcastle, Port Macquarie and Coffs Harbour that new subdivisions are required to build cemeteries?

Section 94 of the Environmental Planning and Assessment Act requires the provision of sporting fields and public open space. Most of the time that open space becomes a liability for councils because they have to maintain the land, which often is not used. Our planning laws could require in a new 200-block subdivision the provision of 200 grave sites. I have spoken to a Catholic priest at Coffs Harbour about the church's views on this issue. I know that the Catholic Church moves remains that have been interred in aged-care facilities. They are identified and moved with great dignity. One of the parts of the bill that I am concerned about is proposed section 55 (6) (a), which states:

> (6) Despite subsection (1), an interment site may not be re-used by a cemetery operator unless:
>
> (a) any human remains of a deceased person (other than cremated remains) that are interred in the site have been interred for at least 10 years (or such other period as may be prescribed by the regulations), and

Proposed section 55 (4) (a) states:

> (a) that any human remains of a deceased person (other than cremated remains) buried in the earth found at the site are placed in an ossuary box and re-interred at a greater depth or placed in an ossuary house or similar place, and

This section provides an option for interment, an option I do not like. I spoke to a colleague, whom I will not name, who was involved in a situation where ashes had been interred at a club. When the club wanted to extend its clubhouse there were objections from relatives of the deceased. It cost the club $40,000 to move the ashes, which had been scattered in the garden, because a certain amount of soil was required to be moved. It was a huge cost to the club. I am told that the cost of reinterment, or placing the remains in an ossuary box, will be met by the cemetery. I do not know whether cemeteries will be financially able to do that in 25 years or 99 years, or whenever the bill requires it.

I do not care if I am turned into fertilizer and tossed on the paddock. But I believe the issues in this legislation have not been sufficiently considered. The bill states that heritage matters must be referred to heritage societies to ensure correct procedures are followed. I suggest that shortly after Ned Kelly died his remains would not have caught the interest of a heritage society. I am not one to glorify Ned Kelly, but these days there is great interest in what happened to Ned Kelly's body, particularly his head. Recently in England the remains of Richard III were unexpectedly unearthed in a car park and are now being fought over by two cities. We can only wonder what will happen in years to come. Whilst the Jewish Board of Deputies and others have written and concurred with the bill, I believe there is discrimination. [*Extension of time agreed to*.]

I quote the submission of the Jewish Board of Deputies to the Minister. I thank the Minister for providing the letter to me. In part, it states:

> In particular, this bill protects the persons of Jewish faith in so far as they are guaranteed permanent tenure in accordance with the requirements of our faith. Other faith communities, such as the Muslim communities, are similarly protected.

Those faiths will be given the opportunity to have a perpetual site. But a Christian of poor means who cannot afford to maintain a grave site may find that after 25 years granny gets moved. Further, there is no structure within the bill to ensure that the headstone goes with the remains. By enshrining in legislation a guarantee of perpetuity for Muslim and Jewish faiths, the bill discriminates against those who are agnostic, atheist or Christian. I have not read every section of the bill and I would like more time to consider it. My concerns are real. I will not vote against the bill but I do not know whether I can vote for it. From what I have read of the bill, I believe we need to look at other options. We must consider the outcome for a generational cemetery such as Rookwood—everyone has heard the saying "As crook as Rookwood". Options can include the revision of planning laws to provide for the future interment of human remains.

The bill has been available for public comment. However, it is not until someone is in a certain situation that they become aware of new legislation. For example, a person who has driven for 50 years may be ignorant of the law in relation to roundabouts until they get pulled over by police for not indicating when leaving the roundabout. From proposed section 54 onwards, the bill refers to the reuse of interment sites and that in some cases the cemetery owner or operator has some flexibility about dealing with the remains. As I have told the Minister and other members, I have spoken to a Greek minister about the small pristine cemeteries one sees throughout Greece and the Greek islands. I asked him about their burial practices because the cemeteries are small in comparison to the size of the villages. I was informed that after three years the remains are removed from the coffin, cleaned and stacked under the church. It is not a problem for them because their society is used to it. But in Australian society today, the provisions relating to reinterment go a little too far.

Many Christians believe that when Christ returns they will rise from the dead. That is all part and parcel of their faith. The Indians conduct cremations soon after death. Different religions have different ways of handling remains. I do not believe bodies will emerge from graves. As I said, I believe in God and Christ and that we have souls. I also believe we have a responsibility to treat the remains of our ancestors with respect. This bill does allow for the graves of unidentified remains to be reused, but it is a bridge too far. While I appreciate the need for the legislation, I agree with the member for Mount Druitt that there are other ways to achieve the same goal.

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [6.40 p.m.], in reply: I thank all members for their contributions to debate on the Cemeteries and Crematoria Bill 2013. This bill is the centrepiece of the New South Wales Liberal-Nationals Government's reform of the interment industry. It puts in place a new framework that will help to ensure that the burial needs of all New South Wales communities are met for generations to come and in a way that respects and upholds their various beliefs and traditions. This bill delivers on the Government's commitment to recognise and take account of the right of all individuals to a dignified interment and respectful treatment of their remains. It makes clear that the Government is dedicated to respecting and protecting the beliefs of all religious and cultural groups in this State. On the whole, members opposite expressed broad support for the objects of the bill. They were generally supportive of the governance, regulatory and oversight provisions that make up the majority of its content.

For example, the member for Miranda, who has made a significant contribution to Crown cemeteries—and I thank him for that—called the establishment of a new agency responsible for the strategic oversight and regulation of the interment industry "a welcome initiative". The member for Mount Druitt raised a specific concern about the application of threatened species legislation in cemeteries. In this regard, I draw his attention to clause 5 of the bill, which states that, except as expressly provided, the cemeteries legislation does not affect the operation of the Threatened Species Conservation Act or, indeed, any other Act of Parliament. With the exception of two very specific issues, it appears that the House is united in its support for this bill. However, some members have expressed concerns about renewable interment rights. The member for Drummoyne gave a clear outline of how renewable rights will work, so I will not go into the precise detail again. Rather, I will concentrate on addressing the concerns raised by members opposite and correcting some of their misapprehensions.

First and foremost, I will address the misconception that this legislation is introducing renewable tenure burial in New South Wales. The member for Mount Druitt stated that, while the Opposition supports most of the bill, it will vote against it because it "introduces the concept of limited tenure gravesites". This bill does not introduce the concept of limited tenure gravesites. It seeks for the first time in New South Wales to regulate the concept, which is already available to the cemetery operators that service almost 75 per cent of the market. Renewable rights are currently permitted anywhere in the State except on Crown land. Two cemeteries in New South Wales offer renewable rights, including Waverley Cemetery, which I imagine is known to every member. It is important to note that there are no legislative rules governing how renewable rights operate or appropriate safeguards to protect customers. At present renewable tenure burial is permitted and practised, but not regulated.

The Government has drafted this bill to accommodate existing practices in New South Wales, which the Government recognises as according with best practice. However, if renewable rights are to be implemented more broadly, we need to ensure that appropriate rules are established and followed. That is what this bill will achieve. The Government and the Opposition agree that current and future generations should be able to bury their loved ones with respect and dignity. Community research confirms that people wish to bury family and friends within a reasonable distance from their homes to enable regular visits. I am sure that members on both sides of the House can appreciate and sympathise with this. However, members opposite are of the view that these objectives can be delivered by continuing to acquire more land for cemeteries. That is a sound proposition for country towns and rural areas because space is not in short supply in these areas in the same way that it is in major metropolitan centres and additional land may be acquired for cemeteries.

Unfortunately, the situation is very different in the greater Sydney metropolitan area, which one-quarter of Australians call home. It is certainly true to say that Australia has a great deal of empty space, but space for new cemeteries is in very short supply in Sydney. That is an irrefutable fact. Advice from the Crown cemetery sector indicates that the revocation provisions introduced by the Labor Government have yielded only a relatively small number of additional burial sites—certainly nowhere near the 30,000 figure the member for Mount Druitt suggested may be recovered through this process. Multiple burial is a widely used practice in New South Wales. Indeed, on average, graves in this State already accommodate approximately 1.6 burials. During consultation, Muslim leaders expressed a wish to make greater use of the family grave concept, and the Government supports it. Current technology and practices allow for three or possibly even four burials in some sites depending on a number of factors including the soil type, depth of bedrock, drainage and workplace health and safety considerations.

However, by their very nature, revocation of unused graves and greater use of family graves are short-term fixes. What happens when all the revoked unused graves are used? What happens when all the graves accommodating multiple burials are used to their capacity? These practices may serve to slow the rate at which cemetery space is diminishing, but they cannot arrest the trend entirely. If perpetual interment is the only burial option available, it is inevitable that we will exhaust cemetery space in existing cemeteries. Concerns have also been raised about the cost of renewable tenure versus the cost of burial in perpetuity. It is safe to say that renewable tenure will always be much less expensive than perpetual tenure. I agree with the member for Mount Druitt and the member for Coffs Harbour that we should have better planning for cemeteries in growth corridors, and this bill will go a long way towards achieving that. However, that cannot solve the problem of diminishing cemetery space in long-established metropolitan centres.

With the model proposed by those opposite, sooner or later the only answer is to acquire more land. However, acquiring more land in Sydney will be exceedingly and increasingly difficult and it will bring metropolitan cemeteries into conflict with other land use priorities. Members opposite acknowledged that in respect of Botany Cemetery and the Chinese Market Gardens. It is worth noting the views expressed during consultation on the bill by representatives of the Chinese Australian Forum and the Australian Chinese Community Association. They thought it was particularly unfair that Botany Cemetery might expand and take away part of their cultural heritage in the Chinese Market Gardens. They asked what will be achieved when the

land acquired is also full except the loss of their heritage. If we want future generations to have access to burial options within a reasonable distance from their homes, we must make better use of existing cemetery space. The logic of this is inescapable.

The member for Mount Druitt stated that "limited tenure will be taken up by those on limited incomes". The member for Cessnock told the House that the renewable scheme would exacerbate an existing difference between "the rights of the haves and the have-nots". However, that argument does not stand up to scrutiny. Waverley Cemetery, which has sold renewable rights exclusively since at least 1993, is so highly sought after that the cost of some of its renewable rights is three times the average cost of a perpetual right at Rookwood. However, the Government acknowledges that this may be a special case and is not likely to be replicated if other cemeteries choose to offer renewable rights. If the Opposition wants to talk about social equity we should consider the economic reality that, as space in metropolitan cemeteries runs out, perpetual rights will become more and more expensive. At present, most individuals have two choices: to bury in perpetuity or to cremate. According to the member for Mount Druitt, some people now opt for cremations rather than burials because of the cost. Those on limited incomes are already being forced to cremate or to bury in cemeteries long distances from their homes where cemetery land is cheaper.

That is the inevitable and inescapable reality of the situation, and it will only get worse as space continues to diminish. Conversely, to quote the chair of the Catholic Metropolitan Cemeteries Trust, renewable tenure burial "will put downward pressure on interment costs". The implementation of renewable interment rights will give people the option of a traditional burial in the earth, which is currently beyond the means of some. Importantly, no-one will be forced to choose this option. Renewable rights will be suitable for some people; indeed, they will be desirable for some people. That renewable rights will not be suitable or desirable for others does not mean they should not be available to those who wish to choose them. The reality of choice is also more complex than simple economics. The complexity lies in the diversity of religious and cultural practices and beliefs.

