LEGISLATIVE ASSEMBLY

Wednesday 14 May 2014

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

The Speaker read the Prayer and acknowledgement of country.

VISITORS

The SPEAKER: I welcome to the gallery today students from the University of Georgia.

CRIMES AMENDMENT (FEMALE GENITAL MUTILATION) BILL 2014

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

CRIMES AMENDMENT (PROVOCATION) BILL 2014

Second Reading

Debate resumed from 8 May 2014.

Mr PAUL LYNCH (Liverpool) [10.10 a.m.]: I lead for the Opposition in debate on the Crimes Amendment (Provocation) Bill 2014. The Opposition will not oppose the bill in this place. We have a number of concerns about the bill and moved amendments in the other place from whence this bill originated. Regrettably, those amendments were unsuccessful. The predominance of Government numbers in this Chamber is such that the bill will now pass without amendment. Whilst the bill originated theoretically as a non-government bill, the bill is clearly a government bill. By way of preliminary comment I also note that this is a complex area of the law and people of goodwill with similar objectives may find themselves in disagreement over the current state of the law and how to alter it.

The object of the bill is to reformulate the law of provocation to restrict its operation. Provocation is a partial defence to a charge of murder. It can only be pleaded in response to a charge of murder. If it is successfully pleaded, it results in a conviction for manslaughter rather than murder. That, of course, has consequences that sound in penalty upon the sentencing of the prisoner. The current law in this jurisdiction is set out in section 23 of the Crimes Act. Section 23 (1) provides:

> Where, on the trial of a person for murder, it appears that the act or omission causing death was an act done or omitted under provocation and, but for this subsection and the provocation, the jury would have found the accused guilty of murder, the jury shall acquit the accused of murder and find the accused guilty of manslaughter.

Section 23 (2) provides that an act or omission is done under provocation where:

> (a) the act or omission is the result of a loss of self-control on the part of the accused that was induced by any conduct of the deceased (including grossly insulting words or gestures) towards or affecting the accused, and
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> (b) that conduct of the deceased was such as could have induced an ordinary person in the position of the accused to have so far lost self-control as to have formed an intent to kill, or to inflict grievous bodily harm upon, the deceased.

The subsection also cuts any immediate time nexus between provocation and death by saying that the conduct of the deceased could have occurred at any previous time. Section 23 (3) of the Crimes Act contains other qualifications and clarifications. The object clause of this bill purports to summarise section 23 thus:

> The existing section makes the partial defence available if the accused loses self-control because of the words or other conduct of the deceased and that conduct could have caused an ordinary person in the position of the accused to have lost self-control to the extent of intending to kill or inflict grievous bodily harm on the deceased.

The bill proposes to repeal section 23 and to replace it with another section with a reformulated defence. The defence becomes one of extreme provocation and is only applicable if the deceased's provocative conduct was a serious indictable offence, if it caused the accused to lose self-control and it could have caused an ordinary person to lose self-control to the extent of intending to kill or inflict grievous bodily harm on the deceased. The objects of the bill refer to the second of these aspects as a subjective test and the third as an objective test. The provision severing the timing of the provocative behaviour with the killing remains. Non-violent sexual advances are specifically excluded as conduct that can be provocative conduct.

The bill arises as a Government response to a report from the Legislative Council Select Committee on the Partial Defence of Provocation, which was established by a motion moved by a Labor member in the other place. After initial hesitation, and an examination of the numbers, the Government ultimately supported the establishment of the Committee. The establishment of the Committee followed the notorious and tragic case involving the killing of 28-year-old Manpreet Kaur and the conviction of her husband, Chamanjot Singh, for manslaughter and his sentencing to six years imprisonment. Mr Singh had cut his wife's throat with a box cutter. He relied on the partial defence of provocation. The committee deliberated and delivered a bipartisan report with 11 recommendations.

Recommendation 2 recommended the introduction of a provision based on a Victorian example that evidence of family violence could be adduced in homicide matters. They recommended the defence be renamed as the defence of gross provocation. There were other recommendations aimed at narrowing the scope of the defence so that it applied to cases of a most extreme and exceptional character and make it harder to be availed of if one person simply wanted to leave a relationship. The committee recommended the defence not be available for defendants who responded to a non-violent sexual advance by the victim.

Recommendation 9 suggested that a judge not be required to leave the defence to the jury unless there was evidence on which a reasonable jury properly directed could conclude that it might apply. The proposals to restrict the use of the defence are primarily found in recommendation 7. Recommendation 5 also provided that the defence is only available in circumstances where the defendant acted in response to gross provocation, which would mean words or conduct or a combination of words and conduct which caused the defendant to have a justifiable sense of being seriously wronged.

The Government replied formally in October 2013 by releasing its response and a draft exposure bill. The bill that was introduced and passed in the other place and that is now before us is identical to the exposure draft. The bill is different to the committee recommendations. Both try to limit the use of the partial defence but do so in different ways. The Government bill is narrower because it relies upon the use of a serious indictable offence. No doubt that is a neater drafting solution, but the question becomes whether it has undesirable consequences in restricting the bill unnecessarily and excluding it from possible utilisation as a defence in situations where many might think it appropriate to be used. A number of criticisms have been made of this bill. For example, the New South Wales Bar Association has said:

> It is apparent that the partial defence cannot be available unless "the conduct of the deceased was a serious indictable offence".
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> The term "serious indictable offence" is defined in s 4 Crimes Act 1900 to mean "an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more". The effect of s 23(2)(b) is that the partial defence is only available where the conduct of the deceased would be a serious criminal offence. It would not extend to a situation where the deceased told the accused that he had committed a serious indictable offence or that he intended to commit a serious indictable offence.
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> Consider the following scenario. V, a previously convicted paedophile, tells A (father of a 10 year old daughter) that V had sexually abused A's daughter on multiple occasions. It is not at all clear that the partial defence would be available in these circumstances, even if it were true that V had sexually abused A's daughter—A's response might be characterised as being "in response to" what V had said that he had done and not to what V had actually done.

> In any event, the partial defence should be available even if it turns out that V had not in fact sexually abused A's daughter. Most members of the community would still regard what V said to A as "extreme provocation". Many similar scenarios may be imagined where a person could set out to cause great distress by falsely claiming to have committed a very serious offence and yet, as the bill is currently formulated, such conduct could not be characterised as "extreme provocation".
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> Equally, threats to commit very serious offences could not be characterised as "extreme provocation" because the making of the threat would not itself constitute a "serious indictable offence".

The Bar Association accordingly recommended that section 23 (2) (b) be amended to read as follows:

> The conduct of the deceased included the commission of a serious indictable offence or a representation that a serious indictable offence had been, or was to be, committed by the deceased.

There was also concern from advocates for the victims of domestic violence who feared that this bill was a retrograde step that would narrow the defence affecting victims of domestic violence who kill their abusive partners. In particular, the critics pointed to the failure of the bill to include provisions that specifically considered domestic violence in murder cases, removed the requirement for juries to consider the perspective of the killer and only allowed the defence in cases where the deceased had committed a serious indictable offence. Women's Legal Services NSW has expressed its concerns that the bill:

> … may have unintended consequences for victims of domestic violence who ultimately kill their violent intimate partner.

