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LEGISLATIVE ASSEMBLY

Wednesday 7 May 2014

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

The Speaker read the Prayer and acknowledgement of country.

VISITORS

The SPEAKER: Order! I draw the attention of members to the presence in the gallery of a group of year 6 students from The Armidale School, guests of the member for Northern Tablelands. Welcome to the Parliament of New South Wales.

INSPECTOR OF CUSTODIAL SERVICES

Report

The Speaker announced the receipt, pursuant to section 16 of the Inspector of Custodial Services Act 2012, of the report of the Inspector of Custodial Services entitled "Report No. 1—The Invisibility of Correctional Officer Work", dated May 2014.

Ordered to be printed.

OMBUDSMAN

Report

The Speaker announced the receipt, pursuant to section 31AA of the Ombudsman Act 1974, of the report of the NSW Ombudsman entitled "Oversight of the Public Interest Disclosures Act 1994, Annual Report 2012-2013", dated May 2014.

Ordered to be printed.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

MEMBER FOR HEFFRON AND MEDIA REPORTING

Personal Explanation

Mr RON HOENIG, by leave: I wish to make a personal explanation. An article published in the *Daily Telegraph* today states:

LABOR frontbencher Ron Hoenig has issued a challenge to Opposition Leader John Robertson's "new standard" for Labor after he was seen drinking last night in the parliamentary bar with corrupt former minister Tony Kelly.

Last night I was invited to attend a parliamentary network function involving current and former members of Parliament. I also had other commitments within the precincts of the Parliament, including participating in debate in this House. I attended the function as it was breaking up and bumped into Mr Kelly. Opposition members had been encouraged to attend the function and, although I arrived late, I attended the function out of respect for former members. Somebody I have known for more than 30 years—someone who the people of this State and I have the utmost respect for—wanted to buy me a drink. I went to the bar with that person where we were joined by at least three other former members of Parliament, one being Mr Kelly.

This is the Parliament of New South Wales. I am a member of the Parliament of New South Wales. Mr Kelly had joined us and I did not feel that I could make a story up to not stay in the bar because of the presence of a journalist from the *Daily Telegraph*. That journalist was present in the bar with a number of other people. As members well know, former members of Parliament have free access to this building. I sat at the other end of the table to Mr Kelly. I was polite to him. It was a very public place. It was not a secret meeting.

The SPEAKER: Order! I remind the member for Heffron that personal explanations should be brief.

Mr RON HOENIG: I aspire, though not always successfully, to show courtesy to all manner of people and I cannot restrict my movements in the precincts of the Parliament simply to avoid criticism by the media. This morning I contacted the reporter who wrote the story. I thank him for immediately correcting the story by inserting my explanation in the online article today, which of course does not appear in the print article.

COMMUNITY SERVICES (COMPLAINTS, REVIEWS AND MONITORING) AMENDMENT BILL 2014

Second Reading

Debate resumed from 6 May 2014.

Ms LINDA BURNEY (Canterbury) [10.11 a.m.]: I refer to the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014, which the Opposition does not oppose. I take this opportunity to congratulate the member for Vacluse on her elevation to Minister for Family and Community Services. As I well know it is a challenging Ministry. It is one of the few public sector delivery agencies where, with the benefit of hindsight, clients often wish they could have avoided needing its help. The portfolio also plays a pivotal role in the funding of our community centres, youth centres, social housing, refuges, playgroups and the myriad local services that support the most vulnerable across the State.

The Minister has an important journey ahead. She is no doubt aware that society is judged on how we treat the most vulnerable and disadvantaged. The role requires not just good management but a great deal of patience, compassion and frequent reflection. I wish her well. As the Minister is not in the Chamber, I ask her staff to convey my well wishes. As a former Minister for Community Services, I championed making child protection everybody's business. This was not a theme I chose, but one put down very clearly by Justice Wood in his special commission report in 2009, and I trust it will be continued by the current Minister.

Following the Special Commission of Inquiry into Child Protection Services significant change occurred within the child protection system. Labor's Keep Them Safe package of reform was accompanied by a \$750 million investment in child safety and wellbeing. It is a promising start that this Minister has seen fit to continue the landmark reforms, from when I was Minister, following the report by Mr Justice Wood. The continuation of Child Wellbeing Units within Health, Police, Education and Communities, and the refunding of Family Referral Services, bodes well for children in need of protection.

The Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014 seeks to strengthen the role of the NSW Ombudsman in the protection of the most vulnerable in our community. The bill seeks to strengthen the process for making complaints by the clients of social and community services. Importantly, the bill also enables the advocates of community services clients to make complaints on behalf of those clients. The role of the Official Community Visitors is also strengthened within this bill. This bill addresses issues raised by the statutory review of the Act conducted by the former Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission, and I am advised this bill includes amendments proposed by the NSW Ombudsman.

The principal Act, the Community Services (Complaints, Reviews and Monitoring) Act 1993, was in many ways a landmark in the promotion of a customer-focussed community services system. The former Community Services Commission gave voice to the many citizens of New South Wales who were dependent upon others for their care and protection. The commission developed within the sector a true appreciation of the value of client participation and feedback. No longer were complaints to be seen as criticisms or public relations issues. The management of complaints became an opportunity for providers to strengthen and refine service delivery. The role of the commission, now transferred to the Ombudsman, continues to promote a culture of positive feedback from the service sector. It also provides opportunity for alternative dispute resolution when agreement cannot be found.

This bill underlines the important role the Ombudsman plays overseeing the operations of the Department of Family and Community Services and the non-government services the department funds. In April the Ombudsman released the special report entitled, "Review of the NSW child protection system—Are things improving?" That is a timely question. The report is a follow-up to the 2011 special report to Parliament, which discussed a number of critical challenges that needed to be met in reforming the child protection system. The Ombudsman stated it was a timely re-examination of the significant issues canvassed in 2011. The Ombudsman examined recent data provided by Community Services on risk of significant harm [ROSH] response rates and caseworker numbers. He also discussed a number of issues relating to the quality of intra- and inter-agency child protection practice and cooperation.

The report raises as many questions as it answers. Are the children of this State who need protection receiving a timely response from government? Has the Government calibrated resources in a manner that maximises the capacity and capabilities of the State? Some ongoing issues of capacity are clearly canvassed, as evidenced by statements within the report such as: "young people are continuing to get lost in the system", "the statutory child protection system is still struggling to meet the demands placed on it" and "response rate will remain inadequate without the injection of further targeted resources". From my reading of the report the number of cases closed due to insufficient resources has jumped by an extraordinary 25,000 since 2010-11. To me that means 40,555 vulnerable children reported to the Department of Community Services in 2012-13 have had their cases closed without seeing a caseworker due to resource constraints. We must aim higher than that. I note the Ombudsman recommends that the Government should:

Enhance the capacity to record, and report on, the nature of responses being provided to all children the subject of ROSH reports—not just those that result in a face-to-face assessment by Community Services.

Much was made by the former Minister about face-to-face assessment. I have consistently expressed concern that the new processes for triaging risk of harm reports is resulting in a steady growth in the number of cases being closed without meaningful intervention. I ask the Minister as we debate a bill detailing the need to provide information to assist in practice improvement that she commit to a higher level of transparency than her predecessor. The release of the Community Services Annual Statistical Report for 2013 has been delayed since January. The information has been provided to the Ombudsman, even to the Productivity Commission, but it is yet to be published. I asked the former Minister why that report had not been released and I now ask the current Minister. It is difficult for those with an interest in improving child protection responses to promote improved practices if the key performance indicators for the Community Services division remain unpublished. The Ombudsman also criticised the slow progress made by the former Minister in recruiting caseworkers to check up on vulnerable children. Specifically the Ombudsman recommended the Government:

Lower overall caseworker vacancy rates and fill longstanding vacant positions in those districts with high vacancy rates.

That mirrors the call from this side of the House for the Government to do the right thing and fill all 2,068 full-time budgeted caseworker positions. I hope that this new Minister will devote more effort to recruitment than attempting to conceal the true number of vacancies. Most importantly, the NSW Ombudsman details in depth the need for a focus on quality. I would hope that we soon see a plan from this Government to deal with the large number of children in care who continue to find themselves in youth refuges. I would hope that we see improved access to victim's compensation for young people in out-of-home care. I hope that, under the new Minister, we see faster allocation and investigation of reportable conduct. I would hope that, with a new Minister, we see a tangible improvement in interagency cooperation.

The NSW Ombudsman talks of an intelligence-based response where we move beyond simply exchanging information and the combined agencies of Government, along with their partners, to work together in prioritising cases and responding in a seamless manner. I look forward to seeing the response of the Government to the report of the NSW Ombudsman. I look forward to hearing the plans of the Government about how to ensure we have a child protection system that establishes, as the Ombudsman puts it, a "collective impact, a common agenda, shared measurement and an alignment of effort". In the spirit of strengthening transparency, I am sure the Minister will commit to making the response of the Government public as soon as it is provided to the NSW Ombudsman. But I digress.

The amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 will enhance public reporting in the community services jurisdiction. The NSW Ombudsman will be able to report publicly on his broader inquiries into systemic issues affecting Family and Community Services and its partner agencies. I welcome the intention of the bill to ensure that clients in this sector may be represented in the complaints process by a person of their choosing. This will have particular relevance for Aboriginal people,

people from diverse cultural and linguistic backgrounds, and people with a disability. A number of the provisions of the bill are minor amendments clarifying terminology and updating references to Ministers and departments.

The role of the NSW Ombudsman as the convenor of the Child Death Review Team is strengthened by the bill. The amendments will improve the scope for the promotion of strategies for preventing and reducing deaths. The child protection system has many parts. Its complexity at times contributes to difficulty in realising tangible improvements. But a well-resourced system relying on evidence-based strategies can, with the addition of openness and cooperation, dramatically improve the safety and wellbeing of children and families. I reiterate my congratulations to the Minister for Family and Community Services on her recent appointment and wish her well. I am pleased to support the bill on behalf of this side of the House.

Mr KEVIN CONOLLY (Riverstone) [10.22 a.m.]: I make a contribution to debate on the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. At the outset I would like to say that this portfolio is a tremendously important one, and I echo some of the comments made by the previous speaker in welcoming the new Minister to this portfolio, which is so critical to the welfare of some of the most vulnerable people in New South Wales. While some portfolios may offer more opportunities for ribbon-cutting ceremonies, announcements, dramatic gestures and media coverage, I suspect there is none more important than the Family and Community Services portfolio in meeting the real needs of the people who elect us to this place. So I certainly wish the new Minister for Family and Community Services well.

In saying that, and in echoing the comments of the previous speaker, I would also like to pay tribute to the former Minister, Pru Goward, who did such an enormous amount of work in what everybody acknowledges is a really tough portfolio and a difficult beast. The work of Family and Community Services, and child protection in particular, is difficult. They are trying to bring about results which all of us, from all sides of politics and all parties, would like to see. It is a difficult task to solve what would appear to be intractable intergenerational problems in many cases, and yet I believe the outgoing Minister Pru Goward made great strides in improving the way in which the system can respond to those great challenges.

I certainly commend her for the efforts she made in improving transparency in areas like staffing data. I think the whole community could acknowledge that Minister Goward made a genuine attempt to put information into the public arena and make sure we all understood the issues. In fact, it emerged that, in some respects, the department had not been able to provide some of that data earlier. I commend the previous Minister for the changes she made in relation to opening up opportunities for the adoption of children whose futures were bleak in many respects, but who may be able to enjoy a better and fuller life if the opportunity for adoption is on the table. I think great strides have been made and I commend Minister Goward for her work in this field.

In relation to the amendments the bill in front of us would make, I think everybody would acknowledge that independent oversight of care is an important guarantor of the quality of that care. While we have a Government department providing the service, it is always important to have the mechanisms in place that can independently assess whether that care is meeting the target, whether it is being delivered properly and whether all of the parts of the system are working together in the way that they should. There needs to be, and has been, a mechanism through the office of the NSW Ombudsman for monitoring that care and handling complaints.

The amendments being made here are to improve the operation of that system to ensure that the clients, the people being served by community services, have a genuine say and an opportunity to provide constructive, positive feedback and to be heard in relation to the way that care is being delivered. For instance, when a person in care is unable to make a complaint, an advocate can do so on their behalf. The practical value of an amendment like that is to ensure that a voice is always given to the person who is receiving the care, who is under protection and who may need to have a say in the way in which that service is being delivered.

Greater consistency of data collection about deaths, which is another aspect of the amendments being made in this bill, will enhance research into the prevention of those deaths. It is important, when a Government department is collecting data, that it can be interpreted and put to good use to enable the system to be improved and to protect those who need protection. By aligning the system of data collection with those already in place for other purposes it allows that broader picture to emerge. It allows intelligence to be gathered to help the Government to ensure that everything possible to be done to prevent the death of children will in fact be done. So this sensible step to ensure that the data collection system is uniform is welcome.

There always will be a tension between the need of agencies for information and the need of individuals for privacy, particularly in a sensitive area such as child protection. People who have a concern that

they feel needs to be reported also need protection to ensure that they are not breaching privacy. In fact, the Act gives them protection to make their concerns known to a person who needs to know. The clarification being made within these amendments will provide that by requiring people to provide certain information and giving them the legal protection to do so. This ensures that the information will be made available, as necessary, to protect a person who needs that protection. So clarifying and extending the obligation to provide information gives legal protection to those who are subject to the legal requirement.

The sensible measures within this bill will streamline and enhance the operation of the Act that has been in place since 1993. It will assist in the smooth operation of the responsibilities of the New South Wales Ombudsman for child protection and community services more generally, and enable the department to better target its activity on behalf of those people in need whom it serves. Other speakers will no doubt make specific contributions about particular amendments within the bill in this debate. These amendments will enhance public reporting; enhance process improvement; enhance research into the needs and challenges facing the department, particularly in the area of child deaths, hopefully to provide solutions; and clarify the responsibilities of various people under legislation. I commend this bill to the House.

Ms CARMEL TEBBUTT (Marrickville) [10.29 a.m.]: I speak to the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. At the outset, I echo the comments of the Deputy Leader of the Opposition and shadow Minister in congratulating the member for Vacluse on becoming the Minister for Family and Community Services. It is a portfolio that both the Deputy Leader of the Opposition and I have held at different times. It is an extremely important portfolio and I wish the member well in her new responsibilities. As we have heard from other members, the Community Services (Complaints, Reviews and Monitoring) Act 1993 is important legislation that ensures the protection of some of New South Wales' most vulnerable citizens. It provides for concerns to be raised about the care they receive from community services in New South Wales and for those concerns to be investigated and resolved. The Act also facilitates the Official Community Visitors scheme in an effort to make sure that those without a voice can be afforded the same opportunities through the advocacy of Official Community Visitors, and of course this bill amends that legislation.

I place on record my gratitude, and I am sure the gratitude of the Parliament, to Official Community Visitors for the role they play. During my time as Minister for Community Services, and Minister for Disability Services I met with Official Community Visitors regularly and always was impressed with their commitment and dedication. They do a tough job that is often emotionally draining and they need to exercise compassion, care and common sense in equal measure. I always found that the vast majority of them did that exceptionally well and the community services system is much better for it, as are vulnerable people in New South Wales.

The amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 proposed in the bill arise from the statutory review of the Act conducted by the former Committee on the Office of the Ombudsman and the Police Integrity Commission and from amendments proposed by the NSW Ombudsman. The statutory review invited submissions from a wide range of stakeholders, including community services funded by government, as well as peak bodies in the community services sector. I note that the amendments in this bill seek to strengthen the operation of the legislation as well as clarify terminology and update references to departments and Ministers. As the shadow Minister indicated, the Opposition does not oppose these changes.

The bill seeks to enhance the public reporting function of the community services jurisdiction of the Office of the Ombudsman by permitting a report to be issued at the Ombudsman's discretion during and/or at the conclusion of a review or inquiry and allows community services clients to be represented by a person of their choice in the complaints resolution process, amongst other changes. The bill also contains amendments to the Act sought by the NSW Ombudsman as to his functions regarding the Child Death Review Team. This includes compelling persons under a duty to provide records to the Child Death Review Team to also provide any document that assists to explain those records, and amending the reviewable death provisions to allow the NSW Ombudsman to undertake research or other projects in partnership with other persons or bodies to formulate strategies to reduce or remove risk factors associated with preventable reviewable deaths.

As I stated at the outset, the community services complaints, reviews and monitoring amendments provide important protections for some of the most vulnerable people in the State. Much of the architecture of the current system was established by Labor in government. Labor in government introduced some of the most far-reaching changes to the oversight of community service providers by amalgamating the Ombudsman and the former Community Services Commission, strengthening the independence of the monitoring, review and

complaints handling function. That meant there was a single responsible organisation with sufficient powers, skills and resources to undertake its important functions. At the time this was described by the then Community Services Commissioner, Robert Fitzgerald—a well-respected man—as the most advanced scheme of its kind in Australia. The architecture that we established has stood the test of time, with the framework that was established in that legislation remaining essentially unchanged.

I am pleased that the Government has left this framework unchanged, while moving amendments in the bill to strengthen the complaints provision. This is very important. I close by saying that it does not matter how robust the complaints mechanisms are, how strong the advocacy or how good the research is to ensure that we learn from past mistakes, the real test of a strong and effective community services sector is that it is properly resourced to do its important work. On this front I believe the Government has a long way to go and I look forward to what I hope are improvements in resourcing in the coming budget.

Mr KEVIN ANDERSON (Tamworth) [10.34 a.m.]: I speak proudly in support of the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. I note that the new Minister for Family and Community Services, Gabrielle Upton, the member for Vacluse, is in the Chamber. I wish her well in delivering what will be some serious reforms in Family and Community Services. I acknowledge also the enormous work done by the former Minister for Family and Community Services, the Hon. Pru Goward. The bill amends the Community Services (Complaints, Reviews and Monitoring) Act 1993, which, amongst other things, under part 5A strengthens the functions of the Child Death Review Team. The purpose of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales, and child protection is everyone's business.

I chair the Committee on Community Services, which in November 2013 handed down its report entitled "Outsourcing community service delivery". The committee interviewed many organisations and people from a variety of backgrounds not only in metropolitan Sydney but also in regional centres such as Narrabri and Walgett in western New South Wales. Various government departments are currently considering the report and its 25 recommendations. I should note that recommendation 4 of the final report relates directly to this bill. In the context of the transformation of community service delivery from a centralised system to a more devolved system, the committee was keen to ensure that monitoring and review systems evolved to safeguard highly vulnerable clients, particularly young children who may be at risk of institutional abuse. The committee was of the view that a risk-based approach to monitoring and review would be helpful. Recommendation 4 of the final report states:

The Committee recommends that the Department of Family and Community Services investigates the implementation of a risk based approach to monitor and review community service organisations working with highly vulnerable clients at risk of institutional abuse. The monitoring and review process should include periodic unannounced inspections and reviews of organisational performance, the frequency of which should be based on the level of perceived risk, particularly focused on out of home care services for young children.

I sincerely hope that a number of those 25 recommendations will be followed through and enacted. I note that the member for Riverstone, Kevin Conolly, spoke in support of the bill, is deputy chair of the committee and of great value to it. The Child Death Review Team comprises the NSW Ombudsman, who is the convenor of the team, the Commissioner for Children and Young People, the Community and Disability Services Commissioner, and representatives from the Department of Family and Community Services, Health, Education and Communities, the NSW Police Force and the Office of the State Coroner within the Department of Police and Justice. The Child Death Review Team maintains a register of all child deaths in the State and classifies those deaths according to cause, demographic criteria and other relevant factors. It analyses data to identify trends, undertakes research, makes recommendations and identifies areas for further research to help prevent or reduce the likelihood of child deaths.

Importantly, the Child Death Review Team is responsible for issuing a report to the Parliament of New South Wales every year about its work and activities in relation to child deaths. The Child Death Review Team also reports to Parliament on research it undertakes. The main amendment to the Child Death Review Team provisions was sought by the Ombudsman and is designed to enhance the functions of the team. The amendment classifies that certain persons are under a duty to provide the Child Death Review Team with not only records related to the death of a child but also related information that clarifies or explains that record. The object of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales. Therefore, it is critical for the team to be able to access all the information it needs to undertake its work.

The safety and wellbeing of children in New South Wales is of paramount importance to the Government, and should be of paramount importance to everyone. Protecting children is everyone's business.

The death of any child is an immeasurable loss for their family and friends, and for the wider community. It is vital that every step is taken to make children safer by preventing and reducing the likelihood of these deaths. It is also vital to improve the safety of the environment in which children are living. It gives me great comfort to support amendments that will enhance the capacity of the Child Death Review Team to achieve its objective of preventing and reducing child deaths in New South Wales.

It is worth noting that both the Child Death Review Team and the NSW Ombudsman, in his role of monitoring and reviewing deaths under part 6 of the Act, have roles in preventing or reducing the likelihood of child deaths; however, they have separate functions under the Act. The NSW Ombudsman is responsible for undertaking review of the deaths that are reviewable under part 6 of the Act. Reviewable deaths are those that relate to deaths of children in care, children in detention or correctional centres and certain people with disabilities receiving services or living in care, plus child deaths that are as a result of abuse or neglect or that occurred in suspicious circumstances. I note that another member of the committee that issued the final report on outsourcing community service delivery is in the Chamber today. Given her background, Barbara Perry, the member for Auburn, played a valuable role and made a significant contribution to the Committee on Community Services. We thank the member for Auburn for her continued support of the committee and its aims.

The bill strengthens the functions of the NSW Ombudsman in the monitoring of reviewable deaths under part 6 of the Act. The Ombudsman maintains a register of reviewable deaths, formulates recommendations to government and service providers for the prevention or reduction of such deaths, carries out research projects aimed at reducing or preventing such deaths, and provides information and reports in relation to such deaths. In undertaking these functions the Ombudsman can obtain information and assistance from service providers, the relevant Minister for the service providers, the Commissioner of Police, the Commissioner for Children and Young People, and the State Coroner.

The amendments to the reviewable deaths provisions were sought by the Ombudsman and are designed to enhance the review functions. One such amendment will allow the Ombudsman to undertake research or other projects not alone, as is currently the case, but in partnership with other persons or bodies such as academic institutions or other recognised research bodies to formulate strategies to reduce and remove risk factors associated with preventable reviewable deaths. The amendment will allow for more thorough and effective research to be undertaken. Any amendments that will assist to comprehend how and why these deaths occur and that lead to the prevention of such deaths should be supported. I congratulate Opposition members on their bipartisan support of this bill. I support the bill and commend it to the House.

Mrs BARBARA PERRY (Auburn) [10.44 a.m.]: I make a brief contribution to debate on the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. The previous speaker, Mr Anderson, is the chair of the Committee on Community Services, which undertook an inquiry into outsourcing community service delivery. The committee made important recommendations that the State Government should look at very carefully. Legislation governing community services complaints, review and monitoring is important. Anything that can be done to strengthen such legislation should be welcomed by all parties. It plays an important part in the accountability regime of services that work with some of our most vulnerable people. Those people may not have the intrinsic safety and supports in their lives that many of us take for granted and they may sometimes be open to exploitation. Vulnerable people may include those with disabilities living in supported accommodation, assisted boarding houses or children in out-of-home care.

Richard Mulgan of the Australian National University is this country's foremost expert on accountability. He points out that the heart of accountability is about being called to account for one's actions. The presence of effective external scrutiny is essential. This bill is good because it strengthens the ability for the Ombudsman to shine a light on systemic problems in the community services sector and, accordingly, advocate for change where it is needed. The bill arises from a statutory review of the Community Services (Complaints, Reviews and Monitoring) Act 1993 by the former Committee on the Office of the Ombudsman and the Police Integrity Commission and from amendments proposed by the NSW Ombudsman. This legislation is more important than ever because in New South Wales we are now dealing with new models of governance in community services with the outsourcing of services to the non-government sector. Two major policy changes make this legislation so important. The first is the transfer of out-of-home care to non-government organisations that is presently occurring under this Government. The second policy change is the decision of this Government to take public service provision out of the mix of service providers for the National Disability Insurance Scheme.

I note that this amendment includes an implementation company under the National Disability Insurance Scheme (NSW Enabling) Act 2013 while the company is a public sector agency or a person or organisation funded by the Department of Family and Community Services. This is a brave new world in many ways. Good quality not-for-profit service providers are doing incredible and fantastic work in this State. They are service providers characterised by quality and a commitment to care. Many of them have arisen out of smaller community-based organisations or faith groups that have been engaged with their communities for decades. I pay tribute to the incredible work of Ageing, Disability and Home Care staff. Their experience, compassion and sincerity are the backbone of the sector, particularly the disability and community services sector. Into this mix we have new providers. It is of concern to me that some are for-profit organisations and they are growing rapidly to cover the service space. These services need extra scrutiny for obvious reasons. They do not have decades of expertise behind them and it is imperative that such a space has good oversight models.

The Ombudsman plays an important role in this process. I remain extremely concerned that internal oversight and scrutiny need to be far more effective, particularly in community services, and less reliant on tick-a-box mechanisms. I am pleased by new section 14A, which relates to reports on systemic issues, and new section 39, which relates to information to be provided by the Ombudsman. They strengthen the Ombudsman's ability to provide data to outside researchers and for them to share their research with others. The Ombudsman's ability to make recommendations concerning systemic issues outside of reports to Parliament is also strengthened. It is important for issues to be disseminated to the public quickly so that change can be made.

I note that the community visitors program is also overseen by the Ombudsman. I point out that, given the vulnerability of those who come under this legislation, community visitors should not have to give any warning to providers or carers before they visit. It is clear that the Official Community Visitors' role is primarily with respect to disability services. I previously raised this issue while serving on a committee chaired by the member for Tamworth. That committee clearly envisaged a recommendation that community visitors should not have to give any warning to providers or carers. That system should be implemented across the entire community services sector, not just in disability services. The issue becomes more important as we move into the brave new world of service provision. A system must be instituted to illustrate what that type of monitoring will look like, what the Ombudsman's role should be and what resources will be needed.

In the disability area, I point to the need to ensure that there is no gap in accountability in the transition to the National Disability Insurance Scheme. It is important that at a time of great change oversight mechanisms are consistent. As National Disability Services submitted in relation to the 2014 disability inclusion legislation, the Department of Family and Community Services, Ageing, Disability and Home Care has existed for some time in New South Wales as the provider of last resort. In withdrawing from service provision this safety net has also been removed. If inclusion and responsibility for appropriate support are to rest with the whole community this responsibility must be disseminated strategically and understood by all who share it. Risks associated with this shared commitment across the community must be mitigated through safeguards and controls. This is a crucial point that needs to be assured as we move through the transition to the National Disability Insurance Scheme.

Finally, I make a related point concerning the importance of the Ombudsman in the oversight of assisted boarding houses. I note that the upcoming draft exposure bill for the disability inclusion legislation refers to part 3C of the Ombudsman Act 1974, whereby the Ombudsman has oversight of assisted accommodation but does not include assisted boarding houses in the definitions. That must be amended before the bill comes before Parliament. The 2013 report entitled "Prevention of abuse and safeguarding mechanisms within Ageing, Disability and Home Care" recommended that an independent reporting scheme be established and apply across any service that serves people with disabilities, including boarding houses. It may be that assisted boarding houses will be a thing of the past with the implementation of the National Disability Insurance Scheme, and I hope that is the case.

In the meantime, assisted boarding houses exist and numerous reports from the Ombudsman point to the need for vigilant oversight of such places. Not to include them in part 3C is absolutely unacceptable in the Opposition's view. Funding needs to be associated with this extended role. The Ombudsman plays a critical role for our most vulnerable citizens and as parliamentarians we must do all we can to promote external scrutiny in order to uphold service quality. I endorse this important bill not as the entire accountability regime for an outsourced accountability system but as a vital part of it. Accordingly, I commend the bill to the House.

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

CRIMES AMENDMENT (STRANGULATION) BILL 2014

Bill introduced on motion by Mr Brad Hazzard, read a first time and printed.

Second Reading

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [10.55 a.m.]:
I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Amendment (Strangulation) Bill 2014. The bill amends the Crimes Act 1900 to introduce an additional strangulation offence in New South Wales and to simplify and modernise the existing offence of strangulation in the Crimes Act. Strangulation is a potentially fatal act, which causes significant physical and psychological trauma to victims. It is prevalent in domestic violence incidents. The use of strangulation in this context is a recognised indicator of the risk of further harm to victims of domestic violence, including homicide. The Director of Public Prosecutions raised concerns with the Government as to the adequacy of the current provision concerning strangulation in section 37 of the Crimes Act. He identified numerous cases of strangulation. Some of these were acts of intimidation while others were serious assaults resulting in unconsciousness. Time and again these cases were dealt with only as common assaults. This bill responds to those concerns.

The Government gives the highest priority to the safety of victims of domestic violence. My own department leads the Domestic Violence Justice Strategy, bringing together justice agencies to ensure a coordinated approach, with high standards of service to victims and a strong emphasis on holding perpetrators accountable for this appalling crime. The Minister for Women also recently announced the It Stops Here domestic framework for reform, which will improve the way that government and non-government services work together to secure the safety of victims and their children. The Director of Public Prosecutions identified two obstacles under the current provisions in appropriately charging and prosecuting strangulation. First, section 37 has limited application in many domestic violence cases because it requires an intention to commit a separate indictable offence, such as sexual assault or robbery. Where the assault itself is the act of strangulation or choking, section 37 in its current form cannot apply.

Secondly, more serious assault charges such as assault occasioning actual or grievous bodily harm are difficult to establish, because they rely on proof of particular bodily harm. However, many people who survive strangulation have minimal visible external injuries, despite the seriousness of the offence. An insidious aspect of strangulation incidents is the significant fear and psychological damage that can be inflicted on a victim without any physical injuries being apparent. Regardless of an actual loss of consciousness, assaults of this nature, which involve the exercise of extreme psychological control, can be terrifying to the victim. The trauma suffered by a victim of strangulation can be invisible, yet both devastating and long term. As a result of the shortcomings of the current strangulation provision in the Crimes Act, 70 per cent of domestic violence assaults involving strangulation are charged as common assault in New South Wales. Common assault attracts a maximum penalty of two years imprisonment. Statistics obtained from the Bureau of Crime Statistics and Research show that the average prison term for domestic violence assault involving strangulation is six months.

These penalties do not reflect the seriousness of behaviour which can induce unconsciousness within 10 seconds, and death within four to five minutes. In response to those shortcomings, the Government proposes to expand the application of section 37 of the Act, by creating a new simple offence of strangulation. The provision also will retain an aggravated form of the offence, which is an updated form of existing section 37. It will apply when the offence is accompanied by an intent to commit a separate indictable offence.

A similar two-tiered approach to strangulation offences is provided by the Crimes Act in the Australian Capital Territory. The Government has undertaken targeted consultation with those who apply, prosecute and defend these offences. Comments on the new offences were sought from the Director of Public Prosecutions, the Public Defenders, the NSW Police Force and the Legal Aid Commission. All stakeholders supported an amendment to section 37 to create a simple offence of strangulation and to retain an aggravated form of strangulation involving intent to commit another indictable offence.

We are confident that the bill is a considered and appropriate response to the shortcomings in the present legislation. Dealing with these offences with revised and simplified offence provisions will lead to

more sentences being imposed on offenders, which will reflect the seriousness of domestic violence and the long-term impact of this particular behaviour. Further, more accurate records of these type of offences will be kept, and awareness of this type of offending will be raised in the legal and medical fields. Legislative recognition of this type of offending ultimately may assist domestic violence victims in reporting this often hidden form of abuse.

I now turn to the main detail of the bill. Item [1] of schedule 1 repeals the current section 37 offence and replaces it with two separate offences. The first offence is proposed section 37 (1). It is a new offence that will apply if a person intentionally chokes, suffocates or strangles another person so as to render the other person unconscious, insensible or incapable of resistance, and when the person is reckless as to rendering the other person unconscious, insensible or incapable of resistance. This offence therefore will apply to the offender who may not have an intention to kill but simply an intention to overpower.

The phrase "incapable of resistance" is part of the current strangulation provision. It is retained in the new provisions, and emphasises that actual unconsciousness is not a requisite element of the offence. This addresses the domestic violence scenario when a victim is placed in a state of such fear by the offender's actions that he or she is incapable of resisting the offender. It avoids the evidentiary difficulty of proving a lack of consciousness when the only prosecution witness may be the person who was unconscious.

The new provision under section 37 (1) (a) requires an intentional act on behalf of the offender. This both reflects the seriousness of the offence and ensures that unintentional acts when transient or inadvertent suffocation may occur—for example, during a sporting activity such as wrestling or judo—are not covered. It is not intended to capture such behaviour when both participants have freely entered into the activity and the strangulation is an accidental and unintended incident of that activity. However, intention as to the outcome of the act of strangulation is not required under section 37 (1) (b). The offence will be established where an offender is reckless as to whether or not a victim is rendered insensible, unconscious or incapable of resistance as a result of the offender's actions.

Any attempt to commit the offence under section 37 (1) may be dealt with under section 344A of the Act, which provides that a person who attempts to commit an offence under the Act for which a penalty is provided is liable to the same penalty. This means that a person who attempts to choke the victim but is stopped in the act may be liable for prosecution and subject on conviction to the same maximum penalty as though the act had been completed. Importantly, unlike existing section 37, the proposed basic offence does not require proof of an intention to commit any other offence. The act of strangulation alone will be sufficient.

The new offence carries a maximum penalty of 10 years imprisonment. This is consistent with the Crimes Acts of other Australian jurisdictions, which also make a distinction between assault occasioning bodily harm and strangulation, the latter of which attracts higher penalties. It is also consistent with the distinction in the Act between the seriousness of strangulation and other forms of assault. In particular, the Act makes a clear distinction between the seriousness of assaulting a person with intent to commit a serious indictable offence, which attracts a maximum penalty of five years imprisonment, and strangling a person with intent to commit an indictable offence, which attracts a maximum penalty of 25 years imprisonment.

The second offence is in proposed section 37 (2). It does not substantively change the existing offence under section 37 of the Act but simplifies that offence in a manner and with language consistent with the language of the new simple offence. Section 37 (2) will apply if a person chokes, suffocates or strangles another person so as to render the other person insensible, unconscious or incapable of resistance, and does so with the intention of enabling himself or herself to commit, or assist any other person to commit, another indictable offence. As with the simple offence, an attempt to commit the offence, which is when someone tries but fails to choke, suffocate or strangle a victim to commit another indictable offence, is covered by the general attempt provision of section 344A of the Act. The aggravated offence carries a maximum penalty of 25 years imprisonment, consistent with the existing penalty in section 37.

Section 37 (3) provides that "another indictable offence" in section 37 (2) means an indictable offence other than an offence against this section. This makes clear that the act itself of choking, suffocation or strangulation will not constitute the other indictable offence which is sought to be committed. Two steps will be required for proof of the aggravated offence: the act of strangulation, and the intent to commit a separate offence. An example would be when an offender strangles a victim for the purpose of then sexually assaulting the victim. This definition reflects, but adds greater clarity to, the reference in the current section 37 to "an indictable offence". It reflects the existing application of the offence.

Recklessness as to the outcome of the strangulation is not expressly provided in the aggravated offence because the offence already incorporates a clear intention attached to the outcome of the strangulation, which is the commission of another indictable offence. Schedule 2 to the bill makes consequential amendments. Item [1] of schedule 2 provides that the simple offence will be included in table 1 of schedule 1 to the Criminal Procedure Act 1986, which deals with indictable offences that are to be dealt with summarily unless a prosecutor or person charged elects otherwise. If tried summarily in the Local Court, a maximum penalty of two years imprisonment therefore will apply to the simple offence.

An aggravated offence under new section 37 (2) will continue to be dealt with on a strictly indictable basis. For the purpose of eligibility assessment for the forum sentencing program, item [2] of schedule 2 amends the Criminal Procedure Regulation 2010 to replace the reference in the current section 37 to a category 2 personal violence offence with the new aggravated offence in section 37 (2). Item [3] of schedule 2 replaces the reference to the current section 37 offence with reference to the new section 37 (2) provision in the definition of sexual offences referred to in section 7 (4) of the Criminal Records Act 1991. Providing offences that will enable appropriate charging and sentencing of strangulation will recognise the seriousness of this type of violence. The bill sends a clear message that acts of violence involving strangulation will be met with appropriately strict penalties. It represents another important part of this Government's continuing support for victims of domestic violence in this State. I commend the bill to the House.

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

COMMUNITY SERVICES (COMPLAINTS, REVIEWS AND MONITORING) AMENDMENT BILL 2014

Second Reading

Debate resumed from an earlier hour.

Mr TONY ISSA (Granville) [11.10 a.m.]: I pay tribute to the Committee on Community Services, of which I am a member. I commend the members and secretariat for the hard work that they are doing and those who serve the people of this State by working with both government and non-government organisations. There is no doubt that their efforts and the recommendations presented to the Government make a lot of difference in providing better services for the people of New South Wales. I am pleased to support the Community Services (Complaints Reviews and Monitoring) Amendment Bill 2014, which amends the Community Services (Complaints Reviews and Monitoring) Act 1993 to strengthen the provisions relating to the functions of the NSW Ombudsman and the Child Death Review Team and to update references and to clarify provisions.

There is no doubt that the new Minister will continue the work and the reforms started by former Minister Pru Goward because it is the Government's responsibility to provide protection to the citizens of New South Wales. It will do so by creating a framework through which children, young people and adults who need access to community services for themselves or an advocate on their behalf have the opportunity to raise their concerns about the care being provided. It also allows for those concerns to be investigated and resolved. However, the bill provides for more than a simple complaints framework. It encourages resolution of complaints locally and also provides for independent monitoring of community services and programs.

Children, young people and people with a disability are among our most vulnerable in the community and this legislation aims to provide them with protection by both government and non-government agencies. The amendments to the 1993 Act arose from the review undertaken by the Ombudsman, which proposed that the statutory review of the Act should determine whether its policy objectives remain valid and whether its terms remain appropriate for securing those objectives. The statutory review invited submissions from a wide range of stakeholders, including all 750 community services funded by the then Department of Ageing, Disability and Home Care and more than 1,400 services funded by the then Department of Community Services.

The committee heard views from representatives of people with a disability, children and young people, Aboriginal and Torres Strait Islander people and people from diverse cultural backgrounds. It was satisfied that the Act's policy objectives remain valid, but found a number of ways in which the achievement of those objectives could be improved. The committee made a number of recommendations to improve the operations of the Act and the Government supports the majority of its recommendations. This bill will give the Ombudsman increased ability to report publicly on his broader inquiries without having to do so through

Parliament. It also makes it clear that those whom it seeks to protect and to give a voice may be represented by a person of their choosing. A person may ask a friend, family member or a person whom they trust to raise their complaint with the NSW Ombudsman.

My electorate of Granville is culturally diverse and many languages are spoken. People come to my office every day with their caseworkers to voice their concerns. This bill will provide avenues for the many different cultures to seek assistance and to be confident that the help they require is understood. It also contains amendments to the Act sought by the NSW Ombudsman regarding his reviews of deaths of certain categories of vulnerable persons and makes amendments to the provisions regarding the Child Death Review Team. The Child Death Review Team provisions were inserted into the Act in 2011. This team has the important job of registering all such deaths in New South Wales, analysing data to identify trends and patterns, undertaking research and making recommendations, and identifying areas for further research to help prevent or reduce the likelihood of child deaths. Any measures which will help us to understand how and why child deaths occur and which will prevent those deaths must be supported.