Members have provided examples of interment practices of different religious groups. We heard about the Buddhists, who general prefer cremation, and the Jewish community, which buries its deceased in perpetuity. These practices should be allowed to continue. Nothing in this bill will prevent these or any other cultures from continuing their existing practices. In fact, in relation to the latter, the president of the NSW Jewish Board of Deputies wrote to me in support of the bill and stated:

> The Bill protects persons of the Jewish faith insofar as they are guaranteed permanent tenure in accordance with the requirement of [their] faith.

The limited time available prevents me from providing a more comprehensive response. I will ask the Hon. Duncan Gay, who will lead for the Government in debate in the other place, to address the many concerns that have been raised by members. I commend the bill to the House.

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

The House divided.

Ayes, 43

Mr Aplin	Ms Gibbons	Mr Piccoli
Mr Ayres	Ms Goward	Mr Piper
Mr Baird	Mr Greenwich	Mr Provest
Mr Barilaro	Mr Gulaptis	Mr Roberts
Mr Bassett	Mr Hazzard	Mr Rowell
Mr Bromhead	Ms Hodgkinson	Mrs Sage
Mr Brookes	Mr Holstein	Mrs Skinner
Mr Casuscelli	Dr Lee	Mr Spence
Mr Conolly	Mr Marshall	Mr Stokes
Mr Coure	Mr O'Dea	Mr Toole
Mrs Davies	Mr Owen	Mr Webber
Mr Doyle	Mr Parker	
Mr Elliott	Ms Parker	*Tellers,*
Mr Flowers	Mr Patterson	Mr Maguire
Mr George	Mr Perrottet	Mr J. D. Williams

Noes, 20

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

Pair

Mr Edwards Mr Furolo

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [7.00 p.m.]: I move:

That this bill be now read a third time.

Question put.

The House divided.

Ayes, 45

Mr Aplin	Ms Gibbons	Mr Piper
Mr Ayres	Ms Goward	Mr Provest
Mr Baird	Mr Greenwich	Mr Roberts
Mr Barilaro	Mr Gulaptis	Mr Rowell
Mr Bassett	Mr Hazzard	Mrs Sage
Mr Bromhead	Ms Hodgkinson	Mrs Skinner
Mr Brookes	Mr Holstein	Mr Spence
Mr Casuscelli	Dr Lee	Mr Stokes
Mr Conolly	Mr Marshall	Mr Stoner
Mr Coure	Mr O'Dea	Mr Toole
Mrs Davies	Mr Owen	Mr Webber
Mr Doyle	Mr Parker	
Mr Elliott	Ms Parker	
Mr Flowers	Mr Patterson	*Tellers,*
Mr Fraser	Mr Perrottet	Mr Maguire
Mr George	Mr Piccoli	Mr J. D. Williams

Noes, 20

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

Pair

Mr Edwards Mr Furolo

Question resolved in the affirmative.

Motion agreed to.

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 7.00 p.m., private members' statements will be proceeded with.

PRIVATE MEMBERS' STATEMENTS

WORLD DIABETES DAY

Mr MARK COURE (Oatley) [7.10 p.m.]: I raise in the House the issue of diabetes, one of Australia's fastest growing chronic diseases, and draw attention to World Diabetes Day which is on 14 November. World Diabetes Day is a global event that aims to raise awareness of the chronic health issue that is diabetes. As chair of the New South Wales Parliamentary Diabetes Support Group, I have made significant efforts to raise awareness of the impact that diabetes has on our community. Diabetes is an umbrella term for a number of conditions that occur when the level of glucose in the blood becomes higher than normal. When an individual has diabetes, the body is not as efficient at making insulin, and this results in glucose becoming higher than it should be. High blood glucose brings with it a number of adverse health implications. Potential complications include the increased risk of heart disease and stroke, blindness, kidney failure and amputation.

Recent statistics show that diabetes is the sixth highest cause of death in Australia. Currently, close to one in four Australians either has diabetes or has pre-diabetes. As our population ages, this will result in significant economic and social costs to our society. Currently, the total financial cost of diabetes in Australia is of the order of $10.3 billion annually. This cost will continue to increase unless significant action is taken to reduce the effect of diabetes. In Australia, more than 1.5 million people are affected by diabetes; someone is diagnosed with diabetes every five minutes, with the majority of these cases being type 2 diabetes. Worrying is the fact that it is estimated that up to half the people who are affected by diabetes are unaware that they have it. It is estimated that by the year 2031, approximately 3.3 million Australians will have type 2 diabetes.

Diabetes is a significant chronic health issue that can affect people from all walks of life. Diabetes is one of the most prevalent non-communicable diseases in the world and presents a massive challenge for health care systems in the developed world as well as increasingly the developing world. There are a variety of factors behind diabetes, some of which can be controlled, including smoking, poor diet and of course the lack of healthy lifestyles. It is estimated that up to 60 per cent of diabetes cases can be prevented or at least delayed through healthy lifestyle choices. The risk factors for diabetes include being overweight because increased body weight can lead to increased insulin resistance and defects in insulin. Other risk factors that can be controlled include smoking. There are however a number of other variables which can make us more prone to diabetes, such as having a family history of diabetes or being from certain ethnic backgrounds. In particular individuals from Aboriginal or Torres Strait Islander backgrounds and migrants have higher rates of diabetes.

The Parliamentary Diabetes Support Group, of which I am chair, seeks to raise awareness of the impacts of diabetes in New South Wales. We have done this through consulting experts from a number of disciplines that are affected by diabetes, working with the Australian Diabetes Council on policy to deal with diabetes, and operating a number of local diabetes forums throughout the State. Media and public awareness has a significant role to play in attacking diabetes, particularly in regard to educating people about the dangers of diabetes and the risk factors that we can control. Earlier this year, in April 2013, I hosted a local St George diabetes forum together with the Australian Diabetes Council. The forum was well attended and is an example of a local event that I encourage members of this place to conduct in their own electorates. Many guests at the forum mentioned that they found the forum interesting and informative. I also found the forum to be a great way of engaging local residents in my community on the issue of diabetes and for getting a feel about the level of awareness of the disease.

Another event that I have participated in with the Australian Diabetes Council was the Diabetes Sustainable Forum in July this year. This event was held at Parliament House and was opened by the Minister for Mental Health and Healthy Lifestyles, the Hon. Kevin Humphries. I also inform the House of today's event where people in Parliament, both members and staff, were provided with a free health and diabetes check, the first for the New South Wales Parliament, organised by my office and of course the Australian Diabetes Council. I consider it to be in the interest of the New South Wales Parliament to advocate for those affected by diseases such as diabetes and to work towards prevention measures. There is still a lot to be done in order to reduce diabetes, and through the New South Wales Parliamentary Diabetes Council we will continue to raise awareness about this chronic health issue.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.15 p.m.]: I thank the member for Oatley for raising the issue of diabetes in the House. I commend the member for the tremendous work that he and his staff have done to raise awareness about this disease, which is pandemic not only in Australia but across the globe. I thank the member for Oatley for attempting to make the public aware of the dangers and risks posed by diabetes, and what we can do to control the disease. I commend the member for his involvement in various forums and for the work that he has done with the Minister for Health, as well as arranging for the free diabetes checks at Parliament House. This silent pandemic has an impact on Australians, and I commend the member for Oatley for raising this important matter in the House.

BANKSTOWN ELECTORATE RAIL SERVICES

Ms TANIA MIHAILUK (Bankstown) [7.16 p.m.]: Tonight I report on an issue that has caused great concern to constituents within my electorate, namely, the decision by the O'Farrell Government and the Minister for Transport to slash rail services from Chester Hill, Sefton and Yagoona train stations. The implementation of the new train timetable on 20 October cut direct services to the city on the Liverpool via Regents Park line. Previously, commuters from Chester Hill and Sefton could catch a direct train to the city via the inner west. The new timetable has caused great inconvenience and congestion to many residents within my electorate, especially those travelling to Strathfield and Burwood, who are now forced to change twice, at Birrong and Lidcombe stations. In particular, I note that schoolchildren, the elderly and tertiary students have also been impacted.

The Bankstown area has a growing population. Suburbs like Chester Hill, Sefton and Yagoona are very attractive to both young families and working professionals due to reasonably affordable property prices and their proximity to the central business district, Parramatta, Liverpool and the inner west. A growing area needs more services and faster commuting times: the cut of train services from Chester Hill, Sefton and Yagoona has had the opposite effect. The new changes will more than double commuter travel time from Chester Hill and Sefton stations. On the morning of Friday 25 October, the member for Fairfield and I met angry commuters at Chester Hill station who expressed their outrage that train services have been cut to their part of south-west Sydney. Many local residents have written to the local newspapers and contacted my office to express their concern about these cuts. Mr Lee Murray of Chester Hill wrote to *The Torch* newspaper on 13 November:

> The new train timetable for passengers is a disgrace… If you are travelling to Summer Hill, you now have four trains to catch. Chester Hill to Birrong, Birrong to Lidcombe, Lidcombe to Ashfield, then Ashfield to Summer Hill.

Mrs Somogyr Ema, an 80-year-old pensioner from Chester Hill, has contacted my office to express her outrage with the new train timetable. Just this Monday Mrs Ema was attempting to go to a doctor's appointment in Homebush. Under the previous timetable, this journey consisted of travel on a direct line. Mrs Ema was forced to wait in the cold and rain at Birrong station on her first change. Birrong station has been declared an interchange on the Bankstown line under the new train timetable. I urge the Government to improve the facilities at Birrong station, which does not have disabled access, protection from the elements, or an adequate toilet which can cater for the increased patronage expected at Birrong station. Mrs Ema then had to change at Lidcombe station, where she could not make the connecting train in time because of the effort required to change from platform 5 to platform 3. Mrs Ema had to wait on a congested platform for 15 minutes before boarding a train, which was already full of commuters, travelling from Penrith, Blacktown and Parramatta on the western line.

Mrs Ema had to disembark the train again at Strathfield station and then catch a fourth train to head back in a westerly direction for her specialist's appointment at Homebush. I thank Mrs Ema for contacting my office. This example only reinforces that this Government has completely disregarded the needs and usual routines of constituents from my electorate through implementing these cuts to train services. On the Bankstown line, commuters previously could travel to the city via Lidcombe stopping at all stations in the inner west, including Strathfield, Homebush, Burwood, Ashfield, Summer Hill and Newtown. The Bankstown service now

terminates at Lidcombe station. I had an opportunity to operate a mobile office at Yagoona and thank residents Ms Dorothy Taylor, Mr Bryan Munro, Ms Kristina Beaton and Ms Corallee Munro for expressing their concerns about the lack and cutting back of services at Yagoona station, which experiences daily patronage of more than 4,000 commuters.

For more than two years I have been petitioning the Govemment to install disabled access facilities at Yagoona railway station. Instead, the Government has decided to cut services to Yagoona. The new express service to the city via Bankstown no longer stops at Yagoona station. This decision will cause a majority of commuters to now catch the express train at Bankstown station, which already suffers overcrowding during peak hour. I take this opportunity to commend the many hundreds of residents who have taken the time to contact my office and write to their local papers to express their concerns regarding the inconvenience, confusion, congestion and delay caused by the implementation of this new train timetable which has cut services to residents of Chester Hill, Sefton and Yagoona. I condemn the O'Farrell Government's changes to the timetable, which were introduced without consultation and result in longer train trips or a return to overcrowded roads for many residents.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.21 p.m.]: As we are talking about train timetables, I must mention a train in my electorate—the Bathurst Bullet. The service has been running for 12 months since being introduced on 21 October. Over that period nearly 25,000 commuters have used the train in Bathurst alone. I commend the Minister for Transport for introducing this service after nearly two decades of community fighting to achieve such a service. Recently a special ceremony was held in the Bathurst shopping centre to celebrate the service's first anniversary. I commend those from the Rail Action Bathurst group who fought for their vision of two decades ago—John Hollis, and Max and Beryl Turnbull. Many people use the service for recreational use, to attend medical appointments or to travel to Sydney to see a show. Patronage is booming for this great service. I am pleased that the Minister is bringing these services to regional communities, especially to the people of the Bathurst electorate.