In a letter dated 14 March Women's Legal Services point to the requirement that in order to raise the partial defence the conduct of the deceased must be a serious indictable offence. Women's Legal Services acknowledges that this is to prevent the use of the partial defence in the context of sexual jealousy or conflict over parenting arrangements or in circumstances of a change in relationships, but the letter goes on to say:

> However, we fear the requirement that "the conduct of the deceased was a serious indictable offence" will exclude women who have experienced serious domestic violence and ultimately kill their violent partner from raising the partial defence of extreme provocation.
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> This is because in the experience of WLS NSW many women do not report violence to the police and hence those women may not be able to establish the deceased's conduct constituted a "serious indictable offence".
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> Additionally, as outlined in our submission to the NSW Parliamentary inquiry into the partial defence of provocation, we have concerns about the adequacy of the partial and full defence of self-defence in situations where women who have experienced serious domestic violence ultimately kill their violent partner.

The earlier submission from Women's Legal Services relating to the draft exposure bill highlighted other concerns that it had. The service recommended amongst other things that a list of conduct that does not amount to extreme provocation be included in the bill, including the indication of a wish to end the relationship, sexual jealousy or a conflict about parenting arrangements, and that the select committee recommendation about social framework evidence be included in the bill. The service was also critical of any continued requirement for loss of control, which condones and legitimises violence against women. It was also concerned about changes to the ordinary person test that may have possible unintended consequences for victims of domestic violence.

As indicated, the Opposition moved amendments to the bill in the other place. While the bill, in my view, is an improvement to the present law, it could still be improved. The Opposition moved three amendments in the other place. One was to remove proposed section 23 (2) (C) and (D) and replace it with an ordinary person objective test. This would remove the focus on loss of control by men. The retention of such a view is old-fashioned and privileges the reaction usually of men, and may inappropriately reduce their culpability. It may well disadvantage women who are subject to domestic violence and kill in what was described in the other place as slow burn situations.

The justification for retaining this concept is said to be to prevent premeditated murder being dressed up as provocation—that a considered desire for revenge is presented as provocation. I understand that concern, but I think Labor's amendments could have been accepted without giving rise to that result. That was also consistent with the committee's approach. The other two amendments by Labor would specifically permit the adducing of social framework evidence of the kind permitted under the Victorian legislation, a proposition unanimously recommended by the upper House committee. The contrary argument is that generally this evidence is able to be adduced. That is less than emphatically clear. It will inevitably be dependent upon the vagaries of individual cases and rulings. Making the law clearer seems highly desirable. The bill would have been improved if these amendments had been adopted. Regrettably they were not.

That does not mean that Labor opposes this bill. It retains but restricts the partial defence of provocation. It does not abolish the defence as has occurred in some other jurisdictions and as is advocated by

some in this jurisdiction. I understand the moral clarity and philosophical simplicity of that position. I think, however, that the retention of an appropriately circumscribed partial defence will best serve the interests of justice. The defence historically has been highly gendered. To begin with, it was essentially used by men who killed their intimate partner or their lover through sexual jealousy, an inability to accept their partner's personal autonomy, and a belief that women should be reduced essentially to a possession of men. If it was murder at that stage then the penalty was capital punishment. In the contemporary world such attitudes are largely, and rightly, condemned. The defence also became used in instances of non-violent homosexual advances and the so-called gay panic defence. In my view, that is equally offensive.

However, at the same time the defence came to be used by those for whom most people have significantly more sympathy—the victims of domestic violence. Amendments to separate the provocative behaviour from the killing were expressly designed to make the utilisation of the defence in those circumstances easier. So a tension develops in attempts to reform the law in this area: whatever makes it harder for a sexually possessive or homophobic man to rely upon the defence to reduce his moral culpability for violence also makes it harder for a victim of domestic violence. I think this bill is an improvement although regrettably it does not have the Opposition amendments that were moved in the other place. The Opposition does not oppose the bill.

Mr ADAM MARSHALL (Northern Tablelands) [10.22 a.m.]: The object of the Crimes Amendment (Provocation) Bill 2014 is to reformulate the law of provocation in New South Wales in order to restrict its operation. Under section 23 of the Crimes Act 1900, provocation is a partial defence to a charge of murder which will result in the accused being acquitted of murder and convicted of manslaughter instead. This bill repeals section 23 of the Crimes Act 1900 and replaces it with a section that provides a more limited partial defence of extreme provocation. The existing section makes the partial defence available if the accused loses self-control because of the words or other conduct of the deceased and that conduct could have caused an ordinary person in the position of the accused to have lost self-control to the extent of intending to kill or inflict grievous bodily harm on the deceased.

The substituted section provides that an accused acts in response to extreme provocation only if the provocative conduct of the deceased was a serious indictable offence, that is, an offence punishable by imprisonment for life or for five years or more; caused the accused to lose self-control, that is, a subjective test; and could have caused an ordinary person to lose self-control to the extent of intending to kill or inflict grievous bodily harm on the deceased, that is, an objective test. The substituted section specifically excludes certain conduct from being provocative conduct, namely, non-violent sexual advances and conduct incited by the accused in order to provide an excuse to use violence against the deceased. It also excludes evidence of self-induced intoxication from being taken into account in determining whether the accused acted in response to extreme provocation. As with the existing section, the substituted section in the bill provides that the killing of the deceased need not occur immediately after the provocative conduct.

The Legislative Council Select Committee on the Partial Defence of Provocation was established in June 2012 following community concern at the result in the matter of Singh. The select committee consulted extensively with stakeholders during its inquiry and noted significant problems with the partial defence. In particular, the select committee was concerned by the use of the defence when a victim left, or attempted to leave, a domestic relationship or otherwise changed the nature of the relationship. However, the select committee was unable to reach consensus on abolishing the partial defence so instead it made 11 recommendations significantly limiting use of the partial defence, to which the Government gave in-principle support.

As to the proposed model in the bill, the select committee recommended limiting the availability of the partial defence by requiring that the provocative conduct be "gross"—that is, that the accused feel a justifiable sense of being seriously wronged; and that, unless the circumstances were of a most extreme and exceptional character it could not be raised in a specified list of situations commonly arising in domestic relationships. These included changing the relationship, infidelity, taunts about sexual inadequacy and conflict over parenting arrangements. The select committee also recommended that the partial defence be excluded in cases of non-violent sexual advance. The bill adopts the select committee's policy intent but also takes into account input from many experts in the field. It resolves the problems with provocation by requiring that the deceased's conduct amounts to a serious indictable offence and, in addition, is so extreme that it not only caused the accused to lose self-control but could cause an ordinary person to lose self-control.

In this way, the circumstances, which the select committee described as requiring circumstances of a most extreme and exceptional character before they could be considered, will not alone amount to extreme

provocation. That involves an individual exercising their right to personal autonomy, and does not fall within the terms of the bill. The test is also brought more closely into line with community standards by the removal of the words "in the position of the accused". This means that while the jury will consider whether a particular accused lost self-control, they will then consider whether the conduct was so extreme that an ordinary person could have lost control so far as to form an intent to kill or cause really serious injury.

The bill is a significant and substantial law reform in New South Wales, and it is not taken lightly. We heard in the second reading speech from the Attorney General, and indeed reading the debate in the other place, that many legal minds have poured over the detail of the bill. Clearly, the bill removes some of the community concerns with the partial defence provisions. It seeks to limit that partial defence. I acknowledge the efforts of all members of the select committee, who did a good job of analysing a complicated and emotive issue and presenting a common-sense solution, which is now before the House in the form of this bill. As I said, this is significant. It may not be appreciated by many in the community but those who have engaged with the legal system on this issue will appreciate that the bill seeks to limit the partial defence, give clarity in law to the issue and bring a more reasonable test to what can be used for a partial defence. On that basis, I commend the bill to the House.