Since 2011, when he took over the role of convenor of the Child Death Review Team, the Ombudsman has proposed a number of amendments designed to provide consistency between the team's functions and those functions relating to reviewable deaths. These amendments will increase the Ombudsman's ability to provide effective policies for the advancement of research aimed at preventing and reducing deaths. I support any amendments that will improve the ability of the Child Death Review Team to achieve its objectives of preventing and reducing the number of child deaths in New South Wales. It is crucial for the team to have all the information it needs to undertake its work. This bill makes it clear that any person who has a duty to provide records to the Child Death Review Team must provide documents that assist to explain those records. One of the key responsibilities of government is to protect the most helpless citizens. The Community Services (Complaints, Reviews and Monitoring) Act 1993 gives people with disability, children and young people in care a voice, and the amendments proposed in this bill will strengthen it. I commend the bill to the House.

Mr GARRY EDWARDS (Swansea) [11.18 a.m.]: I support the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014, which amends the Community Services (Complaints, Reviews and Monitoring) Amendment Act 1993. This Act empowers the NSW Ombudsman to review the situation of children and other persons in State care, complaints handling systems and the death of vulnerable people living in care. As such, the Act provides for the protection of some of the State's most vulnerable citizens—children, young people, adults, and those with disabilities who access community services or who are under State care.

The Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014 arose from a statutory review of the Act conducted by the NSW Ombudsman. The aim of the review was to determine whether the policy objectives of the Act remained valid and the terms of the Act remained appropriate for securing those objectives. As part of the review, submissions were taken from a wide range of stakeholders, including all 750 community bodies funded by the then Department of Ageing, Disability and Home Care, more than 1,400 services funded by the then Department of Community Services, as well as 120 peak bodies in the community services sector.

Whilst the review determined that the policy objectives of the Act remained valid, it found that there were a number of ways in which the achievement of the objectives could be enhanced. The Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014 enacts recommendations of this review. The bill contains amendments to the Act sought by the NSW Ombudsman in relation to his functions for the review of deaths of vulnerable persons, including those with a disability in care, and amendments to the provisions regarding the Child Death Review Team.

The Child Death Review team is made up of highly experienced personnel who specialise in this kind of work, including the Commissioner for Children and Young People, the Community and Disability Services Commissioner, representatives from the Department of Family and Community Services and a range of other New South Wales government department representatives. The team is responsible for investigating child deaths in New South Wales, analysing data to identify trends, undertaking research and making recommendations to reduce the likelihood of child deaths.

In 2011 the Ombudsman took over the role of convenor of the Child Death Review Team and, since then, the Ombudsman has identified amendments to provide consistency between the functions of the Child Death Review Team and those functions relating to reviewable deaths. The bill's amendments will improve the Ombudsman's ability to provide effective strategies for the promotion of research aimed at preventing and

reducing deaths. The bill allows for amendments that improve the operation of the Child Death Review Team to assist the team to achieve its objectives. The bill makes it clear that persons under a duty to provide records to the Child Death Review Team are also required to provide any document that assists in explaining those records. Significantly, the bill imposes a duty on private health care professionals to provide the Ombudsman with access to records related to reviewable deaths. Another amendment will allow the Ombudsman to provide information on reviewable deaths that may be subject to privacy restrictions to persons who are conducting research to prevent or reduce the likelihood of reviewable deaths.

One of the responsibilities of the Government is to provide adequate protection for its most vulnerable citizens. This bill further strengthens the operations and objectives of the Community Services (Complaints, Reviews and Monitoring) Amendment Act 1993 and, in doing so, provides further protection to those in New South Wales who most need it. I congratulate the new Minister, the Hon. Gabrielle Upton, who has taken on this particularly taxing portfolio, and I wish her well in the coming months and years that she maintains this portfolio. I also thank the former Minister, the Hon. Pru Goward. Minister Goward was an outstanding Minister, responsible for a number of wonderful initiatives in this portfolio. I wish her the best of luck in her new role as planning Minister. I commend this bill to the House.

Mr JOHN FLOWERS (Rockdale) [11.24 a.m.]: I make a contribution to debate on the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. The bill proposes to authorise the Ombudsman to review the systems of service providers of community services and to make reports and recommendations in relation to them; to make it clear that persons advocating on behalf of persons provided with community services are included in the complaints resolution process; to extend the objects of the Community Services (Complaints, Reviews and Monitoring) Act 1993; to make further provision for the functions of the Ombudsman in respect of the prevention or reduction of reviewable deaths; and to make other minor amendments to the Act.

This bill arises from a statutory review of the Community Services (Complaints, Reviews and Monitoring) Act 1993 by the former Committee on the Office of the Ombudsman and the Police Integrity Commission and from amendments proposed by the NSW Ombudsman. The bill gives effect to four of the recommendations of the former Committee on the Office of the Ombudsman and the Police Integrity Commission which are as follows: First, an amendment to the objects of the Act to refer to education as a means of encouraging compliance with, and facilitating awareness of, the objects, principles and provisions of the community welfare legislation; secondly, amendments to reflect current government structures; thirdly, an amendment to enhance the public reporting function of the community services jurisdiction of the NSW Ombudsman by permitting a report to be issued on systemic issues at the Ombudsman's discretion during and/or at the conclusion of a review or inquiry; and, fourthly, an amendment which removes any ambiguity about a complainant's right to have a person of his or her choosing put forward a complaint on his or her behalf.

The bill also contains four amendments requested by the NSW Ombudsman, which he has identified since becoming convenor of the Child Death Review Team. These amendments will improve outcomes through greater consistency between the provisions relating to the Child Death Review Team and the reviewable deaths provisions, and they are, first, information related to a record requested by the Child Death Review Team must also be provided to the team. The Child Death Review Team reviews all child deaths in New South Wales. In order to do this it obtains information from child welfare service providers, departments, statutory bodies or local authorities, the Commissioner of Police, the State Coroner, medical and healthcare professionals and schools. The amendment will allow the team to access information which clarifies or explains records that it accesses as part of its work.

The second amendment enables the Ombudsman to undertake research into reviewable deaths in partnership with others, for example, academics and research bodies. This amendment makes consistent the Ombudsman's powers under part 5A, the Child Death Review Team, and part 6, reviewable deaths. Reviewable deaths are those deaths that the Ombudsman reviews, that is, the deaths of children in care or in detention centres, deaths of children due to abuse or neglect or in suspicious circumstances, or deaths of persons with disability living in care.

The third amendment allows the Ombudsman to obtain reviewable death-related records from a medical practitioner or other healthcare professional, as can currently be done by the Child Death Review Team, and the fourth amendment allows the Ombudsman to provide information regarding reviewable deaths to other persons or bodies for research purposes. The Government did not accept five of the legislative recommendations of the committee and a sixth recommendation became unnecessary when the Boarding Houses Bill 2012 recently amended the Act to remove the outdated reference to handicapped persons.

The Government did not support the proposal to amend the Act to include a definition of "community services" that is not defined by way of reference to another piece of legislation. The Government considers that such an approach would potentially limit the scope and inadvertently exclude services intended to be covered by the Act. The Government did not support an amendment to impose sanctions for obstructing, hindering or restricting official community visitors in the exercise of their functions. The Government considers sanctions would be ineffective and counterproductive. There is a significant risk that they would reduce the capacity for the operator to provide services to clients. The Government considers a more appropriate approach would be to take into consideration an organisation's record of obstructing, hindering or restricting visitors when considering funding or renewing funding to the organisation.

The committee recommended that the Act be amended to put beyond doubt that members of the Child Death Review Team have a duty to provide the Ombudsman with information and assistance. The Government considers this amendment unnecessary as the Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009, assented to on 7 April 2009, provides for the Ombudsman to become the convener of the Child Death Review Team in place of the Commissioner for Children and Young People.

The committee also recommended that the Minister for Disability Services consider clarifying the nature of decisions that can be appealed to the NSW Administrative Decisions Tribunal under the Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Disability Services Act 1993. The Government is currently reviewing the Disability Services Act, so this will be considered as part of that review, and the proposed amendment to make clear that the Ombudsman could seek professional clinical advice where appropriate was considered unnecessary by the NSW Ombudsman as he already has broad powers to consult. Therefore, the Government agreed that the amendment was unnecessary.

There has been extensive consultation. The NSW Ombudsman has been consulted about the amendments, and he supports them. The Department of Attorney General and Justice has been consulted on the bill, and supports it. The Department of Education and Communities, the Ministry of Police and Emergency Services and the Ministry of Health have been consulted on the amendments to the Child Death Review Team and the reviewable deaths provisions, and they support them. The Australian Medical Association has been advised of the proposed amendments to allow the Ombudsman to obtain reviewable death-related records from a medical practitioner or other healthcare professional, as can currently be done by the Child Death Review Team. It has raised no objection.

This amendment will improve the ability of the Ombudsman to analyse reviewable deaths and to make recommendations for strategies to prevent such deaths. The bill does not place any additional demands on advocacy services. The bill simply makes an amendment to remove any ambiguity about the complainant's right to use a representative of their choosing in the complaints resolution process. "Representative" in this context does not imply that person will be a legal representative. A person making a complaint could do so through any person they choose. For example, this could be a friend or family member. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [11.33 a.m.]: I address this bill on behalf of The Greens. First, I acknowledge the work of the former Minister for Family and Community Services, Minister Goward. I also acknowledge the new Minister, Minister Upton, and I wish her the best in her new role. The Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014 is worthy of support. It amends the Community Services (Complaints, Reviews and Monitoring) Act 1993 to clarify and to extend provisions relating to investigations and reports by the Ombudsman, along with the work of the Child Death Review Team. It also makes a range of updates to reflect current departmental names and titles, which seem to be changing by the minute.

This legislation helps to keep those matters up to date. A range of issues is addressed, but in brief it relates to complaints, reviews and monitoring of community welfare services including child protection, disability services and aged care. It includes provisions dealing with the role of Official Community Visitors in monitoring services and the functions of the Ombudsman to review community services and to investigate complaints, and the review of child deaths in New South Wales, including the deaths of children in care and persons with disabilities in care.

There are seven substantive provisions. I will not go through each of those provisions, because they have been addressed in some detail in the debate. Instead, I will focus on some of the positive aspects of the bill and identify some improvements that the Government might consider or at least respond to in the Minister's reply. One of the most positive aspects of the bill is that it extends and clarifies the Ombudsman's capacity to identify systemic issues with service providers that might be uncovered during the investigation of specific

complaints. The bill facilitates access to information in reviewable deaths and supports research aimed at risk factors and prevention. These proposed changes are a critical element of the bill and The Greens support them. We think that accountability, openness and improving monitoring are important in making sure that young people and children are protected and that our system has integrity, is robust and can deal with complaints from the community services sector.

I will identify an issue that the Government may care to examine, because this bill addresses complaints issues and recommendations arising from problems identified in particular reports. Monitoring and addressing the ongoing performance of the community services system is really important. The sector is undergoing significant change, with the landscape of the sector changing quite dramatically, particularly when it comes to the National Disability Insurance Scheme and who is providing these services. I draw the attention of the House to recent reports which have examined the need for more monitoring and more assessment of the ongoing performance of the community service system. There have been several reports in particular addressing the role of the Auditor-General in relation to addressing the performance of the non-government sector. It is our view that it would be worthwhile examining the proposal that the Auditor-General should be evaluating the performance of non-government organisations if they receive public funding to provide community services. This recommendation came out of recent inquiries into the efficiency and effectiveness of the Audit Office of New South Wales and outsourcing community service delivery.

Those inquiries made a range of recommendations about non-government organisations. I think these recommendations are valuable and I encourage the Government to consider the role of the Auditor-General when it comes to public funding of organisations in the community sector. One positive aspect of government involvement in the provision of services is the level of accountability that comes through those organisations and through the Parliament, local members of Parliament and the processes of government. There is not the same level of overview of non-government organisations and the not-for-profit community sector. In my view it would be worthwhile for the Government to seriously consider these proposals. I would appreciate any feedback from the Minister on the recommendations of these inquiries that sought to provide a role for the Auditor-General in evaluating the performance of non-government organisations when those organisations receive government funding.

The Minister has a big job ahead of her. In my electorate there are some significant issues with Going Home Staying Home reforms, in particular when it comes to the provision of specialist homelessness services for women. The reform process means that a lot of these services are under threat. It is my view that we should be retaining in inner Sydney the expertise of these services for homeless women or those at risk of homelessness due to domestic violence, drug and alcohol dependency, mental health issues or leaving custody. It is critical that the Minister examine these issues, as this bill does, when monitoring and evaluating the reforms because Going Home Staying Home has serious impacts on women's specialist services, particularly in the electorate I represent. The Government should reconsider this process and consult closely with some of those independent services.

I conclude by saying that any steps that are effective, have low application cost and respect the vigour, independence and professionalism of the sector should be welcomed. This bill will make a contribution to improving the process in organisations and the experience of clients in the sector. It is all about making sure that as a Parliament we can deliver effective services to clients who need them. We must always focus on improving this process and being vigilant. Of course, the recent Efficiency and Effectiveness of the Audit Office of NSW and Outsourcing Community Service Delivery inquiries make a range of specific recommendations about the role of the Auditor-General and ought to be investigated vigorously. I look forward to feedback from the Minister on this issue.

Ms MELANIE GIBBONS (Menai) [11.40 a.m.]: I support the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. I thank the former Minister, the Hon. Pru Goward, for the time and effort she put into this bill and, indeed, all the bills she worked on as the Minister, as well as her staff, who I found always to be compassionate and caring. I have had a lot to do with this sector as a member of Parliament and as a member of the Committee on Children and Young People. I particularly thank the Minister for her thought, time, effort, care and compassion on these issues that she takes on and takes home.

I welcome to this portfolio the new Minister, the Hon. Gabrielle Upton, who has a lot of energy, drive and determination. I have full confidence that she will do a fine job in her time as the Minister for Family and Community Services. The purpose of this bill is to provide for the resolution of complaints about community services and programs provided or funded by the Department of Family and Community Services, and to

establish a system to review and monitor those services and programs. This amendment updates the Community Services (Complaints, Reviews and Monitoring) Act 1993 to strengthen the provisions relating to the functions of the NSW Ombudsman and the Child Death Review Team, update references and clarify provisions.

The Community Services (Complaints, Reviews and Monitoring) Act 1993 creates the framework through which community services are accessed by children, young persons and adults, and advocate on their behalf so they have the opportunity to raise concerns about the care they receive. Furthermore, this bill allows for these concerns to be investigated and resolved. I take this opportunity to acknowledge in the gallery the many young student leaders from across the State. I am sure they will find this debate interesting. I particularly welcome to the Parliament the students from Moorebank, Holsworthy and Jannali high schools in my electorate of Menai. I am thrilled that they are present to hear the debate on this bill about children and young people accessing community services.

The legislation seeks also to foster an atmosphere in which the services are enhanced through complaints and independent monitoring, and encourages resolution locally through dispute resolution. As members will be aware, children and young people and people with disability are among the most vulnerable members of our community. The legislation provides protections for these groups as users of community services provided by government and non-government agencies. The amendments to the Act arise from the statutory review completed by the former Committee on the Ombudsman, Police Integrity Commission and Crime Commission. The aims of the review were to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. The 2012 amendments to the Act sought to provide consistency between the Ombudsman's functions for review of child deaths and reviews of deaths of particular categories of vulnerable persons, including children and persons with a disability in care.

The bill gives effect to four recommendations of the former Committee on the Ombudsman, Police Integrity Commission and Crime Commission. One amendment is to enhance the public reporting function of the community services jurisdiction of the NSW Ombudsman by permitting a report to be issued on systemic issues, at the Ombudsman's discretion, during and/or at the conclusion of a review or inquiry. Another removes any ambiguity about a complainant's rights to have a person of their choosing put forward their complaint on their behalf. The bill also contains four amendments requested by the NSW Ombudsman, which he identified after becoming convenor of the Child Death Review Team. These amendments will improve outcomes through greater consistency between the Child Death Review Team and the reviewable deaths provisions, including allowing the Child Death Review Team to be able to access information that clarifies or explains records it accesses as part of its work. This includes records from child welfare service providers, such as departments, statutory bodies or local authorities, the Commissioner of Police, the State Coroner, medical and health care professionals, and schools.

The amendments also enable the Ombudsman to undertake in partnership with others research into reviewable deaths, or deaths that the Ombudsman reviews, including deaths of children in care or in detention centres, deaths of children due to abuse or neglect or in suspicious circumstances, or deaths of persons with a disability living in care. Those to whom the Ombudsman may look to partner with in reviewing these deaths include academics and research bodies. The amendments will also allow the Ombudsman to obtain reviewable death related records from a medical practitioner or other healthcare professional teams, as well as allowing the Ombudsman to provide information regarding reviewable deaths to other bodies for research purposes. Although some recommendations of the former Committee on the Ombudsman, Police Integrity Commission and Crime Commission were accepted, five were not. Extensive consultation has been carried out regarding the amendments, including with the NSW Ombudsman who supports the amendments.

The Australian Medical Association has been advised of the proposed amendments to allow the Ombudsman to obtain reviewable death-related records from a medical practitioner or other healthcare professional and has raised no objections. The Government does not place any additional demands on the advocacy services. The bill will remove ambiguity about a complainant's right to use a representative of their choosing in the complaints resolution process. A representative in this context does not imply that the person will be a legal representative; any person can be chosen, including a friend or family member. Importantly, the complainant chooses that representative.

One key responsibility of any government and one this Government takes seriously is to protect its most vulnerable citizens. The Community Services (Complaints, Reviews and Monitoring) Act 1993 offers

more than another level of protection. The Act gives people with disability and young people in care and children a voice to determine whether the quality of services they receive is the best they can receive. The bill's proposed amendments will strengthen the operation and objectives of the Act. I thank the Ministers involved in this bill and commend it to the House. Once again, I welcome those students in the gallery, particularly those from Holsworthy, Moorebank and Jannali high schools.

[Business interrupted.]

VISITORS

ACTING-SPEAKER (Mr John Barilaro): I welcome to the Parliament student leaders from high schools across New South Wales who are attending the Secondary School Leadership Program for School Captains conducted by the parliamentary Education and Community Relations Section. I had an opportunity to speak with the students this morning. I welcome you all to the Chamber, which is also known as the bear pit. If you are here from 2.15 p.m. onwards for question time you will understand why it is called the bear pit. Of course, as the member for Monaro I especially welcome those school representatives from my region: Bombala, Braidwood, Jindabyne and Monaro high schools. I could not let this opportunity pass without mentioning my good colleague and friend the member for Northern Tablelands and welcoming students from Bingara Central School. I apologise in advance because the member for Camden will speak shortly and will be boring.

MINISTRY

Mr ANTHONY ROBERTS: On behalf of the Premier, I inform the House that on 7 May 2014 Her Excellency the Governor accepted the resignations of the following Ministers:

The Hon. Michael Joseph Gallacher, MLC, as Minister for Police and Emergency Services, Minister for Industrial Relations, Minister for the Central Coast, and as a member of the Executive Council, and
The Hon. Stuart Laurence Ayres, MP, as Minister for Fair Trading

On the same day Her Excellency the Governor appointed the following persons to the offices indicated:

The Hon. Duncan John Gay, MLC, as Vice-President of the Executive Council
The Hon. Andrew James Constance, MP, as Minister for Industrial Relations
The Hon. Stuart Lawrence Ayres, MP, as Minister for Police and Emergency Services
The Hon. Robert Gordon Stokes, MP, as Minister for the Central Coast, and
The Hon. Matthew Ryan Mason-Cox, MLC, as a member of the Executive Council and as Minister for Fair Trading

REPRESENTATION OF MINISTERS IN THE LEGISLATIVE COUNCIL

Mr ANTHONY ROBERTS: On behalf of the Premier, I inform the House that with respect to representation of Government responsibilities in this Chamber the Minister for Finance and Services will represent the Minister for Fair Trading.

COMMUNITY SERVICES (COMPLAINTS, REVIEWS AND MONITORING) AMENDMENT BILL 2014

Second Reading

[Business resumed.]

Mr CHRIS PATTERSON (Camden) [11.50 a.m.]: I think that "dry" is a better description of my speech than "boring". I am pleased to support the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. It is very important that we continue to support the most vulnerable members of our society, particularly children, young people and those with a disability. We often take for granted our high standard of living in Australia and assume that most people grow up in a loving family home environment with access to the best care and support services. Being a father of four young children, who I always want to protect and support, I would like to know that those who are the most vulnerable members of our society and who may not have a supportive home environment can be afforded that same high standard of care and services and that there are effective avenues for them to raise a concern should this not be the case.

The bill seeks to amend the Community Services (Complaints, Reviews, and Monitoring) Act 1993 to enhance its efficiencies and operation. The bill seeks also to strengthen the functions of the Child Death

Review Team under part 5A of the Act. It is an essential piece of legislation that seeks to protect the most vulnerable people of New South Wales—children, young people and people with a disability—by establishing a mechanism for the monitoring and investigation services provided by the community services sector.

The Act enables provisions for the resolution of complaints about programs and services provided or funded by the Department of Family and Community Services and provides for the review and monitoring of those programs and services. The Act also delivers a framework through which people accessing community services, and their representatives—whether legal or not—have the opportunity to raise complaints about the care they receive; it also provides a framework for their resolution. The Act seeks to offer an environment in which complaints and independent monitoring are seen as ways of enhancing service delivery in the community services sector, hence offering a level of protection to those who are vulnerable and giving them an avenue to raise their concerns and be heard.

The proposed amendments will enhance and strengthen the operation of the Act and better enable it to achieve its outcomes. The amendments encompassed in the bill, as recommended by the NSW Ombudsman, are all designed to enhance the functions of the Child Death Review Team and the NSW Ombudsman in relation to the reviewable death provisions. One such amendment is to clarify that it is the duty of certain persons to provide the Child Death Review Team with not only records related to the death of a child but related information that helps to explain that record. The object of the Child Death Review Team is to prevent and reduce the deaths of children in New South Wales. Therefore, it is important to ensure that the Child Death Review Team has all relevant information in carrying out its functions.

Furthermore, in relation to reviewable deaths which relate to the deaths not only of vulnerable children but also vulnerable adults with disabilities, the bill makes two amendments which will assist research into reviewable deaths. Clearly, the point of reviewing these very sad situations is to ensure that we not only minimise them but also stop them recurring or stop similar situations arising. The first amendment will allow the Ombudsman to undertake research in partnership with others, which will allow for the greater exchange of ideas and the sharing of expertise. The second amendment will allow the Ombudsman to provide information to other persons or bodies to assist them in preventing or reducing the likelihood of reviewable deaths.

The reviewable death provisions enable the Ombudsman to review in detail the deaths of some of our most vulnerable children and adults. Reviewing such deaths is vital for highlighting recurring symptoms and problems as well as issues with the way in which government and non-government agencies respond. Importantly, this work will enable better outcomes for vulnerable children, young people, people with disabilities and their families. It should be noted that any amendments that will assist to find how and why these deaths occur and that lead to the prevention of such deaths should ultimately be fully supported. The safety and wellbeing of children in New South Wales are extremely important to the Government. The death of any child is an immeasurable loss to their family and friends and to the wider community. It is important that every conceivable action is taken to make children safer by reducing and preventing the incidence of such deaths.

While this bill proposes a number of minor legislative changes in terminology to reflect current Government structures, more importantly, the bill enhances the public reporting function of the community services jurisdiction of the Office of the Ombudsman by permitting a report to be issued, at the Ombudsman's discretion, during and/or at the conclusion of a review or inquiry into systemic issues. The ability for the Ombudsman to do this will ensure that systemic issues can be identified and addressed earlier in the process. The bill also removes any ambiguity about a complainant's right to be represented by a person of their choosing in the complaints resolution process. The proposed amendments contained in the bill will strengthen the operation of the Community Services (Complaints, Reviews and Monitoring) Act 1993 and better help it achieve its objectives.

I acknowledge the newly appointed Minister for Family and Community Services, the Hon. Gabrielle Upton, MP. I also pay tribute to the Hon. Pru Goward, who did an outstanding job in this extremely hard and, I am sure at times, heart-wrenching portfolio. Minister Goward did a fantastic job in the Family and Community Services portfolio and I commend her for all her efforts. I also commend Minister Upton, who has taken on the portfolio. I know that as a mother and as an extremely passionate and caring member of this House she will do an outstanding job and bring to the portfolio the passion and care required of the Minister for that portfolio. I wish Minister Upton every success in ensuring that the most vulnerable in our community receive the care that they need and rightly deserve. Being the person that she is I know that the Minister would also want me to acknowledge her outstanding, hardworking staff, who do a tremendous job in her office. I acknowledge Tim

Archer, chief of staff; Julian Crowley, adviser and go-to man; Anne King, senior adviser; Kristin Pryce, adviser; Amanda Ibbotson, executive assistant; and Laura Masson, office manager. They all do an outstanding job with the Minister. In conclusion, I commend the bill to the House.

Mr ADAM MARSHALL (Northern Tablelands) [11.59 a.m.]: I speak in support of the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. Before I deal with the substance of the bill, I also acknowledge the student leaders from across New South Wales who have joined us today in the Legislative Assembly. I particularly mention Gabby Rampling, Lucie Boyle and Kelsey Cooper who are the leaders of the Bingara Central School, which is in the fine electorate of the Northern Tablelands. I acknowledge Mark Vale, the Principal of Bingara Central School, who is also here today. I also acknowledge Mr Kent Mayo, who is in the gallery and whom I have mentioned a couple of times in this House. He is from the wonderful community of Uralla and does a lot of hard work at McCrossin's Mill. I welcome them all to the Legislative Assembly.

As we have heard throughout this debate, this important legislation will amend the Community Services (Complaints, Reviews and Monitoring) Act 1993 to protect the State's most vulnerable residents: children, young people and people with a disability. It establishes a mechanism for the monitoring and investigation of services delivered by the community services sector. The bill before the House strengthens the existing provisions that provide safeguards for people who receive services from the Department of Family and Community Services or services that are funded by the department. This includes people with a disability as well as children who are in care. The amendments that are proposed in the bill arise from the statutory review of the Act, which was conducted by the former Committee on the Office of the Ombudsman and the Police Integrity Commission, plus amendments that have been sought and requested by the NSW Ombudsman.

The bill gives effect to four recommendations of the former Committee on the Office of the Ombudsman and the Police Integrity Commission. They are, one, an amendment to the objects of the Act to refer to education as a means of encouraging compliance with, and facilitating awareness of the objects, principles and provisions of community welfare legislation; two, amendments to reflect current Government structures; three, an amendment to enhance the public reporting function of the community services jurisdiction of the NSW Ombudsman by permitting a report to be issued on systemic issues at the Ombudsman's discretion during and/or at the conclusion of a review or inquiry; and, four, an amendment that removes any ambiguity about a complainant's right to have a person of his or her choosing put forward a complaint on his or her behalf, which is incredibly important.

The bill also contains four amendments that were requested by the NSW Ombudsman, which he has identified since becoming the convener of the Child Death Review Team. These amendments will improve outcomes through greater consistency between the provisions relating to the Child Death Review Team and the reviewable deaths provisions. First, information related to a record requested by the Child Death Review Team must also be provided to the team. The Child Death Review Team reviews all child deaths in New South Wales. In order to do this properly the team obtains information from child welfare service providers, departments, statutory bodies or local authorities, the Commissioner of Police, the State Coroner, and medical and healthcare professionals, as well as schools. The amendment will allow the team to access information that clarifies or explains records that it accesses as part of its work. The organisation's access to the information the team needs to make its decisions and recommendations will be more readily available.

Secondly, the changes also enable the Ombudsman to undertake research into reviewable deaths in partnership with others, for example, academics and research bodies. This amendment makes consistent the Ombudsman's powers under part 5A (Child Death Review Team) and Part 6 (reviewable deaths). Reviewable deaths are those that the Ombudsman reviews, such as the deaths of children in care or in detention centres, deaths of children due to abuse or neglect or in suspicious circumstances, or deaths of persons with disability living in care. Thirdly, the Ombudsman will be allowed to obtain reviewable death-related records from a medical practitioner or other healthcare professional, as is currently the case for the Child Death Review Team. Fourthly, the Ombudsman will be allowed to provide information regarding reviewable deaths to other persons or bodies for research purposes.

The bill also makes other miscellaneous amendments, which update the language of the Act and make consequential amendments that accurately reflect current Government structures. The amendments contained in the bill will strengthen the protection that is offered by the State to vulnerable people such as children and people with a disability, and it will give the Child Death Review Team, as well as the Ombudsman, the ability to more readily access the information they need to carry out their duties. Before I conclude my remarks, I too

place on record my appreciation of the former Minister for Community Services, the Hon. Pru Goward, who did a lot of work to bring this bill before the House. I also congratulate the new Minister for Family and Community Services, Ms Gabrielle Upton, who will do a fine job in carrying on the work of this bill. On the basis that this legislation responds to needs that have been identified by the committee and the Ombudsman, I am pleased to commend the bill to the House.

Mr MARK COURE (Oatley) [12.06 p.m.]: I begin by congratulating Mr Acting-Speaker Barilaro on his appointment as Parliamentary Secretary.

ACTING-SPEAKER (Mr John Barilaro): Thank you.

Mr MARK COURE: As Chair of the Committee on Children and Young People, I am pleased to speak in support of the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. The bill amends the Community Services (Complaints, Reviews and Monitoring) Act 1993, which is a vital piece of legislation that seeks to protect the most vulnerable residents of New South Wales—children, young people and people with disabilities—by establishing a mechanism for the monitoring and investigating of services delivered in the community services sector. Amongst other things it strengthens the functions of the Child Death Review Team under part 5A of the Act. The purpose of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales. In addition, the amendments in the bill seek to improve the operation and efficiency of the Act. Updated references throughout the Act provide for the resolution of complaints about programs and services that are provided and funded by the Department of Family and Community Services. They also provide for the review and monitoring of these programs and services.

I will talk briefly about the first part of this vital legislation that amends that part of the Act that protects children, young people and people with a disability. The Act also provides for a framework through which people accessing community services and their representatives, whether legal or not, have the opportunity to raise complaints about the care they receive and resolve those complaints. The Act seeks to foster an atmosphere in which complaints and independent monitoring are seen as ways of enhancing service delivery in the community services sector, which is what members of Parliament want to see, thereby providing a level of protection to those who are vulnerable and, at the same time, giving them a much-needed voice through which their issues and concerns are addressed. The proposed amendments will strengthen the operation of the Communities Services (Complaints, Reviews and Monitoring) Act 1993 and will help to achieve its objectives.

As previous speakers have mentioned, these amendments are the result of suggestions raised by the NSW Ombudsman in relation to the Child Death Review Team provisions and the reviewable death provisions. They provide for a review of the deaths of some of our most vulnerable children and adults with the aim of identifying causative factors so that such deaths may be prevented. The amendments in the bill are designed to enhance the functions of the Child Death Review Team and the Ombudsman in relation to the reviewable death provisions. For example, one amendment clarifies that it is the duty of certain persons to provide the Child Death Review Team with not only records related to the death of a child but also related to information to assist to explain those records.

The object of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales. It is therefore important to ensure that the Child Death Review Team is able to access all the relevant information that it needs to undertake its functions—that is why the Act is being amended. The bill contains two amendments that will assist with research into reviewable deaths of vulnerable children and persons with disabilities. The first will allow the Ombudsman to undertake research in partnership with others; this will allow for the exchanging of ideas and sharing of expertise. The second will allow the Ombudsman to provide information to other persons or bodies for the purpose of helping to prevent or reduce the likelihood of reviewable deaths.

Another important amendment in the bill will expand the ambit of information that can be provided to the Ombudsman. Currently the Ombudsman can obtain information relating to reviewable deaths from a number of sources, including public health providers. This bill will enable the Ombudsman to obtain information from private medical practitioners and healthcare professionals. Other amendments in the bill flow from recommendations made by the former Committee on the Office of the Ombudsman and the Police Integrity Commission, which conducted a review of the Act to determine whether the policy objectives remain valid and whether the terms of the Act remain appropriate to securing those objectives. The committee was satisfied that the policy objectives of the Act remain valid but that some legislative amendments could be made to strengthen and enhance the achievement of those objectives.

The Government is proposing to give effect to some of the committee's recommendations for amendments and has included a number of legislative amendments in the bill. The bill proposes a number of other minor legislative changes to reflect current government structures and, importantly, as Mr Adam Marshall mentioned, it enables the public reporting function of the community services jurisdiction of the Office of the Ombudsman by permitting a report on systemic issues to be issued during and/or at the conclusion of a review or inquiry. The Ombudsman's ability to do this will ensure that systemic issues can be identified and addressed much earlier. The amendments contained in the bill will strengthen the operation of the Community Services (Complaints, Reviews and Monitoring) Act 1993 and better help to achieve its objectives. I commend the bill to the House.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [12.13 p.m.]: I am pleased to make a contribution to debate on the Community Services (Complaints, Reviews and Monitoring) Bill 2014. At the outset I note the broad support for the bill from both sides of the House. The bill improves the operation and efficiency of the Community Services (Complaints, Reviews and Monitoring) Act 1993. The amendments contained in it arise from a statutory review of the Act conducted by the former Committee on the Office of the Ombudsman and the Police Integrity Commission, as well as amendments that were sought by the NSW Ombudsman.

The bill removes any ambiguity about a complainant's right to have a person of his or her choosing put forward a complaint on his or her behalf. It makes it clear that representatives do not necessarily have to be legal representatives; rather, they can be any representative of the party, including a friend or a family member. Those accessing these services are often the most vulnerable and are often unable to effectively advocate for themselves. Further, the bill aims to create an atmosphere in which complaints are seen as a way to identify problems and make improvements. Making it unambiguous that complainants can seek representation from those they trust will empower the State's most vulnerable and ensure fair and equitable treatment.

The bill contains other amendments to reflect changes identified by the Ombudsman after he became convener of the Child Death Review teams. These amendments aim to improve the ability of the Ombudsman and the Child Death Review teams to conduct high-quality research into reviewable deaths and to recommend better strategies to prevent them. One such amendment is to allow the Ombudsman to undertake research into reviewable deaths in partnerships with others. Partnerships with academics and collaborative research with various research bodies will allow improved outcomes. Hopefully, allowing the exchanging of ideas and sharing of expertise will assist the Ombudsman to formulate strategies to reduce or remove risk factors and prevent reviewable deaths from occurring. The bill will also enable the Ombudsman to provide information regarding reviewable deaths to other persons or bodies for research purposes. This is another way of ensuring high-quality recommendations for preventing deaths.

One of the recommendations of the Committee on the Office of the Ombudsman and the Police Integrity Commission that was not adopted was to impose sanctions on those hindering or restricting Official Community Visitors because it was regarded as possibly harming outcomes. I agree that the Government's approach is sensible—namely, instances of hindering Official Community Visitors should be taken into account when reviewing funding for organisations. The bill improves the Ombudsman's research function by compelling certain organisations to provide information in relation to these deaths. This includes information from medical practitioners and other healthcare providers, including private healthcare providers.

The bill will improve the ability of the Ombudsman to analyse reviewable deaths and make recommendations to prevent deaths. The bill will go a long way to improving outcomes for those who are in care. It will enable them to have a greater voice when making complaints. Indeed, we all have a responsibility to ensure that those most vulnerable have a voice; that they are treated fairly by the system. This bill will ensure that the Ombudsman has greater powers to review deaths in custody and, hopefully, prevent further deaths. I commend the bill to the House.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [12.16 p.m.]: It gives me great pleasure to speak in support of the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. There can be no more important legislation than that which seeks to protect our most vulnerable—children and those with a disability. This bill aims to establish a mechanism for the monitoring and investigation of services delivered in the community services sector. One of the aims of the bill is to authorise the Ombudsman to review the systems of community services providers and to make reports and recommendations in relation to them. It also aims to make it clear that persons advocating on behalf of persons provided with community services are included in the complaints resolution process and, importantly, to make further provision for the functions of the Ombudsman in respect of the prevention or reduction of reviewable deaths.

The Act seeks to foster an atmosphere in which complaints and independent monitoring are seen as ways of enhancing service delivery in the community services sector, which aims to provide a level of protection to those who are vulnerable and to give them a voice. The former Committee on the Office of the Ombudsman and the Police Integrity Commission conducted a statutory review of the Act to determine the extent to which the policy objectives remain valid and whether the terms of the Act remain appropriate to securing the objectives of the Act. The Committee found that on the whole the policy objectives remain valid but some legislative amendments could be made to enhance the achievement of those objectives. The Government considered those recommendations for amendments and has included a number of legislative amendments in the bill to improve the operation of the Act.

The Act has several important functions—for example, it provides for Official Community Visitors, who are appointed by the Minister on the recommendation of the NSW Ombudsman. An Official Community Visitor inspects certain accommodation services where vulnerable children or adults are living—for example, where the child or adult using the service is in full-time care of the service provider. An Official Community Visitor then reports to the Minister and the Ombudsman on matters affecting the welfare, interests and conditions of persons using those services.

The Act also sets out the community services functions of the NSW Ombudsman, including reviewing the situation of a child or person in care, or groups of children or persons in care. The NSW Ombudsman is also able to review the complaint-handling systems of service providers. One of the more significant amendments is to enhance the public reporting function of the community services jurisdiction of the Office of the NSW Ombudsman by permitting a report on systemic issues to be made during and/or at the conclusion of a review or inquiry. Other important purposes of the Act are to set out the process for making a complaint to the NSW Ombudsman about a service provider. The bill amends the Act to make clear that when making a complaint to the NSW Ombudsman about a service provider, a complainant has a right to have a person of his or her choosing put forward the complaint on his or her behalf.

The Community Services (Complaints, Reviews and Monitoring) Act 1993 also sets out which decisions can be subject to administrative review by the NSW Civil and Administrative Tribunal. The Act sets out who may apply to the tribunal and alternatives to the tribunal determining a matter, such as referring the matter to the service provider for resolution at a local level or to the NSW Ombudsman for investigation by any other appropriate investigative agency. The Act also contains provisions relating to deaths that are reviewable by the NSW Ombudsman—deaths that relate to children in care, certain other vulnerable children and persons in care with a disability. In 2011 the Child Death Review Team provisions were inserted into the Act after the statutory review of the Act by the former parliamentary committee. The other amendments that arose out of the review of the Act by the former parliamentary committee relate to updating and clarifying provisions. While these are not major amendments, they will serve to improve the operation and efficiency of the Act. I support the bill and commend it to the House.

Mr GREG APLIN (Albury) [12.21 p.m.]: I am pleased to speak in support of the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. The bill amends the Community Services (Complaints, Reviews and Monitoring) Act 1993, which, amongst other things, strengthens the functions of the Child Death Review Team under part 5A of the Act. The purpose of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales. The Child Death Review Team is comprised of people with the ability to identify risk factors that are of extreme concern and to recommend ways that the Government, services, families and communities can help prevent deaths. The Child Death Review Team is made up of the NSW Ombudsman, who is the convenor of the team; the Commissioner for Children and Young People; the Community and Disability Services Commissioner; and representatives from the Department of Family and Community Services, NSW Health, the Department of Education and Communities, the NSW Police Force, and the Office of the NSW State Coroner within the Department of Police and Justice.