REGIONAL DEVELOPMENT INLAND INNOVATION AWARDS

Mr ADAM MARSHALL (Northern Tablelands) [7.22 p.m.]: Last weekend I had the great pleasure of attending the sixth annual Regional Development Inland Innovation Awards dinner in Tamworth. Before I mention the various winners from the Northern Tablelands electorate—we almost made a clean sweep of the awards—I congratulate each of the 48 quality nominees who came from every major centre in the region, including those outside my electorate. Our part of the world has many inspiring stories of innovative businesses and events, which I will share with the House.

I congratulate the overall winner of the Innovation of the Year Award, the Armidale-based ICT International. Managing directors Dr Peter Cull and Susan Cull and their staff do a brilliant job. These scientists create precision equipment for fellow scientists, and technological solutions for soil, plant, water and environmental monitoring. Up to 20 per cent of annual turnover over the past eight years has gone into research and design. ICT International's innovations have transformed the business from an importer of soil and plant instrumentation to an exporter. The technology and equipment developed by ICT is unique and attracts global demand with exports to 45 countries each year. Staff numbers have grown from six to 21 in the past four years. This is a true story of regional development.

My congratulations also go to Deanne and Mark Tretheway, owners and operators of Deepwater's StarLogixs, and their staff who followed up their win at the *Glen Innes Examiner* Business Awards by taking out the manufacturing and engineering category of the innovation awards for their design of a device to ensure voltage consistency for remote Telstra Next G units. StarLogixs has been creating and manufacturing electronic equipment to meet national and overseas industry needs for more than 12 years. All design, development, production and technical staff training is undertaken in-house and it has done an excellent job. Congratulations to Deanne and Mark Tretheway.

I commend also Petersons Armidale Winery and Guesthouse, which took out the Tourism/Leisure and Related Services category award. Colin and Judy Peterson wanted to add a cooler climate wine to the mix from their already established wineries in the Hunter and Mudgee wine regions so they planted vines on their Armidale property, Palmerston, in 1998. After two years of heritage-sensitive renovation, the property's century-old homestead was transformed into a five-star guesthouse and function centre. The heritage-listed stables were restored first, serving as a cellar door tasting area. I commend Colin and Judy on revamping their

premises to include a beautiful natural amphitheatre. They hosted "A Day on the Green", an event they started a few years ago, which attracted more than 6,500 people last year. The flow-on from that event has been amazing for Armidale and the wider region. The Petersons certainly are worthy winners.

The third winner I commend is Armidale's BackTrack Youthworks of Jobs Australia Enterprises Ltd for picking up the research and education category award. Since beginning in 2006, BackTrack has delivered a range of innovative programs aimed at helping troubled youth to focus their lives, reconnect with education or training and get work-ready. The program has now been adapted to many communities across the region. The BackTrack School opened this year, with the support of the education department providing a teacher—I commend the department. Outreach programs operate in Glen Innes and Tenterfield, and an independent program has been supported in Quirindi and near Tamworth with a three-year lease of Trelawney Station.

Close to 300 young people have been through the programs, with 87 per cent going on to full-time employment or further education and training. I commend founding director Bernie Shakeshaft and his team, comprising Jen Kealey, Matt Pilkington, Dusty Fenn, youth worker Nathan Bliss and Garth Thompson, and their advisory board members Nigel Barlow, Kevin Dupe and Rosemary Mort. The school has an enormous amount of community support, which is deserved as it works in collaboration with the National Drug and Alcohol Research Centre, including the University of New England, to formally quantify its cost-effectiveness for young people.

I mention quickly also Spend in Glen, which is an innovative shopping promotion, Nicole Schaeffer and Moira Munro, and Ewe Beaut Products from Armidale for receiving highly commended awards, and the Uralla Rivercare Group for its Uralla Creeklands Walk. Northern Tablelands innovators know no bounds with the brilliant things they do, particularly in business. Congratulations to all the winners: BackTrack, ICT International, StarLogixs and Peterson's winery for doing great things in our region. I am incredibly proud to be the local member of Parliament.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.27 p.m.]: I also welcome Matthew Patterson to the gallery. He does an incredible amount of work through the Regional Development Australia Northern Inland Board. It is great for the local member to recognise his hard work and those businesses within the electorate that do an incredible job. The people in these businesses have great ideas and minds, and some of the young companies have budding entrepreneurs. It is important for the member for Northern Tablelands to highlight some of the innovation and creativity within his electorate, which can be found across regional New South Wales. It is great to have members in this House such as the member for Northern Tablelands share that success with each of us. Whether it is innovation or creativity with businesses such as ICT International, we certainly need to highlight this success. Well done to the member for Northern Tablelands.

ALBINISM FELLOWSHIP OF AUSTRALIA

Mr GARETH WARD (Kiama) [7.28 p.m.]: On Saturday 12 October 2013 I was delighted to attend and officially open the 2013 Albinism Fellowship of Australia Biannual Conference in Sydney. Members of the House will be aware that I have albinism, which is perhaps one of the many reasons I stand out from the crowd. When I was growing up my parents were involved in networks of other parents of children and people with albinism, but as I started school my parents quickly became aware of my independent streak, and so our connections with these groups dissolved. I was therefore a little surprised when I received a telephone call from Dr Shari Parker, secretary of the Albinism Fellowship of Australia, who asked me to open the fellowship's biannual conference in Sydney. I accepted for two reasons. First, I was keen to meet people who had walked the same road I had and to hear their stories and experiences but, secondly, I wanted to show those living with albinism who felt that their lives were poorer for their condition and who felt depressed or withdrawn that our condition was no barrier to achievement and success.

Indeed, I am not the first person with albinism to be elected to Parliament in this State. An impressive gentleman by the name of Robert Lowe, the first Viscount of Sherbrooke—after whom the former Federal division of Lowe was named—was the first. In 1841 Lowe moved to London to read for the Bar, but his eyesight showed signs of serious weakness and, acting on medical advice, he sailed to Sydney in the Colony of New South Wales where he went to work in the law courts. In 1843 he was nominated by Sir George Gipps, the Governor of New South Wales, for a seat in the New South Wales Legislative Council. Due to a difference with Gipps he resigned his seat, but he was elected shortly afterwards for the electorate of Sydney. Lowe soon made his mark in the political world with his clever speeches, particularly on finance and education, and as well as obtaining a large legal practice he was one of the principal writers for the *Atlas* newspaper. In 1850 Lowe

returned to England to enter political life there. He went on to be elected to the House of Commons as a Liberal, representing the district of Kidderminster, and later was elected as the first member representing the district of London University. He held Cabinet posts including Chancellor of the Exchequer and Home Secretary.

Albinism is a rare genetic condition affecting about 1,000 Australians—one in 17,000. Albinism is inherited via a recessive gene that is passed from both the mother and the father of a person affected with the condition. It causes the body to be unable, or to have limited ability, to produce melanin, which is responsible for the colouring in skin, hair and eyes. Albinism can affect the eyes, skin and hair, which is known as oculocutaneous albinism, or only the eyes, which is known as ocular albinism. Parents of albino children do not necessarily have albinism themselves; in fact, that is most commonly the case.

Most people with albinism have some degree of vision impairment and many are classed as legally blind. The vision impairment is caused by the reduced ability or complete inability to produce melanin, which is essential in the development and function of the eye. Melanin is essential for the development of the optic nerve, the retina and the fovea—which is the part of the retina that is responsible for seeing fine detail—and is the main component that makes the eye colour in the iris. Many characters supposed to be people with albinism have featured on television and in movies. Unfortunately, the depictions have been overwhelmingly negative, revealing a great deal of insensitivity and ignorance on the part of the writers and directors. Films such as *The Firm, Powder, The Da Vinci Code* and many others depict people with albinism as evil or withdrawn.

I mentioned Dr Shari Parker in my introductory remarks. Shari is indeed an incredible and impressive person. She works as a specialist rehabilitation doctor and lives in Sydney with her husband and three young children. She has albinism. In a recent article entitled "Albinism: Get your facts straight" Dr Parker reflected on her journey growing up with this condition. She stated:

> Growing up as a kid with white hair, wobbly eyes, needing a monocular to see the blackboard, and with Coke bottle-thick glasses, I had my share of name-calling and teasing. My greatest critic, though, was myself. I felt less than normal because I was an albino, I looked weird, and I could not see much.
>
> I wanted to prove to myself and others that I was "normal", not a white haired kid who was "as blind as a bat". So I went on to get a tertiary education and twenty years later, I am a professional, working with people with disability to help maximise function, and with my own family. This journey has been one of discovery, finding ways to overcome seemingly impossible challenges with ten per cent vision, and learning that what you thought would be the biggest hurdle can turn out to be quite manageable.

The Albinism Fellowship conference was a huge success: 260 people were involved, including 76 people with albinism, 27 kids in the youth program, 24 kids in the crèche, 30 dedicated volunteers, 50 presenters and 40 professionals. I would like to acknowledge the executive of the fellowship: president, Elizabeth Beales; vice president, Kim Gillespie; the secretary and conference coordinator, Shari Parker; treasurer, Ted Thomas; and the general committee, Tim Bellamy, Madeleine Ellis and Allen Little. I pay a special tribute to Lauren Dawes, star of Aussie screens on *The Voice*, who opened Saturday's conference with the national anthem. Her character, talent and performance are impressive to all of us in search of inspiration.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.33 p.m.]: I thank the member for Kiama for raising the matter of albinism in this House. I never would have thought that he would stand out in a crowd. He certainly epitomises the success and achievements that can be attained by a person with albinism. I knew the member for Kiama in his previous roles as a councillor and deputy mayor of Kiama Council and he did a tremendous job. But he has held other important roles—he has been a member of boards, a member of a jazz club and a very hardworking member for his community.

The member for Kiama says that albinism is not a barrier and that there are opportunities for support and education. Fellowship is provided to other people with albinism and to their parents, families and friends and it provides a united voice. We are very fortunate not only to have the member for Kiama in this House but also to have him raise this very important matter.

LIVERPOOL TAFE

Dr ANDREW McDONALD (Macquarie Fields) [7.34 p.m.]: Last month I met George Sadler of Lurnea. George is 78 and he retired in 1988 to become the devoted carer of his much-loved wife, June, who died in September 2012. Since then George has been studying information technology at Liverpool TAFE. George came to see me because of his concerns about the future of teaching at Liverpool TAFE. George brought me a beautifully typed and formatted letter and I would like to quote from it. He said:

> A major concern I have is what appears to be major changes to the structure and operation of T.A.F.E. NSW.
>
> At the moment I am studying Information Technology at the Liverpool college and needless to say I talk to the staff quite a bit. They have attended several meetings with government representatives but from what they tell me details of intended changes are very vague.