Mr ALEX GREENWICH (Sydney) [10.29 a.m.]: I support the Crimes Amendment (Provocation) Bill 2014, which will exclude the use of provocation as a partial defence in cases of so-called gay panic or when a spouse is killed in response to infidelity or a relationship breakdown. The provocation defence can downgrade a conviction from murder to manslaughter if the accused can prove that the victim caused him or her to lose self-control and kill as a result of insulting words or conduct. Provocation is judged in terms of whether a reasonable or ordinary person would lose control in such a situation. Manslaughter can attract a smaller sentence than murder and the upper House inquiry by the Select Committee on the Partial Defence of Provocation was set up in response to the use of provocation in a number of cases, such as when husbands killed their wives because of a relationship split, criticism of their sexual abilities, or infidelity.

In those cases, violent killings attracted sentences of less than 10 years because manslaughter convictions were delivered instead of murder. The inquiry also examined how provocation can be used as a so-called gay panic defence because it is open to interpretation that persons can become panicked by a nonviolent sexual advance from a gay person to the extent of taking their lives. The potential is real and highlighted in the 2008 case in which an intellectually disabled man was stabbed to death by a youth in a Narrabeen toilet block. The youth was convicted of manslaughter instead of murder by using the partial defence of excessive self-defence. It was argued that the victim made sexual advances that led to the accused being panicked. While the defence used in this case was not provocation, its application through use of being panicked in response to a nonviolent homosexual advance is similar to the application of the loss of self-control in provocation.

Currently there is no guidance in criminal law that prevents the application of provocation to non-physical or romantic advances. The case I have just described demonstrates that there remains an acceptance that straight reasonable men can panic and react violently to nonviolent sexual advances from gay and bisexual men and transsexual and intersex people. This treats the lives of gay men and gender and sex diverse victims as less than that of others. It treats male homosexual romantic advances as so offensive to justify murder while treating the equivalent heterosexual advances as merely unwanted and awkward. It is quite remarkable that in 2014 a law like that could still be applied. It is so important that this bill deals with this appropriately. This is discriminatory and condones homophobia at its most heinous levels.

I welcome the bill's specific exclusion of nonviolent sexual advance from the application of provocation, which will prevent its use in gay panic cases in future. Lesbian, gay, bisexual, transgender and intersex advocates have long been calling for this change. I acknowledge the work of the Gay and Lesbian Rights Lobby and the Inner City Legal Centre. It is vital that changes to provocation continue to allow for its use by victims of long-term domestic violence, who kill their attacker out of fear. I believe that by allowing provocation in cases in which the deceased's conduct was a serious indictable offence, which would include beating, stalking and intimidating, the bill protects its application by domestic violence victims. I ask the Attorney General to address the Bar Association's concerns that because the proposed extreme provocation defence requires the deceased to commit a serious indictable offence, situations in which the deceased tells the accused of having committed or intending to commit a serious indictable offence are excluded. The Bar Association recommends that the application of extreme provocation include the commission of a serious indictable offence or a representation that a serious indictable offence has been or was to be committed.

The bill prevents unfair application of the partial defence of provocation to cases in which the accused violently responds to a non-violent homosexual advance and to spouse killings, due to infidelity and relationship

breakups. I commend the work of the Select Committee on the Partial Defence of Provocation on its inquiry that led to this bill. I particularly acknowledge the contribution of all its members, including Reverend the Hon. Fred Nile and the Hon. Trevor Khan. This bill shows what happens when members of political parties can work together. This is an important bill and I commend it to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [10.33 a.m.]: It is with pleasure that I participate in debate on the Crimes Amendment (Provocation) Bill 2014, which represents the Government's response to the legislative recommendations made by the Legislative Council Select Committee on the Partial Defence of Provocation. There was extensive consultation with stakeholders during the select committee's inquiry. The inquiry received 52 written submissions and heard evidence from stakeholders. Contributors included the New South Wales Bar Association, the Law Society of New South Wales, the Women's Domestic Violence Court Advocacy Service, the Public Defender's Office, the Office of the Director of Public Prosecutions, Legal Aid NSW, Victims of Crime Assistance League, and several community legal centres. As a result this bill makes significant amendments to the law of provocation.

The rationale for the doctrine of provocation is that a person's moral culpability is reduced in a case in which he or she kills somebody in certain circumstances. As a result he or she can be convicted of manslaughter instead of murder. The doctrine of provocation has been controversial. A major criticism of the existing provision is its complexity. The complexity has been a key factor in the provisions controversy in the past. This bill aims to avoid that complexity. One of the main elements of this bill is the change to partial defence, in relation to which the select committee noted significant problems. In this bill partial defence is renamed partial defence of extreme provocation to reflect the committee's intention that partial defence be available only in the most extreme circumstances.

To establish extreme provocation, the bill sets out a four-stage test: New section 23 (2 (a) requires that the act causing death was in response to conduct towards or affecting the accused. New section 23 (2) (b) requires that the conduct relied upon must amount to a serious indictable offence This is in line with the expectation that people who are faced with offensive, insulting or offending conduct should not contemplate homicide or inflicting serious injury. This threshold also provides that leaving a relationship or infidelity will never provide a foundation for the partial defence. New section 23 (2) (c) requires that the conduct of the deceased caused the accused to lose self-control. New section 23 (2) (d) requires the jury to apply a purely objective test. It must consider whether the provocative conduct was so extreme that an ordinary person could have lost self-control to the extent of forming an intention to kill to inflict grievous bodily harm.

Other key changes to the current legislation include new section 23 (3) (b), which excludes the use of the defence in situations in which the accused has incited the provocative behaviour in order to use violence in response. New section 23 (4) provides that the conduct of the deceased may constitute extreme provocation even if it did not occur immediately before the act causing death. New section 23 (5) will ensure that a jury no longer may take into account self-induced intoxication. I note that the Government has agreed in principle that the law of homicide, including the law of provocation, should be reviewed comprehensively by the New South Wales Law Reform Commission in five years time. I take this opportunity to again thank all the people who have contributed their time, skills and effort to such an important and complex bill. Overall, this bill reflects the views of the wider community. Our community expects politicians to introduce what I perceive to be common sense legislation that upholds current community views. I commend the bill to the House.

Mr GARRY EDWARDS (Swansea) [10.38 a.m.]: I support the Crimes Amendment (Provocation) Bill 2014, which will amend the law of provocation that presently is a partial defence to homicide pursuant to section 23 of the Crimes Act 1900. The bill is this Government's response to the recommendations made by the Legislative Council Select Committee on the Partial Defence of Provocation, which was established in June 2012 as a result of community concern following the matter of *Singh v R*. Mr Singh, who was on trial for murdering his wife, claimed that his wife provoked him by telling him that she no longer loved him, she was in love with someone else and threatened that, if she left him, he would be deported as he was not an Australian citizen. He was in Australia under a spousal visa with his wife who had a student visa.

Mr Singh claimed that as a result of the altercation he was so provoked that he lost control and therefore should not be found guilty of murder but of the lesser offence of manslaughter on the grounds of provocation. The jury was satisfied that the degree of provocation was significant and this resulted in Singh being sentenced to a minimum term of six years imprisonment with a maximum of eight years for the crime of manslaughter. The select committee which assisted the Government in formulating this bill was aided by a working group comprising some of the most senior criminal law experts in New South Wales. The

committee consulted extensively, received 52 written submissions and heard evidence from stakeholders including the NSW Bar Association, the Law Society of NSW and the Women's Domestic Violence Court Advocacy.