The Child Death Review Team maintains a register of all child deaths in the State; classifies those deaths according to cause, demographic criteria and other relevant factors; analyses data to identify trends; undertakes research; makes recommendations; and identifies areas for further research to help prevent or reduce the likelihood of child deaths. Importantly, the Child Death Review Team is responsible for issuing a report to the New South Wales Parliament every year about its work and activities in relation to child deaths. The Child Death Review Team also reports to Parliament on the research it undertakes. The main amendment to the Child Death Review Team provisions was sought by the NSW Ombudsman and is designed to enhance the functions of the Child Death Review Team. The amendment clarifies that certain persons are under a duty to provide the Child Death Review Team with not only records related to the death of a child but also related information that clarifies or explains that record.

The object of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales. Therefore, it is crucial that the Child Death Review Team be able to access all the information it needs to undertake its work. The safety and wellbeing of children in New South Wales is of paramount importance to the Government. The death of any child is an immeasurable loss for the family and friends, and for the wider community. It is vital that every step is taken to make children safer by preventing and reducing the likelihood of these deaths. It gives me great comfort to support amendments that will enhance the capacity of the Child Death Review Team to achieve its objective of preventing and reducing child deaths in New South Wales. It is worth noting that both the Child Death Review Team and the NSW Ombudsman, in his role of monitoring and reviewing deaths under part 6 of the Act, have a role in preventing or reducing the likelihood of child deaths. However, they have separate functions under the Act.

The NSW Ombudsman is responsible for undertaking the review of deaths that are reviewable under part 6 of the Act. Reviewable deaths are those that relate to the death of children in care, in detention or in correctional centres; the death of certain people with disability receiving services or living in care; and child deaths that are a result of abuse or neglect, or that occurred in suspicious circumstances. The bill also strengthens the functions of the NSW Ombudsman in the monitoring of reviewable deaths under part 6 of the Act. The Ombudsman maintains a register of reviewable deaths, formulates recommendations to Government and service providers for the prevention or reduction of such deaths, carries out research projects aimed at preventing or reducing such deaths, and provides information and reports in relation to such deaths. In undertaking these functions, the NSW Ombudsman can obtain information and assistance from service providers, the relevant Minister for the service providers, the Commissioner of Police, the Commissioner for Children and Young People, and the NSW Coroner.

The amendments to the reviewable deaths provisions were sought by the NSW Ombudsman and are designed to enhance the review functions. One such amendment is allowing the NSW Ombudsman to undertake research or other projects not just alone, as is the case currently, but also in partnership with other persons or bodies, such as academic institutions or other recognised research bodies, to formulate strategies to reduce or remove risk factors associated with preventable reviewable deaths. The amendment will allow for more thorough and effective research to be undertaken. Another amendment enables the NSW Ombudsman to provide information, subject to privacy restrictions, in relation to reviewable deaths, to persons in connection with research that is undertaken for the purposes of helping to prevent or reduce the likelihood of reviewable deaths. This amendment complements the aforementioned amendment and ensures that persons or organisations assisting the NSW Ombudsman with research will have access to all of the information that is needed to undertake the work.

Importantly, the bill imposes a duty on private medical practitioners and healthcare professionals to provide the NSW Ombudsman with access to records relating to reviewable deaths. The reviewable death provisions enable the NSW Ombudsman to review in detail the deaths of some of our most vulnerable children and adults. Reviewing such deaths is important for highlighting recurring causative factors and problems, and issues with the way in which government and non-government agencies respond. Ultimately, this work will lead to significantly better outcomes for vulnerable children and people with disabilities, and their families. Accordingly, any amendments that will assist us to comprehend how and why these deaths occur and that lead to the prevention of such deaths should be supported. For those reasons, I support the bill and commend it to the House.

Mr ANDREW ROHAN (Smithfield) [12.27 p.m.]: I speak in support of the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. Before I go any further, I acknowledge the former Minister for Family and Community Services, the Hon. Pru Goward, and her effective and committed delivery of laws for the people of New South Wales. I welcome the new Minister, the Hon. Gabrielle Upton, into this difficult but, I am sure, rewarding portfolio. She has my complete confidence. I know she will deliver on the many objectives around the portfolio. This bill reflects one of the fundamental roles of governments and of modern democracy: to serve their people, especially those who are deemed particularly vulnerable—such as children, young people and those with disabilities—by representing their best interests.

The bill arises from a fresh consideration of the statutory review of the Community Services (Complaints, Reviews and Monitoring) Act 1993 by the Committee on the Office of the Ombudsman and the Police Integrity Commission. It recommended some amendments to achieve and enhance the objectives of the Act. The primary purpose of the bill is to enhance the operation and efficiency of the principal Act. Various updates to references and terms in the Act are required given the statutory changes in the relevant agencies and staff. The electorate of Smithfield has a great number of families and individuals who live with or live as a

vulnerable person. It is an area that is cited in various reports, for example, as a low socio-economic area. For example, schools in my area are deemed to be of low socio-economic status. It is no surprise then that constituents contact my office on a regular basis requesting assistance in dealing with government and non-government community service providers. Therefore, it is with fervour and without hesitation that I support this bill.

The bill seeks to provide for the review and monitoring of programs and services funded or provided by the Department of Families and Community Services, as well as stipulate ways in which complaints about the provisions of those services may be resolved. The bill is framed in a way such that those who are offered services by the relevant agency of the department are characterised as users of community services. In this context the bill provides for independent monitoring of community services with the purpose of enhancing the provision of those services. One area of focus is the principle of having complaints resolved at a point closest to the provision of services and enhancing alternative dispute resolution processes. The principal Act sets out which decisions of the relevant agency may be subject to administrative review by the New South Wales Civil and Administrative Tribunal. It further sets out who may apply to the tribunal for review and alternative mechanisms such as referring the complaint to the office of the service provider or to the NSW Ombudsman for investigation.

The bill recognises that the current legislative framework surrounding those who can assist a person in making a complaint, such as a vulnerable person living in a care arrangement, is unclear. It therefore clarifies that any persons at the choosing of the complainant may represent the complainant as an advocate with respect to the provision of community services. The bill also caters to those who do not have a person who is able to advocate on their behalf. The Official Community Visitors scheme facilitates external advocates in the form of official community visitors who act as the mouthpieces for those in need. They are provided by appointment by the Minister on the recommendation of the NSW Ombudsman. Powers provided include the inspection of accommodation services where vulnerable persons live as well as reporting to the Minister and Ombudsman on issues affecting the welfare, interests and conditions of persons using and relying on community services.

The powers of the NSW Ombudsman are also clarified, rationalised and strengthened. The NSW Ombudsman's community services functions are clarified to include review of care matters and also, as previously mentioned, review of complaints handling mechanisms of service providers. A further clarification relates to the public reporting functions of the NSW Ombudsman. The bill provides for the enhancement of the office of the Ombudsman by enabling the office to report on systemic issues in relation to the provision of community services by an agency at any stage of a review. Furthermore, with respect to the Child Death Review Team the duties of providing access to records relating to reviewable deaths and making copies of information that assists in explaining those deaths is extended to healthcare professionals. This is especially important given that professional medical practitioners who serviced and looked after the deceased would hold critical information or evidence. Of course, the information privacy principles would apply to any handling of such sensitive information. It is for these reasons that I strongly support the bill and hope to see it on the statute book as soon as possible. I commend the bill to the House.

Mr LEE EVANS (Heathcote) [12.33 p.m.]: It gives me great pleasure to speak in debate on the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. I am deputy chair of the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission, which deals closely with the issues addressed in this bill. I am glad that reform is happening in this area. The first question that needs to be asked is: Why is the Government introducing this bill? The bill makes amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 to improve its operation and efficiency. The bill strengthens existing provisions that provide safeguards for people who receive services from the Department of Family and Community Services or services funded by the department. That includes people with disabilities and children in care. The amendments proposed in the bill arise from the statutory review of the Act conducted by the former Committee on the Office of the Ombudsman and the Police Integrity Commission, plus amendments sought by the NSW Ombudsman.

What are the effects of the proposed amendments? The bill gives effect to four of the recommendations by the former Committee on the Office of the Ombudsman and the Police Integrity Commission. The first is an amendment to the objects of the Act to refer to education as a means of encouraging compliance with, and facilitating awareness of, the objects, principles and provisions of the community welfare legislation. The second amendment is made to reflect current government structures. The third amendment will enhance the public reporting function of the community services jurisdiction of the NSW Ombudsman by permitting a report

to be issued on systemic issues at the Ombudsman's discretion during and/or at the conclusion of a review or inquiry. The fourth amendment will remove any ambiguity about a complainant's right to have a person of their choosing put forward their complaint on their behalf.

The task of reading the report into child deaths and their circumstances is not a pleasant one. The report goes into great detail about what happened to those poor children. I do not recommend the report to the average person; it is not a pleasant read. I support any changes that will improve the lives of at-risk children. The bill also makes amendments to the provisions relating to the Child Death Review Team and the reviewable deaths provisions. The first amendment provides that information related to a record requested by the Child Death Review Team must also be provided to the team. The Child Death Review Team reviews all child deaths in New South Wales. In order to do this it obtains information from child welfare service providers, departments, statutory bodies or local authorities, the Commissioner of Police, the State Coroner, medical and healthcare professionals, and schools. The amendment will allow the team to access information that clarifies or explains records that it accesses as part of its work.

The second amendment will enable the Ombudsman to undertake research into reviewable deaths in partnership with others such as academics and research bodies. This amendment makes consistent the Ombudsman's powers under part 5A relating to the Child Death Review Team and part 6 relating to reviewable deaths. Reviewable deaths are those deaths that the Ombudsman reviews, which are: deaths of children in care or in detention centres; deaths of children due to abuse or neglect or in suspicious circumstances; or deaths of persons with disabilities living in care. The third amendment will allow the Ombudsman to obtain reviewable death related records from a medical practitioner or other healthcare professionals, as can currently be done by the Child Death Review Team. The fourth amendment will allow the Ombudsman to provide information regarding reviewable deaths to other persons or bodies for research purposes.

I do not know how as a community we will ever stamp out entirely the ongoing issue of children's deaths and the circumstances surrounding them, but this bill will go some way towards making the process much more open so that we can examine the circumstances that lead to the demise of these poor souls. Did the Government accept all the recommendations of the former Committee on the Office of the Ombudsman and the Police Integrity Commission? The Government did not accept five of the legislative recommendations of the committee, and a sixth recommendation became unnecessary when the Boarding Houses Bill 2012 amended the Act to remove the outdated reference to "handicapped persons".

Which recommendations were not accepted? The Government did not support the proposal to amend the Act to include a definition of community services that is not defined with reference to another piece of legislation. The Government considers that such an approach potentially would limit the Act's scope and inadvertently would exclude services intended to be covered by the Act. The Government did not support the amendments to impose sanctions for obstructing, hindering or restricting official community visitors in the exercise of their functions. The Government considers that sanctions would be ineffective and counterproductive. There is a significant risk that they would reduce the capacity for the operator to provide services to their clients. The Government considers a more appropriate approach would be to take into consideration an organisation's record of obstructing, hindering or restricting visitors when considering funding or renewing funding for the organisation.

The committee recommended that the Act be amended to put beyond doubt that members of the Child Death Review Team have a duty to provide the Ombudsman with information and assistance. The Government considers this amendment unnecessary as the Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009, which was assented to on 7 April 2009, provides for the Ombudsman to become a convener of the Child Death Review Team in place of the Commissioner for Children and Young People. The committee also recommended that the Minister for Disability Services consider clarifying the nature of decisions that can be appealed to the New South Wales Administrative Decisions Tribunal under the Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Disability Services Act 1993. Currently the Government is reviewing the Disability Services Act so that will be considered as part of the review.

Finally, a proposed amendment to make it clear that the Ombudsman could seek professional clinical advice, when appropriate, was considered unnecessary by the NSW Ombudsman as he already has broad powers to consult. Therefore, the Government agreed that the amendment is unnecessary. In the light of contributions to this debate by members who preceded me, we have probably covered the questions and answers. I take this opportunity to congratulate the former Minister for Family and Community Services on the work she did on this

legislation. I welcome the new Minister for Family and Community Services, the Hon. Gabrielle Upton, and congratulate her on her meteoric elevation in Cabinet. I wish Gabrielle well in her administration of an unenviable portfolio, but I am sure she will carry out her role with aplomb. I commend the bill to the House.

ACTING-SPEAKER (Mr John Barilaro): Order! Before I call the next speaker, as this is my last time in the role of Acting-Speaker, consequent upon my recent promotion to the position of Parliamentary Secretary, I take this opportunity to thank everybody, especially the Personal Assistant to the Speaker, Mr Joe Andrade, for the support he gives me and all occupants of the chair. I also thank the Clerks, the Chamber assistants and Hansard—everybody who makes the job of presiding over the House easier. It has been a privilege and an honour to have an opportunity to obtain an inside view of the workings of this role and what Parliament is all about. Having learned the sessional and standing orders may also improve my performance as a member of this House.

Mr Gareth Ward: Did you learn them? You learned them, did you?

ACTING-SPEAKER (Mr John Barilaro): Order! I learned a little bit. Of course I thank the Speaker, the Hon. Shelley Hancock, for giving me this opportunity. I also thank the Deputy-Speaker, Thomas George, who is a friend, a colleague and a fellow member of The Nationals. I thank everybody for this opportunity.

Mr GREG PIPER (Lake Macquarie) [12.43 p.m.]: It is a privilege to be the last member to be called to the dispatch box by Acting-Speaker Barilaro. As an Acting-Speaker, he probably developed much more than did the member for Kiama in that role!

Mr Gareth Ward: That would not be difficult.

Mr GREG PIPER: My contribution to debate on the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014 will be brief. In the context of the term "debate", this is perhaps not a debate in the true sense. This bill is a bit of a no-brainer. It is good to see members uniting to give such strong support to an important amending bill that has been requested by the NSW Ombudsman. I acknowledge the role of the former Minister for Family and Community Services. I also acknowledge the new Minister, the Hon. Gabrielle Upton, and wish her every success in carrying out her responsibilities and in this new part of her career. I also acknowledge Ministers of the previous Labor Government who throughout many years also grappled with issues addressed by the bill. If ever there was a portfolio that deserved to be treated with sensitivity and whose Ministers deserved support, then the Community Services portfolio is it.

Like many other members in this place, I at times find it very difficult to understand how a partisan debate can take place about the issues addressed by this bill. But I suppose that is the nature of politics. However, all members of this House know that the Minister is in an unenviable position, particularly when we hear about some of the tragic events that happen to children in our community. Not one present or former member of this Parliament would countenance such tragic events and would not wish that similar incidents could be prevented in the future. However, tragedies occur and there is dysfunction in our community. We must do whatever we can to pare down the number of incidents and reduce risks to children in our community as much as possible.

The purpose of the bill is to strengthen legislation and assist the Ombudsman and others to prevent or reduce the likelihood of child deaths in New South Wales. The Child Death Review Team is at the forefront of those endeavours, and this bill will assist the team to reduce the incidence of child deaths in New South Wales. As other members have stated, the Child Death Review Team is convened by the Ombudsman and includes the Commissioner for Children and Young People, the Community and Disability Services Commissioner, representatives from the departments of Family and Community Services, Health, and Education and Communities, the NSW Police Force, and the Office of the State Coroner within the Department of Police and Justice.

The Child Death Review Team maintains a register of all child deaths in the State and classifies those deaths according to cause, demographic criteria and other relevant factors. The team analyses data to identify trends, undertakes research, makes recommendations and identifies areas for further research to help to prevent or reduce the likelihood of the occurrence of child deaths. This amending bill clarifies that certain persons have a duty to provide the Child Death Review Team with not only records relating to the death of a child but related information that clarifies or explains the records. It is very important to get to the crux of the matter and not leave questions unanswered when the cause of child injury or death is being investigated. The bill will be of

great assistance in that regard. The object of the Child Death Review Team is to prevent or reduce the likelihood of child deaths, so it is crucial for the team to be able to access all the information it needs to undertake that work.

The safety and wellbeing of children are paramount to the Government as well as to all members of this House. The death of any child is an immeasurable loss for their family and friends as well as for the wider community. It is vital that every step is taken to make children safer by preventing and reducing the likelihood of deaths occurring. I will not deal with the bill in detail because contributions to this debate by members who preceded me make very clear the intentions of this legislation as well as the increased obligations the bill will impose on practitioners in certain sectors of the community, particularly private medical practitioners and healthcare professionals, to assist the Government to do everything possible to reduce the incidences of child death. Having earlier acknowledged the role of the Minister and previous Ministers, I acknowledge also all the people who are at the coalface and who are both exposed to and confronted by incidences of child deaths in our community.

Those people that I spoke about earlier are obviously very experienced, but at times no amount of experience and exposure can ready someone for the terrible circumstances surrounding the loss of children. I thank and acknowledge all those people to whom I have referred, and the police and community service workers who are on the front line, for the hard work they do. I also acknowledge the Minister and this Government for taking action to give those people the support they need to continue to improve our community and protect our children.

Mr JOHN BARILARO (Monaro—Parliamentary Secretary) [12.50 p.m.]: I am proud to speak to the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. Before commencing, I acknowledge the previous Minister, the Hon. Pru Goward, and her office for putting this bill together, and I welcome the new Minister, the Hon. Gabrielle Upton, who is a very competent member of this House and will make a fantastic Minister in what is a very tough portfolio. The bill amends the Community Services (Complaints, Reviews and Monitoring) Act 1993, which, amongst other things, strengthens the functions of the Child Death Review Team under part 5A of the Act. The purpose of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales. The Child Death Review Team is comprised of people with the ability to identify risk factors that are of extreme concern and recommend ways that government, services, families and communities can help to prevent these deaths.

The Child Death Review Team is made up of the NSW Ombudsman, who is the convenor of the team, the Commissioner for Children and Young People, the Community and Disability Services Commissioner, representatives from the departments of Family and Community Services, Health, and Education and Communities, the NSW Police Force, and the Office of the State Coroner within the Department of Police and Justice. The Child Death Review Team maintains a register of all child deaths in the State, classifies those deaths according to cause, demographic criteria and other relevant factors, and analyses data to identify trends, undertakes research, makes recommendations and identifies areas for further research to help prevent or reduce the likelihood of child deaths. Importantly, the Child Death Review Team is responsible for issuing a report to the New South Wales Parliament every year about its work and activities in relation to child deaths. The Child Death Review Team also reports to Parliament on research it undertakes.

The main amendment to the Child Death Review Team provisions was sought by the Ombudsman and is designed to enhance the functions of the Child Death Review Team. The amendment clarifies that certain persons are under a duty to provide the Child Death Review Team with records related to the death of a child and related information that clarifies or explains the records. The object of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales. Therefore, it is crucial for the Child Death Review Team to be able to access all the information it needs to undertake its work. The safety and wellbeing of children in New South Wales are paramount to this Government. The death of a child is an immeasurable loss for their family and friends, and for the wider community. It is vital that every step is taken to make children safer by preventing and reducing the likelihood of these deaths. It gives me great comfort to support amendments that will enhance the capacity of the Child Death Review Team to achieve its object of preventing and reducing child deaths in New South Wales.

It is worth noting that both the Child Death Review Team and the NSW Ombudsman, in his role of monitoring and reviewing deaths under part 6 of the Act, have a role in preventing or reducing the likelihood of child deaths. However, they have separate functions under the Act. The NSW Ombudsman is responsible for undertaking the review of deaths that are reviewable under part 6 of the Act. Reviewable deaths are those that

relate to deaths of children in care, children in detention or correctional centres, and certain people with disability receiving services or living in care, plus child deaths that are a result of abuse or neglect, or that occur in suspicious circumstances. The bill also strengthens the functions of the NSW Ombudsman in the monitoring of reviewable deaths under part 6 of the Act. The Ombudsman maintains a register of reviewable deaths, formulates recommendations to government and service providers for the prevention or reduction of such deaths, carries out research projects aimed at preventing or reducing such deaths, and provides information and reports in relation to such deaths. In undertaking these functions the Ombudsman can obtain information and assistance from service providers, the relevant Minister for the service providers, the Commissioner of Police, the Commissioner for Children and Young People, and the State Coroner.

The amendments to the reviewable deaths provisions were sought by the Ombudsman and are designed to enhance the review functions. One such amendment is allowing the Ombudsman to undertake research or other projects—not just alone, as is the case currently, but in partnership with other persons or bodies, such as academic institutions or other recognised research bodies—to formulate strategies to reduce or remove risk factors associated with preventable reviewable deaths. The amendment will allow for more thorough and effective research to be undertaken. Another amendment enables the Ombudsman to provide information, subject to privacy restrictions, in relation to reviewable deaths to persons in connection with research that is undertaken for the purpose of helping to prevent or reduce the likelihood of reviewable deaths. This amendment complements the aforementioned amendment and ensures that persons or bodies assisting the Ombudsman with research will have access to all the information that is needed to undertake the work. Importantly, the bill imposes a duty on private medical practitioners and healthcare professionals to provide the Ombudsman with access to records relating to reviewable deaths.

The reviewable death provisions enable the Ombudsman to review in detail the deaths of some of our most vulnerable children and adults. Reviewing such deaths is important for highlighting recurring factors and problems, and issues with the way in which government and non-government agencies respond. Ultimately, this work will lead to significantly better outcomes for vulnerable children and people with disabilities, and their families. Accordingly, any amendments which will assist to comprehend how and why these deaths occur and lead to the prevention of such deaths should be supported. Before I conclude, it is important to acknowledge the work of the office of the Minister in preparing this bill. When the community looks to government for leadership in protecting the vulnerable in our community and the next generation, our children, any piece of legislation that allows us to enhance the environment in which we raise our children and those who are vulnerable, and that gives us the best opportunity to protect them, is good legislation. I am proud to be part of a government that has done that work and has brought such legislation to this House. I support the bill and commend it to the House.

Mr GARETH WARD (Kiama) [12.57 p.m.]: It gives me great pleasure to speak in support of the Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014. Before commencing, I welcome to the gallery two good friends, Doug and Jennifer Symes, who are visiting from my electorate. I welcome them to the Parliament of New South Wales and hope they enjoy their time here today. The bill amends the Community Services (Complaints, Reviews and Monitoring) Act 1993 to improve its operation and efficiency and update references throughout. The Act provides for the resolution of complaints about programs and services provided or funded by the Department of Family and Community Services as well as providing for the review and monitoring of those programs and services. The bill deals with some of the most vulnerable in our society, and I commend the speeches of members whom I listened to earlier—the member for Lake Macquarie, the member for Monaro, and particularly the member for Heathcote, who has a particular passion for child protection. As secretary of the parliamentary friends of Bravehearts, I am sure the committee will continue its bipartisan support for this issue, with all members being committed to child safety and welfare.

The former Committee on the Office of the Ombudsman and the Police Integrity Commission conducted a statutory review of the Act to determine the extent to which the policy objectives remained valid and whether the terms of the Act remained appropriate to secure its objectives. The committee found that, on the whole, the policy objectives remained valid but some legislative amendments could be made to enhance the achievement of its objectives. The Government considered those recommendations for amendments and has included a number of legislative amendments in the bill that will improve the operation of the Act as a whole. This Act serves several important functions. It provides for Official Community Visitors. The Minister appoints those officials on the recommendation of the NSW Ombudsman.

The functions of the Official Community Visitors are to inspect certain accommodation services where vulnerable children or adults are living—for example, where the child or adult using the services is in the

full-time care of the service provider. Official Community Visitors report to the Minister and the Ombudsman on matters affecting the welfare, interests and conditions of persons using those services. The Act also sets out the community service functions of the NSW Ombudsman, including reviewing the situation of a child or person in care or groups of children or persons in care.

The Ombudsman is able to review the complaints handling system of service providers. One of the bill's most significant amendments is to enhance the public reporting function of the community services jurisdiction of the Office of the Ombudsman by permitting a report on systemic issues to be made during and/or at the conclusion of a review or inquiry. Another important purpose of the Act includes setting out the process for making a complaint to the NSW Ombudsman about a service provider. The bill amends the Act to make it clear that when making a complaint to the NSW Ombudsman about a service provider, complainants have the right to have a person of their choosing put the complaint on their behalf. The Community Services (Complaints, Review and Monitoring) Act 1993 also sets out which decisions can be subject to administrative review by the New South Wales Civil and Administrative Tribunal. I commend the former Attorney General, Greg Smith, for his recent amendments to that tribunal.

The Act sets out who may apply to the tribunal and alternatives to the tribunal determining a matter, such as referring the matter to the service provider for resolution at a local level or to the NSW Ombudsman for investigation by any other appropriate investigative agency. I am sure members would agree that where possible and where it can be done, determining disputes at a local level is most opportune and welcome. The Act also contains provisions relating to deaths that are reviewable by the NSW Ombudsman and deaths that relate to children in care, certain other vulnerable children and persons with disability in care. In 2011 the Child Death Review Team provisions were inserted into the Act by the former parliamentary committee after its statutory review of the Act, and I thank the committee for its work in this area.

Other amendments arising from the review of the Act relate to updating and clarifying provisions, and whilst not major amendments, they will serve to improve the operation and efficiency of the Act. The purpose of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales. The Child Death Review Team comprises people with the ability to identify risk factors of extreme concern and recommend ways that government, services, families and communities can help to prevent child deaths. The Child Death Review Team is made up of the NSW Ombudsman, who is the convenor of the team; the Commissioner for Children and Young People; the Community and Disability Services Commissioner; representatives from Family and Community Services, Health, and Education and Communities departments; the NSW Police Force; and the Office of the New South Wales Coroner within the Department of Police and Justice. I note the Chairman of the Committee on Children and Young People is in the Chamber for this debate.

The Child Death Review Team maintains a register of all child deaths in the State and classifies those deaths according to cause, demographic criteria, other relevant factors and analysis data to identify trends, undertakes research, makes recommendations and identifies areas for further research to help prevent or reduce the likelihood of childhood deaths. Importantly, the Child Death Review Team is responsible for issuing a report to the New South Wales Parliament every year about its work and activities regarding child deaths. The Child Death Review Team also reports to Parliament on research it undertakes. The main amendment to the Child Death Review Team provisions were sought by the Ombudsman and is designed to enhance the functions of the team. The amendment clarifies that certain persons are under a duty to provide the Child Death Review Team not only with records relating to the death of a child, but also with related information that clarifies or explains that record.

The object of the Child Death Review Team is to prevent or reduce the likelihood of child deaths in New South Wales. Therefore, it is crucial and critical for the team to be able to access all the information it needs to undertake this important work to aid in its inquiries and investigations. The safety and wellbeing of children in New South Wales are of paramount importance not just to the Government but to all sides of politics and community groups at all levels. The death of any child is an immeasurable loss for his or her family and friends, and the wider community. It is vital that every step is taken to make children and child safety a priority by preventing and reducing the likelihood of those deaths, whether in the custody of the State or anywhere else in the State.

It gives me great comfort to support amendments that will enhance the capacity of the Child Death Review Team to achieve its objectives of preventing and reducing child deaths in New South Wales. It is worth noting that the Child Death Review Team and the NSW Ombudsman, in his role of monitoring and reviewing deaths under part 6 of the Act, have roles in preventing or reducing the likelihood of child deaths. However,

their functions under the Act are separate. The NSW Ombudsman is responsible for undertaking the review of deaths that are reviewable under part 6 of the Act—deaths of children in care, children in detention or correctional centres and certain people with disabilities receiving services or living in care, plus child deaths that resulted from abuse, neglect or in suspicious circumstances.

The bill strengthens also the functions of the NSW Ombudsman in monitoring reviewable deaths under part 6 of the Act. The Ombudsman maintains a register of reviewable deaths, formulates recommendations to government and service providers for the prevention or reduction of such deaths, carries out research projects aimed at preventing or reducing such deaths, and provides information and reports on such deaths. In undertaking these functions, the Ombudsman can obtain information and assistance from service providers, the relevant Minister for service providers, the Commissioner of Police, the Commissioner of Children and Young People and the State Coroner. As I indicated earlier, the amendment also is reviewable. The amendment allows the Ombudsman to undertake research for other projects not just alone, as is currently the case, but in partnership with other persons or bodies, such as academic institutions or other regarded research bodies to formulate strategies to reduce or remove risk factors associated with preventable reviewable deaths.

The amendment also allows more strength and effective research to be undertaken. Another amendment enables the Ombudsman, subject to privacy restrictions relating to reviewable deaths, to provide information to persons in connection with research undertaken for the purposes of helping to prevent or reduce the likelihood of reviewable deaths. This amendment complements the aforementioned amendment and ensures that persons or bodies assisting the Ombudsman with research will have access to all the information needed to undertake their work. Importantly, the bill imposes a duty on private medical practitioners and health care professionals to provide the Ombudsman with access to records relating to reviewable deaths. I commend the former Minister, Pru Goward, for her hard work on this bill and acknowledge the new Minister, my friend and colleague the member for Vacluse who is in the Chamber. In assuming this role she has taken on an enormous mantle to ensure the welfare and custody of all children across the State. I know she has a caring heart and a warm touch; no doubt she will execute her roles and responsibilities with dignity, compassion and vigour. I commend the bill to the House.

Ms GABRIELLE UPTON (Vacluse—Minister for Family and Community Services) [1.07 p.m.], in reply: I thank the member for Canterbury, Deputy Leader of the Opposition and shadow Minister for Family and Community Services; the member for Marrickville, and former Minister for Community Services; the members representing the electorates of Auburn, Tamworth, Riverstone and Granville, all of whom are members of the Legislative Assembly Committee on Community Services; and the members representing the electorates of Swansea, Rockdale, Menai, Camden, Northern Tablelands, Heathcote, Oatley, Kiama, Baulkham Hills, Monaro and Balmain for their contributions to this debate. This bill strengthens and improves provisions in the Community Services (Complaints, Reviews and Monitoring) Act 1993 to better protect some of New South Wales most vulnerable residents: children, young people and people with a disability.

This is my first piece of legislation in my new role as Minister for Family and Community Services. I am honoured to have the opportunity to work as a Minister in this crucial portfolio, which goes to the heart of our community. I am committed to ensuring this New South Wales Government protects the vulnerable in our communities. I shall first respond to points made by members during the debate regarding issues of transparency, caseworker vacancies, resourcing and boarding houses. On the first of those points about transparency, the Government is committed to shining a light on the system so that it can improve service delivery. It is important because it is about ensuring we have the best outcomes for the most vulnerable people in our community. In his recent report entitled "Review of the NSW Child Protection System: Are things improving?" the NSW Ombudsman acknowledged the significant progress that community services have made in improving transparency and accountability. The bill is yet another example of our commitment to increasing transparency. We sincerely welcome the Opposition's support for the bill to further shine a light on the system.

In relation to the point that was made by a number of members, in particular the member for Canterbury, about vacancies for caseworkers, the Government is committed to improving and strengthening front-line services across New South Wales and the department is filling caseworker positions. To the issue of resourcing that was raised during debate, the Government has worked hard since 2011 to restore New South Wales public finances to order and to transform the State's economy. The 2013-14 budget for the Department of Family and Community Services delivered on the Government's commitment to protect the vulnerable and increased funding to protect children in particular and young people at risk.

Earlier this week I announced more than \$300 million in funding over the next two years for the Keep Them Safe child protection and wellbeing initiative. This sizeable commitment, which will give our

most vulnerable children and families a chance of a better future, a chance for better schooling and a safe home, builds on the landmark child protection legislation reforms which were recently introduced into Parliament by my predecessor Minister Goward. I also welcome the Opposition's support for that announcement.

The member for Auburn raised a point about boarding houses. She spoke about the National Disability Insurance Scheme and the powers of the NSW Ombudsman in providing protection for people with disability. As that member would know, the Hon. John Ajaka is the Minister for Disability Services. I understand that Minister Ajaka recently consulted broadly on the Disability Inclusion Bill, which will be introduced in this House later this year. During her speech the member for Canterbury and shadow Minister for Community Services mentioned a report about which she was seeking clarity. I look forward to catching up with the member and I have already made inquiries of her office about the clarity she requires relating to the report that she mentioned.

I am aware of the Public Accounts Committee report on the efficiency and effectiveness of the New South Wales Audit Office—a matter to which members referred earlier. The Government's response to the report was recently tabled. The Audit Office is integral to providing transparency on the Government's use of public resources. Amongst other things the report recommended that the powers of the Auditor-General should be expanded to enable auditing of non-government organisations and private contractors engaged to deliver government programs. As was mentioned and reported in this House, the Government is currently considering recommendations in the report of the Public Accounts Committee. I am also aware of the Legislative Assembly's inquiry into the outsourcing of community delivery services. The final report, which makes 25 recommendations, was tabled in this House on 19 November. The Government is also finalising its response to the report's recommendations.

I turn to the matter before the House. This is an important bill for many reasons. First, the bill increases the powers of the Ombudsman to report on systemic issues. By shining a light and having transparency when identifying systemic issues as they arise, this Government and other service providers can work to resolve problems and improve practices. Secondly, the bill makes it clear that people who want to make a complaint to the Ombudsman can do so through another person advocating on their behalf. This is particularly important for vulnerable people who feel uncomfortable about advocating on their own behalf or who are not in a position to make a complaint themselves and might require some assistance. Thirdly, the bill improves the provisions relating to the Child Death Review Team and reviewable deaths. These provisions will make it easier to get access to information that is needed to conduct those reviews. There are also provisions to facilitate research to reduce the number and likelihood of reviewable deaths.

Finally, the bill updates the Act. I welcome the initiative to use more modern and simple language, which will improve the operation of the Act. I am pleased that the bill will implement many of the recommendations made by the former parliamentary committee to improve the operation of the Act. I am also delighted to support the amendments that have been sought by the NSW Ombudsman. In summary, the bill strengthens and improves the provisions in the Community Services (Complaints, Reviews and Monitoring) Act 1993 to better protect some of the most vulnerable members of our community: children, young people and people with a disability. 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 Ms Gabrielle Upton 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.

Pursuant to sessional order community recognition statements proceeded with.

COMMUNITY RECOGNITION STATEMENTS

WORLD BLIND GOLF CHAMPIONSHIPS 2014

RAYMOND TERRACE SENIOR CITIZENS ASSOCIATION

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.15 p.m.]: The Nelson Bay Golf Club will host the 2014 World Blind Golf Championships from Thursday 8 May to Saturday 17 May 2014. Golfers from 16 countries will participate in the event. It will be the first time in the club's impressive 52-year history that a world championship event will take place on its course. I congratulate the committee and club members on hosting the championship, which is expected to benefit the local community by an estimated \$500,000. The Raymond Terrace Seniors Citizens Association Incorporated has been recognised with a NSW Seniors Week Local Seniors Award. I acknowledge the entire committee's enthusiasm and impressive commitment to its community. I thank the committee for its passion and generosity, which it continues to demonstrate in its local community.

TRIBUTE TO ALEX MCKINNON

Ms SONIA HORNER (Wallsend) [1.16 p.m.]: It is with a heavy heart that I acknowledge 22-year-old Alex McKinnon of the Newcastle Knights who recently suffered a devastating spinal injury during a game. Alex, a local boy from Aberdeen in the Hunter Valley, is a prodigious talent on the field and a generous spirit off it. Everyone in the Hunter, all Knights fans, and I am sure people from across the State wish him a speedy recovery. I offer our support to him and his family in this most trying time.

DAVID MERRIMAN HODGKINSON MEMORIAL ANNUAL TROPHY AWARD RECIPIENTS

Mr ADAM MARSHALL (Northern Tablelands) [1.16 p.m.]: I congratulate Lyn Cregan of Glen Innes and Michael Sweeney of Walcha, as representatives of the northern district, on being the recipients of the inaugural David Merriman Hodgkinson Memorial Annual Trophy at this year's Sydney Royal Easter Show. The trophy is awarded to the district with the highest aggregate score in the Merino section of the Royal Easter Show. The northern district was also the recipient of the Woolworths Supermarkets Perpetual Trophy for winning the display and the Major-General G. L. Maitland Perpetual Trophy for winning the People's Choice Award. These achievements reflect the hard work, effort and passion the northern district places into displaying the finest fruit, vegetables and produce from our wonderful Northern Tablelands region. My congratulations go to Lyn and Michael for their contributions to this achievement.

RED CROSS VOLUNTEER AWARD RECIPIENT TONIA RIETBERGEN

Mr BARRY COLLIER (Miranda) [1.17 p.m.]: I acknowledge the outstanding commitment and dedication of Tonia Rietbergen to the Red Cross in Australia and overseas. On 22 April I was honoured to present Tonia with an award recognising her astonishing 70 years of volunteer service to the Red Cross. Tonia joined the junior Red Cross at primary school in the Netherlands. In 1942, aged 16, she joined the senior Red Cross, serving in the volunteer aid detachment until the war's end. After migrating to Australia in 1955, Tonia continued her service with the Red Cross, commencing with the then Sutherland-Jannali branch and including more than 20 years in disaster welfare.

Over her many years of service, Tonia raised more than \$100,000 for the Australian Red Cross, which this year celebrates its centenary. She symbolises the generosity, the selflessness and the spirit of Red Cross volunteers, inspired as they are by their fundamental and enduring belief in the power of humanity. I know all members will join me in thanking Tonia and all members of the Sutherland shire branch of the Red Cross for their work in preserving and maintaining the strong humanitarian principle of helping those in need wherever they are and wherever they are.

SUTHERLAND SHIRE RELAY FOR LIFE

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [1.18 p.m.]: I congratulate all participants in the Sutherland Shire Relay for Life, which was held last weekend. Around 2,000 participants in 200 teams participated, making the Sutherland shire relay the biggest in New South Wales and the second biggest nationally. I commend the Cancer Council NSW and the volunteer Sutherland shire relay organising

committee, including committee chairman Rod Coy, OAM, for the event. So far the event has raised around \$500,000, and it is expected that more money will be raised. All the funds raised support the good work of the Cancer Council NSW, including research, prevention and support programs.

The relay program included a lap of honour and morning tea to celebrate local survivors and their carers, a candlelight ceremony for those who have lost the fight against cancer and for those who are battling the disease, as well as live entertainment, food stalls, kids' rides and camping. The cold and wet weather did not seem to discourage those willing to make an impact in the fight against cancer. I am pleased that along with the member for Miranda, the member for Heathcote, and the Federal member for Cook, Scott Morrison, I was able to participate in this year's event.

TRIBUTE TO KENNETH ROBERTS

Mr RICHARD AMERY (Mount Druitt) [1.19 p.m.]: Last month Mr John Robertson, Leader of the Opposition, other elected members, and I attended the funeral service for Kenneth Claude Roberts, known to all as Ken, at Pine Grove Lawn Cemetery. Ken was born on 5 December 1934 and passed away on 25 March this year. Since the late 1950s he has been a resident of Blacktown, where he raised his family. Ken was what is known as a long-term, rusted-on Labor supporter who continued to work on polling booths and attend branch meetings long after his career in local government had concluded. In his time in local government he was deputy mayor of Blacktown and chairman of Prospect County Council. The funeral order of service referred to him as "a Labor supporter to the end" and "best dad in the world". It is with pleasure that I advise the family that Ken's contribution has been briefly noted on the *Hansard* record of the New South Wales Parliament.