> My feeling is that there will be an ongoing cut back in the provision of courses that are currently available. Further I feel that a strategy will be to off load basic courses to community educational centres, particularly the courses for older Australians.
>
> When I make enquiries and raise subjects or issues with senior staff the response is almost always negative or I don't know the answer to that.
>
> Ultimately I am certain that the government's determination is total privatisation. The issue is a complex one and it is highly unlikely that the government will reconsider its position …

George studied for a Certificate I in information technology. Certificate I is vital for the development of entry-level skills for people such as George who have little experience with computers, but I understand that this course no longer exists due to TAFE cutbacks. George rates the teachers as excellent but he says that at times the facility needs some work. He says that sometimes two classes are held in one room with inadequate sound barriers.

George is now studying for a Certificate II in information technology. He is only able to afford it because in the past the cost was subsidised by the State Government. This course allows George to learn skills such as using the internet, Microsoft Word, Excel and PowerPoint. These skills give him enormous pleasure but, more importantly, they enable him to interact in the modern computer age. One memorable night in 2007 I listened to Barry Peddle describe the TAFE system as providing the first, second and third chance for education. This is why TAFE is so vital and it is at risk if courses such as the one undertaken by people like George Sadler are cut. These courses, often designed with input from the local community, are vital to the education of our community in south-west Sydney.

I have previously spoken about the I Am Me program run by Macquarie Fields TAFE in 2007—an excellent program for a marginalised group of women. We still see the benefits of that program to this day. These courses are now at risk from the O'Farrell Government's cost cutting and if that happens it will affect George Sadler, his future classmates and many of the people who have not had the chance to undertake tertiary education in south-west Sydney. Everyone in south-west Sydney will be poorer for these cuts. The Government should be condemned for its short-sighted action in making cuts to TAFE, which will have an enormous impact on the people of south-west Sydney for years to come.

NORTH COAST POLICE NUMBERS

Mr CHRISTOPHER GULAPTIS (Clarence) [7.38 p.m.]: I speak on a serious issue in my electorate and in other electorates on the North Coast—the need to boost police numbers in the northern region. The Police Association of NSW has been calling for police numbers to be increased in the northern region in line with the rest of the State and, after listening to it and to many organisations and residents in the electorate of Clarence, I wholeheartedly agree. Sixteen years of a State Labor Government that focused on Sydney and built up police numbers in the Labor-held seats of Western Sydney has been at the core of the problem. Police numbers declined in regional areas and increased in metropolitan areas. That disparity is slowly being addressed by the Coalition Government.

Since the Coalition Government came to power in 2011 police numbers have increased by an additional 420 officers. Many of these officers have been stationed in regional areas and the increase is on track to meet the Coalition's promise to deliver an additional 859 police officers by August 2015. The New South Wales Coalition has also met its commitment to ensure that operational strength in all local area commands exceeds 90 per cent. This was a major recommendation in the Parsons report and, to the Coalition's credit, it was quick to adopt the recommendation because the operational strengths in many North Coast local area commands were low. Indeed in some local area commands it was as low as 70 per cent.

Police numbers cannot be increased overnight. Police have to be trained and that takes time. We all understand this, and that is why it is so important that this message gets through to the commissioner. The next deployment of police officers must focus on the North Coast in order to redress the balance that saw the North Coast treated as second class by the former State Labor Government. The numbers speak for themselves. On the North Coast the ratio of police officers stands at one officer to 900 people, whereas the State average is one officer to 500 people. We are well below the State average and on the numbers alone it is clear that we need a significant increase in police officers.

In addition, the North Coast is one of the fastest growing areas in New South Wales and enjoys high tourist numbers. During holidays and at Christmas coastal towns swell with tourists in a party mode and crime levels escalate. This puts more pressure on our existing officers; it increases their stress levels and contributes to

high numbers on sick leave and restricted duties. These are exactly the problems facing the two local area commands in my electorate of Clarence—Richmond Local Area Command and the Coffs-Clarence Local Area Command. Not only do the local area commands on the North Coast have to contend with increasing population numbers and the problems that holidaymakers cause; they must also cover vast areas. There are numerous towns and villages within the area of responsibility of these local area commands, each with their own specific law and order issues. This results in a common problem which is raised with me on a regular basis.

The scenario raised is that police are called to a remote area of the electorate because of a disturbance. This closes the local station and leaves that community and neighbouring communities without any police officers. The police will be on that particular job for hours and possibly well over 70 kilometres away from other towns that also are in need of police services. The consequence is that crimes are committed—often very violent crimes—and the criminals are long gone before police can respond. As I said before, this is a common occurrence and it is caused by the lack of officers in the local area command. There is no question that crime rates on the North Coast are decreasing as a result of the diligent work of our police officers and because of the increase in police numbers by the Coalition Government. But the fact remains that crime has decreased at a much greater rate in those metropolitan areas that have a higher number of police officers compared to the North Coast local area commands. There is no doubt that more cops mean less crime and we want more cops on the North Coast.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.43 p.m.]: I thank the member for Clarence for talking about policing in regional communities, which is an important matter. I commend the tremendous work that police do across the State. Although the member for Clarence spoke about the northern part of the State, I have been lobbying the Minister and speaking with the association about getting additional police in some parts of my electorate. I hope the Minister is aware of the matters that have been raised. The Government has already provided an additional 420 police officers. It is great to meet the Coalition's election commitment of 90 per cent operational strength. All we saw under the former Labor Government was pork barrelling and disadvantaged regional communities did not get a fair and equitable share of the police officers being distributed across the State. However, the Government will ensure that we get an equitable share. We are addressing the issues left behind by the former Government. We will continue to work alongside the Minister to address those issues.

BATHURST ELECTORATE HERITAGE GRANTS

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.44 p.m.]: Tonight I will talk about the importance of heritage and the heritage grants distributed in my electorate over the past week. Almost $250,000 has been provided for three significant projects in the Bathurst electorate. We all know that heritage is important. The past is all around us. We live our lives against the rich backdrop formed by historic buildings, landscapes and other physical survivors of our past. But the historic environment is more than just a matter of material remains. It is central to how we see ourselves and to our identity as individuals, communities and a nation. It is a physical record of our country's history and how it came to be. Building materials and styles can define a region's locality and community. Historic landscapes or iconic buildings can become a focus of community identity and pride. At a more local level, a historic church or park can help to define a neighbourhood and create a sense of local cohesion.

The three projects in my electorate are important. The trustees of the Roman Catholic Church for the Diocese of Bathurst received a grant of $150,000 to undertake conservation works to the State-listed 1861 Cathedral of St Michael and St John at Bathurst. Designed in the traditional free gothic style, the Cathedral of St Michael and St John is a prominent church of quite imposing scale, befitting its location on the corner of Keppel and William streets in Bathurst. The site was granted to the Catholic Church in 1838. Dean John Grant, who died in 1864, was the inspiration for the erection of this church. The dominant building material is brick of several colours, including some good decorative brickwork, and the sandstone window dressings and tracery are notable. Bishop Michael McKenna, who was present, has welcomed the recent advice from the NSW Office of Environment and Heritage. The $150,000 will go towards stage one of this important work.

Another project that received funding was a grant of $10,000 to prepare an archival recording for Old Errowanbang Woolshed, which dates back to 1886. The Errowanbang Woolshed is one of the most interesting woolsheds of the Central West region. It has 40 stands and is one of the largest woolsheds in the region. Of those stands, 26 have never been adopted for mechanical shearing, providing clear evidence of two major phases of shearing practices in Australia. The original stands retain virtually all of their original fabric, a clear picture of the working of hand shearing. Names painted on the stand provide evidence of some of the well-known shearers who worked at the station in the nineteenth century.

Finally, Ted Jones received a grant of $88,000 for conservation works at the Grange at Brewongle. The Grange is a colonial farmhouse dating back to 1836. It was listed on the State Heritage Register earlier this year, and is one of the earliest surviving examples of its kind in Australia. The original part of the homestead was built in 1830, almost certainly using convict labour, just 15 years after the first road was forged through the Blue Mountains to found the town of Bathurst. The Grange has the potential to provide insights into early colonial life and conditions for convicts, some of whom were known to have been assigned to the farm. It is important to note that heritage is significant in our areas. I am pleased that the Minister has put this funding on the table to preserve, conserve and care for buildings of this nature in our communities. We must also look at the importance of these heritage items, which promote tourism in our local areas. I am proud of the heritage. I am proud of the organisations that support heritage in our area. I commend the Minister for putting this funding on the table to support our communities and the heritage listed projects in my community.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [7.49 p.m.]: It behoves me to support the member for Bathurst who has recognised the value of heritage buildings in his area. Bathurst was a very significant city in the development of this State in relation to agriculture and mining. The member for Bathurst and his community have worked hard to secure funding for and recognition of the value of heritage buildings in his electorate. The member for Bathurst has pushed this cause in the schools and he should be applauded for it. I support the member for Bathurst for obtaining funding for heritage buildings.

TABCORP PARK MENANGLE

Mr JAI ROWELL (Wollondilly) [7.50 p.m.]: Recently I attended the opening of the Rex Horne Stand at Tabcorp Park Menangle in my electorate. I have watched over a number of years the construction work being undertaken and it was an absolute delight to see the final works completed with more than 300 seats in the convention centre and corporate facility. In Wollondilly we do nothing by halves, and the racetrack is second to none. The new grandstand was named after the retiring NSW Harness Racing Club Chairman Rex Horne. Rex was the driving force and hands-on leader behind the redevelopment of the track precinct at Menangle Park. He did not know on the night that his board had unanimously voted to name the facility after him. It was such an emotional and moving event to see more than 350 guests give him a standing ovation. He was truly humbled.

Tabcorp Park Menangle is an excellent facility and is home to the Inter Dominion, which is harness racing's premier event. It has been contested since 1936 around cities in Australia and New Zealand on a rotational basis. The series is being conducted at Tabcorp Park Menangle for three consecutive years—2013, 2014 and 2015. Tabcorp Park Menangle has made its mark on the Australian harness racing scene. It can now be acclaimed as one of the best in the world after the majestic Smoken Up recorded the first sub 1:50 mile in the southern hemisphere, with his scintillating 1:48.5 in the Tabcorp Len Smith Mile in April 2011.

The racing precinct has everything to accommodate every enthusiast's needs and offers a wide range of options for the general public, right through to the corporate facilities. The spacious lawns are family friendly and the public facilities are inviting. The club has a newly opened children's play area, equipped with slides, whilst the adult area has two monster infield screens that have been installed to show all Sky Racing action from the around the world. Feature carnivals culminate in the flagship SEW Eurodrive Miracle Mile, which is the ultimate speed and strength test of pacers, and the New South Wales Industry Day meeting in June next year, featuring the cream of the New South Wales juvenile talent.

Tabcorp Park Menangle is far more than a racetrack: It is an institution founded by distinguished pioneers who were farming and racing horses for fun in this glorious, pastoral setting long before Melbourne, for example, was even thought of. John Macarthur, acknowledged as the father of the Australia wool industry, became the owner of just about all the land at Menangle—which is an Aboriginal word to describe a lagoon on the opposite side of the Nepean River—in the 1820s. Prior to John Macarthur's presence, in 1805 Mr Walter Davidson was granted 2,000 acres of land. It was Davidson who named the property Menangle, copying the word used by the Indigenous Tharawal tribe.