One significant problem noted by the committee was the use of a partial defence when a victim left, or attempted to leave, a domestic relationship or otherwise attempt to change the nature of his or her relationship. The committee concluded, inter alia, that the partial defence should generally not be available in cases of provocation of this kind and recommended retaining, albeit significantly restricting, the partial defence to cases of extreme provocation. The committee noted that the partial defence remained necessary, especially for female victims of long-term domestic violence where a complete defence of self-defence might be difficult to establish.

Schedule 1 to the bill repeals section 23 in its entirety and replaces it with a new section 23. The bill renames the partial defence of provocation as the partial defence of extreme provocation. New section 23 (2) then sets out the elements for the test of successfully raising a partial defence, setting out a four-stage test through which extreme provocation can be established. The first test is set out in new section 23 (2) (a), which requires that the act causing death was in response to conduct towards or affecting the accused. The second test as set out in new section 23 (2) (b) requires that the conduct relied upon must amount to a serious indictable offence. New section 23 (2) (c) sets out the third step in establishing provocation, namely, that the conduct of the deceased caused the accused to lose self-control. The bill retains a loss of self-control as the central element of partial defence.

The fourth test as set out in new section 23 (2) (d) further tightens the test by requiring that a jury apply a purely objective test. It must consider whether the provocative conduct was so extreme that an ordinary person could have lost self-control to the extent of forming the requisite mens rea, the intent to kill or inflict grievous bodily harm. Provocation as a partial defence is obviously a controversial and complex issue. This bill aims to strike a careful and appropriate balance between restricting the defence and leaving it available for victims of long-term abuse who kill their abuser. I congratulate the Attorney General and the former Attorney General on introducing this important piece of legislation to the House. This bill reflects the views of our community today. I commend it to the House.

Mr BRUCE NOTLEY-SMITH (Coogee) [10.43 a.m.]: I support the Crimes Amendment (Provocation) Bill 2014 which seeks to change the current legislative provision for the partial defence of provocation in order to limit the circumstances under which one may use the defence. The changes repeal section 23 entirely, replacing it with a new section that is less open to broad legal interpretation so as to ensure that the defence is used only in response to extreme provocation. It will ensure that certain judicial situations and outcomes will not be repeated. It is pleasing that there is general agreement from all sides of politics that the current legislation needs changing, even though there is some disagreement at the moment about the specific way in which to do that. I believe that this bill will adequately fulfil its purpose and address the current problems with the defence of provocation law.

The bill canvasses issues which are sensitive and contentious and often are not black and white. However, the circumstances which have led to the introduction of this bill make it clear that justice can be better served through limiting the current operation of the law of provocation. Community concern arising from the case of Singh was responsible for the formation of the Select Committee on the Partial Defence of Provocation. The select committee produced a report entitled "The partial defence of provocation" which was published in April last year. In the aforementioned case, Mr Singh confessed to killing his wife by cutting her throat and successfully argued for the partial defence of provocation because his wife had told him that she never loved him and that she loved someone else. Mr Singh was sentenced to a term of eight years but could be released in six.

The response in New South Wales mirrors changes to provocation defence law in other jurisdictions such as Victoria and Queensland, which in both cases followed equally controversial and seemingly unjust judicial outcomes in those States. I share community concern that justice was not done or seen to be done in the case of Mr Singh. The community outrage over this result is understandable and well-founded. There are clearly legitimate cases of provocation, where unfortunate actions are incited that would cause an ordinary person to react violently. However as we have seen, the present laws can take seemingly clear-cut murder cases in which the accused with a good defence can argue that he or she might have been provoked.

The new section proposed under this legislation provides that the law of provocation be reformulated in order to restrict its operation. To be more specific, the current legislation allows the partial defence of

provocation if the accused loses self-control because of the words or other conduct of the deceased and that the conduct would have caused an ordinary person in the position of the accused to have lost self-control to the extent of intending to kill or inflict grievous bodily harm on the deceased. Under the proposed changes provocation is altered to become known as extreme provocation and is only available as a defence under the following circumstances. First, that the deceased was engaging in conduct that is a serious indictable offence that caused the accused to lose self-control according to a subjective test and could have caused an ordinary person to lose self-control to the extent of intending to kill or inflict grievous bodily harm according to an objective test.

A serious indictable offence is defined as one that is punishable by life imprisonment or imprisonment of five or more years. This excludes a number of behaviours of the deceased as justification for the partial defence of provocation. For example, extreme provocation does not include the use of taunting and traumatic words or slurs. The loss of self-control as a result of someone's words is no longer a viable provocation defence. This signals to the community that we will no longer allow someone to claim provocation on the basis claimed by Mr Singh resulting in an inadequate punishment. The bill makes note of behaviour such as nonviolent sexual advances as being clearly excluded from the defence because it does not constitute a serious indictable offence.

Furthermore, conduct which was incited by the accused is excluded as an excuse to act violently. In addition to those provisions, the bill also removes evidence of self-induced intoxication from being taken into account when considering whether or not an accused person acted in response to extreme provocation. This is in line with the community's clear expectations that we continue to move away from allowing intoxication as an excuse for criminal behaviour in legal proceedings. The concept of a loss of control is a necessary component of a justifiably provoked killing. I reject the notion that victims of long-term domestic violence will have inadequate access to this defence as a result of the amendments.

It is my view that this issue is negated by the adoption of the gross provocation model through the bill's definition of "extreme provocation". This ensures clarity on the issue of access to the defence by clarifying the nature of provocative acts that lead to a loss of self-control and the accused subsequently killing someone in the same way as any other ordinary person. These provocative acts of serious indictable offences encapsulate the behaviour of abusive husbands or partners in situations of long-term domestic violence. I note that the law of provocation has not been amended since 1982. In 1995 the then Attorney General, Jeff Shaw, QC, established a working party into the homosexual advance defence or gay panic defence in response to developments that were occurring at that stage.

The working party was established following the case of Malcolm Green who had killed his friend, Donald Gillies. The murder had been particularly violent with the accused Green striking Mr Gillies at least 30 times and stabbing him in the face at least 10 times. The defence put forward by Mr Green was that Donald Gillies had made a nonviolent sexual advance that justified the subsequent brutal attack upon him. Sadly, subsequent to that working party's report no changes were made to the gay panic defence or the nonviolent sexual advance defence. The legislation that we are considering today will be good, not only for the broader community but also for the gay, lesbian, transgender and intersex communities. If Mr Singh's trial were held after the passing of this legislation, there rightly would not be a legal basis for the defence he had used. While his case is an extreme one, it incited enough community outrage that change became necessary. The case generated attention to the provisions of the law of provocation and the community clearly found it unacceptable.

It is remarkable that in 2014 a nonviolent sexual advance—a gay advance— could be considered cause for inflicting injury or even death on another person. This reform to the State's criminal law is significant and necessary. I am proud to be speaking on the reform and it is great to see across-the-board consensus on it. I pay tribute to the working party, chaired by Reverend the Hon. Fred Nile and much contributed to by the Hon. Trevor Khan in the other place for their consensus and sensible approach to addressing this matter. The amendments to replace section 23 with unambiguous provisions strengthen the legal understanding of the law of provocation and the use of this defence. I commend the Crimes Amendment (Provocation) Bill 2014 to the House.

Mrs TANYA DAVIES (Mulgoa) [10.52 a.m.]: I speak in support of the Crimes Amendment (Provocation) Bill 2014 which has as its objects:

> … to reformulate the law of provocation in order to restrict its operation. Under section 23 of the *Crimes Act 1900*, provocation is a partial defence to a charge of murder which will result in the accused being acquitted of murder and convicted of manslaughter instead. The bill repeals section 23 of the *Crimes Act 1900* and replaces it with a section that provides a more limited partial defence of extreme provocation.