ALBURY ELECTORATE CITIZENS CELEBRATIONS

Mr GREG APLIN (Albury) [1.20 p.m.]: I congratulate Doris Macken of Albury who will celebrate her 105th birthday on Monday 19 May. Doris was born in Glebe, Sydney, in 1909. In that year a small cottage would cost one £686, Edward VII was the King, Sir Charles Wade was the Premier of New South Wales, and Andrew Fisher was the Prime Minister of Australia. In her 105 years Doris has lived through five monarchs, 23 prime ministers and 28 New South Wales premiers. Happy birthday Doris! Congratulations to Ron and Sue Bergin of Tumbarumba, who were married in Batlow in 1944 and recently celebrated their 70th wedding anniversary. Well done to Ron and Cath Frew of Tumbarumba, who received a Heritage Volunteer Award at the NSW Government Heritage Volunteer Awards, which were held in Sydney, for their work in preserving the history of Tumbarumba and making it accessible to the general public.

FAIRFIELD REVEALED EXHIBITION

Mr GUY ZANGARI (Fairfield) [1.21 p.m.]: On Saturday 3 May 2014 the Fairfield Revealed exhibition was opened at the Fairfield City Museum and Gallery. The exhibition showcased eight local Fairfield artists. Each artwork explores aspects of Fairfield's rich history, diverse culture and local landmarks. My special acknowledgement goes to the Fairfield artists: Rebecca Williamson, Linda Brescia, Lorraine Maggs, Cheryl Tate, Peter Markwick, Nika Norman, Leanne Stitzinger and Ron Stitzinger for their amazing artworks and outstanding contribution to the Fairfield local art community.

HASTINGS OLD HOLDENS CAR CLUB

Mrs LESLIE WILLIAMS (Port Macquarie—Parliamentary Secretary) [1.22 p.m.]: Today I congratulate the Hastings Old Holdens Car Club on its continued support for the Port Macquarie branch of the State Emergency Service. Michael Ward, the deputy unit commander for Port Macquarie State Emergency Service, praised the club as it recently donated three new cameras to his organisation. The cameras were bought with funds from the club's show and shine held at Westport Park on 22 March where more than \$1,500 was raised. Mr Ward noted that the new resources will prove invaluable for field operations and there will now be a camera in each local State Emergency Service car.

The cameras are protected against water and shock and will provide crews with added flexibility for keeping records. They will also be useful for training purposes. The donation continues the strong relationship between the State Emergency Service and the vintage car club. Last year the club's donation allowed the State Emergency Service to purchase more realistic training equipment. Rick Wilson from the club said he was pleased that the community got behind the show and shine and that he hoped it would continue to support the State Emergency Service. Congratulations again to the Hastings Old Holdens Car Club for its invaluable support of our local State Emergency Service.

NATIONAL PLAYGROUP WEEK

Ms CARMEL TEBBUTT (Marrickville) [1.23 p.m.]: On 28 March I visited the Newtown Playgroup to celebrate National Playgroup Week. Playgroups have an important role in bringing parents and children together. They provide socialisation opportunities for children and a chance for parents to connect and learn from each other. Playgroups can assist in ensuring that parents are not isolated and help parents to be more confident and skilled. Despite it being a very wet day, more than 10 mums with babies came along to the Newtown Playgroup to enjoy each other's company.

I congratulate Meg Quinlisk, coordinator of the Newtown Playgroup. She is caring, compassionate and practical and does a wonderful job running the playgroup in accordance with the Steiner philosophy. It was lovely to spend time with the children. I also thank Cris Townley, the interim chief executive officer at Playgroup NSW, for assisting in arranging my visit and coming along. It was a very busy week for Playgroup NSW. Playgroup NSW is the not-for-profit peak body for playgroups. It was established 42 years ago and is dedicated to strengthening local communities. I thank Playgroups NSW for the work it does to assist families in New South Wales.

GILROY CATHOLIC COLLEGE

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [1.24 p.m.]: The Hills has great sporting talent but we must never forget the arts. Gilroy Catholic College illustrated the wonderful artistic talent that exists in the Hills community. I was privileged to attend the college's production of the Broadway musical *Hairspray*. In fact, the quality of the performance was such that I thought I was in New York. Set in Baltimore, Merrylands, in 1962, the show makes very important points about racism. The college expanded those ideas, exploring interesting themes such as the fear of others and the impact that has. Whilst I am unable to thank everybody involved in the production, I congratulate the lead cast: Tamara Zabenah, Sarah Murphy, Lucas Semann, Sina Aghamofid, Ashleigh Gee, Pia Conzalez, Lauren Chapman, Emily Burns, Samatha Peprah, Joshua Fardouly, Joel Dias, Jasmine Kasis and the rest of the supporting cast. The chorus and the dancers were also fabulous, as were the musicians.

I lost count of how many students were involved in the student production crew but I congratulate every one of them on creating such a professional set—it felt like Baltimore and not like Baltimore in *The Wire*. I also congratulate the outstanding hair and make-up team. The cast looked as though they were straight out of the 1960s, although I am not sure they will appreciate that. I thank Nicole Usher and Jaelithe Wedd for producing and directing the musical. My congratulations go to Gilroy Catholic College.

TRIBUTE TO LEX WATSON

Mr ALEX GREENWICH (Sydney) [1.25 p.m.]: It is with great sadness that I inform the House of the passing of Lex Watson, one of the great elders of Sydney's lesbian, gay, bisexual, transgender and intersex [LGBTI] community. In 1972 Lex was elected as one of the first co-presidents of the Campaign Against Moral Persecution [CAMP], which started the LGBTI rights movement in Australia. For more than 40 years Lex has been active with LGBTI law reform, health and welfare advocacy. He co-founded the Gay and Lesbian Rights Lobby in 1980 and was instrumental in the formation of Sydney's AIDS Action Committee and became the first president of the AIDS Council of NSW when it was established in 1985. Because of the hard work, courage and bravery of Lex, Sydney is a safer and fairer place for the LGBTI community. It will be a fitting tribute to Lex that this year our Parliament will soon debate legislation to expunge the criminal records of gay men unfairly charged with sodomy and buggery prior to decriminalisation. On behalf of the Sydney electorate I express condolences to his family, friends, and Sydney's LGBTI community.

CANLEY VALE RAILWAY STATION

Mr ANDREW ROHAN (Smithfield) [1.26 p.m.]: On 10 April I joined the Minister for Transport, the Hon. Gladys Berejiklian, at Canley Vale train station to announce that a new multistorey community car park facility will be built at this station. The new parking facility will provide approximately 120 new parking spaces for commuters and other uses. It will have security lighting, a disability access ramp, lift access and CCTV cameras. The station is currently being renovated, with ramps and stairs added, footpaths upgraded and new bike racks installed. This is being done as part of the New South Wales Government's \$770 million Transport Access Program to improve the quality of public transportation for commuters in New South Wales. Hundreds of commuters from my electorate travel daily to and from Canley Vale train station. I hope these improvements will help to ease and facilitate that daily commute for residents in my electorate and surrounding areas.

CABRAMATTA ELECTORATE SENIORS WEEK

Mr NICK LALICH (Cabramatta) [1.27 p.m.]: On behalf of the Cabramatta community, I congratulate and thank the organisers of the Seniors Week lunch party, which was held on 28 March at Maxims restaurant, Bankstown. Hundreds of older people in my electorate attended the event, which was a celebration of the important contribution seniors make to our community. I congratulate the ACDMA Aged Hostel, Indo-Chinese Elderly Hostel, Australian Nursing Home Foundation Limited, Abrina Nursing Home, Bankstown Aged Care, Fairlea Aged Care, Multicultural Community Care Service and, of course, the staff and owner, Mr Chie Lim, of Maxims restaurant for their contribution to this successful event.

WINCHESTER CHAROLAIS STUD

Mr ANDREW GEE (Orange) [1.28 p.m.]: I draw the attention of the House to Gavin and Kristie O'Brien from Winchester Charolais Stud, Orange, who recently took out the best maintained Charolais team under five head award at the Sydney Royal Easter Show. Judges look at the presentation of the cattle and how well they have been prepared for the show. Over 100 teams competed in the class. It is the fifth consecutive year that the Winchester Charolais Stud has won the award. Gavin and Kristie also took out three firsts and two seconds in the individual classes. Well done to the Winchester Charolais Stud. I lay upon the table a picture of a very fine bovine specimen: Winchester Jack Sparrow, 11 months old, who also competed at the Sydney Royal Easter Show.

RABBI DOVID SLAVIN

Mr RON HOENIG (Heffron) [1.28 p.m.]: I recently had the honour of attending a celebration of the graduation of Rabbi Dovid Slavin who, after 20 years, completed his Doctor of Philosophy [PhD] on the educational contribution made to Judaism by Rabbi Meir Shapiro of the Lublin Yeshiva in Poland. Rabbi Slavin is truly an inspiration. Though the evening focused on his achievements, it was clear that those who came to celebrate with him had been touched in some way by his generous community spirit and wished to congratulate him on his extraordinary accomplishments.

Rabbi Dovid Slavin was named the 2013 Waverley Local Hero of the Year. He founded the bone marrow donor registry Gift of Life. He is the executive director of the Yeshiva Gedola Rabbinical College of Sydney. He is also a chaplain to the NSW Ambulance Service, and founded Our Big Kitchen in Bondi. Rabbi Slavin wrote his PhD thesis at the same time as he undertook this significant work in the community. He has raised a beautiful family of eight children. I also pay tribute to Rabbi Slavin's wife, Laya, who has been a great supporter of all of Rabbi Slavin's endeavours. I take this opportunity to congratulate Rabbi Slavin on the outstanding achievement of being awarded his PhD and sincerely thank him for his dedication and commitment to our community.

SECONDARY SCHOOL LEADERSHIP PROGRAM

Mr JONATHAN O'DEA (Davidson) [1.29 p.m.]: As an excellent initiative of the New South Wales Parliament, each year school captains and leaders from New South Wales secondary schools are invited to visit the Parliament to participate in its leadership program. The leadership program recognises the school leadership role of students and provides them with the opportunity to meet their elected representatives and to develop their knowledge of constitutional and parliamentary proceedings including the role of the Governor and the workings of the Parliament.

I fortunately had the opportunity to meet this morning with some outstanding young leaders from my electorate of Davidson, in particular, Isabelle Tukin and John Lawry from Covenant Christian School, Benjamin Argue and Madeline Hinds from Davidson High School, Zoe Sitas and Dylan Dunkley from Killara High School, Lauren Mackay and Olivia Arkell from Roseville College and Sam Collettt and Cassi Forbes from St Ives High School. I congratulate all of them on their leadership roles and I congratulate all those involved in running the leadership program, particularly through the parliamentary education wing of our fine institution.

BANKSTOWN GOOD FRIDAY SERVICES

Ms TANIA MIHAILUK (Bankstown) [1.30 p.m.]: I had the honour during the Easter long weekend to attend two very special services on Good Friday in Bankstown, one being the Stations of the Cross ceremony conducted by St Charbel's Church and the Friday evening Service of Lamentations that took place at

St Euphemia Greek Orthodox Parish Church in Bankstown. The Good Friday liturgy at St Charbel's parish is an annual gathering during which thousands of parishioners take part in the Stations of the Cross, starting at Roberts Park, Greenacre, and ending at St Charbel's Church in Punchbowl. I thank Father Superior, Reverend Joseph Sleiman, of St Charbel's for inviting me and allowing me to read a prayer during the liturgy. It was also an honour to join thousands of parishioners gathered at St Euphemia Greek Orthodox Church in Bankstown for their Good Friday evening Service of Lamentations. I thank parish priest Reverend Panagiotis Protosaltis and chairman Peter Theo for their warm invitation to share in the special occasion.

QUEEN'S GUIDE AWARD RECIPIENT CLAIRE FERGUSON

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [1.31 p.m.]: The youth of my electorate are a high-achieving lot. At Baulkham Hills on Sunday afternoon I had the honour to present Claire Ferguson with a Queen's Guide Award. The Queen's Guide Award is the peak achievement award for Girl Guides in Australia; it aims to promote challenging oneself and giving one's best effort. The Queen's Guide Award takes at least a year to complete and requires completing a series of challenges, writing reports on various endeavours, and peer recommendation. The challenges are designed to encourage Guides to discover new areas, extend their knowledge and skills, work on an area that needs improvement, find new friends and to feel great when the challenges are completed—the same as for any academic achievement. Claire's dedication and commitment to the Guides movement is to be commended. I commend her family and friends for the support they offer. It is always wonderful to see youth achieve in the Hills.

Community recognition statements concluded.

[The Assistant-Speaker (Mr Andrew Fraser) left the chair at 1.32 p.m. The House resumed at 2.15 p.m.]

VISITORS

The SPEAKER: I welcome to the gallery this afternoon 30 year 10 commerce students and their teachers from Our Lady of the Sacred Heart College, Kensington, guests of the member for Heffron. I also welcome Mr Doug Symes and Mrs Jennifer Symes, guests of the member for Kiama. I welcome you all to question time this afternoon.

BUSINESS OF THE HOUSE

Notices of Motions

Private Members' Business Notices of Motions (for Bills) given.

BUSINESS OF THE HOUSE

Consideration of Motions to be Accorded Priority

Mr MICHAEL DALEY (Maroubra) [2.18 p.m.]: I seek leave of the House to move a motion to allow the House to consider a third notice of motion to be accorded priority on this day.

The SPEAKER: The standing orders state that no more than two notices of motions to be accorded priority shall be accepted at any one sitting of the House. However, determining whether a third motion could be considered would be up to the Leader of the House to consider at a later time.

QUESTION TIME

[Question time commenced at 2.19 p.m.]

POLITICAL DONATIONS

Mr JOHN ROBERTSON: My question is addressed to the Premier. Will the Premier shut down the Millennium Forum and the Free Enterprise Foundation and return any tainted donations identified by the internal Liberal Party audit of political donations and slush funds?

Mr MIKE BAIRD: I do not think the Leader of the Opposition was listening yesterday. I was very clear in relation to this issue. We have asked the Liberal Party State Director, Tony Nutt, to look at all the issues

and to respond accordingly. Yesterday we took clear action. I would say to the Leader of the Opposition that the State deserves a bit better than what it is getting from him at the moment. It deserves a bit better. On the issue of donations, what I have said constantly—

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

Mr MIKE BAIRD: I said when I came into Parliament and made my maiden speech that we needed to take action on donations. I have a track record on this. I also said in 2008 in a public submission that we needed to take action in relation to donations. The Johnny-come-latelies over there are trying to pretend that, all of a sudden, they have some great new vision. Well, they know that they do not. They are not being genuine. The reason they are not being genuine is that when we on this side brought donation reforms into the Chamber—

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

Mr John Robertson: Point of order: It is on Standing Order No. 129 and goes to relevance. The question did not ask about donation reform; it asked about whether the Premier was going to shut down those two slush funds and return the tainted donations.

The SPEAKER: Order! The Premier will return to the leave of the question. The Leader of the Opposition will resume his seat. I do not need an explanation as an adjunct to a point of order. The Premier has the call.

Mr MIKE BAIRD: We have taken action, unlike members opposite. For 16 years they sat by and did absolutely nothing. Let us remember that unlike members opposite, who sat idly by, the Liberal-Nationals Government acted to refer concerns that were raised to appropriate authorities. At the same time, we have also delivered record budgets for the Independent Commission Against Corruption. I note the member for Balmain's notice of motion.

Mr John Robertson: Point of order: My point of order is relevance under Standing Order 129. The only reform they brought was how to launder donations through some grubby slush fund.

The SPEAKER: Order! The Leader of the Opposition is debating the question, which is out of order. The Premier has the call and is being relevant to the question asked.

Mr MIKE BAIRD: The Leader of the Opposition comes into this place to smear and engage in innuendo, but the State deserves much better than that. Members on this side of the Chamber are interested in giving every child greater opportunities through a better education system. We are determined to do all we can for the disability sector by signing up to the National Disability Insurance Scheme. We are also delivering more money for the health budget.

Mr Ron Hoenig: Point of order—

Mr Andrew Constance: What type of beer was it?

Mr Ron Hoenig: When's the last time you've been to Bega?

The SPEAKER: Order! The member for Heffron will not argue with the Treasurer. What is the member's point of order?

Mr Ron Hoenig: My point of order is pursuant to Standing Order 129. Education and the National Disability Insurance Scheme are not remotely relevant to the question asked by the Leader of the Opposition.

The SPEAKER: Order! The Premier is being relevant.

Mr MIKE BAIRD: It is relevant in the sense that we are taking action on the issues that matter to the people of New South Wales. We have taken action in this area, and I have said what that action was. We banned success fees for lobbyists. Members opposite had the report but did nothing about it. We strengthened the powers of the Independent Commission Against Corruption. We have given added protection to whistleblowers.

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

Mr MIKE BAIRD: I have also requested that the Government's response to the Independent Commission Against Corruption recommendations be brought forward. We also took a significant step yesterday by appointing a former executive director of the Independent Commission Against Corruption, Michael Symons, to the Liberal Party to go through every single issue that he needs to. That is called transparency.

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

Mr MIKE BAIRD: That is called taking action on the issues that matter. We will do that. If members opposite want to continue to run smear campaigns they can, but we will continue to fight for the people of New South Wales.

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

NEWCASTLE REVITALISATION

Mr ANDREW CORNWELL: My question is directed to the Premier. How is the Government transforming Newcastle?

The SPEAKER: Order! I call the member for Toongabbie to order for the second time. Members will find themselves out of the Chamber if they continue to interject. The number of interjections in the first five minutes of question time was unacceptable.

Mr MIKE BAIRD: It is a pleasure to announce that last week we successfully signed a 98-year lease for the Port of Newcastle. That is a fantastic opportunity. A new consortium of Hastings Funds Management and China Merchants Group has come in—

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

Mr MIKE BAIRD: The lease will deliver \$1.75 billion. More than \$1.5 billion will go towards infrastructure across this State. It is a great opportunity to continue to grow our State. The model that was used is now being called the New South Wales model. It is quite simple. How do we fund infrastructure? We know how Labor would fund it.

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

Mr MIKE BAIRD: We fund infrastructure by taking the capital on the balance sheet and putting it towards new assets and new infrastructure across the State. The New South Wales model has many supporters, including the Leader of the Opposition in Victoria. Indeed, last week there was a meeting that members opposite might have missed.

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

Mr MIKE BAIRD: It was a meeting of the Council of Australian Governments, and it included a meeting at which every State Premier and the Prime Minister signed up to an asset recycling partnership. The model for that came from New South Wales. People are so excited about the model because it will allow us to deliver \$340 million from the lease of the port to the people of Newcastle in addition to the \$120 million we have already allocated. The renewal of Newcastle is no longer a dream; it is a reality. This Government is delivering a new reality.

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

Mr MIKE BAIRD: When we made this announcement the *Newcastle Herald*, that great paper, ran an article stating, "This is our time". On the execution of the lease it certainly is their time. We will turn Newcastle into the modern city we know it can be. Across the Asia-Pacific there will be no opportunity for urban renewal more exciting than Newcastle. Some 10,000 more jobs and 6,000 new homes will be provided. We will unlock Newcastle's potential. Revitalisation such as this does not happen overnight; it involves a lot hard of work. I pay tribute to the Minister for Transport, who is doing an amazing job in Newcastle building upon the light rail project work that is already underway in this State. Analysts are saying that we have achieved an amazing result

for the port transaction. Many other people have also endorsed it, but members will not be surprised to learn that someone is still against it. Who is it? The old member for Blacktown and Leader of the Opposition is absolutely against it.

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

Mr MIKE BAIRD: We heard the result of that, which was \$1.75 billion, and \$460 million of it went straight into urban renewal and infrastructure across the State. What do members think the Leader of the Opposition said in response to the sale? I will tell members that he said, "This is an appalling strategy." He is against Newcastle, in particular the renewal of Newcastle.

Ms Noreen Hay: Where is the member for Newcastle?

Mr MIKE BAIRD: I will come to the member for Wollongong. She should settle down and remain in the Chamber.

Ms Cherie Burton: No, we will come to you.

Mr MIKE BAIRD: Settle. There goes the member for Kogarah.

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

Mr MIKE BAIRD: The Leader of the Opposition also said, "The sale is absurd", that the sale is "woefully short-sighted" and is a "bad deal". Those are the comments made by the Leader of the Opposition. The simple question is: How would he fund the urban renewal of Newcastle? I invite the Leader of the Opposition to answer that: How would you fund it?

Mr John Robertson: Point of order: I am just wondering where the member for Newcastle is, if this is such a good deal.

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

Mr MIKE BAIRD: And I can answer his question. The member for Newcastle is not where the Leader of the Opposition is, and no-one would want to be where the Leader of the Opposition is.

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

Mr MIKE BAIRD: I say to the Leader of the Opposition: He has no plans for the people of Newcastle. He has no plans for the people of New South Wales. He has no idea how he would fund the urban renewal of Newcastle. Just as we saw Labor's opposition in relation to Port Kembla, the Leader of the Opposition—the Captain of Principles, the Populist Prince—opposes the transaction, says it is a terrible idea, and the next thing Labor members will do is spend the proceeds of the sale.

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

Mr MIKE BAIRD: That is what Labor does. That is what Labor did in Port Kembla. The money was the only thing that brought together the member for Wollongong and the member for Shellharbour.

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

Mr MIKE BAIRD: The Government says to the people of Newcastle that this is a fantastic opportunity that we are delighted to deliver. That city will not be different ever.

Ms Linda Burney: Ha, ha.

Mr MIKE BAIRD: It will be completely different.

Mr John Robertson: Ha, ha.

Mr MIKE BAIRD: That is juvenile.

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

Mr MIKE BAIRD: Newcastle will be completely and utterly different. It will be transformed. The Newcastle urban renewal project will be the envy of the world, and this Government is proud to deliver it.

BUILDING INDUSTRY SECURITY OF PAYMENT LEGISLATION

Mr MICHAEL DALEY: My question is directed to the Treasurer. Why has he still not enacted laws passed in this House in November 2013 that would have protected subcontractors who lost up to \$28 million in the wake of the collapse of Steve Nolan Constructions, which donated \$200,000 to the Liberal Party and \$50,000 to the Free Enterprise Foundation?

The SPEAKER: Order! I remind Opposition members that several of them are on three calls to order. The Treasurer has the call.

Mr ANDREW CONSTANCE: This question is from a bloke who recently chaired the inaugural meeting of the Long Bay branch of the Labor Party that has Michael Williamson as its president, yet he has the hide to give lectures on ethics in this House. In relation to ethics, I could refer to Michael Williamson's appointment to the State Water Board 24 hours before caretaker mode prior to the 2011 State election or to the time when the member for Maroubra was a member of the Randwick City Council and a certain development application approval involved Michael Williamson. Is the member for Canterbury taking a point of order?

Ms Linda Burney: How is that house in Croydon going?

The SPEAKER: Order! The member for Canterbury will resume her seat. The Treasurer has the call. I did not hear a point of order being mentioned. Members will not approach the centre table without first seeking the call.

Mr ANDREW CONSTANCE: It defies logic. This Government is getting on with the job, but what are Opposition members doing? They are peddling sleaze.

Mr Michael Daley: Point of order: My point or order relates to Standing Order 129. I merely want to know why laws that were passed five months ago still have not been enacted to protect subcontractors.

The SPEAKER: Order! I uphold the point of order. I ask the Treasurer to return to the leave of the question.

Mr ANDREW CONSTANCE: This Government is getting on with the job of governing for New South Wales. Just look at reports published on how the economy is going in terms of jobs growth, economic growth, productivity and retail trade. CommSec—

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

Mr ANDREW CONSTANCE: We have had a fantastic port transaction, but what does the shadow Treasurer do? He comes in here with garbage. When the legislation was introduced, this Government made it clear that we would consult in relation to the regulations. That is exactly what we are doing. Given that for 16 years the previous Labor Government ignored the needs of subcontractors across the State—despite building collapse after building collapse after building collapse—and did nothing, in contrast to that this Government has got on with the job. We will continue to get on with the job. We are consulting in relation to the regulations. We will continue to do that work to ensure that the Minister and the Office of Finance and Services deliver terrific reform.

The SPEAKER: Order! If Opposition members continually interject during an answer, it is very difficult for the Treasurer or a Minister to answer a question. I remind all Opposition members that several of them are on three calls to order. They will be removed from the Chamber if they continue to interject.

PORT OF NEWCASTLE LEASE AND REGIONAL INFRASTRUCTURE

Mr CHRISTOPHER GULAPTIS: My question is directed to the Deputy Premier. How will the Port of Newcastle lease deliver more infrastructure for regional communities?

Mr ANDREW STONER: That is a good question from the member for Clarence, who I know is fighting for a fair share of funding for infrastructure in his electorate, as are other members who represent regional electorates on the Government side of the House as there are not many regional members of the Opposition.

The SPEAKER: Order! The member for Wollongong will not remain in the Chamber for much longer if she continues to interject. I remind her that she is already on three calls to order.

Mr ANDREW STONER: The recycling of the asset value of the Port of Newcastle, through the lease transaction outlined by the Premier, will mean that communities right around New South Wales—obviously including Newcastle, as mentioned by the Premier, and regional communities—will benefit from funding for new and enhanced infrastructure. An outstanding bid for the port means that more funds for infrastructure will be available, and that is no accident. Members will be aware that the successful bidder for the long-term lease of the port facilities is Port of Newcastle Investments, which comprises equally China Merchants Group and Hastings Funds Management.

This Government has a strong and growing relationship with China through its China-based trade commissioners and trade missions led by the Premier, other Ministers and me. Through those international engagement efforts we have built strong ties with a number of major international investors, such as China Merchants Group. In fact, my colleagues the Minister for Roads and Freight, Duncan Gay, and the Minister for Primary Industries, and Assistant Minister for Tourism and Major Events, Katrina Hodgkinson, and I have met with China Merchants Group over the past three years. My Department of Trade and Investment also helped to secure investor interest in the lease of the Port of Newcastle through their investment and export services in China, Sydney and Newcastle. I know that Madam Speaker will be interested to know that news of another great achievement has just come to hand. I announce today a new Qantas A380 flight from Dallas-Fort Worth, Texas, to Sydney has been secured for our State.

The SPEAKER: Order! This is my final warning to Opposition members: All Opposition members who previously were called to order on one or two occasions are deemed to be on three calls to order.

Mr ANDREW STONER: I know that Opposition members are not interested in the additional 13,000 people who can visit Sydney as a result of securing this flight or in the additional \$25 million that it will generate for the State's economy. But I digress.

Dr Andrew McDonald: Point of order: My point of order relates to Standing Order 129. I do not know what a flight from Dallas-Fort Worth to Sydney has to do with the sale of the Port of Newcastle.

The SPEAKER: Order! If the member for Macquarie Fields listens to the answer instead of interjecting throughout the answer, he might learn something. He should resume his seat; if he does not I will eject him from the chamber. The Deputy Premier has the call.

Mr ANDREW STONER: I apologise for my digression. Before I was so rudely interrupted I was saying, as the Premier stated earlier, that the Port of Newcastle transaction will deliver gross proceeds of \$1.75 billion, which will result in approximately \$1.5 billion being invested in much-needed infrastructure across our State through Restart NSW. As members would be aware, legislation guarantees that 30 per cent of those funds will be directed towards projects in rural and regional areas of New South Wales. As a result of this asset recycling transaction, a nice big slab of money will be available for the provision of critical infrastructure such as roads, hospitals, police stations, dams and bridges in regional New South Wales. Programs such as Water Security for Regions, which I spoke about yesterday, the Pacific Highway upgrade, our excellent Bridges for the Bush program, making our roads more productive as well as safer, and the Resources for Regions program which is funding very good local infrastructure such as Cobar's airport runway and sewerage system, which reportedly left the Cobar mayor, Lilliane Brady, quite over the moon. She had this to say today in the *Dubbo Daily Liberal* newspaper:

I've been hounding governments for years about this, and Labor never gave us a thing, but Andrew Stoner has been wonderful.

I have a fan in Cobar. The money generated—

Pursuant to standing order additional information provided.

Mr ANDREW STONER: There was terrible noise—somewhat shrill—coming from the other side, but as the mayor of Cobar, who was once a Labor Party member I understand, said—

The SPEAKER: Order! Opposition members will come to order. The member for Shellharbour will remain silent.

Mr ANDREW STONER: Labor never gave them a thing, and that was the case for 16 long years in regional New South Wales. The money generated from this asset transaction comes on top of the \$13 billion we are already committing to rebuilding roads, hospitals, schools and other infrastructure in our regional communities. To conclude, this is a government of action, as the mayor of Cobar has identified. We are proud of our record of achievements. We will continue to build better regional roads, hospitals, schools, dams, police stations and other critical infrastructure, and this Government is determined to get on with the job.

Mr Nathan Rees: Thanks, Mr Wonderful.

Mr ANDREW STONER: She never said that about you, mate.

ORANGE GROVE SITE DEVELOPMENT

Ms LINDA BURNEY: My question is directed to the Premier. Given the close relationship between the Gazals and members of the Liberal Party, does the Premier have confidence in the member for Smithfield who, as a Fairfield councillor, opposed a motion to stop the development of the Orange Grove site owned by the Gazals?

The SPEAKER: Order! I repeat my warning from yesterday regarding imputations and inferences in questions. The Premier has the call.

Mr MIKE BAIRD: The answer is yes.

RAIL TRANSPORT PROJECTS

Mr CHARLES CASUSCELLI: My question is directed to the Minister for Transport. How is the Government making improvements to train stations and transport interchanges across the rail network? The first 200 responses will be enough.

Ms GLADYS BEREJIKLIAN: I thank the very hardworking and enthusiastic member for Strathfield for his appropriate question. I am very pleased to be able to update the House on important rail transport projects, including station upgrades, which are happening across this great city and great State. Unlike those opposite, we are transforming our transport network from the clunky outdated mess—and there are a few of them on the other side—that we inherited to the world-class system that this community deserves.

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

Ms GLADYS BEREJIKLIAN: Only recently I was very pleased to be with Premier Baird and a number of our colleagues in the north-west to view updates on the North West Rail Link, Australia's biggest public transport project and a vital piece of infrastructure helping those communities in the north-west and west who, for many years, were forgotten by those opposite. This project is proceeding at a rapid pace and I know that all of us in this place are looking forward to the tunnel boring machines, the first of which will be going into the ground in October this year. It is real progress.

Mr Bryan Doyle: There are plenty of boring machines on that side.

Ms GLADYS BEREJIKLIAN: Exactly—well done, member for Campbelltown. But compare this to those opposite who spoke about the project—

The SPEAKER: Order! The member for Macquarie Fields will remove himself from the Chamber until the end of question time, pursuant to Standing Order 249A.

[Pursuant to sessional order the member for Macquarie Fields left the Chamber at 2.46 p.m.]

Ms GLADYS BEREJIKLIAN: Compare this to Labor, who spoke about this project, put out glossy brochures and television advertisements, but did nothing. But it is not just the North West Rail Link. Let us look at the South West Rail Link. Premier Baird and I, and a number of our colleagues, were very pleased to witness the completion of the new station at Leppington, which along with Edmondson Park is one of two stations along the 11.4 kilometre South West Rail Link. That was the first time we had seen the new station and I have to say it was a very impressive looking piece of infrastructure. Again, the South West Rail Link is being delivered at a rapid pace, with services to start for customers next year—a project which is ahead of schedule and \$100 million under budget. It is another example of Labor's failure and the Coalition's ability to deliver projects throughout this State.

I am also pleased to say that we are delivering light rail, whether it is the CBD and South East Light Rail project or light rail in Newcastle, and as I foreshadowed we will be looking at the potential that light rail has to play in Western Sydney, and I know the member for Parramatta is looking forward to us continuing our keen interest in that. We are a government that gets things done. I am really pleased, in direct response to the member for Strathfield's question, that in the last 48 hours we have announced further improvements to this great State in relation to public transport. On Monday I announced a \$100 million upgrade of Wynyard station, which is one of the busiest stations in the central business district. This includes better concourses and platforms, less clutter, making it easier for our customers to enter, exit and move around. This is on top of an \$8 million upgrade of Town Hall station.

We have heard for a long time that customers were not pleased with how the central business district stations were looking and I am really pleased that we are making those improvements. I was also pleased to announce yesterday that a wider station refresh program is underway, hitting our key suburban stations—and I noticed the member for Heffron's ears pricked up when I said the word "refresh". He wants to see a bit of refresh on that side, doesn't he? I am pleased to say that this station refresh dedicates \$22 million to many of our key suburban rail stations—and don't some of them need a refresh! The stations include: Asquith, Berala, Blacktown, Bondi Junction, Burwood, Caringbah, Carramar, Chester Hill, Granville, Gymea, Hurstville, Kogarah, Lidcombe, Parramatta, Penrith, Redfern, St Leonards and Strathfield.

Pursuant to standing order additional information provided.

Ms GLADYS BEREJIKLIAN: I am very pleased to be given the extra time because I know the member for Strathfield and a number of his colleagues are very interested in this refresh program. As I said, this program will mean that customers will notice changes, not in a few years time but in a few months time. Work has already started and customers who use these busy suburban stations will start noticing improvements. We know that this is on top of a number of other customer improvements we have made in transport. I hasten to add that the Opal card is a real dream for our customers—and is that not a good symbol of what we get done versus what those opposite failed to do? I notice the member for Maitland holding up an Opal card and I thank her for that support. I know a lot of those opposite secretly use the Opal card—they love it.

In relation to the Opal Card, we now have more than 70 brand new Waratah air-conditioned rolling rail stock. Since we have been in government we have introduced 8,000 extra weekly transport services, of which 4,700 are in Sydney's west. Those opposite ignored these areas of Sydney and New South Wales; we are delivering. The contrast between that side and this side regarding public transport could not be more stark: we are delivering across the network. I look forward to giving the House further updates in the near future.

ORANGE GROVE SITE DEVELOPMENT

Mr PAUL LYNCH: My question is directed to the Minister for Resources and Energy. What contact or conversations has the Minister had regarding the development application for the Orange Grove site in Liverpool owned by the Gazal family, from whom the Minister accepted hospitality, including being on their private yacht?

Mr ANTHONY ROBERTS: What a surprise. I am shocked. I wonder whether the issue is that I went on a boat with friends or that I actually have friends with whom to go on a boat.

The SPEAKER: Order! The Minister has the call.

Mr ANTHONY ROBERTS: It is not the role of this place to provide a running commentary on the active Independent Commission Against Corruption [ICAC] inquiry. To do so could jeopardise the integrity of

that inquiry. However, I remind the House that my position on Labor's forced closure of Orange Grove in 2004 has never changed. That position was on the public and parliamentary record well before 2007. Last week I issued a statement to media on matters mentioned in the current Independent Commission Against Corruption proceedings in which I reiterated that the Clerk of the Legislative Assembly last week confirmed her belief that there was no requirement to make a disclosure—

Mr Paul Lynch: Point of order: The Minister's comments are in no way responsive to the question asked.

The SPEAKER: Order! That may be so, but they certainly are relevant to the question asked.

Mr Paul Lynch: Clearly, it breaches Standing Order 129.

Mr ANTHONY ROBERTS: It is entirely relevant. I stated then and repeat that at all times I have abided by the law.

HEALTH SERVICES

Mr BART BASSETT: My question is addressed to the Minister for Health. What action has the Government taken to improve health outcomes for the people of New South Wales?

Mrs JILLIAN SKINNER: I thank the member for his question. I congratulate the member for Londonderry on his wonderful representations on behalf of his constituents for many years, even before being elected to this place, through his involvement in a number of health services. I am very proud of the work particularly being driven by the clinicians—doctors, nurses, allied health professionals and supporting staff—to improve our hospital system. When we came to office the hospital system had a pretty dismal record—for example, emergency patients being seen within four hours. That is now an obligation under Commonwealth arrangements. Patients are supposed to go through the emergency department in four hours. When I became the Minister that happened on 59 per cent of occasions; now it occurs 70.8 per cent of the time and the percentage is heading upwards.

According to the most recent Australian Institute of Health and Welfare report comparing New South Wales with all other jurisdictions, we are leading all on most measures by having the best improvement in emergency performance. In elective surgery almost 97 per cent of patients receive their procedures within clinically appropriate times. That is the best result in Australia. Importantly, for emergency and elective surgery patients New South Wales is the only State to have simultaneous improvement. I put that down to the wonderful doctors and nurses.

One might ask why, particularly when we have the same skills and people engaged in the health system. The reality is that we have taken off the shackles and said to them, "In our devolved model of health care you know the solutions to your local problems. You are now welcome to come to the party and come up with new models of care." That is exactly what we have done. People visiting any of our hospitals will find re-engaged doctors and nurses enthusiastic about their work with patients. What have we done with the budget? The last budget of the former Labor Government was \$15 billion; it is now \$17.9 billion. We have increased the health budget dramatically. We are spending much more money on capital works.

Ms Cherie Burton: You are supposed to.

Mrs JILLIAN SKINNER: One would have thought the member might be happy about what we are doing at St George Hospital.

Ms Cherie Burton: There was a budget increase every year under Labor.

The SPEAKER: Order! The member for Kogarah will remove herself from the Chamber for continued interjections under Standing Order 249A for the remainder of question time.

[Pursuant to sessional order the member for Kogarah left the Chamber at 2.55 p.m.]

The SPEAKER: Order! The Minister has the call and will be heard in silence.

Mrs JILLIAN SKINNER: For years St George Hospital received nothing, but thanks to Mr Mark Coure's wonderful representations it now has an emergency department nearing completion. The former Government totally ignored totally St George Hospital. We are funding capital works around the State at places such as Wagga Wagga, Tamworth, Bega, Parkes, Forbes, Kempsey, Campbelltown, Hornsby and many others—Armidale now is on the list—not to mention Blacktown Mount Druitt Hospital having the biggest infrastructure spend. We now have money to plan further upgrades in most of those hospitals. In respect of staffing, we have an additional head count of 4,100 nurses on our payroll since we came to office. We have more doctors and other people working in the clinical setting. This re-engages people so that we do not have to completely focus on what happens in acute hospital beds. We now are looking at how to better link subacute and community-based health care in an integrated care program.

This is the new direction; internationally it is the way to go. I am happy to say that New South Wales is taking the lead in this country. We have allocated \$120 million over four years to act as a lure for other partners to engage with us in providing better seamless care for patients. That can be general practitioners, non-government organisations or others working in the not-for-profit or private system and our hospitals. There are marvellous examples of where that is working. I particularly commend the outgoing Minister for Mental Health and the incoming Minister. We visited Wagga Wagga mental health facility with Daryl Maguire, the member for Wagga Wagga, with the Premier in his first week of office to see the most wonderful example of a new way of treating mental health patients.

Pursuant to standing order additional information provided.

Mrs JILLIAN SKINNER: I heard an interjection about relevance. Those opposite are totally irrelevant. They do not understand the impact of these changes on our patients.