Thomas Taber and his son George were the early farmer-owners of the exact area where the raceway is located today. It was George Taber who built Menangle House, the commanding old mansion that stands on the corner of Raceway Avenue where patrons drive from the main road into the facility. That was where I held my victory party on being elected in 2011. Macarthur, the Tabers and the people in those early times would assuredly be in awe of the recent development of this brand new 1,400 metre track, which is artificially filled so far down the back that it is clearly high and dry from the nearby brimming, tree-lined Nepean River.

So much work has gone into this facility over many years. I want to name a few people who have worked so hard: Rex Horne, director and chairman; Ray Sharman, deputy chairman; David Douglas, Sue Kelly, Peter Plummer, Robert Turner, Peter Sullivan and James Walsh, directors; John Dumesny, chief executive officer who not only does a fantastic job for his board but also pours his heart out to his community—when the chips are down he rolls up his sleeves, puts his other work aside, and helps his community; Bruce Christison, operations manager; David Wonson, racing manager; Chris Bolenski, finance manager; and Alison Anschau, business development manager. I encourage members to come down to Wollondilly and take a look at this fantastic facility.

MENAI ELECTORATE EVENTS

Ms MELANIE GIBBONS (Menai) [7.55 p.m.]: Tonight I will inform the House about some events and initiatives currently occurring in my electorate that the Government is helping out with. Holsworthy High School was not able to continue to offer some Higher School Certificate courses without an upgrade to its kitchens. The Parents and Citizens Association, teachers and students were particularly concerned about the school not being able to offer such courses. I made representations to the Minister for Education and under the $40 million Public School Upgrade Program the Minister has provided funding for the kitchens and other facilities to be upgraded. The school will now be able to continue to basically teach students a trade—how to cook delicious meals and make a great cup of coffee—so that they can enter the hospitality industry or go on to further study. It is always a treat to go to Holsworthy High School. My office likes it when I visit the school because there are always some fantastic treats to take back to the staff.

The Liverpool City Council secured a $250,000 grant from the NSW Environment Protection Authority to help fund a best practice community recycling centre where televisions, gas bottles, lead acid and household batteries, paints, oils and fluorescent globes, computers, cardboard, old paint tins, will be recycled to help our environment. The Waste Less, Recycle More initiative will help to prevent items going into waste that should not. I have visited the Liverpool City Council operations centre at Rowe Street, Liverpool, a couple of times. They are a fabulous group of people. Through the Local Infrastructure Renewal Scheme the Government also has provided a $10 million loan for a car park at the southern end of Liverpool city centre. Car parking in Liverpool is always a contentious issue. Hopefully that car park will soon be underway.

Closed circuit television and wi-fi is currently being installed in Liverpool next week and should be finished before Christmas. It is fabulous that Liverpool is setting the trend in putting in wi-fi in its city centre. I am very excited about it. The Minister for the Environment recently visited the Whitlam Centre, at Liverpool, to celebrate the 200,000 households that signed up to receive the free power savings kit, which will save our residents a lot of money. We looked at simple things like putting door snakes on the floor to stop drafts, water-saving shower roses and timers. It was great to see free consultations taking place. Residents will be visited in their homes. They will be shown what they need and provided with a free kit, including a new power board, door snake and shower rose. This was a wonderful initiative. I was thrilled to be able to celebrate the 200,000th household signing up for the free power savings kit. As always, there are many things happening in my electorate. I am happy with the new playground and new grass being laid at Woronora Public School, and the upgrade of the new sports and playing fields for Lucas Heights Community School. All these improvements are keeping everyone busy.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [8.00 p.m.]: I compliment the member for Menai on her hard work, especially the projects she has highlighted. She has been very active teaching life skills such as cooking to the young children at Holsworthy Public School. They would not have gained those skills without her assistance. The Environment Protection Authority's grant to the Liverpool City Council for its waste recycling plant is another important initiative. The recycling plant now receives gas bottles, computers and televisions—throwaway products. Finally, I mention the loan of $10 million for the Liverpool City Council car park. Recently I also accompanied the member for Menai to the Rotary Clubs of NSW Police Officer of the Year Awards 2013 and was impressed with her attitude. I was also very impressed with Liverpool City Council and its car park.

Private members' statements concluded.

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

RURAL FIRES AMENDMENT BILL 2013

Second Reading

Debate resumed from an earlier hour.

Mrs ROZA SAGE (Blue Mountains) [8.01 p.m.]: I make a contribution to debate on the Rural Fires Amendment Bill 2013 to add my wholehearted support for the bill. The introduction of this bill is particularly timely as it comes on the back of the worst bushfires and property losses we have ever had in the Blue Mountains. I say "property loss" as by the grace of God no-one lost their life. I attribute this to the phenomenal work of the NSW Rural Fire Service and other agencies that put the fires out during those devastating times. I was pleased to hear that due to rain over the last few days the Mount Victoria fire and Linksview Road fire at Springwood have now been extinguished, which is wonderful for those communities.

Unfortunately, these are now yesterday's headlines but for the Blue Mountains and other New South Wales communities that have been recently devastated this is still their everyday reality. I have flagged issues pertaining to this bill in the media previously and I am very pleased with the introduction of the Rural Fires Amendment Bill 2013. Since the bill was announced in the media today I have had many residents contact my office in support of any measures to make their properties safer during bushfires. They have been voicing their anger at the difficulty they have had over the years in not being allowed to make their properties fire safe or safer. At this time, as properties in fire-affected areas are being made safe—if they have not already finished with the removal of dangerous trees and structures—it would be a brave person to stand between a property owner and his chainsaw removing other trees on the property.

The recent fires have become a catalyst for the frustration that residents have had with the local Blue Mountains City Council about the dogmatic way staff have been administering clearing of vegetation under council's tree preservation order. The inability of many home and land owners to remove vegetation due to red tape is an issue that has been highlighted by many residents following those dreadful fires. Amongst other things the bill implements the recommendations of the Independent Hazard Reduction Audit Panel, a commitment made by the Government prior to the 2011 election. Additionally, the Government is delivering on the commitment to increase hazard reductions. During the last financial year hazard reduction burns occurred on approximately 280,000 hectares of land—more than two and a half times the amount carried out two years ago. Hazard reduction is also dependent on weather and other parameters.

The New South Wales Government established the panel to conduct a review of the hazard reduction program in New South Wales and to provide recommendations to the Minister for Police and Emergency Services on potential enhancements. The final report contained eight recommendations for amendments to the Rural Fires Act 1997. Those recommendations are aimed at enhancing the hazard reduction program in New South Wales and ensuring that the NSW Rural Fire Service is able to carry out hazard reduction in a timely and efficient manner. In particular, the amendments assist the NSW Rural Fire Service to conduct hazard reduction across different land tenures where a number of landowners and managers are involved. Hazard reduction is not just about using low intensity burns to reduce fuel load, but can involve hand clearing and mechanical clearing. This could mean slashing and trittering, which is turbo mowing and mulching the vegetation in place, ploughing and grading to produce firebreaks or removal or pruning of trees and shrubs, which involves selective fuel reduction.

The amendments proposed also will extend the Act and functions of the NSW Rural Fire Service to include protecting infrastructure, environmental, economic, cultural, agricultural and social assets from damage. The bill also will allow the NSW Rural Fire Service Commissioner to carry out hazard reduction on land without the consent of the owner after reasonable attempts to contact the landowner have failed, once certain conditions and safeguards are met. Importantly, it will amend the definition of "bush fire hazard reduction work" to include the establishment or maintenance of fire trails. I say "importantly" as fire trails are often the only way that firefighters can access areas of bush. It makes sense to allow home owners to easily be able to provide an adequate fire buffer zone in areas where they are permitted to live near bush.

This bill will also enhance the legislative framework that supports hazard reduction. The benefits of hazard reduction were clearly evident in the latest fires. Those areas that had previous hazard reduction work were easy to control and did not experience the ferocity compared to those areas that previously had not been burned. Although not strictly a total hazard reduction, the previous Hawkesbury Road fire at Winmalee-Yellow Rock provided a stopper to the Linksview Road fire that devastated the areas not already burned. No fire entered the previously burned area.

Section 66 (3) of the Rural Fires Act 1997 will be amended to provide for a more flexible approval process for issuing hazard reduction certificates where, for example, there may already have been an existing environmental approval in place or an environmental approval is not required. The perception in the Blue Mountains community, especially in fire-prone areas, is that of obstruction by the local Blue Mountains City Council when people apply to remove vegetation to protect their properties. Part of this perception is the rigidity and subjective application of the council tree preservation order in our area. Much of this has been driven by The Greens agenda under the pretence of conservation.

I heard one absurd example of this on the weekend when I visited a destroyed property at Mount Irvine. The dirt road leading to the property had a tree near its fence line that had been designated as a tree of heritage significance. The tree burned down. Residents informed me that the contractors cutting down dangerous trees in the area had been instructed by council not to remove the stump as it was of heritage significance. So we have now gone from a heritage tree to a heritage stump. Not only that, the stump constricts the road in the area. I was left speechless with disbelief. I understand that part of the radical Greens ideology and manifesto claims that humans are the pest species on this earth. This has led to consideration of trees over people and property in decision-making.

I, along with anyone else who has chosen to live in the Blue Mountains, appreciate the bush and the natural beauty of the national park and would be the first to try to preserve certain areas. However, where there is human habitation I put the safety and lives of people first. In the Blue Mountains the National Parks and Wildlife Service is an agency often overlooked for the great work it does in hazard reduction and firefighting in the national park. It is the premier agency involved in remote firefighting in rugged terrain. I am in awe of those firefighters who are winched into inaccessible terrain by helicopter or, where there are waterways, in rafts. They work hand in glove with the Rural Fire Service and do a fantastic job in the Blue Mountains. The Rural Fires Amendment Bill 2013 amends sections 118A and 118D of the National Parks and Wildlife Act 1974 to clarify that hazard reduction work carried out under section 100C will not constitute a breach of those provisions.

Through this bill the Government again demonstrates a strong commitment to providing the best possible protection to New South Wales communities against the impact of bushfires. I look forward to the additional new rules being developed to further streamline processes that will allow owners of homes near bushland to protect their property from bushfires. I can confidently report that responses from my constituents indicate this bill is welcome. I again congratulate all those bush firefighters and agencies involved with fighting fires: the Rural Fire Service, National Parks and Wildlife Service and all the other agencies that help during disasters. I commend the bill to the House.

Mr NATHAN REES (Toongabbie) [8.10 p.m.]: I lead for the Opposition in debate on the Rural Fires Amendment Bill 2013 and indicate that the Opposition will not oppose it. The purpose of the bill is straightforward. The member for Blue Mountains has articulated the background and rationale for the bill, which is important to her electorate. I visited the Blue Mountains last weekend. I went bushwalking in the wet at Lawson, which was followed by a very fine Chinese meal at the Lawson Bowling Club. I will give you a tip: The meal was a lot better than my rain protection! I lived in the mountains for some years and on occasion we were forced to evacuate. That was my background before coming into Parliament. I was then the emergency services Minister and dealt with fires, floods and so on around the State. I am well versed in the different arguments around the various issues.

I raise a couple of gentle debating points with the member for Blue Mountains. She mentioned 280,000 hectares of hazard reduction burning. The thinking around one element of that debate has matured in recent years. When bushfires occurred 20 years ago Bob Debus was the local member and emergency services Minister. I recall him copping an absolute shellacking from many commentators who asserted that there had not been enough hazard reduction burning. The unit of measure everyone is tempted to use is the number of hectares that has been hazard reduced. But that is the wrong measure; it is not the measure that the Rural Fire Service or other experts use.