The existing section makes the partial defence available if the accused loses self-control because of the words or other conduct of the deceased and that conduct could have caused an ordinary person in the position of the accused to have lost self-control to the extent of intending to kill or inflict grievous bodily harm on the deceased.

The substituted section provides that an accused acts in response to extreme provocation only if the provocative conduct of the deceased:

(a) was a serious indictable offence (that is, an offence punishable by imprisonment for life or for 5 years or more) and,

(b) caused the accused to lose self-control (a subjective test), and,

(c) could have caused an ordinary person to lose self-control to the extent of intending to kill or inflict grievous bodily harm on the deceased (an objective test).

The substituted section specifically excludes certain conduct from being provocative conduct (namely, non-violent sexual advances and conduct incited by the accused in order to provide an excuse to use violence against the deceased). It also excludes evidence of self-induced intoxication from being taken into account in determining whether the accused acted in response to extreme provocation. As with the existing section, the substituted section provides that the killing of the deceased need not occur immediately after the provocative conduct.

In June 2012 a select committee was established to review the law of provocation in response to community concerns at the sentencing of Mr Singh after his trial for the killing of his wife Manpreet Kaur. In that case Mr Singh stood trial for murder after cutting his wife's throat several times with a box cutter. At trial Mr Singh claimed that his wife, Manpreet Kaur, provoked him by telling him she had never loved him and that she was in love with someone else before threatening him with deportation. Mr Singh claimed that as a result of this conduct he lost self-control and so should not be found guilty of murder but of the less serious offence of manslaughter. The jury agreed and Mr Singh was sentenced to a minimum term of six years imprisonment with a total term of eight years.

In order to acquit Mr Singh of murder under the current test for provocation, the jury needed to be satisfied there was a reasonable possibility that the conduct of Manpreet Kaur had caused Mr Singh to lose self-control and that her conduct was such that an ordinary person in the position of Mr Singh could have lost self-control and formed an intention to either kill or seriously injure her. The rationale for the doctrine of provocation is that people's moral culpability is reduced when they kill in these circumstances, such that a conviction for manslaughter rather than murder is warranted. The doctrine of provocation has been controversial, not least because of its perceived complexity.

This bill represents the Government's response to the recommendations made by the Legislative Council Select Committee on the Partial Defence of Provocation. The select committee consulted extensively with stakeholders in its inquiry. It received 52 written submissions and heard evidence from stakeholders, including the NSW Bar Association, the Law Society of New South Wales, the Women's Domestic Violence Court Advocacy Service, the Public Defender's Office, the Office of the Director of Public Prosecutions, Legal Aid NSW, the Victims of Crime Assistance League and several community legal centres. A slight majority of inquiry participants supported abolishing the partial defence altogether.

The select committee made 11 recommendations to which the Government gave in-principle support. The Government was assisted in its formulation of this bill by a working group comprising the most senior criminal law experts in the State, including the Director of Public Prosecutions, the Public Defender and Department of Attorney General and Justice. The Department of Premier and Cabinet, Ministry for Police and Emergency Services, the NSW Police Force and Women NSW also were represented. I thank these individuals and organisations for their concerted efforts and expertise provided to the Government during our consideration of the select committee's recommendations.

The bill achieves the select committee's aims by setting out a four-stage test through which extreme provocation is established. It requires that the provocative conduct be "gross", that the accused feel a "justifiable sense of being seriously wronged", and that unless the circumstances were "of a most extreme and exceptional character" it could not be raised in a specified list of situations commonly arising in domestic relationships. These included: changing the relationship, infidelity, taunts about sexual inadequacy and conflict over parenting arrangements. The select committee also recommended that the partial defence be excluded in cases of nonviolent sexual advance.

The bill represents a targeted response. Retaining a loss of self-control as a requirement ensures that the partial defence is not expanded to include acts such as revenge killings. The bill also avoids the artificiality of limiting the application of the partial defence by excluding the nominated behaviours. Instead, it requires that

the provocative conduct amount to a criminal offence. The use of exclusions ran the risk of inadvertently disadvantaging vulnerable persons, for example, victims of long-term domestic violence who finally lost control and killed in response to conflict. In that situation it would be impossible to ask members of a jury to consider whether the partial defence was made out if they had to ignore the behaviour which had caused the accused to lose control. In order to raise the defence the accused would need to satisfy the court that the circumstances were extreme and exceptional.

The Government shares the select committee's concern that the partial defence remain available for victims of domestic violence. The proposed test will ensure that they can raise the partial defence. Domestic violence, particularly long-term abuse, often involves serious indictable offences, such as the range of assaults in the Crimes Act. Even where abuse is not physical but psychological, it may amount to the serious indictable offence of stalking or intimidation in section 13 of the Crimes (Domestic and Personal Violence) Act. These offences are committed where the perpetrator's conduct is intended to cause the victim to fear physical or mental harm to themselves or another person with whom they have a domestic relationship. In making out the offence it is the intent of the perpetrator, rather than whether he or she actually generated fear in the victim, that is the focus. These offences cover a broad range of behaviours and invite the introduction of evidence of past violent conduct, particularly if it involves a domestic violence offence.

A second and important feature of the bill is the continued recognition in new section 23 (4) that the provocative conduct relied upon need not necessarily have occurred immediately before the act causing death. This section should alleviate concerns that women who kill their partners after long-term abuse—referred to as "slow-burn situations"—may be disadvantaged. I repeat: The concerns of stakeholders that victims of domestic violence may be prejudiced are addressed by the continued recognition in new section 23 (4). The provisions of the bill address the select committee's policy concerns and intent. It is intended to deliver a limited and targeted partial defence. Some of the select committee's legislative recommendations were not adopted in the bill as the working group considered that they were not necessary and ran the risk of introducing new complications into the operation of the defence. A major criticism of the existing provision has been its complexity. The bill aims to avoid complexity. I congratulate the former Attorney General, the Hon. Greg Smith, SC, and the current Attorney General, the Hon. Brad Hazzard, on their leadership and courage in introducing this bill. I commend the bill to the House.

Mr RON HOENIG (Heffron) [11.01 a.m.]: I make a brief contribution to debate on the Crimes Amendment (Provocation) Bill 2014. As I have stated before in this House, whenever the Parliament intrudes into criminal law it must do so cautiously and carefully. Whenever the Parliament legislates to alter provisions there are always unintended consequences. This bill arose from the jury in the Singh case upholding the partial defence of provocation. Provocation, and its application, is a difficult concept. It is a partial defence so that somebody charged with murder could be acquitted of murder and convicted of manslaughter. There are differing views but it is said that directions to the jury can be difficult or complex and can cause unintended consequences. My experience in hundreds of criminal trials is that it is rare for a jury to get the decision wrong. Jurors come into a courtroom bringing with them their collective experience of life and knowledge of human affairs. In my view they are better qualified to make determinations in accordance with the law than are judges or lawyers. I suppose the common law regards neither judges nor lawyers as reasonable people capable of reasonable doubt.

Having said that, unintended consequences occur all the time—and sometimes over hundreds of years. The common law, through a variety of decisions, gets the law right simply through trial and error. However, in the criminal law the difficulty is that the courts and appellate courts generally see only those matters where there has been a conviction. There is only a review in the rarest of circumstances, when there has been an acquittal. All right-thinking people would understand why that is the case. It is because of the fundamental principle that it is better for 10 guilty people to go free than for one innocent person to be convicted. Consequently, there is usually only an analysis or interpretation of the statute law when there has been a conviction. On rare occasions a decision of the court is brought to the public's attention as a result of the media reporting decisions that seem to be at odds with a concept that the community or the Parliament expect to follow, and the case of Singh seems to be one such instance.