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

Mrs JILLIAN SKINNER: One day I will come into this place with the list of letters from patients and their families saying how much better it is now that a Coalition Government has been in office for three years, not to mention the doctors, nurses and others who have written to me in the last week, including people from universities and academia everywhere, about how we are transforming health. I have talked about the workforce, the budget and what we are doing in integrated care. I shall quickly mention our medical research. We have spent additional money on medical research and have provided money to help get medical devices commercialised. We have increased funding that supports the work of our wonderful medical research institutes. I believe that New South Wales is now leading the country in some areas of medical research, but more about that on another occasion. We have put in place also policies that have improved organ donation numbers, for example.

We have a statewide plan and for the first time in years we are seeing a dramatic increase in the number of organ transplants. Last year donor numbers increased by 16 per cent and the number of transplants increased by 20 per cent. To many people that means life. In palliative care we have invested additional money, particularly to support those who wish to die in the community. We provided money for a new pain management plan and we are investing \$1.5 billion over a 10-year period—\$400 million over this period—for e-health to transform how we deliver health care throughout New South Wales. There are major improvements under this Government.

LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX COMMUNITY SUPPORT

Mr ALEX GREENWICH: My question is addressed to the Premier. Will he build on the support of previous Premiers for the lesbian, gay, bisexual, transgender and intersex communities, including supporting ACON, the Sydney Gay and Lesbian Mardi Gras, Twenty10 and the Gender Centre, and allowing at least a free vote on lesbian, gay, bisexual, transgender and intersex-related legislation?

Mr MIKE BAIRD: I thank the member for his sensible question and for the work he does in his community. One of the hallmarks of my Government will be respect for all people and all communities. My Government will not judge people on the basis of race, religion or sexuality. My Government will judge each individual by how he or she behaves and what he or she contributes to the community and those around them. Discrimination against any individual or group on the basis of race, religion or sexuality has no place in New South Wales. Members of the lesbian, gay, bisexual, transgender and intersex community can continue to have the Government as a great supporter. I give the same personal commitment as Premier. One of the biggest

events staged in Sydney every year is the Gay and Lesbian Mardi Gras parade, which enjoys strong bipartisan support. It has enjoyed funding since 2009, which continues under a Liberal-Nationals Government, and some 20,000 overseas and interstate visitors generate approximately \$30 million for the visitor economy.

This financial year the Government has provided more than \$300,000 in funding for ACON to deliver a range of HIV prevention, care and support programs for people with HIV, sex workers, outreach projects, and needle and syringe programs. Earlier this year the Government and ACON jointly funded the Ending HIV campaign. In 2013-14 the Government has provided more than \$600,000 to the Gender Centre and Twenty10, which is a non-profit welfare organisation located in Chippendale that has been operating for more than 30 years. Government support is provided through the Sydney West Local Health District Youth Service and the Department of Family and Community Services. I thank and admire the hardworking staff at these organisations for the work they do in the community.

In August this year the Gay Rugby World Cup, known as the Bingham Cup, is coming to Sydney. The Government will provide financial and in-kind support for up to 40 teams from 15 countries. Some 1,500 players and 10,000 spectators will flock to the event. I refer to conscience votes and pay tribute to the former Premier. His leadership on matters of conscience was exemplary and showed this Parliament how members should respond on matters of conscience. I say to the member for Sydney that my position will be exactly the same as the position of the former Premier, who showed great leadership on matters of conscience; so too will the Government I lead. I look forward to working together on these issues.

The SPEAKER: Order! After repeated warnings I direct the member for Canterbury to remove herself from the Chamber until the end of question time.

[Pursuant to sessional order the member for Canterbury left the Chamber at 3.04 p.m.]

SCHOOL MAINTENANCE

Mr JONATHAN O'DEA: My question is directed to the Minister for Education. How did the Government use the school holiday period to carry out important maintenance work for our schools?

Mr ADRIAN PICCOLI: I thank the member for Davidson for his question. The Department of Education and Communities has always used school holidays as a great opportunity to accelerate the maintenance of capital works at schools because students and teachers are not there. Over the most recent school holidays more than \$200,000 in maintenance work was undertaken in the Davidson electorate alone. During the three years since coming to office, the Government has committed \$2.4 million to school infrastructure and maintenance, including 15 new schools such as The Ponds, Wentworth Point and lower North Shore schools, and Spring Farm and the Parry School for Specific Purposes to name a few.

Since coming to office, the Government has increased the maintenance spend on public schools across New South Wales by 23 per cent. Some \$320 million a year is spent on school maintenance compared to \$261 million that was spent in the last year that the Labor Party was in government. The Coalition spends taxpayers' money as effectively and as efficiently as possible, which is what taxpayers demand. The changes and savings this Government has made by introducing better procurement policies means it has saved an estimated \$10 million a year, which is additional money that can go towards school maintenance and capital works. By working smarter and delivering more facilities this Government has announced projects that will deliver more than 7,000 new additional public school places.

As I said, during the school holidays more than \$184 million worth of work continued across almost 500 schools. As part of our Local Schools, Local Decisions reforms, the needs of individual schools are now addressed by including parents and principals from the community in the planning of new facilities, which is very different to the way in which the former Labor Government approached the Building the Education Revolution. The Department of Education and Communities has worked hard to complete the new Gosford Public School to enable it to open in time for the first day of term 2. Construction work also continued for the new primary school at Canada Bay in Drummoyne and Lake Cathie school in Port Macquarie. Major new projects include Artarmon Public School, Collarenebri Central School, Denison College at Bathurst, Georges River College Peakhurst Campus, Killara High School in the electorate of Davidson and the new Wangee Park School, which has been relocated to the Harcourt Public School site.

I am pleased to advise that during the holidays all projects that were commenced under the \$94 million program to upgrade 19 schools for specific purposes, formerly known as special schools, with the leftover

Building the Education Revolution money were completed on time and on budget. What a shame this Government had only \$100 million left and not \$3 billion or \$4 billion allocated to the Building the Education Revolution that the former Labor Government squandered. In addition, this Government committed \$35 million to the Connected Communities program to upgrade 15 schools on the North Coast and in regional New South Wales. An amount of \$5 million has been allocated to upgrade Walgett High School, \$15 million to rebuild Moree East Public School and \$2 million for substantial works at Brewarrina.

This is in significant contrast to the former Labor Government. When one thinks of our list, it includes: Great Teaching, Inspired Learning; Local Schools, Local Decisions; the Connected Communities program; signing up to Gonski; the resource allocation model; the preschool funding model; and abolishing the school certificate, just to name a few. The previous Minister for Education and Training, Verity Firth, is seeking to make a comeback. In her brochure she said, "I also made sure I did not waste a single day in Government."

Mr Paul Lynch: Point of order: I refer to Standing Order No. 73. If the Minister wishes to launch an attack on someone outside of the Chamber, he should do it by way of a substantive motion.

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

Pursuant to standing order additional information provided.

Mr ADRIAN PICCOLI: There will be better support for every school and every student with a disability across this State, not to mention the Smart and Skilled reforms in the vocational education and training sector. In her brochure the former Minister states:

I also made sure that I did not waste a single day in Government. Every day I fought to achieve reform for the people I represented. As Minister I introduced 'Ethics' classes ...

That is the great reform of the former Labor Government. If ever the Labor Party were to return to Government, and I strongly doubt it will, the member for Keira holds himself up as the alternative Minister for Education. I have seen some of his policy work; it is fantastic. This one was on class sizes. This one is on maintenance and capital works.

Ms Carmel Tebbutt: Point of order: The use of props is disorderly. I ask that the Minister return to the leave of the question.

The SPEAKER: Order! The point of order is upheld. The Minister will cease using props.

Mr ADRIAN PICCOLI: The best thing that ever happened in the Education portfolio was Ryan Park being elected to Parliament. He wrote a letter to me the other day, which he signed off as Ryan Park, member for Keira, but in that letter he incorrectly spelt the name of his electorate. One would have thought he would have got that right. He was close—he had all the letters but they were not in the correct order. On this occasion I am happy to table that letter, but the other letter can wait for another day.

Question time concluded at 3.10 p.m.

TEMPORARY SPEAKERS OF THE LEGISLATIVE ASSEMBLY

The SPEAKER: Consequent upon the appointment of Giovanni Domenic Barilaro as a Parliamentary Secretary and of Gareth James Ward as Deputy Government Whip, and pursuant to the provisions of Standing Order 20, I nominate Garry Keith Edwards and Adam John Marshall as Temporary Speakers in place of Mr Barilaro and Mr Ward.

PETITIONS

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

Kings Cross Late-night Transport Services

Petition calling on the Government to provide late-night transport services in Kings Cross, received from **Mr Alex Greenwich**.

Companion Animals on Public Transport

Petition requesting that companion animals be allowed to travel on all public transport, received from **Mr Alex Greenwich**.

Sydney Electorate Public High School

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

Mount Druitt Hospital Cardiac Unit

Petition opposing the closure of the Mount Druitt Hospital cardiac unit and calling on the Government to reverse its decision and to retain the unit, received from **Mr Richard Amery**.

Same-sex Marriage

Petition supporting same-sex marriage, received from **Mr Alex Greenwich**.

Low-cost Housing and Homelessness

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

Pet Shops

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

Pig-dog Hunting Ban

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

Slaughterhouse Monitoring

Petition requesting mandatory closed-circuit television for all New South Wales slaughterhouses, received from **Mr Alex Greenwich**.

Shaws Bay Lake Sanctuary

Petition calling on the Government to protect Shaws Bay Lake by establishing a no-fishing zone, received from **Mr Donald Page**.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Motions Accorded Priority****Motion by Mr Anthony Roberts agreed to:**

That standing and sessional orders be suspended to permit:

- (1) The consideration forthwith of the motion to be accorded priority by the member for Kiama, followed by the motion to be accorded priority given by the member for Balmain, prior to the commencement of Government business.
- (2) For the following speaking time limits to apply during debate on the motion to be accorded priority given by the member for Balmain:
 - (a) mover—three minutes; and
 - (b) member for Davidson—three minutes.

STATE INFRASTRUCTURE

Motion Accorded Priority

Mr GARETH WARD (Kiama) [3.13 p.m.]: I move:

That this House notes that the Government is delivering record investment in infrastructure and services for the people of New South Wales.

We are heading towards another State election and the people of this State want to hear about the infrastructure plans of the respective major political parties. In fact, I looked everywhere for a copy of Labor's infrastructure plan.

Mr John Sidoti: Did you find one?

Mr GARETH WARD: I searched everywhere. I searched the internet, I googled and I went to the parliamentary website. I eventually found it. Indeed, I have a copy of it here but for the record it is blank. I could find no discussion about the major infrastructure needs of this State. If those opposite want to engage seriously in debate about infrastructure plans they should start telling the people of this State what are their priorities. The best example of what Labor will do in the future is what it failed to do in the past. When we came to office we inherited a State debt of \$55 billion, a \$5.2 billion deficit, a \$30 billion infrastructure backlog—

Mr Michael Daley: That is rubbish.

Mr GARETH WARD: I note the interjection of the member for Maroubra—light travels faster than the speed of sound; some people appear bright until you hear them speak. The member for Maroubra said, "That is rubbish", but the Treasury documents bear out the irresponsibility of those opposite during their time in government. Members well remember the Rozelle metro—

Mr John Sidoti: Five hundred million dollars.

Mr GARETH WARD: Some \$500 million, as the member for Drummoyne points out, without a single sleeper laid. I am delighted to see that the member for Shellharbour is in the House today but, for a change, the member for Wollongong is not behind her because to stab someone in the back one must first get behind that person. In my electorate a new train station was promised from 2001 through to 2011, but with no delivery of that important infrastructure. Those opposite promised 12 rail lines when they were in office, but delivered none of them. Transport plan after transport plan—New South Wales was Labor the little red engine that couldn't. Not a single rail line was delivered.

Labor's history in roads is also telling. In 2007 it promised it would upgrade the Gerringong section of the Princes Highway—fail. We heard promise after promise made for things like upgrading the Pacific Highway—fail. We heard promise after promise for things like the Erskine Park Link Road, which was not delivered by those opposite but it was delivered by an excellent member for the electorate of Mulgoa, the member for the electorate of Smithfield and other Western Sydney members who, I note, are present in the Chamber. The Baird Government is committed to fixing the budget so that we can get on with the job of providing important infrastructure. In fact, Infrastructure NSW was established so that the Government could get on with the job of ranking those projects and ensuring that they are delivered appropriately.

I remember things like the promise of Tcard, which the Minister for Transport often talks about. An amount of \$127 million was blown because the Tcard was not delivered. This Government has now delivered the Opal card and we are getting on with the job. When it comes to services we are returning more to the front line. There are more police on our streets, more nurses in our hospitals and more teachers in our classrooms than there have been at any other time in this State's history. I commend former Premier O'Farrell for introducing Service NSW, which brings government services under one roof and makes it easier for people to deal with those services when they need to—an office is open from 7.00 a.m. to 7.00 p.m. Monday to Friday and from 9.00 a.m. to 3.00 p.m. on Saturdays, and a website with a 24-hour telephone line is available. Such a service was promised by those opposite, but time and again they failed to deliver.

If someone wants an example of what Labor will do in the future, he or she should look at what it failed to do in the past. Labor had a miserable infrastructure delivery record. The Baird Government is getting on with the job—namely, the North West Rail Link, South West Rail Link, Princes Highway, Pacific Highway, and hospital upgrades right around the State. From city to country the Baird Government understands the needs of the people of this State and by listening to people we are delivering the services they need. One only needs to look at the cranes across the city skyline to see that people are coming back to New South Wales. People are

starting to agree that this is a State worth investing in because we have a good government. The Baird Government is committed to good policy, good infrastructure expenditure and developing this State, unlike those opposite who left a graveyard of destruction. [*Time expired.*]

Mr RYAN PARK (Keira) [3.18 p.m.]: I always enjoy following my good friend the member for Kiama in a debate. He is the unluckiest person in the Government. Over the past couple of days everyone on the other side got a prize, and I am assuming that there will be more prizes in the coming weeks. I know the Governor has cancelled her holidays and is on speed dial. We are waiting for another swearing-in ceremony. I know that just yesterday the Speaker had the difficult task of remembering who was the Minister for what. I am always happy to follow on from the member for Kiama in a debate. I will talk about a few success stories of the New South Wales Government.

The SPEAKER: The member for Kiama will come to order. The member for Kiama was heard in silence during his contribution to this debate.

Mr RYAN PARK: I start by referring to travel times on roads. For those not familiar with that, it is about how long it takes for someone to get from point A to point B. Under an effective government one would expect that that would reduce. Unfortunately, and this shows the success of this Government, travel times have actually increased on 54 major roads across Sydney during the morning peak. What a wonderful achievement. The average speed on the M4, and some of those opposite may not know that the M4 is a road in Western Sydney—and, by the way, this is not during school time—has dropped from 48 kilometres per hour to an extremely speedy 36 kilometres an hour. The member for Toongabbie is a very avid and talented cyclist. He can actually ride faster than the average motorist can drive on the M4. That is a phenomenal achievement by this Government.

The Premier likes to benchmark himself against the rest of the world. We often hear about where we are as an economy in relation to the rest of the world. Let us talk about where Sydney ranks in terms of road congestion. How do we rank? We rank as the seventh worst city in the Western world for road congestion, just behind Los Angeles, and worse than Paris and Rome. What a fantastic achievement by this Government. What about our record on public transport? What sort of record do we have? The on-time running performance for 11 out of the 16 urban rail lines is now worse than it was under the former Labor Government.

The SPEAKER: Order! Government members will come to order. The member for Kiama has had an opportunity to contribute to this debate. The member for Drummoyne will come to order.

Mr RYAN PARK: What about education? We now have more demountable classrooms in schools than ever before. What a wonderful achievement those buildings are. They are first rate. When I visit schools across New South Wales I cannot believe the number of people protesting in the streets for additional demountables. It is absolutely phenomenal. I have never seen so many children and teachers wanting to learn in demountables, which is what this Government is delivering. It is demountable city out there. How are we going with TAFE? That is an interesting question. We now have 800 TAFE teachers out of work. What a fantastic achievement. And TAFE fees are increasing unbelievably, to the point at which people cannot access basic skills training. That is another fantastic achievement. That is what this Government is delivering for the people of New South Wales. I look forward to commenting on these issues and many others in future debates. I thank the member for Kiama for moving this motion. It is no surprise that the member for Kiama is not on the frontbench.

Mr ANDREW CORNWELL (Charlestown) [3.23 p.m.]: The contribution from the member for Keira gives a great insight into how Labor believes infrastructure can and should be delivered. He obviously believes that a government is elected, waves its magic wand and then all of a sudden infrastructure appears. He does not seem to understand that infrastructure requires the correct planning, requires the correct funding and requires a government to ensure that taxpayer dollars are spent in the best possible way. The member for Keira would be well aware of one of Labor's great infrastructure achievements—the Rozelle metro—that was conceived in a rush on the back of an envelope when the Federal Government was throwing money around and the former Labor Government did not have a shovel-ready project. It drew a line on a map through a series of electorates that it thought it needed to defend in the lead-up to the 2011 election.

How did that end? It ended with \$500 million being wasted. That money would have paid for the entire public school maintenance backlog. That money would have delivered infrastructure for hospitals, roads and schools across New South Wales. Let us contrast that with the achievements of this Government. In the current budget we had \$14.6 billion allocated to roads. In the past 12 to 18 months, as my learned colleague at the table, the member for Hornsby, has referred to previously, we have heard the announcement of NorthConnex. This brilliant project for the Hunter will reduce travel times for the tens of thousands of commuters who travel into the city of Sydney every day from the Hunter and the Central Coast. It will effectively knock out some 23 sets

of traffic lights along that commute. What it will achieve in terms of access and trade for the Hunter is enormous. The New South Wales Government spend on that project provides fantastic value for money, because we sat down and planned and prepared a proper financial model.

The project will deliver great results for the taxpayer. It means that we will get an enormous piece of infrastructure that is years overdue. It was not planned by those opposite when they were in government. This project will be delivered well and truly on time by this Government. This is a great example of how infrastructure should be delivered and stands in contrast to what we heard from the member for Keira. In his speech the member for Keira tried to compare travel times now with the travel times two years ago. It sounded good, but all it did was to demonstrate Labor's complete failure to understand how to deliver infrastructure. We were elected on 26 March 2011. We commenced work on projects immediately. Now we see the cranes in the air and the shovels in the ground. We will leave a legacy of infrastructure for the people of New South Wales for decades, and not a legacy of debt and deficit that those opposite left from their time in government.

Ms ANNA WATSON (Shellharbour) [3.26 p.m.]: I love it when the member for Kiama, and he is a friend of mine, moves a motion like the one we are now debating. He is like a little salmon in a dirty river swimming upstream. I know it is very difficult for him to stand up here and come up with all of this stuff. He has made a few mistakes.

Mr John Sidoti: Did the member for Keira write this speech for you?

Ms ANNA WATSON: No, he did not.

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

Ms ANNA WATSON: I will go back to one of the points that the member for Kiama made. In 2001 a Labor government identified the need for forward planning for the Flinders railway station. We did that planning. In 2011 the member for Kiama had to be dragged kicking and screaming, along with the Government, to commit to building that station. It was only because we put pressure on those opposite that they committed to building it. That is absolutely true. I will tell the House what those opposite are good at. Which member of the House spent \$1.1 million of taxpayers' money on a study that took more than 12 months to identify something that we knew 20 years ago—it was the member for Kiama. He spent \$1.1 million of taxpayers' money on yet another study to get the same result that we got 20 years ago. I think that is absolutely pathetic, and those opposite know it is. I also mention Shellharbour Hospital.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Kiama has had an opportunity to contribute to this debate, and he will have another opportunity to do so in reply. The member will remain silent and allow the member for Shellharbour to speak in this debate.

Ms ANNA WATSON: The study on Shellharbour Hospital was another study released by this Government. Government members are all pastry and no pie: they are good at releasing studies, but there is never any funding roadmap to go with it. How does the Government get the money to pay for the infrastructure when it does come? It has a big yard sale. It has a crazy sale where it sells off all of our government assets. We have seen the sale of the Port of Newcastle, Port Botany, Port Kembla, the Sydney desalination plant and Sydney Ferries. Some \$405 million worth of government property has been sold, including Bligh House, the McKell Building, the Roads and Maritime Services building, the Penrith government office block, the Wollongong government office block, the Queanbeyan government office block and the Newcastle government office block.

This is how a Government that talks about infrastructure intends to fund it. It has nothing to do with planning or anything other than selling off our assets to plan infrastructure that never gets built. It is all about studies and planning but no action. We saw that with the Albion Park Rail bypass. A Labor Government built the Kiama and Dapto bypasses and Memorial Drive. Nick Greiner knocked it on the head. [*Time expired.*]

Mr GARETH WARD (Kiama) [3.29 p.m.], in reply: I hear the allegation that I am all pastry and no pie. If the member for Wollongong has her way, the member for Shellharbour will not be the soufflé that rises twice. That is for sure. We know that the member for Wollongong is upstairs sharpening the knives and getting them ready to go for the member for Shellharbour. Instead of focusing on policy, the member for Wollongong is doing a *MasterChef* routine. She has got the sharpest blade she can find and she will wield the axe into the member for Shellharbour when she gets the opportunity.

Ms Anna Watson: He is a peacock in full plumage.

Mr GARETH WARD: They come to mock but remain to pray. Labor members talked about the Albion Park Rail bypass for 16 long years. Traffic congestion at Albion Park Rail did not start on 26 March last year. Members opposite neglected it for 16 long years during their tenure. My friend the member for Keira mentioned travel times. Travel times were trending upwards for 16 years under his Government. You did not want to make the choice about WestConnex when you were the deputy director general. You know that all too well.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Kiama will direct his comments through the Chair.

Mr GARETH WARD: The member for Keira had 16 years to do it. He had the time when he was the deputy director general but he failed to do it.

[Interruption]

I thank the member for Strathfield for pointing that out. He knows more about transport than all the members opposite. I am pleased that my friend the member for Oatley is in the Chamber. This motion is about services, and the member for Oatley is delivering major upgrades at St George Hospital. We are delivering \$27 million for a new car park at Wollongong Hospital and have made major investments in the emergency and elective surgery departments. There is also a new cancer care centre for the Shoalhaven. We are delivering WestConnex and NorthConnex and making an investment in the Oatley railway station. Members on this side of the Chamber are working hard to deliver infrastructure. Labor's record speaks for itself. Earlier the member for Charlestown mentioned the \$500 million that Labor spent on the metro project. That was disgraceful and criminal. Someone should have gone to jail for wasting such a large amount of taxpayers' money.

We are getting on with the job of delivering infrastructure projects such as the upgrades to the Pacific and Princes highways. The Minister for Transport has delivered \$750 million for upgrades around the network and is doing an excellent job in that regard. I also mention Services NSW. Fiscal rectitude was required as a result of Labor's time in office. The member for Hornsby knows it well, and I take this opportunity to congratulate him on his appointment as Parliamentary Secretary. He understands finance and accounting and knows the mess that members opposite left behind. Our job is to continue what the people of this State sent us here to do: fix the mess and corruption left by Labor. This Government will do what Labor failed to do.

ACTING-SPEAKER (Mr Lee Evans): Order! I remind Opposition members that several of them are on three calls to order.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 68

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

Noes, 21

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

Question resolved in the affirmative.

Motion agreed to.

ACTING-SPEAKER (Mr Lee Evans): Pursuant to resolution, the House will now deal with the second motion accorded priority.

INDEPENDENT COMMISSION AGAINST CORRUPTION FUNDING

Motion Accorded Priority

Mr JAMIE PARKER (Balmain) [3.41 p.m.]: I move:

That, in recognition of the Independent Commission Against Corruption's crucial work in promoting transparency and exposing corruption in New South Wales, this House calls for the Independent Commission Against Corruption to continue to receive full and adequate funding for its present and future activities.

Over the past few weeks Australians have been disturbed by the revelations that have been made as the Independent Commission Against Corruption investigates political donations and elections funding. It seems beyond the pale that such a system of backroom wheeling and dealing as well as deceit has become entrenched in our political culture whereby the elite can so easily buy access to politicians. While we are shocked by those revelations, we are also grateful that we have an independent body that can investigate corruption in our State and help us to keep to the ideal of clean governance in our community. I believe that this motion deserves the support of the House so that the Independent Commission Against Corruption can be assured that its financial foundation has the full support of the Legislative Assembly.

Over the past few weeks we have witnessed sustained attacks against the Independent Commission Against Corruption by conservative commentators and others who are seeking to undermine confidence in the commission and would dearly like to see the end of it. I believe it is important that this House make a clear statement about the Independent Commission Against Corruption and our collective support for its current and future operations. We have heard that the current hearings before the Independent Commission Against Corruption have been suspended to allow full investigation of serious local funding irregularities. The investigation will take time but it will also take money. This motion should be supported as those events require the support of not just this House but this Parliament. The motion highlights that additional funding provides for full and adequate support of the present and future activities of the commission.

Operation Spicer is an investigation of allegations of political donations that were illegally sourced from property developers and funnelled into a secret slush fund. It is clear that third-party entities need to be outlawed. Today I gave notice that I will introduce a bill to achieve that aim. The motion before the House is important because politics in New South Wales is at a crossroads. Public trust in politicians is low and a cloud of suspicion and doubt is very much in the air. There is a great deal of anger in the community as well. The vital role and function of the Independent Commission Against Corruption cannot be replaced by any other body.

The integrity of the commission must be protected, especially in these times of cost cutting. There has not been a great deal of discussion or focus on the upcoming budget, but of course that budget may well have a significant impact when it comes to funding a whole range of organisations in this State. If members vote in favour of this motion, the House will show that it applauds the ideals of the Independent Commission Against Corruption and recognises that the commission needs continuing support into the future. I urge members of the House to support the motion. I believe the motion is timely and will provide an excellent boost for all members who support and defend the Independent Commission Against Corruption.

Mr JONATHAN O'DEA (Davidson) [3.43 p.m.]: Since being elected to form government, the Liberals and Nationals have introduced reforms to strengthen the powers of the Independent Commission Against Corruption. Those reforms are substantial and admirable. The Government has introduced and passed four bills to strengthen the Independent Commission Against Corruption. First, the Independent Commission Against Corruption Amendment Bill 2011, which was cognate with the Public Interest Disclosures Amendment Bill 2011, was passed by Parliament on 13 September 2011. The bill included amendments to clarify the Independent Commission Against Corruption's powers to gather and assemble admissible evidence, both during and following an investigation, for the prosecution of a person for criminal offences in connection with corrupt conduct, and to streamline the process with the provision of privileged documents to the commission.

Secondly, the Independent Commission Against Corruption Amendment (Register of Disclosures by Members) Bill 2012 was passed by Parliament on 29 October 2012. The bill made amendments to permit the Independent Commission Against Corruption to use the Parliament's pecuniary interests register for the purposes of investigating whether a member of Parliament had disclosed a matter. Thirdly, the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013 was passed on 3 April 2013. The bill made amendments to facilitate the taking of disciplinary action against corrupt public officials. The amendments allowed employers of public officials to take disciplinary proceedings against public officials on the basis of a formal finding made by the commission that the public official is corrupt, without the need for further investigation, and to use evidence given to the commission by a public official against the public official in disciplinary proceedings.

Fourthly, the Independent Commission Against Corruption and Other Legislation Amendment Bill 2013 was passed by this Parliament on 6 June 2013. The bill clarifies the powers of the commission and other investigatory bodies to use criminal intelligence and other information when vetting prospective employees and contractors. The State's independent integrity watchdogs received record funding in last year's State budget. The total budget for the Independent Commission Against Corruption, the Audit Office, the Ombudsman and the Police Integrity Commission is \$122 million, which should be compared with \$103.6 million in Labor's last budget. The New South Wales Government supported the Independent Commission Against Corruption in 2013-14 with a revised budget of \$26.3 million, which was the largest allocation ever provided to the State's corruption watchdog and was 25 per cent higher than under Labor's last budget. While it is not appropriate to pre-empt announcements in the forthcoming budget, this Government's record of support for the Independent Commission Against Corruption is strong and continuing. I note that Premier Baird's public statements clearly indicate that. We support the motion moved by the member for Balmain.

Mr ALEX GREENWICH (Sydney) [3.46 p.m.], by leave: I strongly support the motion. In Parliament we repeatedly hear accusations from the major parties that the other side is corrupt, with both sides attempting to paint a picture of themselves as honest, trustworthy and having integrity. But it is an unfortunate truth that when decisions can deliver profits some of those who stand to gain from those profits will seek to place undue influence over decision-makers. While those with executive power are expected to act in the public interest, it is a fact that some will put personal benefit first and make corrupt deals. The Independent Commission Against Corruption is critical to exposing this corruption and ensuring that those who engage in it are made accountable. It prevents corruption through the threat of scrutiny and exposure, and through its recommendations for changes to legislation, policy and practice. It improves standards.

The Independent Commission Against Corruption recommended a ban on political donations from developers and has made submissions on planning laws against centralising decision-making powers. It has investigated and questioned former Premiers, former Ministers, members of parliament, councillors and public officials. I understand that in 2009 and 2010 then Commissioner David Ipp reported a doubling of investigations and inquiries in a request for additional funding. The past few months have shown how busy the Independent Commission Against Corruption continues to be, with investigations of Ministers of this and former administrations. The investigations highlight how effective the commission is and why it is critical to our democracy. In fact, they highlight why all jurisdictions should have an equivalent commission, and I call on the Commonwealth Parliament to introduce its own independent corruption commission. We cannot put these or future investigations in jeopardy.

The Independent Commission Against Corruption needs proper resources to investigate serious complaints, hold hearings, report and make recommendations. Ensuring that those who wield power operate with integrity and standards that reflect the public interest requires scrutiny and accountability, which is provided by the Independent Commission Against Corruption. The commission plays a vital role in holding all of us accountable and should not be subject to any budget cuts. I commend the motion.

Mr PAUL LYNCH (Liverpool) [3.49 p.m.]: I seek leave to make a contribution.

Leave not granted.

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

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Mr Anthony Roberts agreed to:

That standing and sessional orders be suspended to provide for the following routine of business for the remainder of this sitting:

- (1) Government business;
- (2) at 6.30 p.m. private members' statements;
- (3) matter of public importance; and
- (4) the House to adjourn without motion moved at the conclusion of the matter of public importance.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (FAMILY MEMBER VICTIM IMPACT STATEMENT) BILL 2014

Bill introduced on motion by Mr Brad Hazzard, read a first time and printed.

Second Reading

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [3.53 p.m.]: I move:

That this bill be now read a second time.

The Crimes (Sentencing Procedure) Amendment (Family Victim Impact Statement) Bill 2014 amends the Crimes (Sentencing Procedure) Act 1999 to enable a court to take a family victim impact statement into account when sentencing an offender, in appropriate circumstances. The Crimes (Sentencing Procedure) Act 1999 already provides for the making of victim impact statements by family members. Currently, if a primary victim has died as a direct result of the offence, a court must receive, and acknowledge receipt of, a victim impact statement given by an immediate family member, and the court may make any comment on it that the court considers appropriate. However, the Act also provides that a court must not consider such a victim impact statement in connection with the determination of the punishment for an offence unless it considers that it is appropriate to do so.

In the Supreme Court decision of *R v Previtera* (1997) 94 A Crim R 76, the Court commented that it would never be appropriate to take a victim impact statement into account in sentencing when it deals only with the effect of the victim's death on the family. As a result of the Previtera decision, a family member of a homicide victim can give a victim impact statement to the court about the impact of the offence on members of the family. However, this information will not be used in determining the offender's sentence. The Government considers that it is time to change this law. We consider that there will be circumstances in which a family victim impact statement that deals only with the impact of the offence on the immediate family members of the deceased victim should be taken into account in determining an offender's sentence. Where this is the case, the courts should be able to do so. Therefore, this bill will enable a court, on the application of a prosecutor, to take a family victim impact statement into account for sentencing purposes where the court considers it appropriate to do so.

The bill also makes clear the basis upon which a victim impact statement given by a family victim can be considered relevant to sentencing. The Crimes (Sentencing Procedure) Act 1999 currently lists a number of purposes for which a court may sentence an offender. They include: "To recognise the harm done to the victim of the crime and the community." The bill makes clear that a victim impact statement given by a family victim may be taken into consideration in sentencing on the basis that the impact of an offence on the immediate family

of a victim who has died as a result of the offence is an aspect of the "harm done to the community". The Previtera decision that prevents family victim impact statements being considered in sentence proceedings has long been an issue. This Government made a commitment before the last election that it would change this so that courts could take family victim impact statements into account in determining sentence where they consider it appropriate. Although we took steps immediately after we were elected to honour that commitment, there was very little support for change from stakeholders at that time.

Late last year, however, the issue came to a head when Kieran Loveridge was sentenced for the manslaughter of Thomas Kelly. The sentence imposed by the court sparked community outrage, and the fact that family victim impact statements appeared not to count for anything was roundly condemned in some quarters. The Government decided that the issue needed to be looked at again. We engaged in a fresh round of consultation, which this time showed clear support for the change from homicide victims support groups. So I am pleased to say that we are now finally able, via this bill, to fulfil our election commitment and to ensure that family victim impact statements can be taken into account upon sentencing. I extend my thanks to the Kelly family, and indeed to other victims' families and homicide victims support groups, for their support and for enabling us to bring the bill before the House today.

I now turn to the provisions of the bill. Item [1] of schedule 1 replaces the existing section 28 (4) of the Crimes (Sentencing Procedure) Act 1999 with a new section dealing with victim impact statements given by family victims. The new section 28 (4) provides that a victim impact statement given by a family member may be considered and taken into account in determining a sentence for an offence on the basis that the harmful impact of the primary victim's death on the members of the primary victim's immediate family is an aspect of harm done to the community. In this way the bill addresses a concern raised by the Supreme Court in the Previtera decision— that a victim impact statement that deals only with the impact of the offence on the victim's family will not be relevant to sentencing.

The bill makes clear that a victim impact statement dealing with these matters can be relevant to one of the existing purposes of sentencing under section 3A (g) of the Act, which is to recognise the harm done to the community. The bill has been drafted in this way to ensure that courts will not be impeded from taking these victim impact statements into account in determining a sentence in appropriate circumstances. The reference to the "harm done to the community" reflects the comments made by the former Chief Justice of New South Wales in *Regina v Berg* [2004] NSWCCA 300. In that case, Chief Justice Spigelman commented:

It appears to me strongly arguable that the recognition of this purpose of sentencing [ie, to recognise the harm done to the community] would encompass the kind of matters which are incorporated in a victim impact statement. It may in some cases, be appropriate to consider the contents of such statements in the sentencing exercise.

Clause 28 (4A) makes it clear that this section does not affect the application of the law of evidence in sentencing proceedings. Accordingly, if the prosecution seeks to have the contents of a victim impact statement taken into consideration upon sentencing, it may be subject to the rules of evidence and the family member may be subject to cross-examination on its contents. The Government recognises that this is necessary, given that the contents of the statement could impact on the sentence given. It is consistent also with sentencing law more generally. At the same time, the Government recognises that there may be circumstances in which it will not be appropriate for a victim impact statement given by a family victim to be taken into account in determining an offender's sentence. Alternatively, there may be families who wish to make a victim impact statement for therapeutic reasons, but do not wish that the court take its contents into account in this way.

Under the new framework, a family victim will be able to make a victim impact statement to the court and the court will be required to receive and acknowledge it. However, the victim impact statement will only be taken into account in determining sentence if the prosecutor supports this approach, and the court considers it appropriate to do so. Family victims and other victims of crime are provided with an information package by the Director of Public Prosecutions to help them prepare a victim impact statement for the court. This information package will be updated to inform family victims about the different ways in which their statements may now be used by the court.

Schedule 1 [2] moves an existing provision into new section 28 (6) of the Act. Schedule 1 [3] makes it clear that the absence of a victim impact statement given by a family victim does not give rise to an inference that an offence had little or no impact on the victim's family. This provision mirrors an existing provision that applies to the absence of a victim impact statement in matters other than homicides. Schedule 1 [4] inserts a provision requiring these amendments to be reviewed as soon as possible after the period of three years from their commencement to determine their effect. The report on the outcome of the review is required to be tabled

in each House of Parliament within 12 months of the end of the period of three years. Schedule 1 [5] inserts a transitional provision that makes it clear that these amendments will apply to existing offences and proceedings, except where the court already has convicted the offender, or the offender already has entered a plea of guilty, at the time these amendments commence operation. I commend the bill to the House.

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

CRIMES AMENDMENT (FEMALE GENITAL MUTILATION) BILL 2014

Second Reading

Debate resumed from 5 March 2014.

Mr PAUL LYNCH (Liverpool) [4.04 p.m.]: I lead for the Opposition on the Crimes Amendment (Female Genital Mutilation) Bill 2014. The Opposition does not oppose the bill. The two objects of the bill are, first, to alter the maximum penalty for the current offence under section 45 of the Crimes Act. At present, the maximum penalty is seven years imprisonment and this bill increases that to 21 years; and, second, to create a separate offence that will become section 45A of the Crimes Act, which deals with situations where someone removes a person from the State for female genital mutilation. Female genital mutilation is a practice deserving of criminal sanction. It is a cultural practice experienced by 100 million to 140 million girls and women currently living. Primarily, the practice is concentrated in Africa and some parts of Asia, and its origins are not recent. Ben Matthews in the *Medical Journal of Australia* points out that it appears in historical texts dating back to 405BC. There is no proper basis for it in any religious text—for example, it predates the *Koran* and the *New Testament*. Ben Matthews states:

It's focused on social control of girls and women's bodies and capacity for sexual enjoyment and fulfilment.

Increasing migration to Australia from regions where this practice is common has increased the significance of this issue in this country. The Melbourne Royal Women's Hospital, for example, reportedly is seeing between 600 and 700 affected women annually. Again citing Matthews, 20 years ago, in 1994, the Family Law Council accepted that it was likely the practice was being performed in this country. New South Wales introduced an offence in 1995. The genesis of this bill was several years ago. On 11 December 2011 the then Prime Minister announced that the Minister for Health would coordinate Australia-wide efforts to address this issue and that the Commonwealth Attorney General would conduct a review of the relevant legislative framework. The final report of that review is dated March 2013 and its recommendations were adopted by the Standing Council on Law and Justice, which met on 5 April. The council agreed to the review's recommendations. Recommendation 2 states:

It is recommended that the States and Territories where the maximum penalties for female genital mutilation offences are significantly less than those set out in the model laws consider adopting consistent penalties for their female genital mutilation offences, based on those outlined in the model laws.

Recommendation 3 states:

It is recommended that the States and Territories consider broadening the scope of their legislation to make it an offence to remove any person from the relevant jurisdiction with the intention of having female genital mutilation performed on that person.

Recommendation 4 states:

It is recommended that the States and Territories consider broadening the extraterritorial application of their female genital mutilation offences to ensure that both of the following constitute an offence in all Australian jurisdictions:

- to perform female genital mutilation on an Australian resident, wherever the operation is performed, and
- to remove, or make arrangement to remove, a person from the relevant jurisdiction for the purpose of subjecting them to female genital mutilation.