It is the wrong measure because 1,000 hectares that do not contain homes, livestock or property to damage can be burned, or 10 hectares interfacing with an urban bush area and millions of dollars worth of homes as well as hundreds of lives can be burned. The measure is not the number of hectares burnt during hazard reduction but the value of the properties and the lives that are protected by a particular burn. I make that general point because I think it is worth making. We should not be reduced to relying on overly simplistic measurements. Take the point about the tree being reduced to a stump: On that basis, the Explorers Marked Tree at Katoomba would not exist—and we know the importance of that stump at the start of the Six Foot Track.

Mr Jai Rowell: That is a good stump; the other is a bad stump.

Mr NATHAN REES: It is a good stump, correct. The purpose of the bill is sound. It contains common-sense provisions. It extends the object of the current Act and the functions of the Rural Fire Service to include protection of environmental, economic, cultural, agricultural and social assets and infrastructure from damage. The bill gives the commissioner of the Rural Fire Service the power to direct a bushfire management committee to amend its plan if it is inadequate. It allows the commissioner to carry out reduction burns without consent provided reasonable attempts have been made to contact property owners. That is a sound provision. It defines "bushfire reduction work" as including trails and their maintenance and establishment. The member for the Blue Mountains touched on that point.

The bill will allow the Rural Fire Service to draw water free of charge from any source for training purposes. I hope they will not be dragging water out of dams during times of serious drought, but we may end up in that situation. Let us hope that people are not generally inclined to send an invoice to the Rural Fire Service for any water that has been secured. The bill will allow the Rural Fire Service to destroy property that is dangerous, such as structures or dwellings in a semi-destroyed state. It extends a hazard reduction certificate from 12 months to three years, which is a useful initiative. The bill provides that a single hazard reduction certificate can be issued across adjoining properties rather than issuing separate certificates for each parcel of land, provided there is consent.

The bill will create new offences for dangerous littering, including a $660 fine for discarding incandescent material in areas where a fire ban is in place. It amends the relevant Act to insert an aggravated provision for the offence of impersonating a firefighter. The bill provides that the Rural Fire Service can direct the National Parks and Wildlife Service to carry out specific works. Hopefully, it will not direct people to carry out hazard reduction activities in their own backyard. But the advice to me is that those plans and that work require the consent of the National Parks and Wildlife Service; it is not merely a consultation exercise. On those bases, and on the back of a distressing set of fire circumstances in the recent past, the Opposition supports the bill.

Mr JONATHAN O'DEA (Davidson) [8.16 p.m.]: I support the Rural Fires Amendment Bill 2013 and welcome the Opposition's indication that it will not oppose it. I have spoken previously in glowing terms about what the Rural Fire Service does in our community through the Davidson, Belrose and Ku-ring-gai brigades. Hazard reduction is one of the many activities they undertake. Hazard reduction is a topic on which I have received various constituent submissions and representations over recent years, and indeed in recent weeks, particularly from people living adjacent to one of the national parks in the Davidson electorate. As members will be aware, prior to the 2011 election the Government committed to establishing the Independent Hazard Reduction Audit Panel for the purposes of conducting a review of New South Wales hazard reduction program and providing recommendations for potential enhancements.

This commitment was made in recognition of the importance of effective hazard reduction programs as part of a suite of measures in place to mitigate the risk of bushfires to communities and to make them more resilient to bushfires. I am pleased to note that the matters addressed through this bill include implementing all eight of the recommendations for legislative amendment made by the panel in its final report to the Government. The rest of the 18 recommendations made by the panel relate to cross-portfolio collaboration, cooperation with the Commonwealth, and community engagement and funding. For example, the panel recommended that the NSW Rural Fire Service hold discussions with the Department of Planning and Infrastructure and Local Government NSW about ways to achieve better compliance with development standards in bushfire-prone areas across the State.

The Government accepted all the panel's recommendations, and they are in the process of being implemented. The Independent Hazard Reduction Audit Panel was chaired by Mr Les Tree, former chief executive of the Ministry for Police and Emergency Services. Members of the panel included the Commissioner of the NSW Rural Fire Service, the President of the NSW Rural Fire Service Association, the Vice-President of the Volunteer Fire Fighters Association and two prominent academics, Professor Ross Bradstock and Dr Kevin Tolhurst. The panel was supported by an advisory group comprising members from various stakeholder groups, including the NSW Farmers Association, the Nature Conservation Council and Local Government NSW. To inform its work, the panel, with the assistance of the advisory group, developed a discussion paper for public comment and held five public consultation meetings across the State in the Blue Mountains and at Tamworth, Batemans Bay, Orange and Coffs Harbour. I am advised that 54 submissions to the discussion paper were received from individuals and organisations such as councils. Environmental groups and government agencies also made representations or submissions.

The early start to this year's bushfire season highlights the importance of continuous oversight and improvement of hazard reduction programs across New South Wales. I acknowledge the contributions made by and thank the members of the Independent Hazard Reduction Audit Panel, the advisory group and everyone who took the time to provide comments and to engage in consultations over the past year. Through their efforts, we as a government are making strategic and significant enhancements that will help to protect New South Wales communities from bushfires over the coming months. In addition to the amendments arising out of the Independent Hazard Reduction Audit Panel, the bill seeks to strengthen emergency management legislation by making other changes. A number of existing offences have been enhanced to deter risky behaviour. The offence of depositing lit cigarettes, matches or other incandescent material on land will be moved from the regulations to the Act, and an aggravated version of the offence will be created for offences committed during a total fire ban.

The bill will also ensure that our firefighting volunteers are protected from being obstructed or hindered in the exercise of their duties. This will be achieved by ensuring that the existing offence covers them. An aggravated offence of impersonating an emergency services officer will be included in the State Emergency and Rescue Management Act covering a person who purports to exercise a power or function or intends to commit a criminal offence. Further, two amendments will be made to streamline the issuing of bushfire hazard reduction certificates. A bushfire hazard reduction certificate will not be required to be issued under new section 66 (3) if an environmental approval is already in place or is not required.

Under proposed section 100E, a single bushfire hazard reduction certificate can be issued across different land tenures such as council land, national parks land and private land. Overall, the bill contains a package of amendments designed to improve the emergency management legislative framework and to support our emergency services. We must ensure that people can properly respond to risk without undue bureaucratic interference. I highly commend the bill to the House and congratulate Minister Michael Gallacher on his excellent initiative.

Mr JAI ROWELL (Wollondilly) [8.23 p.m.]: I support the Rural Fires Amendment Bill 2013. I am sure that all members would agree that it is vital that we have a strong and effective set of offences and penalties in place in New South Wales emergency services legislation to act as a deterrent to risky and/or criminal behaviour that may place lives or property in danger. The bill before the House today seeks to support this goal through the introduction of two new offences. Firstly, it will include in the Rural Fires Act 1997 new section 99A to cover instances where lit cigarettes, matches or other incandescent material are dropped on the ground without lawful authority. Such behaviour, whether in urban or rural settings, can of course greatly increase the risk of a fire whether by igniting dry grass, newspaper or other types of fuel.

While discarding a cigarette butt or match out of a car window may seem harmless, the impact can be disastrous. As the recent October bushfires demonstrate, it does not take much to ignite hectares of land and cause the devastation of homes, property and wildlife. The bill also creates an aggravated version of this offence to cover the same behaviour during total fire bans when the risk of fire is obviously heightened. The maximum penalty for the aggravated offence is 100 penalty units or $11,000. However, enforcement officers will have the discretion to deal with both levels of offence by issuing a penalty notice. A similar offence in clause 28 (1) of the Rural Fires Regulation will be removed.

In addition, the bill seeks to include a new offence in section 63B of the State Emergency and Rescue Management Act 1989. The existing offence in section 63B covers instances where an individual seeks to use or display emergency services organisation insignia or impersonates an emergency services organisation officer with the intention to deceive. The maximum penalty for this offence is 50 penalty units. This bill includes an aggravated version of this offence to cover instances where someone not only impersonates an emergency services organisation officer with the intention to deceive but also either purports to exercise a function of such an officer or uses the scenario to facilitate the commission of an offence. Additional charges may still be laid under other legislation in relation to any other offence committed. As these amendments demonstrate, the Government is making every effort to protect our emergency services workers and New South Wales communities from the effects of bushfires this fire season and beyond.

In addition, the bill implements the eight recommendations made by the Independent Hazard Panel relating to amendments to the Rural Fires Act. The Government supports all 18 recommendations made by the panel that will enhance the hazard reduction program in New South Wales, and they are all being implemented. The Government is committed to ensuring that the program is effective and responsible while acknowledging that hazard reduction cannot prevent fires. The Wollondilly community was recently impacted by a fire during what has been reported to be the worst bushfires in New South Wales for more than a decade. The State was

ablaze with more than 100 separate incidents and particular devastation was caused in the Blue Mountains, the Great Lakes area and the Southern Highlands. I will continually place on the record in this House my admiration for the work of the NSW Rural Fire Service and the Wollondilly-Southern Highlands Incident Management Team headed by Inspector Ashley Frank and my new best mate Inspector David Stimson. The Rural Fire Service personnel were complimented by Inspector Fryer and others.

As I have previously informed the House, recently I was made aware of the worsening fire situation in Wollondilly and around the State. A fire had started just outside my electorate and was moving at great speed toward the townships of Balmoral, Buxton, Yanderra and Bargo. The fire came with unexpected ferocity, fuelled by dense undergrowth in nearby bushland. The Premier was kind enough to allow me to leave Parliament that day to be with my community. Upon arriving at the fire control centre, I was brought up to speed with the current situation—high temperatures, strong winds and a fire front in one section more than 11 miles long. The southerly change did not bring the level of respite we had hoped for and it pushed the extensive fire front towards townships.

I saw residents lose their homes, sheds, cars and livestock. I saw pristine vistas hazed over with smoke and stretches of land I drive through on a daily basis turned into unrecognisable, barren landscapes. However, amid this chaos I also saw human nature at its finest. What I witnessed on the fire ground, in the control centre, in the emergency evacuation points and in the community in general was incredible generosity and goodwill, and that was replicated across the bushfire areas. We must remain vigilant against complacency. Now is the time to develop a bushfire survival plan. Now is the time to discuss what we will do in the event of an emergency with our family members, including our children. Now is the time to take stock of what has just happened and to use this knowledge to our advantage. Now is the time to ensure that the amendments in this bill are supported by all. I acknowledge that the Opposition has indicated that it will support the bill.