Provocation is a difficult concept, and when the Parliament intrudes it must be careful to do so in all areas of the criminal law. When the Parliament seeks to water down the provisions of provocation it may do so, for example, in the case of people who are suffering from long-term domestic violence. It could be said that unless the legislation is carefully worded it will not fit within the definition of extreme loss of self-control. Therefore, remedying one problem may mean that others are caught by the provision. The Government's

response to the perceived public outcry was to consult with the Legislative Council Select Committee on the Partial Defence of Provocation. I commend the former Attorney General for taking that course. It is the appropriate course, as opposed to the knee-jerk reactions we often see when governments and oppositions are under pressure from media campaigns. Even though those media campaigns are often justified, it is far easier to write a story in a newspaper than it is to draft appropriate legislation that does not have unintended consequences or cause injustice.

In this case the select committee was established. It received 52 written submissions and heard from stakeholders, particularly the New South Wales Bar Association, the Law Society of New South Wales, the Women's Domestic Violence Court Advocacy Service, the Public Defender's Office, the Office of the Director of Public Prosecutions, Legal Aid NSW, the Victims of Crime Assistance League, several community legal centres and others. That is the way in which law reform should proceed in this State and is a matter to which I drew the attention of the House in my inaugural speech. Careful analysis of legislation that affects the rights of individuals and the State should be considered carefully. The select committee could not reach a unanimous decision; its members were divided, as no doubt the legal profession and others are divided in their views. I take the same position as the shadow Attorney General. Irrespective of my private view, the Government has gone down the appropriate path, consulted relevant stakeholders and produced a bill that is an appropriate response to an extremely difficult concept.

The bill requires some intellectual gymnastics—but I have no doubt the courts will cope with that well—to deal with extreme loss of self-control in cases of domestic violence. However, the bill deals with that issue reasonably well. The Opposition does not oppose the bill. I commend the approach taken by the former Attorney General and adopted by the current Attorney General. I suggest to the Attorney General, irrespective of everybody's views on criminal justice, that the Government should adopt a similar process in respect of law reform. In that way the Parliament can achieve the best possible outcomes that do not create injustice but instead deliver results that satisfy the community's demand for law reform.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [11.09 a.m.]: I speak in support of the Crimes Amendment (Provocation) Bill 2014. The bill brings the partial defence of provocation into line with community expectations and provides greater clarity to instances where provocation would apply. The bill relates to the partial defence of provocation. Provocation as it stands acts as a partial defence to all types of murder and reduces the charge of murder to manslaughter. Currently provocation is subject to a three-stage test: Was the provocative conduct by the deceased towards or affecting the accused; was the provocation such that it was capable of causing an ordinary person to lose self-control and to form an intent to kill or inflict grievous bodily harm; and last, if it was capable of inducing a loss of self-control, did it lead to a loss of self-control?

The select committee made recommendations to limit the availability of the partial defence. The committee recommended that the provocative conduct be gross; the accused must have felt a justifiable sense of being seriously wronged; and, unless the circumstances were of a most extreme and exceptional character, it could not be raised in a specified list of situations commonly arising in domestic relationships. These included changing the relationship and infidelity. This marks an appropriate departure from the more traditional views of provocation held by Lord Holt in 1707:

> Jealousy is the rage of man, and adultery is the highest invasion of property.

Other areas excluded by the bill are taunts about sexual inadequacy and conflict over parenting arrangements. Appropriately, the bill adopts the intent of the select committee and was developed in consultation with experts in the field. The bill resolves some of the issues surrounding provocation by requiring that the deceased's conduct amount to a serious indictable offence. It includes the test that the action could cause an ordinary person to lose self-control and also caused the accused's loss of control. The select committee described the circumstances as being of a most extreme and exceptional character before they could be considered but they will not alone amount to extreme provocation. That involves an individual exercising his or her right to personal autonomy and will not fall within the terms of the bill.

The test for the partial defence of provocation is also brought more closely into line with community standards by the removal of the words "in the position of the accused". This means that, while the jury will consider whether the particular accused lost self-control, it will then consider whether the conduct was so extreme that an ordinary person could have lost control so far as to form an intent to kill or cause very serious injury. While it is unlikely that any nonviolent sexual advance would ever pass these thresholds the bill also makes clear that they alone can never amount to extreme provocation. This is consistent with the select

committee's recommendation that the partial defence of provocation be excluded in cases of nonviolent sexual advance. This defence has occasionally been called the "homosexual advance defence"—that is, an unwanted advance from a male to another male. Previously it may have been used as a provocation defence. This is clearly not appropriate, and not in line with community expectations. I note Justice Kirby stated:

> If every woman who was the subject of a gentle, non-aggressive, although persistent, sexual advance could respond with brutal violence rising to an intention to kill or inflict grievous bodily harm on the male importuning her, and then claim provocation after a homicide, the law of provocation would be sorely tested and undesirably extended.

It is very difficult to imagine this sort of defence passing any of the other thresholds in the proposed test; however, for complete clarity they are specifically excluded. The provision clearly states the Government's and the select committee's intention to exclude a person who kills in response to a nonviolent sexual advance from the protection afforded by the defence of provocation. The bill also avoids the artificiality of limiting the application of the partial defence of provocation by excluding the nominated behaviours. Instead, it requires that the provocative conduct amount to a criminal offence.

The use of exclusions ran the risk of inadvertently disadvantaging vulnerable persons such as victims of long-term domestic violence who finally lost control and killed in response to conflict over, for example, parenting arrangements. In that situation it would be impossible to ask the jury to consider whether the partial defence was made out if they had to ignore the behaviour that had caused the accused to lose control. In order to raise the defence the accused would need to satisfy the court that the circumstances were extreme and exceptional. I envisage that case law will develop to define extreme and exceptional circumstances; however, it may be uncertain initially. The bill contains important developments to the partial defence of provocation and creates a legal system that is more in line with public and community expectations, and it has been developed in consultation with experts in the legal system. I commend the bill to the House.

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [11.15 a.m.], in reply: I thank each of the members who have contributed to debate on this important policy area. I particularly thank members representing the electorates of Liverpool, Northern Tablelands, Sydney, Tweed, Swansea, Coogee, Mulgoa, Heffron and the Baulkham Hills, each of whom raised their particular concerns. I note that the member for Liverpool, leading on behalf of the Opposition, indicated that the Opposition supports the bill. I thank those opposite for that. The member for Liverpool raised a number of issues relating to matters that have already been dealt with in another place. The bill was introduced by Reverend the Hon. Fred Nile in the Legislative Council and the amendments moved by Labor in that place, to which the member for Liverpool referred in this debate, were considered appropriately. They were not agreed to, and that is the appropriate position from the Government's perspective and remains the Government's view. I refer the member for Liverpool to the contributions made by Reverend the Hon. Fred Nile in regard to the amendments.

I reiterate that the bill makes an important amendment to the criminal law of this State in response to the recommendations of the Legislative Council Select Committee on the Partial Defence of Provocation. The bill reflects the hard work of, and extensive consultation with, experts in the community. What we see in this bill presented to the Parliament is a balance between the recommendations of the Legislative Council select committee and other experts across the profession and the community. In order to raise the new partial defence of extreme provocation the bill ensures that the deceased's conduct must amount to a serious indictable offence. In order to be satisfied that the accused has successfully raised the partial defence the jury will first need to consider whether the accused lost self-control and then whether the provocative conduct was so extreme that an ordinary person could also have lost self-control so far as to have formed the intent to kill or cause very serious injury.