The Commonwealth's review conceded that laws already provided extensive criminalisation of female genital mutilation both within and outside Australia. That is a fair description of the current New South Wales position. The Model Criminal Code contains a maximum penalty of imprisonment of 15 years. The Commonwealth review pointed out that penalties in various jurisdictions ranged from seven years to 21 years imprisonment. It argued that greater consistency in penalties would have these virtues: sending a nationally unified message on

the seriousness of this practice; assisting in effective messaging that the practice was a serious crime that should be eliminated; and removing any attraction for people to move to jurisdictions with lower penalties. That is the justification for the increase in penalties proposed in this bill. Obviously, national consistency has attractive logic. Of course, increasing penalties is often not much of a deterrent; that is especially the case when hardly anyone is charged with the offence—a point made by the Commonwealth review. At page 4 the review states:

Despite being extensively criminalised for a number of years, feedback from jurisdictions indicates that very few, if any, female genital mutilations have been successfully prosecuted in Australian courts.

I asked the then Attorney General a question on notice about the number of charges laid under section 45 of the Crimes Act—the offence introduced in 1995. The Attorney General advised me as follows:

The NSW Police Force has advised me:

Although the legislation referred to was introduced in 1994, data from NSW Police Force's COPS system is only available from 1998.

Between 1998 and 24 March 2014, three incidents of female genital mutilation have led to charges being laid, with 10 people being charged.

Three incidents, over 16 years, have led to criminal charges. As the numbers are quite low, the imposition of increased penalties is unlikely to have much effect. However, having said that, obviously the Opposition does not oppose the bill. I ask the Attorney General in reply to indicate what steps the Government proposes to take to increase the detection and enforcement of the current and amended laws. The review makes references to such issues. I ask for an assurance that this bill is more than just an opportunity for a press release. Frankly, this issue is too important for such a cynical approach.

The Commonwealth review specifically noted the absence of a removal offence in New South Wales. The bill resolves that absence by inserting section 45A. There will now be a separate offence if a person takes or arranges for the taking of a person from the State with the intention of having female genital mutilation performed on the person. It is a rebuttable presumption that the accused had the requisite intention to commit the offence if it is proved the accused took the person or arranged for them to be taken from the jurisdiction. That is, of course, entirely sensible given the Commonwealth recommendation and the fact that it seems to be a gap in the law. Consistent with the existing provision in section 45, consent of the person concerned is no defence under section 45A. The medical exceptions in section 45 are also applicable to section 45A. The extraterritorial provision seems slightly broader. It is moved from section 45 (2) to section 10F (3) and applies to offences under sections 45 and 45A.

It is worth noting the penalties in other jurisdictions for the equivalent of our section 45 offence. In the Australian Capital Territory the penalty is 15 years; in the Northern Territory it is 14 years; in Queensland it is 14 years; in South Australia it is seven years; in Tasmania it is 21 years; in Victoria it is 15 years; and in Western Australia it is 20 years. The maximum penalties for the removal offence for those jurisdictions respectively are: seven years, 14 years, 14 years, seven years, 21 years, five years and 10 years. It is a bit hard to argue that this bill makes it a more consistent range of penalties. In fact, we have gone from the lowest to the highest. I am not being particularly critical of that. This legislation should not be presented on the basis of making the law more consistent; it does not. In the model law the penalty is 15 years, which is what the Commonwealth review was suggesting. Granted, a limited number of people are actually prosecuted.

In a sense it is an academic argument because so few people are brought before the courts. If things are done to enforce the legislation then of course it might be somewhat more significant. The Law Society has recently written to me in relation to this bill. It makes the not unreasonable point that education is likely to be more effective in eradicating this practice than changing maximum penalties. That is an argument that makes sense given the small number of prosecutions, and it is consistent with the multidisciplinary approach highlighted by the society. This is not an issue that is simply resolved by criminal law. A range of other things need to be done as well. I put the Law Society's position on the record, reflected in its letter dated 11 March 2014 which stated:

The Committee reiterates the position set out in its July letter. The Committee's position remains that education is the more appropriate and proportionate response to addressing the practice of female genital mutilation. In light of the multidisciplinary efforts being carried out at both State and Federal level, the Committee submits that increasing the maximum penalty is a response that is both unnecessary and inappropriate.

While the Committee agrees that the practice of female genital mutilation should be addressed, the Committee reiterates its concern that reform of the Crimes Act 1900 at this point may unnecessarily increase incarceration rates without actually addressing the reasons why female genital mutilation practices take place. The Committee's view is that there are likely other more appropriate and effective measures that can be implemented to eradicate female genital mutilation practices.

It also stated:

The Committee's view is that a multidisciplinary approach such as that taken by the New South Wales female genital mutilation program, without resorting to legislative reform, is consistent with the protection and promotion of the rights of women. For the reasons set out above the Committee opposes the bill.

The point the Law Society makes about the multidisciplinary approach has a fair bit of substance to it, but the point about increasing incarceration rates is probably not right given there have only been three instances that have led to prosecutions in the past 16 years. Whatever else is happening it is not going to significantly increase incarceration rates, but there needs to be a broader approach than just creating new offences and increased maximums. They are not opposed. It is an appalling practice that ought to be stamped out as best as possible, but that is not going to be achieved merely by changing the criminal law. Whilst that can happen and whilst the Opposition does not oppose that, it looks forward to the Government doing some other things as well. The Opposition does not oppose the bill.

Mr JONATHAN O'DEA (Davidson) [4.13 p.m.]: I thank the shadow Attorney General for his speech and indication of support for the Crimes Amendment (Female Genital Mutilation) Bill 2014. Female genital mutilation is recognised by the World Health Organization as a violation of the human rights of female children, usually between infancy and age 15. In December 2012 the United Nations General Assembly unanimously voted to eliminate female genital mutilation worldwide. As of 2013, female genital mutilation is outlawed in 26 African countries and anti-female genital mutilation legislation has been passed in 33 countries outside Africa and the Middle East. Australia also responded quickly with then Federal Health Minister Plibersek announcing a review of existing State and Territorial legislative provisions around female genital mutilation and their effectiveness in criminalising female genital mutilation.

The review concluded that adequate State and Territory laws were in place but there was inconsistency in relation to penalties, age coverage, and State and Territorial application. It recommended making maximum penalties more consistent across States and Territories, making it an offence to remove a person from their State or place of residence to perform this surgery in another jurisdiction, and suggested ways to improve detection and the enforcement of these laws. This Government has reacted strongly to the recommendations and will increase the penalty for performing female genital mutilation from seven to 21 years, which brings New South Wales into line with Western Australia and Tasmania, including the crime of having female genital mutilation performed overseas or removing a person from New South Wales for this purpose. The Government will not tolerate this crime against young women in our community. The new harshness of the penalty reflects the Government's abhorrence of this practice. Australia is a multicultural and tolerant society and our community standards are appropriately high, especially with regard to gender equality. In describing female genital mutilation, the World Health Organization stated:

It reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women. It is nearly always carried out on minors and is a violation of the rights of children. The practice also violates ... the right to be free from torture and cruel, inhuman or degrading treatment ...

There are no health benefits associated with female genital mutilation but the long-term adverse health effects of the procedure are well known. They include infertility, bladder and urinary tract infections, cysts and increased problems during childbirth, potentially leading to the death of newborns. Those who argue for the practice of female genital mutilation cite the need to conform to community expectation in order to be accepted and function. This Government needs to make it clear that the community of New South Wales and Australia does not accept this practice. It is clearly illegal and consent is no defence. To conform to community expectation in New South Wales, everyone must abide by these laws and reject female genital mutilation. Cultural differences and language barriers are no excuse for performing or facilitating a female genital mutilation procedure.

The World Health Organization states that no religious scripts prescribe the practice. However, there are varying standards among religious leaders ranging from promoting it to desiring its elimination. The World Health Organization also states that if practising communities decide to abandon female genital mutilation, it can be eliminated very quickly. That is the aim of this Government. By increasing and expanding the penalties for organising or performing female genital mutilation, the Government is hoping the practice will be eliminated. For this to happen we need to enforce these laws and have effective media campaigns and health education to spread the message quickly and broadly to women and others in relevant communities.

The NSW Education Program on Female Genital Mutilation supports a coordinated national approach to educating people, including government and non-government services for settlement, education, community and child protection, health and allied health services. Enforcing these laws remains a challenge. In making them harsher, we also need to make it easier to detect and prosecute offenders. In New South Wales female genital mutilation is identified as child abuse. It is mandatory for a range of people in occupations working with children to report to the Department of Family and Community Services any current concerns and/or reasonable grounds to suspect risk of harm relating to children. For the purposes of this law, a child is a person under 16 years.

Professions where workers are mandated to report female genital mutilation include health workers, teachers, childcare workers, disability workers and the NSW Police Force. As the shadow Attorney General indicated, there have been only three prosecutions for female genital mutilation in New South Wales but undoubtedly many more operations have been performed. We need to work on the front line with the occupations I mentioned to push our message hard and make it entirely reprehensible to consider this surgery within our community. We need to send young women and men a strong message that it is illegal to perform female genital mutilation and nobody should ever approve of this practice for any girls or women. It is by educating young men and women in their relevant communities to the dangers and inhumanity of female genital mutilation that it can eventually be rejected by all, leading to the elimination of the practice in New South Wales and Australia.

We also need to improve our methods of prosecution. I reiterate that there have been only three prosecutions in New South Wales. If the law is not robustly prosecuted, its deterrent effect is diminished. Female genital mutilation is a planned crime so rigorously enforcing the increased penalty under the law—namely, the threat of prison or a child being placed in care—should have a strong deterrent effect. Soraya Mire, a Somali author who wrote *The Girl with Three Legs*, describes female genital mutilation as "the ultimate child abuse, a ritual of mutilation handed down from mother to daughter and protected by the word 'culture'". Waris Dirie, a world renowned model and actress, still remembers her anger as a five-year-old Somali girl recovering in a makeshift shelter from female genital mutilation. She said when they tried to convince her that God wanted this she asked, "Did my God hate me this much?" She remembers saying to her mother, "If he hates me, then I don't want him." [*Extension of time agreed to.*]

Waris believes that female genital mutilation is violence against girls, which destroys the rest of their lives, and as a community we need to protect them against that violence, just as we protect them from all other forms of violence. In October last year, in Berlin, Waris Dirie opened the first of what will be several medical centres to offer reconstructive surgery to women who have endured female genital mutilation. She hopes to open other clinics in Kenya, Ethiopia, the Netherlands and Switzerland. She is adamant that this sort of surgery is not the answer: The answer is to put a stop to this barbaric tradition amongst women in relevant cultures.

Last month in February in the United Kingdom, Education Secretary Michael Gove wrote to schools in England to ask them to protect girls from female genital mutilation. He said, "We all want to see this very serious form of child abuse consigned to history." In addition to these penalties which are appropriately being increased, I hope we send letters to at least selected schools in New South Wales—namely, those schools identified as being particularly at risk. This could highlight the plight of some in our community, stigmatise the practice—though not in a way that offends current victims—and educate those young women who might be affected to expect a fresh future, free of pain and full of hope, as well as support from a community that cares about them. I commend the former Attorney General, the Hon. Greg Smith, and the present Attorney General, the Hon. Brad Hazzard, for bringing this legislation before the House. I commend the bill to the House.

ACTING-SPEAKER (Mr Lee Evans): Order! I welcome to the gallery school captains from Galstaun College, Northern Beaches Christian School, Mater Maria Catholic College, Barrenjoey High School, the German International School, Narrabeen Sports High School and Pittwater High School, guests of the member for Pittwater. Welcome to the Parliament of New South Wales.

Mr NICK LALICH (Cabramatta) [4.23 p.m.]: I make a brief contribution to debate on the Crimes Amendment (Female Genital Mutilation) Bill 2014. As someone who has a daughter and a grand-daughter, I fully support this bill. There is no place in this country for such a cruel, despicable and inhumane practice. Female genital mutilation has no benefits. In fact, it is known to cause a number of short- and long-term health problems. According to the World Health Organization it can cause severe bleeding, cysts, infections, infertility, complications in childbirth and increased risk of newborn deaths. That does not even take into account the psychological impact this practice has on girls and women.

Female genital mutilation can cause anxiety, severe depression, nightmares, flashbacks and post-traumatic stress syndrome. It can affect a woman's intimate relationships. It is truly frightening to think that there are more than 125 million girls and women throughout the world today who are victims of female genital mutilation. The practice mostly occurs in Africa and the Middle East. However, with some of our citizens coming from African and Middle Eastern backgrounds female genital mutilation is a problem in Australia. There are no official figures to inform us how much of a problem it is, but there is anecdotal evidence that it is happening. In 2010 it was reported that between 600 and 700 women who had experienced female genital mutilation were being seen at the Royal Women's Hospital in Melbourne each year. Australians do not and will not ever tolerate female genital mutilation. As the representative of the electorate of Cabramatta, it is my job to reflect my community's views. Speaking on behalf of my community, I think it is only right and about time that the maximum penalty for performing female genital mutilation was increased to 21 years imprisonment.

The current maximum penalty of seven years is totally inadequate and is significantly less than other jurisdictions currently have in place. Increasing the penalty to 21 years would align it with penalties for similar crimes, such as intentionally causing grievous bodily harm or wounding. It would also send a strong message to the community that female genital mutilation is wrong—that it is a crime, that it will not be tolerated and that anyone caught facilitating this practice or performing this procedure will be punished appropriately. I also fully support the creation of a new offence of removing a girl or woman from New South Wales to perform female genital mutilation on that person. At present that is not a crime in New South Wales, and it should be, whereas it is illegal in all other jurisdictions in Australia.

People should not be allowed to get away with taking a girl or woman to another country to carry out this barbaric practice—even if they have the consent of that girl or woman. I support the stipulation in the bill that female persons consenting to having genital mutilation performed upon them is not a defence. This is consistent with laws across all Australian jurisdictions. I imagine that in many cases of female genital mutilation women are bullied or threatened into agreeing to it, and children are powerless against the wishes of their parents. In February 2012 a Sydney father had his then nine-month-old daughter circumcised while they were overseas. That poor child could in no way protect herself against the actions of her parents. The crime was only discovered six months later when the child's mother took her to see a doctor.

I am very pleased that the Government has brought this legislation to the House. I was concerned that when this issue was brought to greater attention earlier this year the Minister for Family and Community Services, charged with protecting our children, said, "I think the law is tough enough." I am glad that someone in the Government has had the sense to see that it was not. While I support the Minister's views that education is vital to wiping out this practice in Australia and around the world, it is not enough. Proper legislation makes it clear to the community that Australia and New South Wales do not tolerate female genital mutilation, that we view this practice as a human rights violation, and that it is a crime that will be met with the appropriate punishment and the full weight of the law.

Ms PRU GOWARD (Goulburn—Minister for Planning, and Minister for Women) [4.28 p.m.]: The Crimes Amendment (Female Genital Mutilation) Bill is, first and foremost, about preventing in New South Wales the misery caused by female genital mutilation. Each day about 7,000 women and girls worldwide are subjected to female genital mutilation. We have all heard the horror stories of the practice of cutting, sewing and brutishly altering the genitals of girls and women. We have heard of young girls going on to experience lifelong health problems that affect them during childbirth and leave them infertile or with life-threatening kidney and bladder infections. The stories we hear less frequently are that it is happening right here in New South Wales.

It is unclear exactly how many women in New South Wales have been subjected to this practice. It is an understatement to say that we have poor reporting rates, low prosecution rates and poor data collection. The best information we have is a 2014 report from Family Planning Victoria that estimates there are more than 180,000 women living in Australia from countries where female genital mutilation has been documented. The actual prevalence has not been estimated, but that report gives us an idea of the potential pool of girls and women who may be at risk. The practice is hidden and underground, but it is happening. Worse still, women who have undergone female genital mutilation often receive no assistance until they present with severe gynaecological complications when giving birth or at a medical check.

This bill demonstrates the very strong commitment of this Government to preventing female genital mutilation. I am delighted to hear of the strong support for this bill from the Opposition. This bill will strengthen the penalties for those who practise female genital mutilation from seven years to a maximum of 21 years. It will also create a new penalty for people who may seek to circumvent the laws of New South Wales by

removing someone from New South Wales to perform female genital mutilation. This is aimed squarely at those who drag terrified little girls—little girls from across New South Wales—to foreign lands to have their genitals mutilated. In this country, young girls have rights; and that includes a right not to have their bodies mutilated or violated.

Through these legislative changes, the New South Wales Government is sending a strong message that female genital mutilation is an abhorrent offence and that it is unacceptable in New South Wales. As with all criminal activity, tougher penalties are only part of the picture. Community engagement and education are absolutely vital in preventing more young girls from being affected by female genital mutilation. We need to build not only awareness about the legal consequences of performing female genital mutilation but also community understanding about the detrimental impacts of female genital mutilation on women and girls, and also the understanding that it is prohibited in New South Wales.

The New South Wales Education Program on Female Genital Mutilation, which aims to prevent or minimise the health and psychological impacts of female genital mutilation on women, girls and their families, is certainly an excellent start. But it is not going to be easy; it is much harder to change attitudes and cultural practices than it is to change the law. We cannot ignore that female genital mutilation is deeply entrenched in cultural meanings and beliefs that relate to gender, sexuality, marriage and family. The persistence of female genital mutilation in certain communities, both in Australia and internationally, reinforces just how strong this social convention is within practising communities despite worldwide abhorrence of the practice.

I think this means that we need to be realistic and accept that we may never be able to completely eradicate this crime. Some women and girls will always be at risk of this brutality, and that is where we need to strengthen the support available to those who have experienced or are at risk of undergoing female genital mutilation. We must be able to reach out directly to those women and girls. If they know that it is a crime, that they can go to the police for protection or support and that there are services available to help them then we might, just might, be able to empower these young women and their families to protect themselves.

Along with the Hon. Victor Dominello, I have written to the Hon. Michaelia Cash, the Minister Assisting the Prime Minister for Women, who has Federal responsibility for these matters. We have requested her support in developing a national awareness campaign in culturally and linguistically diverse communities, as well as an education program for new migrants to help make clear Australia's position on this repulsive crime and the consequences for those who dare perpetrate it on our girls. This bill will establish and support a coordinated effort to stop this practice. I commend this bill to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Citizenship and Communities, Minister for Aboriginal Affairs, Minister for Veterans Affairs, and Assistant Minister for Education) [4.37 p.m.]: Female genital mutilation is an abhorrent practice that affects millions of women and girls around the world, and potentially many thousands in New South Wales. I will list some cold, hard facts. Every day as many as 7,000 women and girls are subjected to this practice. The United Nations High Commissioner for Refugees (UNHCR) reports that more than 125 million girls and women from 29 countries, predominantly countries in Africa and the Middle East, have been subjected to some form of genital mutilation. In half of these countries the majority of girls are subjected to female genital mutilation before the age of five. In others, the mutilation usually occurs between the ages of five and 14. In the majority of these countries, most girls had their genitalia mutilated with some flesh removed. Whilst this practice may occur in some places around the world, it has no place in New South Wales.

Female genital mutilation has profound effects on women's mental and physical health, including infertility, reduced sexual function, painful urination, complications in childbirth, and an increased rate of infant and maternal mortality during and shortly after childbirth. The existing penalties for female genital mutilation are simply not adequate. That is why the New South Wales Government is taking a firm and decisive stance. This bill increases the maximum penalty for performing female genital mutilation from seven years to 21 years imprisonment. The bill also introduces an offence of taking another person or arranging for another person to be taken from New South Wales with the intention of having female genital mutilation performed on that person.

Female genital mutilation not only affects women and girls; it impacts on partners and families. We need to work with the whole community to see this abhorrent practice in its broader health and human rights context. That is why we are working on an awareness campaign for our State's culturally diverse communities. The campaign will tap into and build on the work that women and other community leaders are already doing in

their communities to oppose female genital mutilation. As a result of the strong stance taken by the Government in this bill, girls, women and community leaders should feel further empowered to speak out in their communities against this abhorrent practice.

Several government agencies, including the Community Relations Commission for a Multicultural New South Wales, are working together with the Department of Family and Community Services and NSW Health to develop effective, targeted strategies that will improve and broaden the work of current female genital mutilation education programs and reach into every corner of every affected community. It is my sincere hope that this legal and educative approach will drive the message home to everybody that this horrendous practice has far-reaching consequences that will not be tolerated in New South Wales. I repeat: It will not be tolerated in New South Wales. We will continue to work with community leaders to ensure that our society is educated and informed of the dangers and evils of female genital mutilation. This amendment bill sends a clear message to every person that in the strongest possible way the New South Wales Government condemns the practice of female genital mutilation.

Mr LEE EVANS (Heathcote) [4.41 p.m.]: I usually say that it gives me great pleasure to speak to a bill, but it does not give me any pleasure to speak to this bill. I warn that the content of some of my speech on the Crimes Amendment (Female Genital Mutilation) Bill 2014 may upset some members of our community but as members of Parliament we need to stand up for what we consider it means to be Australian. Female genital mutilation [FGM], also known as female genital cutting and female circumcision, is defined by the World Health Organization as "all procedures that involve partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons." Female genital mutilation is practised as a cultural ritual by ethnic groups in 27 countries in sub-Saharan and North-East Africa, and to a lesser extent in Asia, the Middle East and within immigrant communities elsewhere.

Female genital mutilation is typically carried out with or without anaesthesia by a traditional circumciser using a knife or razor. The age of the girls varies from weeks after birth to puberty; in half of the countries for which figures were available in 2013 most girls were cut before the age of five. Around 125 million women and girls in Africa and the Middle East have undergone female genital mutilation. More than eight million have experienced type III, which is most common in Djibouti, Eritrea, Ethiopia, Somalia and Sudan. The practice is an ethnic marker, rooted in gender inequality, ideas about purity, modesty and aesthetics, and attempts to control women's sexuality. It is supported by both women and men in countries that practise it, particularly by the women, who see it as a source of honour, and authority and an essential part of raising a daughter well.

Since the 1970s there has been an international effort to eradicate the practice, culminating in a unanimous vote in 2012 by the United Nations General Assembly to take all necessary steps to end it. It has been outlawed in most of the countries in which it occurs, but the laws are poorly enforced. The opposition is not without its critics, particularly among anthropologists, some of whom view the eradicationist position as cultural imperialism. Eric Silverman writes that female genital mutilation is one of anthropology's central moral topics, raising questions about pluralism and multiculturalism within a debate framed by colonial and post-colonial history. An article in the *Australian* dated January 2014 reads:

GENITAL mutilation of girls is much more common in Australia and by Australians overseas than authorities can detect, according to the NSW community services minister.

Pru Goward told ABC Radio this morning that toughening the law on this "hideous" crime was not an option, but said community engagement and education was needed to prevent more young girls being targeted.

She said anecdotal evidence showed the practice was "more common than the reports would suggest".

"It's so easy to hide within a community that condones it, within a household that condones it," Ms Goward said.

Her comments come after a Sydney father was charged with having his then nine-month-old baby daughter allegedly circumcised while abroad in February 2012.

The alleged procedure was only discovered six months later when the child's mother brought her to the doctor, police said.

It is only the second prosecution case in relation to the practice in NSW and believed to be the first time a person has been charged with procuring the procedure while overseas.

I am proud to say that the former Minister and current Minister have taken clear and concise action on this barbaric practice. The New South Wales Government recently approved changes to the Crimes Act 1900 to increase the penalty for practising female genital mutilation in New South Wales from seven years to a

maximum of 21 years, and introduced a new offence applicable to anyone who removes someone from New South Wales with the intention of practising female genital mutilation. These legislative changes send a strong message that female genital mutilation is an abhorrent offence and that it is unacceptable in New South Wales. New South Wales now has the toughest penalties in Australia, which are equal to those in Tasmania.

As with all Australian jurisdictions, it is unclear exactly how many women in New South Wales have been subjected to female genital mutilation due to poor reporting rates, low prosecution rates and poor data collection. According to census data from 2011, approximately 50,000 women living in New South Wales came from communities in which female genital mutilation may be practised. It is estimated that a proportion of these women would have undergone the procedure in countries other than Australia. The detrimental effects of female genital mutilation on women and girls are considerable. They include infertility, complications in childbirth, and infant and maternal mortality during and in the aftermath of childbirth.

In addition to tougher penalties it is important to build community awareness about the damaging impacts of this practice. We will build on the long-running NSW Health-funded education program on female genital mutilation, which aims to prevent or minimise the health and psychological impacts of female genital mutilation on women, girls and their families. The New South Wales Government is increasing penalties for people convicted of performing female genital mutilation and is for the first time making it a crime to remove a person from New South Wales to undergo the procedure overseas. The maximum sentence for performing female genital mutilation will be increased from seven years to 21 years. In addition, a new offence of removing a person from New South Wales with the intention of having female genital mutilation performed on that person will be introduced, and also attract a maximum sentence of 21 years.

Former Attorney General Greg Smith said it was important that the penalties for female genital mutilation matched the long-term effects on its victims. There has been only one case known to NSW Health in which there was sufficient evidence to lay charges for female genital mutilation allegedly committed in New South Wales. It is a case in which eight people were charged, four of whom had their charges dismissed by the court and four of whom appeared in court in February 2014. Among those who appeared in court were the parents of the complainant, the nurse who allegedly performed the female genital mutilation and the community leader charged with aiding and abetting. This practice is far from being part of a bygone era. As caring and loving human beings, we must ensure that this barbaric practice cannot and will not be accepted in New South Wales in any form. The change in penalties will send the strongest message that this offence will not be tolerated. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [4.49 p.m.]: The Crimes Amendment (Female Genital Mutilation) Bill 2014 will amend the Crimes Act to increase penalties for the sickening practice of female genital mutilation, which continues to impact on women in Australia. According to the World Health Organization, there are more than 125 million victims of female genital mutilation around the world, particularly in Africa and the Middle East. Female genital mutilation is carried out predominantly on girls aged from infancy to 15 years. It is a breach of the most basic human rights of women and is utterly abhorrent. Under section 45 (1) (a) and (b) of the Crimes Act, a person is prohibited from excising, infibulating or otherwise mutilating the whole or any part of the female genitalia area. The prohibition includes the aiding, abetting, counselling or procurement of a person to perform any of those acts.

Unfortunately, despite the practice being outlawed in New South Wales and all other Australian jurisdictions, instances of female genital mutilation still occur within our community. Earlier, the Minister for Women stated that we do not have good statistical information in relation to this offence, for obvious reasons. I have met women who have personal experience of this abhorrent practice. They are naturally ashamed and would be very unlikely to come forward to provide information to health authorities. As a result, many of those women fail to seek medical attention when it is necessary because they are ashamed. Many of them develop very serious health complications. I know of a woman in Bankstown who had to undergo this procedure and it resulted in terminal cancer. It is very sad to see a young woman in her thirties, who experienced this procedure when she was approximately eight years of age, finally arrive in Australia with the hope of raising her children here, only to find that she developed terminal cancer as a result of the procedure.

In 2012 the Commonwealth Government undertook an extensive review into female genital mutilation. Following publication of its report, in April 2013 the New South Wales Standing Committee on Law and Justice agreed on a number of recommendations. The committee's report extensively examined Australia's legal framework relating to genital mutilation to ascertain existing shortcomings, and was published in May 2013. The report showed that New South Wales was behind other State and Territory jurisdictions, and that it was

necessary for New South Wales to pass the legislation that is before the House today. The bill will criminalise the practice of female genital mutilation. A separate offence under section 45A of the Crimes Act will be created to make it an offence for a person to arrange to take or to take another person out of the State with the intention of having the procedure of female genital mutilation performed on that person.

I also mention a woman who is comfortable that her name be mentioned, and that is Khadija Gbla. Ms Gbla wishes to use her own experience to help to bring an end to female genital mutilation. Ms Gbla was born in Sierra Leone and was about 10 years old when she was mutilated, obviously without any consent or understanding of the impact that this horrific procedure would have on her and her life. Ms Gbla believes the children of some African migrants still are at risk and she wants to use her own experience to help to bring that to an end. She shared this with the *ABC News*, and I wish to record what Ms Khadija Gbla said:

There is a danger and that is what is scary to us, that you may have come across all the way to get to Australia, the land of freedom, the land of opportunities, while you think you are safe, only, like I said, with the threat of somebody taking you back home maybe and getting this done to you under the guise of a holiday.

Women who undergo female genital mutilation clearly are at risk of bleeding to death and suffering severe bacterial infection in the short term. What concerns me is what Ms Gbla said about the practice continuing not only in Australia but also in the countries of origin to which people are being taken for the procedure to be carried out. A number of members of this House also raised those issues. It is very important that the message from this debate is that people who are aware of children being at risk of this procedure notify the authorities. There is a Child Protection Helpline. Since 1997 a statewide program has been undertaken by the Department of Education and Communities under the auspices of the Department of Health to educate the community about this unacceptable practice being illegal in Australia and about the importance of notifying authorities of children at risk, at the very least by contacting the Child Protection Helpline to seek assistance. By all means possible we must ensure that we completely eradicate this practice from New South Wales. Importantly, we should also eradicate any instances of young women being taken back to their countries of origin and being subjected to this abhorrent procedure.

While there are immediate and short-term impacts of genital mutilation procedures upon women, there are also long-term health implications. Earlier I mentioned a woman for whom the practice resulted in terminal cancer. The practice also leads to infertility and a whole range of other health complications. I note also that many members of the House have mentioned that the procedure is a very traumatic experience. I have no doubt that long-term post-traumatic stress and many mental health issues are associated with these procedures. Women who suffer from that type of stress for their entire lives also need assistance. I know that many programs are available to help them. Certainly in my electorate of Bankstown and other areas of south-western Sydney, a number of groups have come together to help women to seek assistance, particularly by talking about the issue. If there are no medical ways of assisting them, there may be ways of assisting them psychologically to deal with the stress in their lives.

The bill will send a strong message that the crime of female genital mutilation will not be tolerated. No child should ever have to experience the procedure, as Ms Khadija Gbla unfortunately did. I know that African Australian community groups and African Women Australia Inc. welcome this legislation. All the groups agree that this abhorrent practice must be eradicated and that all available measures should be directed at ensuring that the penalties for this offence across all States are clear and consistent. Establishment of a consistent legislative framework across all jurisdictions sends a very strong message that punishment will reflect the significant harm caused to victims of genital mutilation. I will not deal with the bill in greater detail because I am aware that many members of the House wish to make a contribution to the debate, and quite rightly so. I certainly support the bill.

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [4.59 p.m.]: I support the Crimes Amendment (Female Genital Mutilation) Bill 2014. Female genital mutilation is an umbrella term that describes all procedures involving partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons. Female genital mutilation [FGM] includes clitoridectomy, excision, infibulation and harmful procedures such as pricking, piercing, incising, scraping or cauterising the genital area. The practice is generally carried out by traditional circumcisers who often play central roles in their communities, such as attending childbirths, but the World Health Organization estimates that around 20 per cent of all female genital mutilation is performed by healthcare providers and, alarmingly, there is a trend towards this so-called "medicalisation".

The procedures are mostly carried out on young girls between birth and age 15, and occasionally on adult women. The World Health Organization estimates that in Africa more than three million girls are at risk of

female genital mutilation annually. The organisation estimates that more than 125 million girls and women alive today have been cut in the 29 countries in western, eastern and north-eastern Africa, and the Middle East, where female genital mutilation is concentrated. There are no health benefits from female genital mutilation. It harms girls and women in many ways. It involves removing and damaging healthy and normal female genital tissue, and interferes with the natural functions of girls' and women's bodies. There are immediate and long-term complications. The immediate complications include severe pain, shock, haemorrhage, tetanus or sepsis, urine retention, open sores in the genital region and injury to nearby genital tissue. The long-term consequences are many and they include recurrent bladder and urinary tract infections, cysts, infertility, an increased risk of childbirth complications and newborn deaths, and the need for later surgeries. For example, the female genital mutilation procedure known as infibulation requires cuts to be made later to allow for sexual intercourse and childbirth.

In 2010 the World Health Organization published a "Global strategy to stop health-care providers from performing female genital mutilation" in collaboration with other key United Nations agencies and international organisations. In December 2012 the United Nations General Assembly adopted a resolution on the elimination of female genital mutilation. In New South Wales the Crimes Act 1900 prohibits female genital mutilation in section 45. The current maximum penalty is imprisonment for seven years. It is no defence to a charge under that section that the person mutilated consented to the acts. There are exceptions, which are as follows:

It is not an offence against this section to perform a surgical operation if that operation:

- (a) is necessary for the health of the person on whom it is performed and is performed by a medical practitioner, or
- (b) is performed on a person in labour or who has just given birth, and for medical purposes connected with that labour or birth, by a medical practitioner or authorised professional, or
- (c) is a sexual reassignment procedure and is performed by a medical practitioner.

The bill will amend section 45 to increase, from seven to 21 years imprisonment, the maximum penalty for an offence under that section. That follows a Commonwealth review of these sorts of provisions across Australia, which found that the maximum penalty of seven years imprisonment was significantly less than the maximum penalty in other jurisdictions. The second significant amendment is the insertion of new section 45A into the Crimes Act. New South Wales is the only jurisdiction in Australia that does not have a specific removal offence. In Victoria and the Northern Territory removal offences apply regardless of the age of the person taken from the jurisdiction. In other jurisdictions in Australia there are removal offences that apply to the taking of a child or arranging for a child to be taken from the jurisdiction.

The bill will insert new section 45A into the Crimes Act to create a separate offence of taking a person from the State, or arranging for a person to be taken from the State, with the intention of having female genital mutilation performed on the person. There will be an evidentiary provision in new section 45A to the effect that, absent proof to the contrary, the accused is presumed to have acted with the intention of having female genital mutilation performed on a person if the accused took, or arranged for the taking of, the person from the State and the mutilation was performed on the person while outside the State. The new section will also provide it is not a defence to a charge under that section that the person taken from the State consented to being so taken.

The bill will insert new section 10F (3) to provide that the necessary geographical nexus exists between the State and a relevant offence if the person against whom the offence is committed is ordinarily resident in New South Wales. That will allow prosecution in New South Wales of offences even if the offence is committed outside New South Wales. As a result of the insertion of new section 10F (3) to cover sections 45 and 45A, there will be a consequential amendment to section 45 to omit subsection (2). The Child Protection (Working with Children) Act 2012 will also be amended by this bill to provide that it is a trigger for an assessment requirement under that Act in relation to a person if proceedings have been commenced against the person for an offence under new section 45A of the Crimes Act, whatever the outcome of the proceedings.

As previous speakers have noted, female genital mutilation is an abhorrent procedure and the Government is committed to ending it. We are doing that not just by legislation but also by running a public awareness campaign to educate young women and the community about these legislative changes and the short- and long-term health consequences of the practice. The changes will ensure that people who perform female genital mutilation, or take people or arrange for them to be taken from New South Wales to have it done, will receive appropriate punishment.

As part of that multifaceted approach there is the ongoing New South Wales education program on female genital mutilation. It is a statewide program funded through the New South Wales Department of Health that commenced in 1997 and ongoing funding has been provided so that existing work can be consolidated and further work with new and emerging communities can be planned and implemented. The goals of the program are: to promote the development of a consistent and holistic health approach in working with communities and facilitate support and access to the full range of services for women, girls and their families affected by, or at risk of, the practice; to prevent the occurrence of female genital mutilation in New South Wales through an emphasis on community education, information and support; to assist women, girls and their families living in New South Wales who have been affected by the practice to minimise the harmful effects; and to strengthen community ownership of the issues and promote appropriate approaches to the prevention of female genital mutilation in New South Wales.

The program includes a professional education limb that targets counsellors, youth workers, health services, relevant government and non-government education, welfare workers and police. It also includes a community education program working directly with communities resident in New South Wales who have come from countries where female genital mutilation is practised. The increased penalties are an expression of the legislature's abhorrence of this practice. We are filling a gap in the legislation by inserting new section 45A so that there is a specific removal offence in New South Wales and this State catches up with every other Australian jurisdiction. I commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [5.08 p.m.]: I speak in support of the Crimes Amendment (Female Genital Mutilation) Bill 2014. It is incredibly important for this House to address this issue and I think the speeches given so far reflect how our society feels about it. It has been an eye-opening topic and I am humbled to be involved in making a difference for young women in our community. This bill amends the Crimes Act to increase the maximum penalty for performing female genital mutilation from the current maximum of seven years imprisonment to 21 years imprisonment. It also creates a new offence for removing a person who normally resides in New South Wales with the intention of female genital mutilation being performed on that person.

Female genital mutilation includes procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons. Other names for the procedure include female circumcision or ritual female surgery. The procedure has no health benefits for girls or women and, in fact, can cause severe bleeding and urination problems. Later health problems can include cysts, infections, infertility and possibly complications in childbirth as well as an increased risk of newborn deaths. Mental health complications can also occur due to this practice being carried out. Female genital mutilation is recognised internationally as a violation of the human rights of girls and women. This practice reflects deep-rooted inequality between the sexes and constitutes an extreme form of discrimination against women.

The practice of female genital mutilation also violates a person's right to health, security and physical integrity, to be free from torture and cruel, inhumane or degrading treatment, and to life when death results. The procedure is nearly always carried out on minors between infancy and 15 years of age, although it may also be carried out on older women. On wedding nights and during childbirth, in particular, women suffer trauma from this procedure. In 1995 New South Wales was the first Australian jurisdiction to introduce the offence of performing female genital mutilation. The Commonwealth review found that in New South Wales the maximum penalty for the offence was significantly lower than that in other jurisdictions and New South Wales is the only jurisdiction without a removal offence. The Commonwealth review recommended that the States and Territories consider adopting consistent penalties for their female genital mutilation offences and broaden the scope of the offence to apply to all females regardless of age.

By increasing the maximum penalty for performing female genital mutilation from seven years to 21 years imprisonment, New South Wales will be brought into line with Tasmania and Western Australia. The maximum penalty for other offences in New South Wales has increased steadily since the offence of female genital mutilation was introduced in 1995. Increasing the maximum penalty for female genital mutilation to 21 years will also bring the penalty into line with similar offences in New South Wales—for example, the current maximum penalty for intentionally causing grievous bodily harm or wounding is 25 years imprisonment. The bill also introduces an offence of taking another person from New South Wales, or arranging for another person to be taken, with the intention of having female genital mutilation performed on that person. This new offence will also carry a maximum penalty of 21 years imprisonment. Having the consent of the person being taken for the procedure will not be an acceptable defence. The bill provides that an offence has occurred if the person who is removed from the State is ordinarily a citizen of New South Wales.

Female genital mutilation has been outlawed in most of the countries in which it is performed, but as their laws are poorly enforced the United Nations General Assembly has voted to take all necessary steps to end the practice. I am thankful that New South Wales is also doing its part to end this painful and unnecessary practice. An evidentiary provision similar to that which appears in the Model Criminal Code has been included to facilitate proof of intention. It is presumed that a person intended female genital mutilation to be performed on another if the prosecution can prove the person took or arranged to take another person from New South Wales and female genital mutilation was performed on her whilst outside the State. This can be rebutted if the accused can provide evidence against this presumption.