The township of Yanderra was saved by heroes that day and also because back-burning had been conducted three weeks previously. Everything was burned except for homes and schools to which children were evacuated. I place on the record my support for hazard reduction efforts. I have seen this important work firsthand, and I am proud to be a member of a government that is increasing hazard reduction. Incident Controller Inspector Ashley Frank wrote to me after the fire and stated:

> I have had the privilege to lead a remarkable amount of men and women from Rural Fire Service within our Southern Highlands supported by strike teams from Illawarra, Macarthur, Warringah, Sutherland and Southern Region. Our RFS crews were also strongly supported by New South Wales Fire and Rescue, Police, Emergency Management, SES, Victorian IMT's and our Local Councils.
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> During the fire fight that occurred in the Villages of Balmoral and Yanderra on Thursday 17th, I witnessed courageous efforts by firefighting crews and police to minimise the loss of assets and the demonstration of our ability to enact Emergency Warnings to remove the public including an evacuation of a school out of harm's way prior to a fire storm impacting. This in itself is an outstanding effort that I am sure our Commissioner Shane Fitzsimmons would be very proud of how we collectively handled this dangerous situation.
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> During the first 24hrs of the operation I set the Intent to the Incident Management Team to Plan, Construct and Back Burn realistic solid containment lines. This allowed crews to achieve as much containment as possible prior to the onset of deteriorating weather conditions forecasted for the coming days. Indeed this was a challenging task for the IMT, Divisional Commanders, Sector Commanders, Crew Leaders and Aviation Resources to achieve. This strategy was extremely effective in containing this fire from impacting further towns and villages and securing the fire from reaching the Illawarra Escarpment.
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> It has taken many days of continuous effort by all to strengthen, mop up and identify hotspots to ensure that containment was secured. In the background, community meetings were facilitated to our communities of Hill Top, Balmoral, Buxton, Bargo, Wilton, Yanderra and Yerrinbool. The community engagement strategies implemented through the media, social media and these face to face meetings has also been an extraordinary effort.

The fire burnt some 15,657 hectares of bush, which is made up of private land, Crown lands, national parks and catchment management authority land. The Hall Road fire that started in Balmoral on 17 October was today classified at "patrol status". I thank each and every individual for their outstanding efforts in bringing this fire to patrol status. I thank Inspector Ashley Frank, Rural Fire Service liaison officer David Stimson and the entire team for their hard work. As a way of thanking them I have instigated, with the support of Tahmoor Lions, what I have deemed Brigade Aid, which is to be held in late November.

All money raised will go to local Rural Fire Service brigades. Brigade Aid will acknowledge and thank all Rural Fire Service crews; I have been told they will attend the festivity. I have organised carnival rides, a car show, a children's concert and a family concert. People such as Dale Burridge and Danielle Everett, the original stars of *Phantom of the Opera*, will be there. Martin Crewes of the *Man from Snowy River Arena Spectacular*

will be part of the main concert, as will Jessica Lingotti from *Burn the Floor*; Toni Bird, one of Sydney's leading vocalists; Sarah Prestwidge; and Jordan Maher. Local people also will participate, including the very famous Christie Lamb, who is currently in the country charts, and Jonathon English, Gemma Beech, Cam Lawler, Merri Winter and Tony Martin.

Brigade Aid is an alcohol-free event with free admission, but we will be asking people on the day to make donations in whatever capacity they see fit. It is supported by the Lions Club of Tahmoor, of which I am a member, and the Wollondilly and Wingecarribee councils. I thank the mayors of those councils, Benn Banasik, who has been a fantastic help in organising this event, and Juliet Arkwright, who has been tremendous. I thank the other sponsors: Bradcorp, Illawarra Coal, Tahmoor Coal, Events O'Neill, Bendigo Bank from Picton and District Community Bank, Tyremasters, DERKS, Bargo Sports Club, C91.3, the Bargo Hotel and Crystal Productions, to name a few. I commend the bill to the House. Anyone who is around in late November and wants to find out more about Brigade Aid should come and see me.

Mr BART BASSETT (Londonderry) [8.33 p.m.]: I support the Rural Fires Amendment Bill 2013. The bill legislates a number of recommendations that came out of the Independent Hazard Reduction Panel, which the Government established in 2012 following concerns that were raised by the Rural Fire Service and stakeholders, including councils, farmers and property owners, about hazard-reduction processes used in New South Wales. The panel held a number of stakeholder meetings across New South Wales, including one in the Blue Mountains, and took submissions from the public. As a member representing an electorate that is on Sydney's urban fringe and is ringed by the Blue Mountains National Park, I take a very keen interest in this area and strongly support measures that will help Fire and Rescue NSW, the NSW Rural Fire Service, the State Emergency Service and the police to do their job.

We recently saw firsthand the devastation that fires bring to communities, with more than 200 homes destroyed, 120 homes damaged and the loss of economic infrastructure. The physical landscape was scarred but it will recover. The emotional scars of the communities and those who lost their homes will remain for many years to come. I acknowledge all the emergency services and not-for-profit community organisations that assisted during the fire emergency. Australia is a harsh continent. While we are blessed with stunning natural landscapes and mostly avoid many of the geological hazards that other countries face, we do have our problems. Indeed, Captain Cook in his journals noted the presence of smoke on the East Coast when he charted the maps of eastern Australia in 1769. There is archaeological evidence that the Aboriginal community, who have been here for at least 40,000 years, used bushfires for farming purposes and to control the build-up of vegetation. Today we need to continue to look at ways to manage a sensible and balanced hazard-reduction process.

The panel made 18 recommendations which the Government has accepted, eight of which were amendments to the Act and are addressed through this bill. The Rural Fires Act 1997 is the peak Act that regulates bushfire management in New South Wales. Every natural disaster—floods, severe storms, landslips or bushfires—is different to the one before and there are always lessons to be learnt in fighting techniques, operational decisions, resource allocations, logistics and many other areas. The 1997 Act came out of the 1994 fires and made major changes to the operational structure of the Rural Fire Service. Since then we have had a number of disastrous fires, including in 2001-02 and the fires in the last month.

I love living in a semirural community with spectacular backdrops to the Blue Mountains, pristine bushland and the Hawkesbury-Nepean River system meandering its way through many diverse landscapes. Unfortunately, bushfires are always an ominous threat to rural and semirural communities and also urban areas adjacent to national parks and bushland. When I was the Mayor of Hawkesbury, a local government area that is surrounded by the Blue Mountains, Wollemi, Yango, Dharwal and Marramarra National Parks, the threat of fire was very real. As mayor, I took an active interest in the two natural phenomena—fires and floods—which posed very real threats to the people of the Hawkesbury..

I sat on the council's Bushfire Management Committee. That committee was chaired by an active member of the Rural Fire Service, Brian McKinley, who is a surveyor in his professional life and also the chair of the Rural Fire Service Association. He has had many years of experience as a volunteer fighter. The committee had good cross-representation of people and stakeholders, including the Hawkesbury Rural Fire Service Superintendent, Karen Hodges, and her senior staff, as well as National Parks and Wildlife Service representatives, who have different skillsets and experiences. There was some good discussion and feedback that helped guide decisions regarding the Rural Fire Service and how council could better help and equip them, from within our limited statutory role and budget, to do their job.

The current mayor, Kim Ford, is an active volunteer firefighter who lives on a rural property that backs onto dense bushland. Councillor Ford is a life member of the Yarramundi brigade and has an acute knowledge of rural communities as well as many years of experience fighting fires and holding a number of senior leadership positions. I also acknowledge former Councillor Neville Wearne and his wife, Irene, who have been active members of the Wilberforce and Ebenezer brigades. Neville, during his time on council, made an invaluable contribution to the discussion and had insightful input into the operational requirements and needs of the Rural Fire Service. In fact, when I was first elected to council in 2004 one of our first decisions was to divert $50,000 from the capital works budget, which had been allocated to cycleways, to the Rural Fire Service to assist with discretionary funding that Hawkesbury City Council gives annually to the local Rural Fire Service to make sure that funding levels did not fall below what was expected and needed.

A small minority of people associated with The Greens loudly complained that they were not going to get a cycleway. They said how dare the council take the money from their pet project and hobbyhorse—a cycleway that was poorly planned; lacked any strategic focus on connecting to other cycleways, transport corridors and networks; had poor accessibility; and, in reality, would be used by very few people. We had the usual chorus from The Greens that this was environmental vandalism and how dare the evil conservative council give the money to the Rural Fire Service. When people's lives were at risk I knew it was the right decision and I, along with my colleague and deputy mayor at the time, the member for Riverstone, copped the abusive emails, letters and verbals threats. Other supportive councillors also received correspondence from noisy minority groups.

I support the provisions in the bill as well as further measures announced by the Minister for Emergency Services which will cut unnecessary red tape and green tape that prevent property owners from undertaking the clearing of trees and scrub 50 metres around the perimeter of their home. These common-sense approaches will come later to Parliament to attack the green tape that has grown wild and is strangling the system and economic growth and preventing property owners from undertaking practical clearing of their land to protect their family home and assets. I applaud this measure. However, I hope that the Minister considers extending the exemption to councils that have property holdings such as sporting fields, reserves and operational land that pose threats to communities. Councils should be exempt so that they can take proactive steps to minimise risk and mitigate the threat of bushfires, rather than follow the current arrangements where lengthy, time-consuming and costly reports and studies have to be undertaken on small reserves that back onto residential areas. I will have more to say about the strangling effect of green tape in future debates on this issue.

The Greens have been pushing a left-wing agenda for too many years, and the Labor Party has been in bed with them supporting higher taxes and more unnecessary regulations and blocking measures to help farmers, rural landholders and small businesses get on with their jobs. The absurd statement from the Deputy Leader of The Greens, Adam Bandt, made from the comfort of his inner-city Melbourne electorate while fires were raging and people were losing their homes, was un-Australian and a disgrace and should be treated with the contempt that such ill-informed commentary deserves. The comments, disgraceful as they were, brought to light the madness of The Greens and their policies and show the need to continue to support good measures to reduce green tape and to give the Rural Fire Service the tools they need to do their job. I strongly commend the bill to the House and thank all the Rural Fire Service volunteers and professionals who go about their great work on behalf of our communities.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [8.41 p.m.], on behalf of Mr Greg Smith, in reply: I thank my colleagues on both sides of the House for their active contributions in debate on the Rural Fires Amendment Bill 2013. I thank the member for Blue Mountains, the member for Davidson, the member for Wollondilly, the member for Londonderry and the member for Toongabbie. All those members spoke in support of the bill. There is a general consensus that the bill is overdue. It was mainly brought about by the establishment of the Hazard Reduction Audit Panel. Madam Acting-Speaker, I know that in your fine electorate of Menai bushfires are always a constant hazard and I applaud you for continuing to consult your hardworking Rural Fire Service personnel in that regard.

Bushfires are a devastating natural disaster, as we saw recently around Sydney, in the Blue Mountains and at Port Stephens. Primarily, the bill aims to enhance the hazard reduction program in New South Wales by providing the NSW Rural Fire Service with the necessary tools to administer the program. The bill also introduces aggravated versions of two existing offences to ensure that legislative penalties accurately reflect the potential harms arising from such actions.

The bill implements the recommendations of the Independent Hazard Reduction Audit Panel's final report, which was tabled earlier today. The bill also makes three additional amendments to the Rural Fires Act

1997 and two amendments to the National Parks and Wildlife Act 1974. Agency names in two sections will be updated also. The panel found that overall the hazard reduction program is strategic and well administered. It made 18 recommendations on ways to enhance the program and eight of those recommendations are being implemented through legislative change in this bill.

It would be prudent to mention that I have had the privilege in the south in Cooma, in the north and even around Sydney to meet some active members of the NSW Rural Fire Service and the National Parks and Wildlife Service. I have never met such a hardworking and dedicated group of men and women as the rapid aerial response team. I pay tribute to them and to the hardworking members of the Rural Fire Service. I was privileged recently to be in Lithgow with the commissioner of the NSW Rural Fire Service, Shane Fitzsimmons. We pinned a medal on a Rural Fire Service volunteer who had clocked up 65 years of service. Forty years service is usually the maximum for the awards, so we had to find a medal to befit the occasion. His length of service is an indication of the dedication of these volunteers. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Geoff Provest, on behalf of Mr Greg Smith, agreed to:

That this bill be now read a third time.