The provocative conduct need not occur immediately before the act causing death; however, neither nonviolent sexual advances nor self-induced provocation will provide grounds for raising the partial defence. In addition, self-induced intoxication can no longer be taken into account in any way. This amendment is of particular significance and reflects the community's desire to ensure that intoxication cannot be used as an excuse for undertaking the criminal acts that are the subject of this bill. The amendments will ensure that the partial defence to murder may be raised only in appropriate circumstances. In the Government's view this is in line with community expectations. 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 returned to the Legislative Council without amendment.

HOME BUILDING AMENDMENT BILL 2014

Second Reading

Debate resumed from 6 May 2014.

Ms TANIA MIHAILUK (Bankstown) [11.20 a.m.]: I lead for the Opposition in debate on the Home Building Amendment Bill 2014. It is in the best interests of both consumers and builders to ensure that the framework that regulates the home building industry is fair and balanced between the rights of all parties. The purpose of the bill is to provide assurances to the industry that the number of unnecessarily litigious matters is reduced and security is enhanced without compromising safety, fairness and consumer protections. Furthermore, the home building industry employs thousands both directly and indirectly and its success has far-reaching implications for housing and the economy in New South Wales. I note from the outset that the Opposition will not oppose the bill.

The Labor Government amended the Home Building Act 1989 several times, including in 2000, 2001 and 2004, to better regulate the home building industry and to create a protective cover through home warranty insurance. The Liberal Government substantially amended the statutory warranty provisions with the passage of the Home Building Amendment Bill 2011. Those changes included replacing the seven-year warranty for residential building defects with a six-year warranty for structural defects and a two-year warranty for other defects. At the time the Government also announced a thorough review of the Home Building Act 1989. The report of the review was released in September 2013 with a position paper entitled "Review of the Home Building Act 1989". This bill was expected to be introduced in late 2013, but for a variety of reasons, including significant stakeholder concerns about the provisions relating to statutory warranties and perhaps because of the upheaval of having three different Ministers within six months, it was introduced last week.

It would have been of some assistance not only to the Opposition and the crossbench but also to stakeholders in the industry to have the bill on the Fair Trading NSW website to allow all interested parties to peruse it. The bill contains provisions that will have implications for those involved in real estate, conveyancing and the legal profession. The object of the bill is to amend several aspects of the Home Building Act 1989, including those relating to statutory warranties. The bill also seeks to increase penalties for unlicensed work; increase caps on deposits and regulating progress payments relating to contracts for residential building work; increase the cap on deposits relating to contracts to supply kit homes; tighten provisions for contractor licences, supervisor certificates and tradesperson certificates; require contractors to report insolvency; amend the resolution of building disputes; amend the definition of "improper conduct"; remove the statutory warranty requirement for owner-builders; and amend the owner-builder permit system.

The Opposition supports the measures in the bill that enhance consumer rights and simplify the regulatory framework for the home building industry. However, I foreshadow that the Opposition will move a series of amendments to provisions relating to statutory warranties. The amendments are designed to ensure that consumers can hold landowners, developers or builders to account if there is a breach of any statutory warranty. I will now address a number of specific provisions in the bill. The Opposition has serious concerns about the provisions that propose to change the definition of "structural defect" in section 18E (1) (b) of the Act, which it believes will have significant implications. Item [28] proposes to remove "structural defects" and amends the provision to include the words "major defect in residential building work". Item [29] proposes a two-step test to determine whether a defect is a major defect. First, a defect must be a major element to satisfy the threshold of major defect. A "major element" is defined in item [29] as:

(a) an internal or external load-bearing component of a building that is essential to the stability of the building, or any part of it (including but not limited to foundations and footings, floors, walls, roofs, columns and beams), or

(b) a fire safety system, or

(c) waterproofing, or

(d) any other element that is prescribed by the regulations as a major element of a building.

If a defect fails in the first instance, the statutory warranty would be limited to two years instead of six years under section 18E (1) of the Home Building Act 1989. To be eligible for the six-year warranty, a defect must meet the threshold of major defect in item [29], which provides:

> ***major defect*** means:
>
> (a) a defect in a major element of a building that is attributable to defective design, defective or faulty workmanship, defective materials, or a failure to comply with the structural performance requirements of the National Construction Code (or any combination of these), and that causes, or is likely to cause:
>
> (i) the inability to inhabit or use the building (or part of the building) for its intended purpose, or
>
> (ii) the destruction of the building or any part of the building, or
>
> (iii) a threat of collapse of the building or any part of the building, or
>
> (b) a defect of a kind that is prescribed by the regulations as a major defect.

Furthermore, item [29] allows for the prescription of what may not be a major defect by regulation. The clause does not clearly define a major defect. Given that, the Opposition will move an amendment to provide certainty for homeowners and owners corporations that major defects that arise within their properties will be covered by a six-year statutory warranty. In February this year I called on the Government to guarantee that fire safety and waterproofing defects in new buildings will be covered by the six-year warranty. Specifying that fire safety and waterproofing defects satisfy the first stage of the two-stage test—making them defects in a major element, not major defects—does nothing to ensure that those important defects meet the second stage of the test. That is a fundamental flaw in the bill.

The bill must clarify that fire safety and waterproofing defects are major defects to address these areas of uncertainty, not simply major elements. This is misleading and deceptive and encourages the assumption that a defined major element will have six-year warranty cover, which is not necessarily the case. Should the major defect not meet the second stage of the test, the two-year warranty provision will apply. Under the current two-step test, the focus will be on trying to determine the criteria of major defects. Fire safety and waterproofing defects may take longer than two years to arise. For example, if a waterproofing measure were to arise in a new strata complex three years from the date of completion and it caused physical damage to the building but did not meet the stringent criteria of major defect in item [29], the statutory warranty would not apply. This has severely reduced the responsibility of builders and developers for defects so that in most cases owners will be required to pay for repairs themselves.

The criterion of the second stage of the major defect test, which is by far the most often satisfied criterion, has been changed from the draft bill, "a defect that is likely to cause the destruction of or physical damage to the building or part of the building" to "a defect that is likely to cause the destruction of the building or part of the building." Not having the distinction of "physical damage" is by far the biggest developer grab in this bill. It will be disastrous for owners if it gets through, as very few defects will be left with a six-year warranty. The New South Wales Opposition does not want homeowners or owner-corporations to be trapped in costly litigation disputes over defective works to their buildings. The priority during such disputes must be to rectify or repair any damage to the building.

Fire safety and waterproofing are both very serious issues. To remove any doubt, these measures need to be clearly defined within the bill as major defects. This can be achieved only through amendment of the bill to remove any uncertainty. I foreshadow a proposed amendment in this House to reinsert the existing continuing practical use terminology at subsection 4 (a) (i) instead of the narrowing terminology of "use" included in the bill; to insert "physical damage" at subsection 4 (a) (ii); to clarify that fire safety and waterproofing defects are "major defects"; to address the discrete areas of uncertainty that have been raised with the current clause 71 test; and to replace all references to "building" with references to "dwelling". The Government also proposes to make this change to the major definition, thereby wiping out the current defect rights of many owners.

Item [30] of the bill proposes a significant amendment to section 18F of the Home Building Act by introducing a "professional reliance" defence. If clause 30 were to be enacted, it is likely that builders, land owners or developers, as potential defendants to a cause of action, could exploit the provision to avoid their obligations under section 18C of the Act. Section 18F of the Act refers to "a defence for the defendant to prove that the deficiencies of which the plaintiff complains arise from instructions given by the person for whom the work was done contrary to the advice in writing of the defendant or person who did the work". The substantial difference is that proposed section 18F within clause 30 of the bill proposes as a defence:

> … reasonable reliance by the defendant on instructions given by a person who is a relevant professional acting for the person for whom the work was contracted to be done and who is independent of the defendant, being instructions given in writing before the work was done or confirmed in writing after the work was done.