As I mentioned previously, the bill will also propose that the consent of females to having genital mutilation performed on them or consent to leaving the State to have female genital mutilation performed on them is not a defence. This is consistent with the removal of consent as a defence for female genital mutilation offences across all Australian jurisdictions and in the Model Criminal Code. The bill will ensure that there will be no excuses for anyone who performs or facilitates female genital mutilation. The reforms make it clear that the penalty is the same for anyone involved in this unacceptable act whether that person is a doctor performing the mutilation or the parent who arranges interstate travel. The World Health Organization highlights research showing that if practising communities decide to abandon female genital mutilation, the practice can be eliminated very rapidly.

Sometimes further awareness of the impacts of a practice is needed to help the community reach this conclusion—similar to what happened with foot binding in China in 1911. The Government is committed to ending the practice of female genital mutilation. A public awareness campaign will educate young women and the community about these legislative changes and the short- and long-term health consequences of the practice of female genital mutilation. While the term "mutilation" is used to reflect the seriousness of the practice, it is important to maintain the respect and dignity of those affected. The public must be made aware that it is the practice of female genital mutilation that is not tolerated in New South Wales or in Australia, not the girls or women who have experienced it. Estimates suggest that around 120,000 migrant women in Australia have undergone this practice in their birth countries.

The public awareness campaign will help to ensure that there is no backlash against women who have had this procedure performed on them. The Government acknowledges that, regardless of cultural background or language, female genital mutilation is a serious crime in our State and will not be tolerated or accepted. There will be no excuses for anyone who performs or facilitates the procedure. These changes will ensure that appropriate punishment will be imposed on those who perform female genital mutilation or take females or arrange for them to be taken from New South Wales to have it performed on them. I am honoured to commend the bill to the House. I thank everyone involved in working on the bill and preparing it for debate in this place. It is an important step for New South Wales and for the protection of young girls and women.

Mrs ROZA SAGE (Blue Mountains) [5.16 p.m.]: Female genital mutilation, in the eyes of the Australian community, is unacceptable and abhorrent. However, many countries accept it as cultural norm and part of everyday life. Countries in Africa, the Middle East and South-East Asia and migrant communities from those countries that have settled in Western countries continue the practice. Although the practice is often associated with religion, it has no religious endorsement; rather, it is a cultural practice not related to medical reasons. Practitioners believe the procedure enhances the girl's or woman's health, chastity, fertility and marriage prospects. The term "female genital mutilation" is offensive to these cultures; they prefer to refer to it as "female circumcision". From the following outline of the procedure and complications it is evident that the benign definition is a far cry from the suffering that most victims experience for the rest of their lives. It is a cruel and dangerous practice that needs to be eliminated.

Far from enhancing a girl's health and fertility, it can cause severe complications and even death. Genital tissues are removed to varying degrees with knives, scissors, razor blades or pieces of glass usually without anaesthetic and in a non-medical setting. Often the procedure is performed before puberty on girls aged between four and eight years of age, although an increasingly recent trend is to perform it on infants—in some cases on newborns. It is not only girls who undergo female genital mutilation but also, to a lesser extent, adult women. Contrary to the presumption that female genital mutilation enhances a woman's health and fertility, major physical, psychological and sexual problems are encountered. Some health complications include severe bleeding and pain; shock from loss of blood; infections such as septicaemia, tetanus or blood-borne diseases; scarring; cysts; abscesses; blocked urinary flow so that urination may take up to 15 minutes; urinary incontinence; recurring urinary tract infections; pelvic infections; increased risk of infertility; painful sexual intercourse; childbirth difficulties, such as severe tears and haemorrhaging; infant and maternal mortality during and after childbirth; and post-traumatic stress disorder, including nightmares and flashbacks.

Clearly, female genital mutilation is a potentially dangerous procedure with significant morbidity and risk of mortality. It has a long list of negatives. When viewed in this way, it is hard to imagine why anyone would endorse and embrace the practice. There are no positive health effects to be gained from this procedure. It is therefore important to educate communities about eradicating this dangerous practice. Education is the key weapon to bring to light the many negative consequences of female genital mutilation. It is illegal in New South Wales and this legislation brings the penalties in line with those in other Australian jurisdictions. I commend the Attorney General for bringing this legislation to the House.

The Crimes Amendment (Female Genital Mutilation) Bill 2014 increases the penalties for performing female genital mutilation as well as creating a new offence of removing a person from New South Wales with the intention of having it performed on that person. These penalties under the Crimes Act 1900 will increase the penalty from seven years to a maximum of 21 years. This increased penalty sends the clear message that this practice is unacceptable in New South Wales. It is apparent from my research that female genital mutilation is a taboo subject that will no doubt be pushed further underground in view of the recent publicity. Education and building community awareness about the detrimental consequences to women is an important way to stamp out this practice in those communities where it is the cultural norm. The Department of Family and Community Services is working with other government and community partners to break the silence that surrounds this issue within these communities.

A component of the New South Wales education program on female genital mutilation is the Women's Health and Traditions in A New Society program, which explores women's health issues, including the health and legal aspects of female genital mutilation. Bilingual community workers implement this program in target communities. The New South Wales education program was independently evaluated in 2011 and was found to have achieved demonstrable positive impacts for members of affected communities. It is important to spread the message that this practice is not acceptable in New South Wales and that daughters need not be subjected to this practice. It is a sensitive issue and it is unclear how many women in New South Wales have been subjected to female genital mutilation due to poor reporting rates, low prosecution rates and poor data collection. It is self-evident that many women will not report their experiences for fear of being ostracised by their family and of community and personal embarrassment.

An important component of the bill amends the Crimes Act by introducing a new offence of taking a female or arranging for a female to be taken from New South Wales with the intention of having female genital mutilation performed on her. It has been reported over the years in various forms of media that young girls have been removed from the State, sometimes to travel overseas on the pretext of having a holiday, to have the procedure performed. While it is performed mostly on young girls, women can also be forcibly removed or coerced to leave the State to have female genital mutilation performed on them. The bill also states that the consent of the female to be taken from the State is not a defence to the removal. This is consistent with the removal of consent as a defence for female genital mutilation offences across all Australian jurisdictions and the Model Criminal Code.

Additionally, the bill will provide that a person charged with the removal offence will be required by the Children's Guardian to conduct a risk assessment under the Child Protection (Working With Children) Act 2012. We live in a world of many cultures, diverse opinions and different belief systems. However, I am deeply saddened and distressed that so many practices around the world are detrimental to women. Sadder still is that many practices such as female genital mutilation offer no practical benefits to women but only a lifetime of physical, and sometimes psychological and emotional, scars. The question must be asked: Who really benefits? It certainly is not women. I commend the bill to the House.

Mrs TANYA DAVIES (Mulgoa) [5.24 p.m.]: I support the Crimes Amendment (Female Genital Mutilation) Bill 2014. Female genital mutilation is also called female genital cutting or female circumcision. It is a practice that is performed across cultures and religions, and should be considered to be not a strictly religious practice but more a cultural one. Female genital mutilation involves the total or partial removal of the female genitalia. It is an abhorrent, violent, crude and potentially lethal practice. There are no health benefits, and a lengthy number of short-term and long-term complications can result from the practice. The immediate harm done to the woman, baby, toddler or girl can include severe pain, haemorrhage, tetanus and sepsis. Long-term health problems are also associated with the practice.

Female genital mutilation is practised as a cultural ritual by ethnic groups in 27 countries in the sub-Saharan and in North-East Africa and, to a lesser extent, in Asia, the Middle East and within immigrant communities elsewhere. It is typically carried out with or without anaesthesia by a traditional circumciser using

a knife or razor. The age of the girls varies from weeks after birth to puberty. Reading that the practice can be inflicted on a baby who is just weeks old causes shivers down our spines. In half the countries for which figures were available in 2013, most girls were cut before the age of five. The World Health Organization reports that more than 125 million girls and women who are alive today have been cut in 29 countries in Africa and the Middle East, where female genital mutilation is concentrated.

Girls and women may face many physical and psychological problems after being subjected to female genital mutilation. These include the transmission of HIV as the same tools, such as unclean shards of glass and razor blades, are used to perform the surgery on many different women without being sanitised. The practice is often performed without anaesthesia, leaving the child or woman in extreme pain. Women can experience blood loss, which can lead to possible death, as well as high infection rates, pregnancy complications and psychological damage, amongst many other things. A report states that a third of the Sudanese girls who underwent this practice did not survive. The pain a woman experiences after the surgery is sometimes referred to as the "three feminine sorrows". Not only does the woman feel extreme pain on the day of the procedure, but also she will experience pain on the night of her marriage when her vagina is reopened and on the day she gives birth. The surgery has lasting effects for a woman. The World Health Organization reinforces that female genital mutilation is a violation of the human rights of girls and women. It states:

It reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women. It is nearly always carried out on minors and is a violation of the rights of children. The practice also violates a person's rights to health, security and physical integrity, the right to be free from torture and cruel, inhuman or degrading treatment, and the right to life when the procedure results in death.

Female genital mutilation has been outlawed in most other countries in which it occurs but the laws are poorly enforced. Since the 1970s there has been an international effort to eradicate the practice and in 2012 the United Nations General Assembly voted unanimously to take all necessary steps to end it. But the practice is still being carried out as laws are poorly monitored and enforced. The review of Australia's female genital mutilation legal framework recommended that the States and Territories consider adopting consistent penalties for female genital mutilation offences and broadening the scope of their offences to apply to a female person regardless of age. On 5 February 2014 a joint media statement was released by Minister Pru Goward, Minister Victor Dominello, Minister Greg Smith and Minister Jillian Skinner. The media release stated:

The NSW Government is increasing penalties for people convicted of performing female genital mutilation (FGM), and is for the first time making it a crime to remove a person from NSW to undergo the procedure overseas.

Dr Eman Sharobeem from the Immigrant Women's Health Service also released a press release on the same day. The press release was entitled "In response to Tougher Sentences for Female Genital Mutilation Offences" and in it Dr Sharobeem said:

Immigrant and Refugee Women's Services with its partners: Immigrant Women's Health Services {IWHS}, Non English Speaking Women's Housing {NESH}, and Immigrant and Refugee Women's Network of NSW {IRWN} would like to welcome today's announcement from [the] NSW Government in relation to the tougher penalties for people convicted of performing Female Genital Mutilation (FGM), and/or removing a person from NSW to undergo the procedure overseas.

She also said:

Such collaboration on the Ministerial level sends a clear message to all communities that there is a united front against any form of abuse or wrong culture practice.

She said further—and this goes to the most crucial part of the whole debate:

We also need to realize that to put an end to a crime that needlessly has [been] carried out for more than 5,000 years; requires a huge change of mentalities. FGM is a deeply-rooted tradition [and] that [is] hard to be stopped by legal regulations only, but by the people themselves, thus access to comprehensive and culturally appropriate counselling for girls and women affected by FGM is highly suggested.

Undoubtedly, we will continue advocating for an appropriate approach to FGM prevention and early intervention programs, furthermore educating girls to be better prepared to resist pressure to undergo FGM.

I call on all male community leaders in immigrant and refugee communities to speak up on behalf of their wives and daughters and all females. They need to stand with the Government and the other community service organisations working hard to see this horrific practice eradicated from our society. They need to stand with us to ensure that we can defend and protect our female babies, toddlers, girls and teenagers. The Crimes Amendment (Female Genital Mutilation) Bill 2014 amends the Crimes Act to increase the maximum penalty for

performing female genital mutilation from seven years to 21 years imprisonment and creates a new offence of removing a person from New South Wales with the intention of having female genital mutilation performed on that person.

Previous speakers have spoken about the history of the bill. I will not repeat that chronology of events. In summary, the New South Wales Government is committed to ending the practice of female genital mutilation. The Government will run a public awareness campaign to educate young women and the community about these legislative changes and the short- and long-term health consequences of this practice. These changes will ensure that those who perform female genital mutilation or take persons, or arrange for persons to be taken, from New South Wales to have female genital mutilation performed will receive appropriate punishment.

I commend the four Ministers and the Baird Government for taking this strong stance. I again call on all community leaders to link arms with the Government in order to eradicate this abhorrent practice from society. Young women should be able to live their lives free of pain and free of the physical and mental consequences of female genital mutilation. They should be allowed to be complete women. They should be able to pursue relationships and have children without the complications that can result from this horrific procedure. Young women should be able to flourish and achieve their potential. I commend the bill to the House.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I draw the attention of members to the presence in the public gallery of Ms Josie Coles, who will have the honour of being the member for Lismore in the Youth Parliament that will commence in this House on 7 July.

Mrs LESLIE WILLIAMS (Port Macquarie-Parliamentary Secretary) [5.34 p.m.]: I strongly support the Crimes Amendment (Female Genital Mutilation) Bill 2014. I also commend the former Attorney General, the Hon. Greg Smith, and the current Attorney General, the Hon. Brad Hazzard, for sending a strong message to the community that this practice is unacceptable and that tougher penalties are warranted. The practice of female genital mutilation is abhorrent and detestable; not only is there not a single health benefit related to the practice but also the effect on females is distressing and damaging. While the effects can vary from one woman to another, the health impacts can be broad and affect physical and mental health. Women may experience difficulties with sexual intercourse, menstrual problems, urinary and kidney infections, infertility, prolapses, fistulas, depression, loss of sleep and post-traumatic stress syndrome.

The amendment to the Crimes Act with the passing of this legislation will see an increase in the maximum penalty for the offence of performing an act of female genital mutilation or aiding, abetting, counselling or procuring a person to perform such an act from seven years to 21 years imprisonment. The bill will also create a separate offence with a maximum of 21 years imprisonment if someone takes a person, or arranges for the taking of another person, from the State with the intention of having female genital mutilation performed on that other person. Statistics relating to the prevalence of female genital mutilation in New South Wales are unclear, but even if one woman is subjected to this destructive practice that is one too many.

In his second reading speech the Attorney General highlighted that the World Health Organization estimated that more than 125 million girls and women alive today have been the victims of female genital mutilation. According to data from the 2011 Census, approximately 50,000 women were living in New South Wales in communities where female genital mutilation may be practised, and it is estimated that a proportion of those women would have undergone, or be at risk of undergoing, female genital mutilation.

A review by the Commonwealth Government of the legislative framework criminalising female genital mutilation made a number of recommendations in March 2013 to address the inconsistencies in offences and penalties, and in April 2013 the Law and Justice Committee agreed to those recommendations. At that time the penalty in New South Wales was significantly less than the maximum penalty in the code and other jurisdictions, and there was not a specific removal offence in this State. But New South Wales will have the toughest penalties in Australia—equal to Tasmania—as a result of this bill.

The practice of female genital mutilation is not just a women's issue; it is an issue for the entire community. That is why education to raise community awareness, as well as minimising harm and providing support for affected girls and women, must be ongoing in conjunction with these legislative changes. I commend the Department of Family and Community Services for working with other government agencies and the community to break the silence that surrounds this issue in some communities. The Government will also build on the long-running education program funded by NSW Health to prevent or minimise the harmful

health and psychological effects of female genital mutilation on women and girls and their families. In addition, the education program aims to strengthen community ownership of the issues and promote appropriate approaches to the prevention of female genital mutilation.

The program maintains that the practising communities are best placed to achieve prevention of female genital mutilation and that community empowerment is at the core of community capacity building. The professional education program specifically targets counsellors, youth workers, health services, welfare workers, police and relevant government and non-government agencies and aims to equip them to be able to provide care to women and girls affected by female genital mutilation in a sensitive, non-judgemental manner. The community education program works directly with communities in New South Wales who have come from countries where female genital mutilation is practised and, unbelievably, both accepted and tolerated. A key component is the Women's Health and Tradition in A New Society program, which explores women's health issues including the health and legal aspects of female genital mutilation.

Whilst the emphasis in these communities is on the harmful nature of female genital mutilation to the health and wellbeing of women and children, it is based on the core values of respecting and valuing culture. The New South Wales education program was evaluated in 2011, and the independent findings indicated that positive impacts have been achieved, including an increased awareness and understanding of issues relating to female genital mutilation and identifiable outcomes from advocacy efforts. I also note that the Federal Department of Health funded \$1 million worth of projects that target female genital mutilation. The legislation before the House today and the investment in education programs make it very clear that this Government is committed to ending the practice of female genital mutilation—a practice that is violent, abusive and inhumane. I commend the bill to the House.

Ms ROBYN PARKER (Maitland) [5.40 p.m.]: I add my voice to the debate on the Crimes Amendment (Female Genital Mutilation) Bill 2014. I have listened to the contributions of other speakers in the debate and this bill clearly has bipartisan support. Female genital mutilation is an outrageous practice. It is abuse, and most often child abuse. It is abhorrent. The changes that the New South Government is seeking to bring about via this legislation are overdue. The legislation will do a couple of things that are really important. It will increase the maximum penalty for practising female genital mutilation in New South Wales from seven years to 21 years. This will bring New South Wales into line with other States. In fact, it will make the penalties equal to those in Tasmania as the toughest penalties in Australia. This legislation also introduces a new offence applicable to anyone who removes someone from New South Wales with the intention of practising female genital mutilation upon them.

These legislative changes really send a strong message that female genital mutilation is abhorrent and is unacceptable in New South Wales. It is difficult to grasp the number of women affected. We expect that there are many women in New South Wales who have been subjected to female genital mutilation but because of poor reporting rates, low prosecution rates and poor data collection it is difficult to get an accurate figure. It is estimated that there are about 50,000 women living in New South Wales who come from communities where female genital mutilation may be practised. So a proportion of those women would have undergone or could be at risk of undergoing female genital mutilation. Female genital mutilation can and will in many cases have not only physical impacts but also psychological impacts on women and girls. The impacts are considerable and include infertility, complications in childbirth, and an increased rate of infant and maternal mortality during and after childbirth.

Along with these tough penalties, it is really important that we undertake—just as the New South Wales Government is currently undertaking—a broad-ranging education program. The Government needs to take a leadership role in educating not only women but also men about the effects of female genital mutilation and the fact that this practice is unacceptable in New South Wales. That needs to be understood. There needs to be a strong public awareness campaign about this practice, and that campaign needs to run alongside the strong legislative measures contained in this bill. The campaign needs to be coordinated so that it is about not only the tough penalties but also educating people about the practice of female genital mutilation and what it does.

It is a cultural practice, as many speakers in this debate have said. According to figures from the World Health Organization, it is estimated that between 100 million and 140 million girls and women have experienced this practice. That is extraordinary. It is concentrated mostly in Africa and some Asian nations. The World Health Organization anticipates that every year about three million girls in Africa are at risk of suffering female genital mutilation. Female genital mutilation is not a recent practice. It is not something that has just popped up

as a problem recently. It appears in historical texts. It predates the *Koran* and the *Bible*. But it does not have any basis in any religious text. It is not based on any religious observance but rather is a cultural issue. It is about social control.

As many abuses perpetrated on women are, it is about controlling women. This abuse is about a focus that says women should be controlled. This is a physical way of controlling women that has lasting impacts. This is about social control over women, their bodies and their capacity to live fulfilling lives. The justifications for the practice are hard to understand. Such justifications have included that it is a rite of passage into womanhood, that it ensures virginity and protects family honour, that it helps to make women more attractive, and that it prevents infidelity by controlling sexual desire and capacity. It is appalling to think that is the nature of this practice that we are still discussing in 2014. We need to keep educating people about this practice and what it does.

This practice is often undertaken in non-sterile environments. That is why it is so important that this legislation contains penalties for those people who choose to take women out of the country to perform this practice—no doubt in such environments. This practice is often conducted without anaesthetic, antiseptic or antibiotics, and often by people with no surgical training using crude implements. Therefore the risk of infection and the risk of death are both high. Female genital mutilation is invasive and has long-lasting physical effects. It is important to prohibit not only female genital mutilation in Australia but also women being taken out of the country to another jurisdiction in order to perform this practice. It is abhorrent.

There needs to be education about female genital mutilation. Government and non-government agencies need to work together. Religious leaders, social opinion leaders and health experts need to work together to educate the community about female genital mutilation. We need to make sure that we use culturally and linguistically appropriate methods of communication. These may include a whole range of things such as role play in educational awareness-raising efforts. Most importantly, men also need to be involved. So this is about educating not only young girls but also women and men. It is about promoting awareness and promoting human rights. It is about making sure that this practice is stamped out once and for all. That message needs to go out broadly across the community and around the world.

I congratulate the Attorney General and the former Attorney General on bringing this legislation to the House. I add my support to that of other members and people in the community who wish to see an end to female genital mutilation. They want a clear message sent to our communities that abuse and control of women is unacceptable. In 2014 it is unacceptable for anyone to think that female genital mutilation should be encouraged as a culturally appropriate practice. I commend the bill to the House.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I thank members for the quality of their speeches on this bill this afternoon.

Mr MATT KEAN (Hornsby-Parliamentary Secretary) [5.50 p.m.]: I support the Crimes Amendment (Female Genital Mutilation) Bill 2014 because it is an important amendment that needs to be adopted. As a Parliament and as community leaders we must send the strongest and clearest message that anyone who wants to engage in this kind of disgraceful activity will face serious consequences for their actions. The bill proposes that the maximum penalty for performing female genital mutilation be raised from seven years to 21 years imprisonment. The bill will also introduce an offence of taking a person or arranging for a person to be taken from New South Wales to have female genital mutilation performed on them.

Female genital mutilation is an abhorrent offence. Anyone who undertakes such an activity is a disgrace. Today we will send the clearest message possible that it will not be tolerated. No matter if a person is a doctor holding a scalpel or a parent buying a plane ticket, the penalty will be the same. As we know, female genital mutilation is a horrific crime because it has a profound effect on women's health. It causes problems such as infertility and childbirth complications, and the list goes on. Female genital mutilation is a disgrace that must be stamped out. We need to send a message that it is unacceptable in Australia.

Through the implementation of these new penalties the Government is making clear that the practice will not be tolerated. New South Wales will now have the toughest penalties in the Commonwealth, which will be equal to those in Tasmania. That is a vital step in the process of sending a clear message. I will limit my remarks today, but I place on record that there is no excuse for anyone who performs or facilitates a female genital mutilation procedure. I am delighted to be part of the bipartisan voice in this Chamber that condemns genital mutilation and all forms of violence against women. We must stand united to make sure that such practices are eradicated.

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [5.53 p.m.], in reply: I thank members representing the electorates of Liverpool, Davidson, Lakemba, Goulburn, Ryde, Heathcote, Bankstown, Cronulla, Menai, Blue Mountains, Hornsby, Mulgoa, Port Macquarie and Maitland for their contributions to this debate. I will now address some questions raised during the debate, in particular the question of what else the Government is doing to address female genital mutilation in New South Wales.

The Government has announced that it will run a public awareness campaign on female genital mutilation. The campaign will include information regarding the legislative changes that this Chamber is making today and which, it is hoped, will be finalised in the near future in the other place. The Government is currently formulating the campaign, which will be undertaken with a whole-of-government approach. We intend for the Department of Family and Community Services, NSW Health, the Community Relations Commission and other relevant agencies to be involved in the campaign.

I note that the bill amends the child protection legislation to include the new female genital mutilation offence of removing a person from the State to perform female genital mutilation and it will act as a trigger for an assessment under the Working with Children Checks legislation. The bill increases the maximum penalty for the offence of performing female genital mutilation to 21 years imprisonment to bring New South Wales penalties into line with equivalent penalties in Tasmania and Western Australia. It reflects the seriousness of the offence and the short- and long-term physical, psychological and emotional health complications associated with the practice.

The bill also introduces a removal offence to ensure that New South Wales has a comprehensive set of provisions to criminalise the practice of female genital mutilation wherever it occurs. Those who perpetuate the practice by taking a person, or arranging for them to be taken, from the State can be prosecuted for the offence and will now be liable to a maximum penalty of 21 years imprisonment. The Government trusts that this will send a very clear message to those who might otherwise consider that female genital mutilation is an acceptable practice. The New South Wales community and the Government do not consider it acceptable, and the 21-year imprisonment implication for such action should make that very clear. 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 Brad Hazzard 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.

GRAFFITI CONTROL AMENDMENT BILL 2013

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

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

UNIVERSITIES LEGISLATION AMENDMENT (REGULATORY REFORMS) BILL 2014

Second Reading

Debate resumed from 19 March 2014.

Mr RYAN PARK (Keira) [5.59 p.m.]: I lead for the Opposition in debate on the Universities Legislation Amendment (Regulatory Reforms) Bill 2014. The Opposition will support the bill. I thank the Minister's office for providing briefing material related to this legislation, which I have perused. I consulted universities, including the University of Wollongong that is located in the Keira electorate, and they support this

amending legislation. The purpose of the bill is to amend various Acts that regulate the governance of universities and to remove regulatory requirements—which I loosely refer to as red tape—that relate to their financial management, land dealings and governing body election procedures. The bill aims to put beyond doubt the capacity of universities to generate revenue to fund their objects and principal functions.

The provisions of the bill include amendments to remove the requirement for the Governor, on the recommendation of the Treasurer, to approve borrowings by a university; remove the requirement for the Minister for Education, with the concurrence of the Treasurer, to approve university investment powers; specifically authorise universities to generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions; remove the requirement for the Treasurer, on the recommendation of the Minister for Education, to approve fund managers; remove the requirement for the Minister for Education to approve the sale, encumbrance or lease for more than 21 years and replace it with a requirement for such approval to be obtained if the State granted, transferred or sold such land less than market value; and other minor changes.

At the outset I state my support for the bill. Having a university located in one's electorate is unique but also very important. I acknowledge the presence in the House of members who represent regional electorates, who would agree with me about the importance of universities in driving economic activity in their region. Certainly Wollongong in the Illawarra region has become very much a university town. It has been transformed from a steel town and, although manufacturing and steel production still play a role in our region, the university has become the key driver of the region's economic prosperity. I am sure that is similar to regions such as the Central West, which is represented by the member for Orange, the Hunter and beyond. Universities are not just places where education takes place; they are now places where enormous economic activity is driven within the university and supported by the university.

I hope one achievement of this legislation will be what I have discussed with the Vice-Chancellor of the University of Wollongong in my electorate, and that is the way that the university may better support small and medium business operators within regions. I also hope that through the support provided by the Government to universities—I regard it as bipartisan support and I certainly hope that is true—we will come to regard universities as drivers and supporters of economic activity both on campuses and, most importantly, within the business sector. I think we still do not do enough. I also think universities and industry—particularly small businesses—do not have a strong relationship within their respective communities.

I have discussed this issue with Vice-Chancellor Paul Wellings in my electorate, and I do not pretend in any way, shape or form to have the answer. Many people regard the university as great and some people have been fortunate enough to experience what a university has to offer through completing a degree or attending a course to obtain an undergraduate or postgraduate qualification. I was fortunate to complete two degrees at that university. However, I am concerned that very few people who are engaged in small or medium businesses have a commercial relationship with the university or a relationship in which the university is enhancing what is happening in their economic or commercial world.

I regard this issue as very important. As I see it, the way forward is not to see universities as ivory towers and as places that people attend only for the purpose of receiving an education and attaining qualifications. I would like to see universities being very much part of our communities. I will be pushing, within my political party and more broadly at any opportunity I have to discuss universities, for a stronger relationship between universities and small and medium size enterprises within the area in which universities are located, particularly in regional areas. I do not think the relationship between the two sectors is strong enough. I will be happy to accept other members saying that universities in their regions have a strong relationship with business. However—and this is not a criticism—I am not convinced that a strong relationship of the type described exists in my own region.

From feedback I received from other professionals in the tertiary space, I believe the concern I have expressed is a common concern within communities. When someone is looking for expertise in marketing or business development in the region I represent, it frustrates me that they do not immediately think of contacting the university for support through a commercial arrangement. I am not trying to suggest that this is a simple solution. I understand from my discussions with Professor Paul Wellings that funding received by universities is very much tied to research and teaching hours. All members would be aware of that, but I hope that members who have universities in their regions may spend 30 seconds or a minute thinking about how members who represent regional areas can collectively devise ways of supporting our universities to engage with small and medium business operators to develop and enhance their businesses.

I hope this bill will unshackle universities to allow them to operate commercially. I am not suggesting that universities should be able to operate independently of government, but I hope this legislation will assist in allowing universities to operate as freely and commercially as possible. I very much regard universities as economic drivers in regional communities such as the Illawarra, not just drivers of educational outcomes. I know that the member for Wollongong, the member for Shellharbour, the member for Heathcote, the member for Kiama and the member for South Coast, whose electorates, like the Keira electorate, are in the Illawarra region, are very strong supporters of the University of Wollongong.

Mr Bryan Doyle: And Campbelltown as well, as a former graduate of that university.

Mr RYAN PARK: The member for Campbelltown, who rightly corrects me, is featured in the latest edition of *connectUOW*. Given that many people who live in the Sutherland shire also attend the University of Wollongong, I am sure the member for Cronulla also supports building a stronger relationship between universities and businesses. As a strong supporter of small and medium size businesses and someone who believes that at times the best thing governments can do for business is get out of the way, I would like the strength of universities not to be restricted to operating within their four sandstone walls, or their four beautifully developed garden walls, as is the case with the university in the Illawarra, but rather for them to infiltrate and very much be a part of the business community. I would like the stage to be reached when businesses in my region that are looking for support in development, growth, recruitment and marketing look to the University of Wollongong for the provision of some of that support.

Therefore, we need to be flexible in delivery and universities cannot run courses that are too long, that are unsuitable or that do not engage with business. They must be dynamic and they must fit. They may be short, they may be targeted, they may be on site—I do not profess to have the model, but I have an idea that our universities are perhaps not engaging well enough at a small and medium enterprise [SME] level within their communities. This is not a criticism but an observation that I understand is linked to funding, which is a Federal issue. It also happens in universities in other parts of the world. In the United Kingdom this is being looked at, developed and enhanced. As someone who does not operate a small business but makes as much effort as possible to engage with the local small business community, I know that they tend not to see the university as something that can be of assistance in a direct sense to their business.

While they see it in my region as very important for the broad economy, I do not think they see it as being able to be individualised in terms of packages that could assist their small or medium size business. This is something very important to me and I hope that we can talk about it collectively in this place and develop plans for it. It is something that, to be blunt, I would support in a bipartisan way, should the Government look at examining it. I would be keen to hear whether the Minister or Parliamentary Secretary has thought about this. I certainly do not want this to be regarded as criticism of the current or former governments, but rather as an observation from someone who lives in a regional community that is going through challenging economic changes—as most regional communities in this country are—and who sees the university within his community as a driving force that perhaps needs to engage with the men and women who put their own funds on the line each and every week to make a quid.

All of us in this place have a responsibility to make sure that the big economic drivers in our community are not isolated or single drivers in terms of focusing only on themselves. I want the University of Wollongong to reach its goal of being in the top 1 per cent of universities in the world. That is the goal that I think Professor Paul Wellings has set, and that is very admirable. I also want the University of Wollongong, like other universities, to be seen as a place where small and medium enterprises and their operators can get support, assistance and direction. At this stage I am not convinced that either side—business or university—has established links that drive economic activity within industry sectors. This is something that I am passionate about as we see more and more challenges and we see economies change. It is important for all of us in this place, particularly for those who have a passion for education and those from regional communities where we have seen significant contraction in certain industries and the absolute devastation or impact it has on the respective communities that we represent.

I encourage the Government and stand here as someone willing to work with the Government to develop models, trial sites and initiatives that allow small and medium size businesses in a commercial sense to access the best and brightest staff who are at our universities in a way that suits the small and medium size business operator, in a way that ensures an ongoing relationship and, most importantly, in a way that is sympathetic to the challenges that small and medium size business operators face—the mums and dads whom we take our hats off to, who put their savings on the line each and every week to earn a crust and to keep people

employed. I take this opportunity to congratulate the University of Wollongong, and Professor Paul Wellings and his staff on their ongoing success. The university is going ahead in leaps and bounds and is now world renowned, whether it is in Dubai or in Europe.

Mr Bryan Doyle: It has a business school at Circular Quay.

Mr RYAN PARK: That is right. The business school at Circular Quay has been expanded. That is something that all of us, as alumni, are very proud of. The member for Campbelltown and I know that there are many other alumni here. We are proud to be representatives of that place and we would support anything to ensure that the development of universities such as Wollongong and other regional universities continues to drive economic activity.

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [6.16 p.m.]: I support the Universities Legislation Amendment (Regulatory Reforms) Bill 2014 and I thank the member for Keira for indicating that the Opposition also supports the bill. As the Minister for Education has indicated, this bill follows a review of State university regulation conducted at his request in 2013 by the Minister for Family and Community Services in her former role as Parliamentary Secretary for Tertiary Education and Skills. The review followed a request by the New South Wales Vice-Chancellors Committee. Current university legislation was examined to identify where universities could be given greater flexibility and autonomy. Universities are essentially autonomous statutory corporations operating in very competitive national and international environments. There is an increasing need for universities to engage in commercial activities to support their core academic and research purposes.

This bill carries forward the work done by the Universities Governing Bodies Act 2011. The focus now in this bill is on reducing red tape in the areas of financial management, commercial activities, dealings in university owned or managed land, and development of election procedures for the governing body. Commonwealth Department of Industry data show that in 2012 New South Wales universities received more than \$2.6 billion from commercial sources, including fees and charges, investment income, royalties, consultancy and other income. This figure underscores the importance to our universities of revenue raising from non-traditional, commercial sources.

For the past two decades or so, university missions and governing bodies have started to take on a distinctly corporate character. Our universities raise revenue from international student fees, joint ventures with other Australian or international universities, and increasingly through business ventures with government agencies or private businesses and corporations. The latter type of joint venture has many different complexions. It can be a venture directly related to a university's core purpose of teaching and research where the university's expertise in these areas is used directly for the benefit of the business partner as well as for the institution itself. It can often be aimed at commercialising university research that over time will produce a significant return for the university and its partners. Alternatively, it could be a wholly commercial venture to raise revenue that the university will use to underpin its core purposes.

For some time, the individual university Acts have included measures enabling universities to operate in a commercial environment in support of their core education and research purposes. For example, the objects and functions section of all the university Acts—typically section 6—contains a clause authorising the university to exercise "commercial functions comprising the commercial exploitation or development, for the university's benefit, of any facility, resource or property in which the university has a right or interest", including intellectual property and its practical application, "whether alone or with others".

Another example is in the section of the Acts relating to property that empowers the governing body to lease land for up to 21 years if it is "satisfied that it is to the benefit of the university, whether from a financial or educational standpoint or otherwise". However, some significant red tape remains around financial and commercial approvals that this bill will reduce considerably. Universities now need to be more fleet footed in their capacity to engage with commercial partners in a highly competitive environment. All universities have enough expertise on their governing bodies and subcommittees to discharge the necessary responsibilities that will be transferred to them by the amendments under this bill. Responsibilities for a university borrowing and investing money, for supervising engagement in commercial activities with other partners, and for maximising the use of, and equity in, university landholdings are rightly located with university governing bodies, rather than State Ministers or the New South Wales Governor.

Universities are significant businesses with large geographic, reputational and cultural footprints. They are of huge importance to the State, but it currently intrudes too much into their operations for little purpose. For

a long time, all university-enabling Acts have given their governing bodies very wide responsibilities, and this is appropriate in guaranteeing academic freedom and ensuring an arms-length relationship with government. The Functions of Council sections of the Acts—typically section 16, for example—state that the governing body "has the control and management of the affairs and concerns of the university, and may act in all matters concerning the university in such manner as appears to the (governing body) to be best calculated to promote the object and interests of the University". There are already sufficient checks and balances to ensure the responsibilities transferred to universities by this bill will be exercised properly.

The Universities Governing Bodies Act 2011 allowed universities greater flexibility in determining the size and composition of their governing bodies—variously called council, senate or board across the different Acts. The Governing Bodies Act maintained a representative model of university governance, with all key stakeholders appropriately represented, including elected student and staff members, and graduate members. Minister Piccoli emphasised at the time that the changes allowed more freedom to decide not only the size and composition but also the mix of skills and experience needed on university governing bodies, and thus more freedom for universities to govern themselves according to their individual missions and strategic plans. The Act also gave universities for the first time the capacity to remunerate appropriate members of the governing body. This was not a requirement but a new possibility for universities to facilitate the involvement of external council members with the necessary skills and attributes to undertake the varied responsibilities associated with university governance.

As a result of the 2011 changes, universities now can muster the skills needed at different times—for example, whether the necessary experience is legal, accounting, funds management, strategic planning, capital or land management, or any other necessary skills set. In 2004 important changes were made to New South Wales university Acts to include national governance protocols. The protocols included a requirement that all governing bodies had to have members with financial and commercial expertise in their ranks, two members with financial expertise and one member with commercial expertise, and that a majority of all members had to be external to the university. While the latter provision was already a reality in New South Wales, the former was an important addition reflecting the changing context for university decision-making.

All New South Wales university Acts since 2004 have stated the financial expertise required on their governing bodies as being "demonstrated by relevant qualifications and by experience in financial management at a senior level in the public or private sector" and the necessary commercial expertise as "demonstrated by relevant experience at a senior level in the public or private sector". University guidelines for commercial activities were introduced as a requirement in all university legislation in 2001 as part of the changes that took universities out of the direct ambit of the Public Authorities (Financial Arrangements) Act 1987. Through the Universities Legislation Amendment (Financial and Other Powers) Bill 2001, new provisions were inserted in each university Act to govern universities' financial arrangements.

The bill before the House is a further progression of that process. Through their governing bodies, universities now are more equipped to handle risk management and ensure prudent financial management requirements and transparent accountability processes are in place. In addition to changes to university borrowing, investment and land dealing approvals, the reforms provided by this bill will mean that university governing bodies approve their own commercial guidelines within the existing framework. They will also retain responsibility for implementing and enforcing the guidelines. At the same time, existing checks and balances in the university Acts remain in place.

I turn now to the amendments in this bill that will allow governing body election procedures to be set out in university-made rules, rather than in by-laws. Categories of governing body members who are required to be elected rather than appointed and qualifications for membership are clearly set out in each university's Act. The amendments in this bill make no change to those important provisions. The details of the election procedures, including election timing, notification methods and method of voting, currently are required to be set out in by-laws with universities specifically excluded from making rules in this area by a restriction in the rule-making power in each Act. Any by-law amendments—these are quite frequent and detailed in relation to election procedures—are drafted by Parliamentary Counsel, with an Executive Council minute prepared by the Department of Education and Communities to be submitted to the Governor and Executive Council.

In fact, most by-law amendments received from universities are about changes to the detail of election processes and involve considerable red tape and time expended by senior officers, both in government agencies and in universities. This bill proposes instead that in future universities themselves can make rules about governing body election procedures rather than including them in by-laws. The current exemption for election

procedures in the rule-making power of each Act will be removed by this bill. The main advantage of rules is that they do not require external approval and can be made and varied by the university governing body at any time.

There are checks and balances in that rules must be consistent with any relevant by-laws and the university Act. Each university's Act will have an identical additional provision to protect the important basic principle around fairness and transparency in rule-making for election procedures. The terms of the provision are that "election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting". It will be the responsibility of university governing bodies to ensure that any rules on election procedures comply with this principle. All 10 universities currently have by-laws in place that provide for governing body election procedures. They all also have by-laws concerning rule-making, which provide for their governing bodies to make rules about anything their Act permits. [*Extension of time agreed to.*]

Once the bill passes into law, it will be a matter for each university governing body to determine when to utilise this rule-making power. The bill will enable rules relating to election procedures to be developed and approved by university governing bodies and for existing by-laws relating to election procedures to be repealed. The Universities Legislation Amendment (Regulatory Reforms) Bill 2014 recognises that our universities have evolved into modern, self-reliant entities operating in external environments very different from those they faced in the past. This situation has come about through necessary responses by universities over recent years to the competitive context in which they operate, and through legislative changes that have positioned them to take advantage of the challenges and opportunities they face.