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

ACTING-SPEAKER (Ms Melanie Gibbons): Government business having concluded, and in accordance with the earlier resolution, the House will now consider the matter of public importance.

HEART DISEASE

Matter of Public Importance

Dr ANDREW McDONALD (Macquarie Fields) [8.46 p.m.]: During discussion of this matter of public importance a person will die of heart disease in New South Wales. The greatest tragedy is that it is highly likely that that death would have been preventable. Heart disease remains our biggest killer in New South Wales, responsible for 32 per cent of all deaths—a death every 33 minutes. One in six people in New South Wales—1.24 million people—have long-term cardiovascular disease. There are 150,000 hospital admissions per year for cardiovascular disease, of which 15,000 are for heart attacks, and that is increasing. In Australia the number of hospitalisations for cardiac disease increased by 55 per cent in just 10 years between 2000 and 2010, at an enormous cost of $1.9 billion per year.

Many of those hospital admissions are preventable because seven modifiable risk factors explain 82 per cent of coronary disease and 67 per cent of stroke deaths in Australia: high blood pressure, high cholesterol, obesity, physical inactivity, low fruit and vegetable intake, alcohol excess and smoking. They are all preventable by public health measures. A person's risk of heart disease depends on where they live: 28.9 per cent of the population of western New South Wales has established heart disease, 19.6 per cent in Gosford and 7.8 per cent in the northern beaches.

At Government House last night the NSW Cardiovascular Research Network showcase and awards ceremony was held. It was titled "State of the Heart 2013—The missing link". The greatest challenge for the New South Wales health system with regards to cardiovascular disease is ensuring that everyone gets the best treatment. That means appropriate prevention, or so-called primary prevention, appropriate treatment of acute coronary syndromes and appropriate care after discharge, or so-called secondary prevention, once a heart attack has occurred. When it comes to cardiac ischaemia, time is muscle.

The reason networks such as the NSW Cardiovascular Research Network are so valuable is because the future of modern heart care is to ensure that appropriate cardiac interventions are available to everyone who

needs them. In 2013 that means at all hours a catheter laboratory needs to be available and ready to work, which will mean that every heart service needs to be networked now and forever. Best practice is when an ambulance arrives, the ambulance personnel identify an acute infarction—a so-called ST-segment elevation type of infarction—and the person is taken directly to a centre that can perform coronary angiography urgently if needed. The time to reperfusion is critical and should be less than 90 minutes.

In best practice centres a text is sent from the ambulance to a smart phone held by the receiving hospital cardiac team for an electrocardiogram, which allows patients to go directly to the catheter laboratory without even going through the emergency department. For some patients clot busters such as thrombolysis may be an appropriate treatment. At last night's showcase a major translational research project was presented called Snapshot 2000, which was funded under the Cardiovascular Research Network. The project was a study of 4,000 people in a two-week period in 2012 across Australia and New Zealand. The study found that there are very significant gaps in the provision of service care. Only 45 per cent of patients received primary percutaneous intervention and 28 per cent received thrombolysis. Many of those people received care later than was ideal and 28 per cent received neither treatment, meaning that many of them did not receive appropriate care. In some patients there is a reason not to treat, but in many cases there is preventable morbidity because of the enormous inter-hospital variation.

Post discharge, only 50 per cent of patients were offered cardiac rehabilitation and only one in four received appropriate care. That appropriate care is simple lifestyle advice, appropriate medications and referral for cardiac rehabilitation. More than half the 4,000 patients had previous heart attacks, many of which are preventable with appropriate post-discharge care. It is time for hospitals Australia-wide, not just in New South Wales, to network better. Only 26 per cent of patients were transferred. That figure should be as high as 60 per cent as centres of excellence treat cardiac disease appropriately.

Mr STEPHEN BROMHEAD (Myall Lakes) [8.51 p.m.]: I speak on this matter of public importance, the State of the Heart 2013. The New South Wales Government recognises that quality medical research and the development of an outstanding medical research workforce are integral to our commitment to improving the health of the people of New South Wales and beyond. We are implementing a range of strategies outlined in our 10-year Health and Medical Research Strategic Plan that will ensure our quality research is translated into better health care. These strategies will cut red tape, boost support programs, encourage collaboration and foster translation and innovation across the health and medical research sector.

Strong integration between medical research and the health system is a key component of this plan, with a focus on developing new treatments, techniques, devices, models of care and programs that will directly benefit individuals and the community. We have world-class research institutions, high-quality research assets and a cutting-edge science capability that have led to the successful commercialisation of research in a number of instances. New South Wales is known for its leadership in medical devices, with 40 per cent of medical technology companies headquartered in New South Wales. New South Wales is home to such companies as Resmed Pty Ltd. The New South Wales Government has strengthened the medical devices sector even further, with investment of more than $10 million in the inaugural year of the Medical Devices Fund.

This funding will further encourage and promote investment in the development, design and application of medical devices. The Government was extremely pleased to see the response from the sector, with nearly 150 applications received in its first round. The range of devices put forward was impressive. The five devices we have funded will provide solutions for chronic pain management, hearing difficulties, skin repair, home-based intravenous and, most relevant, a sealing technology for vascular and structural heart disease. A device has been developed that overcomes potentially life-threatening problems to do with leakage in heart valve replacements, such as transcatheter aortic valve implants. Eliminating the leakage of blood in minimally invasive heart valve procedures will mean better outcomes for high-risk patients.

If endoluminal sciences are commercially successful—and we certainly hope they are—there will be a return on investment to funding for future devices or discounting for New South Wales public partners. Other initiatives in our Health and Medical Research Strategic Plan include development of a health and medical research hub strategy. The Office for Health and Medical Research has recently concluded public consultation as part of this development. The strategy places a strong emphasis on collaboration and the potential role of hubs in bringing together geographically located medical research institutes, local health districts, universities, Medicare locals, industry, philanthropy—in fact, all key players in health and medical research. The New South Wales Government has shown its commitment to the research hub strategy by providing $800,000 annually to support the eight research hubs in New South Wales. These hubs are located in the Illawarra, North Sydney, central Sydney, Randwick, Westmead, Liverpool, Darlinghurst and the Hunter.

The funding will assist hubs to develop strategic plans, with a particular focus on the translation research infrastructure and, of course, progressing collaboration. It will also strengthen links between centres of research excellence and centres of teaching and healthcare practice. The Office for Health and Medical Research will work closely with the hubs to achieve these goals. The New South Wales Government recognises that clinical trials present a significant economic benefit for the State. Strategically, clinical trials are key to research translation and the route to market for therapeutic goods. Australia has been recognised as a great place to conduct clinical trials because of the quality of our academics and clinicians, our stable, high-quality health system and the cultural diversity of the Australian population. However, Australia faces increasing competition from countries in regions such as Asia and Eastern Europe where clinical trials are conducted at a lower cost.

The New South Wales Government is developing strategies to build on our competitive advantage, and to develop phase one clinical trials capability. The primary focus of this work is to reduce the barriers to conducting clinical trials in New South Wales. The first step to achieve this is to reform the research pre-approvals process and improve the research ethics governance information system. These are just a few examples of the great work arising from the New South Wales strategic review. The work undertaken by the Cardiovascular Research Network, led by Kerry Doyle and Kristina Cabala, is greatly appreciated by the Minister and by NSW Health. Recently the Minister approved a funding allocation of $250,000 for the network for a further 12 months. This will allow the network to continue the important work it is undertaking.

Ms TANIA MIHAILUK (Bankstown) [8.56 p.m.]: I am delighted to contribute to the discussion on this matter of public importance in my capacity as the shadow Minister for Healthy Lifestyles. There is no-one more qualified in this House than my learned friend the member for Macquarie Fields to discuss health-related issues. He has many decades of experience in the medical field, including 17 years experience as a paediatrician at Campbelltown Hospital. I commend him for bringing this matter of public important, the "State of the Heart 2013: the Missing Link", to the attention of the House. The statistics concerning heart disease in New South Wales are alarming. As mentioned by the member for Macquarie Fields, heart disease is the biggest killer in New South Wales, accounting for 32 per cent of all deaths. Some 1.24 million people in New South Wales have a health concern relating to cardiovascular disease.

This is placing a great strain on the health system in New South Wales, including in my electorate of Bankstown where the number of hospitalisations at Bankstown-Lidcombe Hospital for cardiac disease has increased over the past decade. Several factors contribute to heart disease, and unfortunately most of them relate to lifestyle. High cholesterol and high blood pressure can be reduced through measures such as increased physical activity. While I am not a saint in this area, and I do not judge others, as members of this House we are in a position to encourage as much physical activity as possible. Certainly, we can support programs and projects throughout our electorates and across the State that encourage people to undertake a range of physical activities, particularly from a young age. People can make decisions such as walking to the nearest bus stop or train station instead of driving the car; or perhaps consider walking up a flight of stairs rather than using the elevator. Undoubtedly physical inactivity is a major contributor to people becoming obese and overweight.

In addition, indisputedly a concern for our constituents particularly across Western Sydney is the high cost of eating healthy. No doubt that will be a challenge for all levels of government as we try to encourage people to eat healthier. We need to address the cost of eating healthy, including fresh vegetables and fruit. Unfortunately, it is much easier for people to grab a cheap, fast-food meal that is often not healthy at all. Other issues play a big role: The high rates of smoking and alcohol consumption are huge problems. As the saying goes, an ounce of prevention is worth a pound of cure. I take the opportunity to support this wonderful initiative, the State of the Heart 2013. I thank the member for Macquarie Fields for bringing this matter to our attention and I thank the House for its indulgence.

Dr ANDREW McDONALD (Macquarie Fields) [8.59 p.m.], in reply: I thank members for their contributions to the discussion on this matter of public importance. The fact is that one in three people in this place will die of heart disease. Many of those deaths are preventable and it is a great tragedy that many valuable years of life will be lost. Last night Margaret Kilby, a young woman with familial hypercholesterolaemia, spoke brilliantly about the effect that heart disease has had on her family. She had her first heart attack at 35, her father died very young and Margaret has had numerous cardiac interventions over time. Her personal experience was moving, but revealed what can be done and what needs to be done to ensure that everyone receives the support they need.

The Minister's funding for the NSW Cardiovascular Research Network is welcomed. The network was established by a former Minister for Health, Verity Firth, though the current Minister has been very supportive

of it since the change of government. All members of Parliament must ensure that funding for the network remains secure. Cardiac disease needs to be above politics because this problem will certainly not go away. Cardiovascular disease is a chronic condition that requires lifelong behaviour change. Not only do people need to recognise that and change their behaviour; it is also important for governments to recognise there are significant issues involving primary prevention, acute care and post-discharge care. We must use existing services a lot better. We need to network services better. For example, many patients no longer have a main general practitioner whom they see regularly but instead attend a corporatised medical centre where continuity of care is the first thing to suffer.

A good example is diabetes. It has a specialised treatment workforce, including diabetic educators, dieticians and social workers. That sort of approach must be extended to cardiovascular disease across the State. In politics and in health we must send a consistent message over time that people can engage and change their behaviour in the long term. The Heart Foundation is to be commended for building this wonderful network of researchers across New South Wales who can provide practical and real insights into the problems we face, regardless of party or tier of government. This is a problem for us all that will not go away. With some fairly simple lifestyle interventions and with basic medications and organisation, much pain and suffering can certainly be prevented.

Discussion concluded.

The House adjourned, pursuant to resolution, at 9.02 p.m. until Thursday 14 November 2013 at 10.00 a.m.