The amendments in this bill will position our universities to fulfil their key academic and research missions more flexibly and expeditiously. The bill recognises that university governing bodies have the expertise needed to make important financial and commercial decisions themselves. The Government is pleased to implement these appropriate and progressive regulatory reforms that will enhance the capacity of universities to operate efficiently into the future. I commend the bill to the House.

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

Pursuant to resolution private members' statements proceeded with.

PRIVATE MEMBERS' STATEMENTS

MR BRIAN PEACOCK AND SANS SOUCI LITERARY INSTITUTE

Mr JOHN FLOWERS (Rockdale) [6.30 p.m.]: I bring to the attention of the House an outstanding member of the community, Brian Peacock, former councillor of Rockdale City Council from 1987 to 2004, who has distinguished himself in the community as patron and life member of Ramsgate Senior Citizens Centre, life member of Ramsgate RSL Memorial Club, President of Sans Souci Guides Local Association, and chairman of numerous other combined councils committees. Today I share with the House Brian Peacock's involvement in the history of the Sans Souci Literary Institute. The institute building was heritage listed by Rockdale City Council in August 2000 due to its historical significance as an early educational facility in Ramsgate. The building is also aesthetically significant as a distinctive inter-war building. It is the only literary institute building in the Rockdale area and provides a rare example of this type of building.

In 1918 the New South Wales Government issued a grant of land for a male-only club at Ramsgate called the Sans Souci and District Working Men's Club. Today it is titled the Sans Souci Literary Institute and the building is now mostly used by women and children for dance and exercise classes. Brian Peacock, former president for 37 years, committee member for 58 years, trustee and life member of the institute, outlined its colourful history and progress. Brian revealed that women became members 60 years ago when complaints about the male-only status won them membership. The Sans Souci Literary Institute began operations on 7 July 1923 after raising money through fairs, raffles and the sale of shares at £1 each. In the years prior to World War II many students left school at the age of 14 to be apprenticed in a trade and people sought to further their education by attending lectures and short courses. Literary institutes were built by communities to facilitate this and would typically include a library and a hall for lectures.

The Sans Souci Literary Institute hosted a variety of community clubs, events and activities such as weddings and engagement parties, as well as election polling. At one stage there were more than 800 members

and one had to be a member to use the facilities. Housie-housie, with two callers, was played through the week. Both halls and the back building were filled with players, who had to bring their own chair. A brick wall was later built to divide the two halls. A back room with an octagonal table was available for cards and in the other room tables were assembled for men to play snooker. This is where some of Australia's best players competed, including Frank Harris, Geoff Miller and Peter Newman. The vacant land at the back of the institute was used for an air-raid shelter in World War II, following the bombing of Darwin and the threat from midget submarines entering Sydney Harbour. Later the back hall and land were used by the St George Pigeon Association, and semitrailers carried pigeons for pigeon derbies.

One of Brian's special recollections was the theft of a framed print of the first committee of the institute, which was stolen during the internal painting of the building. Some years later Brian discovered the stolen print hanging in an antique shop out of the area. He purchased it for \$35 and it was returned to its rightful position on the wall in the foyer of the institute, where it is still hanging. A further recollection from Brian's childhood involved an incident concerning half a house brick thrown through an open window of the institute. Brian was later invited to attend a committee meeting and did not miss a monthly meeting of the committee for 58 years.

But change was inevitable. There was the introduction of television, 6.00 p.m. closures stopped and men stayed longer drinking, lodges such as the Masons that used the institute were dwindling, people no longer played housie-housie, fewer people were playing snooker, and parties and other celebrations were being held in church halls or clubs. Consequently, numbers at the institute were dropping significantly. The building is now used for karate classes, by a car club, a canary club, a dance group and the Ramsgate Spiritual Church. The community meeting rooms are also used and are available for hire, the cost of which covers maintenance and rates. Local residents share Brian's special pride in their institute, which is typified on the building's welcoming plaque: "This institute was dedicated to the residents of the district. 7 July 1923."

SHELLHARBOUR CITY SHARKS RUGBY LEAGUE FOOTBALL CLUB

Ms ANNA WATSON (Shellharbour) [6.35 p.m.]: I draw the attention of the House to a serious set of circumstances that imperil the future of the Shellharbour City Rugby League Club, otherwise known as the Shellharbour Sharks. The proud local club is based at Ron Costello Oval in my electorate and has operated since 1920. However, the club now finds itself in enormous financial difficulties. This strong local club was hoodwinked by a former Minister of this Government about the future of a funding grant. During a ministerial visit to the club last year former Minister for Sport and Recreation Graham Annesley had a discussion with club officials, who then acted in good faith on what appeared to be an agreement for funds.

Club officials arranged for a loan from the Bendigo Bank to upgrade the grandstands at Ron Costello Oval on the clear understanding that the former Minister would be able to secure the establishment of a grant program. We know that former Minister Graham Annesley retired from Parliament and took up a sports administration job in Queensland. As a result, this Government subsequently lost an unnecessary by-election in the seat of Miranda, which was won by Labor's outstanding local member Barry Collier. The other victim of the former Minister's departure was the Shellharbour Sharks. In an email to club officials on 11 October 2011 Graham Annesley stated:

Dear Peter, I'm sorry to hear you have been caught in the middle of this. The NRL/Government funding proposal was progressing well while I was there, although it was always going to require Treasury approval before the Government's money could be made available. I was confident that this approval would be secured given internal discussions while I was the Minister.

Unfortunately, as you know my departure was unexpected and very quick meaning I could not complete a number of projects I was working on. I really am sorry this is still unresolved.

Mr Annesley then makes this offer in the email:

What I can do for you is raise the issue again with the NRL and try to impress upon them the seriousness of your predicament. Perhaps they can apply some more pressure on the Government in an attempt to finalise the matter.

Despite the club's local member, the member for Kiama, Gareth Ward, and I going in to bat for the Shellharbour Sharks with Government Ministers, the issue remains unresolved and the viability of the club is tenuous. I have made many representations to two Ministers: the former Minister for Sport and Recreation, now the Minister for Family and Community Services, and her successor, who also has responsibility for the Police portfolio. My first approach to the former Minister for Sport and Recreation was unsuccessful. I am hoping that my second representation, to the current Minister, will be more successful. I thank the member for

Kiama for his support and advocacy of this club. He appears to have had no more success than I have, despite his being a member of the Government. Indeed, Mr Ward and I have worked hard on this issue. After our initial meeting with the club in January and following his own discussions with the former Minister's office, he telephoned my office and asked that the issue not be brought to the attention of the local media. We agreed to keep silent for as long as it took to have the issue resolved. If it had been resolved I would not be making this speech tonight.

It appears that only by shining a light on this entire episode are we likely to get the action that the Shellharbour Sharks need to keep the club on its feet. This is not a difficult issue to understand; nor is it a difficult issue to resolve. All it takes is the will of the Government to honour the commitment of one of its former Ministers. The email from Mr Annesley to the Shellharbour Sharks is clear: Club officials acted in good faith on a verbal commitment from the former Minister. That good faith has been tested because the much-loved club is in danger of folding. We are not talking about millions of dollars; we are talking about \$25,000. I again call on the Minister for Sport and Recreation to reconsider the representations made by me and by the member for Kiama on behalf of the Shellharbour Sharks. I ask the Minister to help the local rugby league club get out of its current difficult financial position. Quite simply, the Government has a moral obligation to do so. The former Minister made a pledge to this club and it acted in good faith based on his pledge, which I now ask the Government to honour.

ORANGE ELECTROLUX PLANT

Mr ANDREW GEE (Orange) [6.40 p.m.]: I wish to update the House on the situation with Electrolux that is unfolding in Orange. The first part of the Government's response has been very swift. When the Electrolux plant was in danger of closing, the Government offered Electrolux millions in payroll tax rebates to keep it open. Ultimately, the foreign board of Electrolux made the decision to close the profitable Orange plant, much to the dismay and anger of local residents. After the closure was announced, the Government helped to organise labour market information sessions for workers so that they could get an idea of what jobs were available in the local economy. It was also involved in organising the successful Jobs Expo, which was held at the Orange Ex-Services' Club. TAFE Western is now formulating retraining programs for every worker who wants one.

Last Thursday I attended the weekly transition meeting at the Electrolux factory to see firsthand what is happening on the ground. Every week I, or one of my staff, attend that meeting. So far 420 Electrolux workers have chosen to participate in the one-on-one interviews, with just over 220 interviews having been completed to date. Currently, approximately 198 workers have commenced, or are about to commence, a retraining program of some sort that is in some way subsidised by the Government. The courses include dual diplomas and courses in aged care, hospitality, front-line management, project management, earth works, transport, retail and others. Training is also occurring in the factory, which makes it easily accessible to employees. That is most commendable. TAFE Western and State Training are heavily involved in this process, and I commend those two organisations for their wonderful work. What is not to like about such a response?

I have been very vocal about the need to get a second part to the New South Wales Government's response. In this regard there has been excellent news for Orange and the surrounding region. Last week the Deputy Premier announced that a Central West jobs plan was being developed. The aim of the program is to encourage business growth and development in the area. I have been fighting locally and in this place for that very welcome news from day one. The details are still being worked on but it is wonderful to have confirmation that things are moving forward. We will now be able to build on the momentum that has been increasing since the terrible news of the closure. The Deputy Premier received a presentation from Mr Mark O'Kane, the manager of the Electrolux plant, and we then toured the factory.

The retraining program, which is well in hand, is a credit to all concerned. Many people have invested time in making the process a success, and hopefully it will stand as a lasting testament to the efforts of the people of the Central West. We now need to focus on expanding industry and employment in the area. The issue of payroll tax rebates, which was referred to recently in the House, remains. The matter needs to be resolved sooner rather than later, but at least there is ongoing dialogue about it. That is a positive, and I will be following the issue very closely until it is resolved. The Electrolux wind-down commences in September 2015 and the earlier businesses can be given some direction as to the amount of the rebates available the better. In conclusion, there is stormy weather ahead for the Orange economy but many people in Orange and the local area are doing their best to prepare to get us to the other side. I take this opportunity to thank everyone involved in the transition process for their important work to date.

Mr DARYL MAGUIRE (Wagga Wagga—Parliamentary Secretary) [6.45 p.m.]: I thank the member for Orange for giving the House a detailed update on the difficulties that his community is facing and the way in which residents, the Government and the local member are meeting the challenges posed by the closure of the Electrolux factory. The Government is working closely with the member for Orange, and I place on record how impressed I am by the professional way in which he has gone about working constructively with his community and the Government to bring about a better resolution and create more opportunities for his electorate. I look forward to hearing further updates. The people of Orange and the local area are working together for the common good, and they will succeed. It is a brilliant community.

EMU CROSSING BRIDGE

Mr ADAM MARSHALL (Northern Tablelands) [6.46 p.m.]: Tonight I inform the House about developments in the construction of the new Emu Crossing Bridge at Bundarra. The Bundarra community has been fighting for this project for more than 70 years. Currently we have a low-level crossing that was built in 1919. It was only ever meant to be a temporary structure over the Gwydir River at Bundarra. The bridge is on Thunderbolt's Way, which is a key strategic freight route with around 600 vehicles using the crossing every day. Nearly one-third of those vehicle movements are heavy vehicles. That underscores the importance of Thunderbolt's Way not only as a strategic freight route in the Northern Tablelands but also as a connection with Bucketts Way around Gloucester, which is the most direct route from the region to Newcastle and Sydney. Thunderbolt's Way is also an important strategic route for the communities of Bundarra, Inverell, Wialda and others further west to access education opportunities in Armidale as well as the regional airport, which is the gateway to the beautiful Northern Tablelands region.

For years and years the community of Bundarra and the Uralla Shire Council have been campaigning to have the temporary crossing built in 1919 replaced with a brand-new bridge. Unfortunately, as it was built only one metre to 1½ metres off the riverbed, every time we have relatively minor rain or flooding the road is cut. This forces road users to drive an extra 95 kilometres—almost an hour's drive—to get to Armidale or from Armidale back to Bundarra, through to Inverell, Wialda, Bingara et cetera. At the start of the month I stood with huge pride alongside the Mayor of Uralla Shire, Michael Pearce, the new General Manager of Uralla Shire Council, Damien Connor, the Deputy Mayor of Uralla Shire, Bob Crouch—who is also a Bundarra resident—and a number of passionate community members, including Dave and Melissa Lowell, who are proprietors of the Bundarra General Store, and Spencer Hall and Kim Harvie, who years ago formed a committee to lobby for funding for the bridge, to hear the announcement about the Emu Crossing Bridge. I take this opportunity also to thank Tom O'Connor, the former general manager of Uralla Shire Council, for his hard work.

It took the best roads Minister this State has ever had, the Hon. Duncan Gay, to make a contribution of \$3.5 million, which was matched by a contribution of around \$500,000 from Uralla Shire Council, to ensure that this \$4 million project will go ahead. As I said, at the beginning of the month I stood proudly with those people to announce that Newcastle-based company Civilbuild Pty Limited had won the tender to construct the Emu Crossing Bridge. Work will commence in August this year. It is no longer just politicians' talk and promises; we will see the first sod turned, the foundations will go in and the new bridge will be finished by the end of the next financial year. I take this opportunity to acknowledge the magnificent work of Uralla Shire Council and the tireless efforts and passion shown by members of the Bundarra community. Politicians can cut ribbons and make announcements but these things do not happen without a whole-of-community effort.

The word "partnership" comes up repeatedly in the Bundarra community. This project is a wonderful partnership between State and local governments to resolve an issue that was first raised back in 1935 by the then Gostwyck Shire Council. That council petitioned the government of the day and said, "We need our 1919 temporary crossing replaced." I am pleased to say that, although it may have taken 75 years, the people will have a brand-new \$4 million bridge built 250 metres upstream from the existing crossing. The only thing left to do is decide on a name for the new bridge, and the council will make that decision. I again congratulate Uralla Shire Council and Minister Gay, and thank the Bundarra community for its support.

FAIRFIELD ELECTORATE RAILWAY STATION EASY ACCESS UPGRADES

Mr GUY ZANGARI (Fairfield) [6.51 p.m.]: Given hardship and the series of unfortunate events that have unfolded, I believe the plight of Mr Errol Russell deserves to be related in the Chamber tonight. Errol Russell is a constituent in the electorate of Fairfield. He is passionate about the delivery of quality services by government to everyday people. Errol is particularly committed to the delivery of quality services to elderly disabled residents not only in Fairfield but also across New South Wales. Mr Russell is confined to a wheelchair

and suffers from myriad serious medical conditions, which are presently being treated by specialists on a weekly basis. Errol lives directly opposite the Carramar station. Therefore, you would expect someone like Errol to be able simply to hop on a train and travel easily from Carramar to any other destination on the rail network. Unfortunately, this is not the case.

Errol cannot access the Carramar station as he is in a wheelchair. For that matter, Errol cannot access other local railway stations such as Villawood, Chester Hill and Yennora. In order to keep his appointments, Errol cannot use the railway network—unless he catches a bus to connect to Fairfield station or, alternatively, catches a taxi. The cost of the taxi service adds to his financial burden—he receives the disability support pension. What would normally cost a commuter \$2.50 costs him \$24 for a round trip. Given the continually rising price of water, electricity and gas bills in New South Wales, this financial burden can only spell disaster for Errol in the long term. It is an absolute shame that our disabled residents are being bled dry financially as a result of inadequate mobility access to public services.

In this Chamber I have repeatedly asked the Minister for Transport when the upgrades of our local railway stations will occur. I have asked the Minister for Transport the following questions regarding accessibility upgrades for local stations: Question No. 0364 on 21 June 2011 regarding the upgrade of Villawood station, Question No. 0301 on 17 June 2011 regarding the upgrade Chester Hill station, Question No. 0361 on 21 June 2011 regarding the upgrade of Yennora station, Question No. 2318 on 31 May 2012 regarding the upgrade of Villawood station, Question No. 2583 on 15 August 2012 regarding the upgrade of Yennora station, Question No. 2582 on 15 August 2012 again regarding the upgrade of Yennora station, Question No. 4217 on 20 June 2013 regarding the upgrade of Carramar station, Question No. 4458 on 29 August 2013 regarding the upgrade of Chester Hill station, Question No. 5195 on 27 February 2014 regarding the upgrade of Carramar station, Question No. 5196 on 27 February 2014 regarding the upgrade of Villawood station, and Question No. 5197 on 27 February 2014 regarding the upgrade of Yennora station.

We have yet to receive any commitment from the Government to provide substantial accessibility upgrades to these stations to meet the needs of local residents. It pains me to see residents such as Errol Russell in my local area have their needs ignored as the Government deems the residents who use the Chester Hill, Villawood, Carramar and Yennora stations to be less important because they do not meet a particular threshold number of commuters. Errol's story will sound familiar to many Australians of his era. As an ex-serviceman who served in the light armoured division and who drove trucks interstate professionally from the age of 17, Errol was a hardworking man. He did his fair share for this great State of New South Wales, and ultimately for our great country. I firmly believe it is time this Government started doing its fair share too. I believe it is time the Government started looking after those who are now forced to go without because it is not providing the essential day-to-day services they require.

CAMDEN COUNCIL 125TH ANNIVERSARY

Mr CHRIS PATTERSON (Camden) [6.55 p.m.]: Tonight I will speak about the 125th anniversary of Camden Council. Camden Council is currently one of the fastest-growing councils in New South Wales, with 100 new residents moving into the area every week. The proclamation of the municipality of Camden was made on 6 February 1889, when 7,000 acres in and around Camden became the municipality. Some 16 candidates nominated for the nine seats on council, and on April 12 1887 the first council was established, with Alderman F. Byrne duly elected mayor. A part-time town clerk was appointed and Mr F. Campbell began his employment, on the grand salary of £20 per annum. The council's first budget included salaries of £55, works of £324 and rates received of £461. The council invested in its first pieces of equipment, including a wheelbarrow, two picks, two shovels and a spade for labourers to use. The first fines, totalling £4, were issued to farmers who allowed their horses and cattle to stray.

By 1924 the council had grown so much that a full-time town clerk was appointed. Today Camden Council has 291 full-time staff, 83 part-time or casual staff and an annual budget of \$149 million. I am sure the first alderman all those years ago could never have imagined what the area would have grown to become. A former member of this House, the late Dr Liz Kernohan, was in 1973 the first female alderman to be elected to the council. She became the first female mayor of Camden in 1980, serving till 1981. She was again appointed mayor in 1985, and served until her election to the New South Wales Parliament in 1991. Liz again stood for council in 2004 after her retirement as the State member and remained on the council until her untimely death that same year. Camden Council is currently completing Liz Kernohan Drive, which will be a link road through one of our residential developments called Spring Farm. This small tribute is unique to a member of Parliament and is evidence of the impact this wonderful woman had on our community.

In 1993 Camden Municipal Council became Camden Council and the area's progress has been astonishing. In the 1990s Currans Hill, Mount Annan, Harrington Park, Narellan and Narellan Vale saw the beginnings of growth in the area. Our newest developments of Oran Park, Harrington Grove, Gregory Hills, Spring Farm, Leppington, Catherine Park and Emerald Hills are forming a new Camden. Those suburbs will see approximately 300,000 people choose to live in this wonderful area over the next 20 years. We have gone from the first train trip of 13 kilometres from Campbelltown to Camden in 1882 on the "Pansy" to the newly constructed \$2.1 billion South West Rail Link at Leppington, which will be delivered by this Government one year early and under budget. I thank Minister Berejiklian for her initiative in seeing this project through and for her tremendous support of my local area over the years.

Camden Council has had 32 mayors since 1889. Our current mayor, Mayor Lara Symkowiak, oversees a modern council in what is a highly sought-after residential area. Lara made history by becoming the first Liberal mayor of Camden. Even as Camden continues to grow, its history is maintained. Many historical houses and buildings, which are privately owned, are kept in their original condition. Camden is very proud of its history, which dates back to the early 1800s when the Macarthur family moved to the area. Descendants of the Macarthur family still reside in historic Camden Park House, and the farm is still a working farm under the management of John and Edwina Macarthur-Stanham.

I mention also the historic house Camelot, which is the residence featured in the wonderful Australian drama *A Place to Call Home*. Camelot stands on the site of explorer John Oxley's Kirkham Mill. The original grant was made in 1810 and extended in 1815. The house is constructed from brick and has a romantic silhouette of turrets, chimney stacks, gables, arched verandahs and projecting bays. Camelot was reportedly built with the winnings from Chester, a racehorse that won the Melbourne Cup in 1877 and was owned by James White. My family is privileged to live near Camelot and we admire its beauty as we drive past the house every day. I commend its current owners, Brendan and Rachel, for all the hard work they have put into maintaining the homestead. As a former mayor of Camden and now State member, I am very proud of my local area, and my family and I are very proud to call Camden home. I commend the former Minister for Local Government, Don Page. He did a tremendous job in the Local Government portfolio and has been a great friend to Camden.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [7.00 p.m.]: I commend the member for Camden for his speech. As a former mayor, he has Camden running in his blood. Anybody who has visited the area would know that the historical significance of Camden is the cornerstone of the story that we call Sydney and New South Wales. I am always delighted to listen to the member for Camden speak about his family, his constituents and his electorate because he is one of the more articulate members of this Chamber. I congratulate him on the growth of his electorate and on the passion he shows for the people and the city of Camden, which holds a unique place in the Australian psyche.

GUNNEDAH SHOW

Mr KEVIN ANDERSON (Tamworth) [7.01 p.m.]: I pay tribute to the hardworking volunteers of the 2014 Gunnedah Show. The executive committee, which is made up of president George Truman and his band of volunteers, worked tirelessly this year to bring together the 126th Gunnedah Show. In times of drought, which some sections of the Tamworth electorate are still experiencing, it is difficult to get people to commit to attending and contributing to a community event, but this year's show brought everyone together and it was really something special. I recognise everyone who was involved in the large task of organising all the exhibitors, conveners and spectators.

The little bit of rain we had in the lead-up to the show was a blessing because the event provided a place for people to come together to celebrate. Saturday 3 May was probably one of the coldest Saturdays on record in Gunnedah. We endured cold, rain and even hail but it highlighted how strong the community can be when it comes together. In her official opening speech Gunnedah Citizen of the Year Joy Wilson aptly summed up the situation when she said that the people who ran the entertainment were the real heroes of regional Australia because they understood that the show must go on. Those convenors included people with responsibility for the animal nursery, the Clydesdales, the cattle, the dressage, the fashion parade, the horse pull, the light harness and miniature horses, the pigs, the poultry—you name it.

The Gunnedah Show typifies a regional show in that it brings a community together and shows how we support each other in times of need. It was a pleasure to be a part of it. We have had a pretty tough time over the past six to eight months. That so many people volunteered in difficult times to put the event together

is testament to the way in which regional communities such as Gunnedah shine when they need to. As a former mayor of the great town of Gunnedah, Mr Acting-Speaker knows only too well how the region can shine.

The entertainment at the show this year included racing motor car simulators, a strongman competition, an art prize and exhibition, a super horse challenge, trotting, Ka-Boom fireworks, a colouring-in competition, a fashion parade, dog high jump—the list goes on. In addition, the famous woodchop event was proudly sponsored by Gunnedah Timbers, whose contribution must be especially acknowledged. Gunnedah Timbers is struggling to maintain a viable business and support 50 men at the Gunnedah and Baradine timber mills as it searches for larger logs to continue its operation. However, in its time of need Gunnedah Timbers still found a way to sponsor the woodchop event. It was great to see.

At the show I caught up with George Paul from Gunnedah Timbers and congratulated him on his efforts to continue to sponsor the event when he must have been looking at his bottom line and wondering whether he could do it again this year. But, like so many other organisations that pull together in times of need, George Paul sponsored the event and he did it with pride. My family and I had the pleasure of joining George Truman, his executive committee and the band of showgirls to tour around the grounds to take in the sights, sounds, colours and excitement of the 126th Gunnedah Show. I am looking forward to 2015.

ACTING-SPEAKER (Mr Adam Marshall): I join with the member for Tamworth in acknowledging George Truman, the President of the Gunnedah Show Society, and his magnificent committee members. I also acknowledge the member for Tamworth for his support of the show.

GOULBURN ELECTORATE CRIME STATISTICS

Ms PRU GOWARD (Goulburn—Minister for Planning, and Minister for Women) [7.06 p.m.]: There is much to be said for living in regional New South Wales. The sense of community, the beautiful landscapes, the fresh clean air, the friendships and the affordable housing are usually given as strong reasons. Being able to live in safety, peacefully and without fear is undoubtedly another powerful factor driving people, including the elderly and young families, to our rural communities. I will therefore take this opportunity to talk about impressive downward trends in crime within the Goulburn electorate as well as highlight the groups and individuals who have contributed to it.

Like my neighbours and friends, I have always felt safe within my own town—especially compared with the risks of living in Sydney. The latest crime statistics released by the Bureau of Crime Statistics and Research show that the rates of many significant crimes are trending downwards to the lowest levels in more than 20 years. Within the Goulburn electorate the Goulburn and Wingecarribee local government areas, which are the major local government areas, experienced significant downturns in major crimes. That is a reflection of the Government's commitment to increasing police resources and strengthening powers.

The Goulburn Mulwaree local government area has experienced a drop of nearly 40 per cent in both motor vehicle theft and stealing from a dwelling. Break and enter rates fell by more than 30 per cent and malicious damage to property decreased by 26.4 per cent. Wingecarribee Shire has had a decrease of nearly 40 per cent in motor vehicle theft, with break and enter non-dwelling also falling by a third. Goulburn is a very diverse electorate. Despite having some low socioeconomic areas, which are often associated with higher rates of crime, the latest Bureau of Crime Statistics and Research report testifies that Goulburn is a very safe community. That is because the New South Wales Government has delivered record police numbers and increased powers and resources for the police to combat crime.

Just last week 182 students from class 321 graduated as probationary constables with an Associate Degree in Policing Practice from Goulburn's police academy. I thank the NSW Police Force, in particular our local police and Local Area Commander Superintendent Zoran Dzevlan and his officers, for their hard work and diligence in lowering crime levels in our community. They are ably led by Gary Worboys, the regional commander and former Goulburn chief, who has made sure that police activities are intelligence-driven. That has most certainly paid off.

I also make mention of and give thanks to the local liquor accords, which develop strategies to improve safety and security, reduce alcohol- and drug-related harm and generally improve the amenity of the region. Both the Goulburn and Southern Highlands liquor accords have reduced adverse alcohol- and drug-related public impacts and have generally sought to minimise the social harm associated with excessive alcohol use in clubs and pubs and even from takeaway outlets.

For their contribution to the liquor accord and to their local community, I wish to thank, from the Goulburn liquor accord, Robert Kennedy, Melanie Wells, Christine Freebody, Anthony Hogan, Sean Griffiths, Timothy Quill, Andrea Darcey, Sueann Rowson, Heather Thomson, Tanya Saville, Tim Roberts, Phil Anderson, Chad Gillies, Tanya Croker, Rob Sullivan, Adam Mortimer, Mark Ryan, Helen Ford, Robyn Condylis, Anna McCormack, Elly Spark, Patrick Burke, Scott Cooper and Phyllis Croker.

From the Southern Highlands liquor accord, I wish to thank Melanie Lausz, Frank Perger, Lucy Brotherton, Angela Anastassiadis, Alison Hilliard, Lois Green, Kylie Pritchard, Ed Woolfrey, Sue Nicholl, Ryan Dickson, Donna Young, John Green, Jolene Templer, Naomi Wheeler, Adrian Guest, Adam Purcell, Peter Dean, Moyra Lewis, Angela Daly, Chris Backhouse, Haylen Court, Andrew Raunjak, Michelle Muscat, Trent Johns, Peter Boyce, Anthony McLean, Phil Anderson, Phillip Hill, Meredith Mills, Charles Tufu, Malahai Konisch, Tracee Magrath, Gillian Smith, Vas Khandeko, Jason Harwood, Tony Springett, Will Mathews and Barb Balon. Their input is having a positive impact on the crime rate and the safety of our community—something of which we are all very appreciative.

The launch of Project Eyewatch in the Goulburn and Southern Highlands regions also has been likened to a modern form of the Neighbourhood Watch program and allows police and the community to exchange information about local crime and issues by using Facebook. People do not always have the time to attend community meetings with the police, but through local Eyewatch programs they can simply go online and share information. This is another great initiative to keep our communities as involved and as safe as is possible.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [7.11 p.m.]: I commend the member for Goulburn, Minister for Planning and Minister for Women on what is clearly a superior understanding of her constituency. It is very easy for members who represent city electorates to be totally preoccupied with what happens in the 10 or 20 square kilometres of our own electorates without giving proper credit to the fact that some members of this House have electorates that are the size of European principalities. The Minister's electorate of Goulburn is one such electorate. Her electorate quite easily could be considered a medium power in Western Europe. When I hear her complete and utter understanding of the brief of representing the Goulburn electorate, I am perpetually impressed by the quality of the member for Goulburn and the quality of the Minister she has become in the Baird Government.

Private members' statements concluded.

Pursuant to resolution matter of public importance proceeded with.

YELLOW RIBBON ROAD SAFETY WEEK

Matter of Public Importance

Mr CLAYTON BARR (Cessnock) [7.12 p.m.]: Mr Acting-Speaker, I welcome you to the Chair. I draw to the attention of the House that Yellow Ribbon Road Safety Week will be from 4 to 11 May. Yellow Ribbon Road Safety week is an initiative of the SARAH group. SARAH stands for Safer Australian Roads and Highways. SARAH Incorporated is a not-for-profit association that was established after the death of Ms Sarah Frazer, who was tragically killed on 15 February 2012 on the Hume Highway. I read the following excerpt from the SARAH Group.org website.

On 15th February 2012, Sarah Frazer was driving down the Hume Highway on her way to Wagga Wagga to start a degree in photography at Charles Sturt University.

Just past Mittagong her car broke down and she had to pull over on the side of the Highway. However the shoulder on that section of the freeway was so narrow that despite parking against the guardrail, she could not get her car out of the left-hand 110km/hr lane. Sarah got out of the car and went to the guardrail to wait for help as cars and trucks passed her at high speed just inches away from her car.

Following an NRMA inspection, a tow truck was called to assist Ms Frazer. Because the tow-truck operator knew how dangerous that section of the highway was, he would not let any of his employees take the call. He went to assist Sarah himself.

While he started to secure the car, a passing Pantec truck side-swiped Sarah's vehicle and collided with them both killing them instantly.

The major theme of Yellow Ribbon Road Safety Week is to "Drive so others Survive". This concept might seem quite simple in its ask, but every day on our roads it seems well beyond the capacity of so many drivers. There are many of us in this place and in the wider community who spend hundreds of hours on the road driving many

thousands of kilometres each year. On our journeys we undoubtedly come across those who are making the roads anything but safe. Prior to my election to this Parliament, I had the good fortune to present and discuss matters of road safety to young learner drivers at various venues across the Hunter. I used to begin many of those sessions by putting a sporting analogy to the groups and posing these questions: What is the end game when you are driving on the road? What is the goal? What is the outcome? How do you know when you have won, when you have succeeded on the road? Of course the responses were always along the lines of, "Well, it's getting from A to B", "... not having a crash", "... being on time, hopefully", and "... arriving safely".

I would then extend that line of questioning to include: Do you think other road users have the same goals and objectives? The answer would always be a resounding "Yes". So I put it to the group: Do you think, as a driver, your efforts should be put into working against the other drivers, or working with the other drivers on the road? And of course, the answer would be "with". The sporting analogy extends to ways to support each other on the road to help and assist our team-mates to work together to score the ultimate goal of a safe journey to and from your destination.

The young people would come up with ideas such as, "We could help others by making space when they are changing lanes, entering or exiting the traffic."; "We could let everyone know as early as possible if you intend to turn by using your indicators and brake lights sooner rather than later."; "We could move to the left or the right of the road to create space while we are turning."; "We could change the mindset and accept that no-one actually 'owns' the road, they are shared roads."; "We could always remember that by working together instead of working against each other, it would increase the chances that the trip or journey would be a 'win' for all." Yellow Ribbon Road Safety Week is a challenge to us all to become better, more aware and safer drivers. Driving so that others survive is an important mindset for us all. Yellow Ribbon Road Safety Week is a time when we really must remember this, if we too want our time on the road to be a "win" for all.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [7.17 p.m.]: It gives me great pleasure to participate in the discussion of Yellow Ribbon Road Safety Week on behalf of the Government and certainly in my capacity as Parliamentary Secretary for Transport and Roads. The Safer Australian Roads and Highways, or SARAH Group, is a not-for-profit association with a mission to promote initiatives to improve road safety and to support those affected by road tragedy. Last Thursday it was my great pleasure to join with the President of Safer Australian Roads and Highways, Peter Frazer, as we launched Fatality-Free Friday, and to attend the third Yellow Ribbon Road Safety Week campaign last Sunday, 4 May 2014. The campaign is an initiative of Safer Australian Roads and Highways that the New South Wales Government very proudly supports. I acknowledge the attendance last Sunday of Assistant Commissioner John Hartley, AO, who is with the Traffic and Highway Patrol Command of the NSW Police Force, and Ms Margaret Prendergast, who is the general manager of the New South Wales Centre of Road Safety, as well as other dignitaries and representatives of the Opposition and local councils.

Sometime ago Peter Frazer and his family approached the Government with a petition that had been signed by thousands of community members following the death of his daughter who was tragically killed two years ago. Tow truck driver Geoff Clark also was killed when both he and Sarah were hit by a passing truck as they stood near Sarah's broken-down vehicle on the Hume Highway at Mittagong. The death of Sarah, who was on her way to university, and Geoff, who was attending work as he did every day of his life, highlighted a major issue in our road safety policy. Since the fatal crash in February 2012, the Centre for Road Safety has been working with Roads and Maritime Services, the NSW Police Force, NRMA Motoring and Services and WorkCover to improve roadside safety. In September 2012 the New South Wales Government released the Breakdown Safety Strategy, which outlined a number of actions to address the gaps highlighted by the tragic deaths of Sarah and Geoff. Those actions include a mix of measures to improve tow truck vehicle standards, engineering remedies, legislative change and innovative education campaigns, such as "Slow Down Give Us Space", which is a YouTube campaign.

The New South Wales Government supports the 2014 Yellow Ribbon "Drive So Others Survive!" campaign because it is serious about reducing death and injury on our roads. To further show our support, 1,700 Transport for NSW and Roads and Maritime Services fleet cars have yellow ribbons attached to them as part of this very important initiative. The Government is investigating how roadside assistance vehicles can be made more visible to other road users when they are providing assistance on the roadside. We are mapping all roads in New South Wales with a speed limit of 80 kilometres per hour and above to determine the shoulder widths throughout the State. We are developing an internet application to allow emergency services vehicle operators and other first response vehicle operators to see the width of particular road shoulders prior to arriving at the scene.

We are also ensuring that variable message signs during holiday periods display the message, "If you see a breakdown, slow down" to increase breakdown safety awareness. Last year the New South Wales Government introduced legislative changes to ensure that driving furiously or recklessly near a breakdown or crash incident is considered a mitigating factor in sentencing through an amendment to section 42 of the Road Transport (Safety and Traffic Management) Act. This measure, with the encouragement and support of the Safer Australian Roads and Highways Group, received bipartisan support. We have also increased focus on road safety through the creation of the State's first Community Road Safety Fund into which all fixed and mobile speed camera revenues are placed to be invested in improving road safety.

The New South Wales Government has committed almost half a billion dollars to road safety measures in the past two years such as the campaigns "Get Your Hand Off It", which encourages drivers not to use a mobile phone while driving a vehicle, and "Don't Trust Your Tired Self", because fatigue is one of the most common causes of accidents and leads to an increase in our road tolls. We have also launched the Safety Town interactive website featuring high-profile people such as Adam Goodes to encourage people—not just drivers but young children—to get involved on the website to improve their awareness of road safety. We support this initiative and look forward to further advancement in lowering road fatalities and the New South Wales road toll each year.

Ms TANIA MIHAILUK (Bankstown) [7.22 p.m.]: I thank the member for Cessnock for raising Yellow Ribbon Road Safety Week, a matter of significant public importance given the fact that more than 30,000 Australians are killed or seriously injured as a result of vehicle crashes each year. So far this year, there have been 27 fatalities on New South Wales roads while the national figure stands at 110. Each and every serious road crash has traumatic ongoing effects for the families involved and our communities. Yellow Ribbon Road Safety Week is a grassroots campaign that runs from 4 to 11 May to remind our community members that they should drive so that others survive. It is dedicated to increasing awareness about road safety. The public is encouraged to participate by simply tying a yellow ribbon to their car, bicycle or motorcycle.

Yellow Ribbon Road Safety Week is an initiative of Safer Australian Roads and Highways, which was established by the father of a young woman, Sarah Frazer, who was tragically killed on the Hume Highway near Mittagong in February 2012. Sarah was travelling to university in Wagga Wagga when her car broke down. Good Samaritan and local tow truck driver Geoff Clark stopped to help her on the side of the busy highway, and a southbound truck struck and killed them both. The Frazer family has been battling for road safety awareness ever since through their valuable work with the Yellow Ribbon Road Safety Week campaign.

The 2014 Yellow Ribbon Road Safety Week is a timely reminder that reducing road accidents is a shared responsibility that is achieved when all road users drive safely and watch out for vulnerable community members on our roads and highways, especially those who work on our roads to assist and protect us such as emergency services, roadside assistance and first responders to incidents. Those individuals risk their lives to assist others. The campaign delivers a strong message to road users and urges motorists to pledge to drive as if their loved ones are on the road ahead.

Drivers are urged to actively commit to safeguarding the lives and wellbeing of all road users as well as honour those who have been tragically killed or injured on our roads and stand in solidarity with their families, friends and communities. I commend the valuable work of the Safer Australian Roads and Highways Group, particularly through the Yellow Ribbon Road Safety Week campaign, which will continue to raise safety awareness concerns for vulnerable road users and instil a strong message that road safety is a shared community responsibility, and I quote:

When it comes to road safety, our commitment is no accident.

Mr CLAYTON BARR (Cessnock) [7.25 p.m.], in reply: I thank the member for Hawkesbury and the member for Bankstown for their contributions on this matter of public importance. I encourage people to go online and look at the particular road where young Sarah was tragically killed. It is one thing to say that driver behaviour is the driver's responsibility—and indeed that is true—but there are questions around infrastructure, how wide roadside areas are and whether a car can get off the road. If one looks at the picture at www.sarahgroup.org, it is quite clear that there was a failure of infrastructure in that instance and, unfortunately, a young girl was tragically killed. We need to do better. I thank everyone for their contribution this evening.

Discussion concluded.

The House adjourned, pursuant to resolution, at 7.26 p.m. until Thursday 8 May 2014 at 10.00 a.m.