As per section 3A of the Home Building Act 1989, it is deemed that the developer is someone for whom the work is done and no reference is made to "for whom the work was contracted". Therefore, there is potential for new section 18F to be exploited under contract-structuring arrangements. Both developers and builders have a collective incentive to cut costs in a way to avoid liability for defects. There are often arrangements where the interests of the developer and builder overlap and they set up contractual arrangements to avoid liability for their decisions. If this proposed provision were to be enacted there could be loopholes to the advantage of developers. For example, a developer may enter into an arrangement with a $2-shelf company, which also enters into an arrangement with the builder. This scenario would be more likely in the event that the developer is also the builder, as is the case for many new strata complexes. Both developer and builder could consult the shelf company for professional advice, thereby potentially avoiding their statutory obligations under the Act.

I imagine the intention is to make sure the legislation focuses on rectification-based solutions and swiftly dealing with rectification. New section 18F will create a multi-party layer for disputes, which I suggest is an unintended consequence of this proposed section. In instances where developers and builders work together on a project, at times they have a collective interest to pursue the most cost-effective designs. I am not suggesting that happens in all cases, but in some cases the focus is entirely on cutting costs and limiting liability for defects resulting from deliberate cost-cutting. This proposed section may have the unintended consequence of assisting that. The current section 18F of the Home Building Act does not contain this loophole. I foreshadow an amendment of this section in this House to ensure that developers and builders adhere to their statutory warranty obligations. I believe this section should be omitted and replaced with the original section 18F.

The bill will amend the eligibility requirements for owner-builder permits. There has been concern from the licensed building industry that some owner-builders have been exploiting the existing permit system and bypassing licensing requirements for commercial gain. Items [45] and [46] of the bill when enacted will prevent the issuing of owner-builder permits for residential building work that relates to dual occupancy, unless the chief executive is satisfied that there are special circumstances to justify the issuing of the owner-builder permit. I understand there is a five-year period between those permits to prevent owner-builders from becoming developers. This will ensure owner-builders cannot use the system to avoid statutory warranty requirements.

Clause 80 will amend section 90 (2) in reference to the disappearance from Australia of a contractor, supplier or owner-builder. The clause includes a reference that such a person could not be found in Australia after due search and inquiry. Another major change is that under item [87], an owner-builder will be ineligible to apply for statutory home warranty insurance under the Act unless contractor work to the value of $20,000 is undertaken. As such the owner-builder is then required to apply for statutory warranty insurance. Under new section 95 (1) the bill will exclude from the mandatory home warranty insurance scheme owner-builder work carried out by an owner-builder. New section 95 (2) will also require an owner of the land in relation to which an owner-builder permit was issued to provide a consumer warning in the contract for the sale of the land. This bill has implications for areas of conveyancing. This consumer warning must state that an owner-builder permit was issued in relation to the land and that work done under the owner-builder permit is not required to be insured under the Act unless the work was done by a contractor to the owner builder.

I foreshadow an amendment in the other place of section 95 (2) to ensure that the contract for sale contains an annexure clearly specifying the parts of the owner-builder work that were carried out by a person holding a contractor licence, and the name and contractor number of each such person holding a contractor licence, as well as the details of the work that the person carried out and the amount paid. This would make it quite clear that if the amount paid to a contractor exceeds $20,000, the owner-builder would need to apply for statutory warranty insurance. It is important that home buyers are given all the necessary information when they purchase a property. If information in relation to the permit and the details of the work undertaken by the owner-builder are not provided and specified in the contract prior to the completion of the contract, the purchaser may exit the contract.

There are further aspects of the bill that the New South Wales Opposition welcomes. New section 4 (6) under item [7] of schedule 1 to the bill will strengthen penalties for unlicensed contracting, and the maximum penalty for subsequent offences by an unlicensed individual who does, or offers to do, residential building or specialist work will be increased. Item [19] of schedule 1 to the bill introduces a new section 8, which will increase the maximum deposit for residential building work to 10 per cent of the contract price. New sections 51, 53 and 56 in items [64], [65] and [66] respectively in schedule 1 to the bill deal with the grounds for a finding of improper conduct by, or for disciplinary action against, a licence or certificate holder and will change the wording from a reference to work having been done "in a good and workmanlike manner" to work having been completed "with due care and skill". These new sections will enhance consumer rights and protections within the home building industry and the New South Wales Opposition welcomes the changes.

The building industry will also welcome the cap on deposits being increased from 5 per cent to 10 per cent on work valued at more than $20,000. Builders will need to have certainty that their costs for building materials and equipment will be covered before the commencement of a project. This provision will ensure that builders should no longer have to fork out money from their own pockets for work they are engaged to complete by landowners. New section 8A (1) includes provisions for maximum progress payments, other than for small jobs, that apply to a contract to do residential building work when the contract price exceeds the prescribed amount or, if the contract price is not known, the reasonable market cost of the labour and materials involved exceeds the prescribed amount. The prescribed amount will be set by the regulations for the purposes of this new section and will be inclusive of GST. The New South Wales Opposition supports new section 8A, which will regulate progress payments.

Contracts to do residential building work will be required to include details relating to a specified amount, or specified percentage of the contract price, that is payable following completion of a stage of the work, with the work that comprises that stage described in clear and plain language. The entire home building industry will certainly welcome that change. Alternatively, a progress payment may be made as payment for labour and materials in respect of work already performed, or costs already incurred. This claim—which may include the addition of a margin for payment—would need to be supported by invoices, receipts or other documents as may be reasonably necessary to support the claim, with payment intervals fixed by the contract or on an as-invoiced basis.

The bill successfully addresses another common concern that while deposits for work are strictly regulated, the current legislation does not regulate the payment for the work once it commences. Schedule 1 to the bill will also amend part 2A of the Act to provide that the maximum amount of a deposit for the supply of a kit home is 10 per cent of the contract price—up from 5 per cent—where the contract price is $20,000 or less. Item [48] of schedule 1 to the bill will reform eligibility for contractor licences, supervisor certificates and tradesperson certificates. Under new sections 33A and 33B, persons convicted of certain offences, including dishonesty offences, or persons who have been disqualified previously or suspended from holding a licence or certificate, may be disqualified from holding a licence or certificate. Under new sections 33C and 33D, a supervisor or tradesperson certificate will not be issued unless the chief executive is satisfied that the applicant has the appropriate qualifications, or has passed appropriate examinations or practical tests, to enable an applicant for a licence or certificate to do the work that is required.

The proposed provisions of item [48] of schedule 1 to the bill will also prevent the issuing of a licence or certificate to a person involved in a home building entity that has been the subject of an unreasonably large number of complaints, cautions, penalty notices or home warranty insurance claims under the Act, the Australian Consumer Law (NSW) or other relevant legislation. The proposed provisions will make the fit and proper person test mandatory, so that an application must be refused if it is considered that the applicant, or a close associate of the applicant who exercises a significant influence over the applicant or the operation and management of the applicant's business, would not be a fit and proper person to hold an authority, whereas this is merely an optional consideration under the current Act.

The bill will further enhance protections for consumers with respect to requiring contractors to report insolvency. That is a significant and positive change to the Act. The bill will require the holders of contractor licences to notify their insolvency, winding up or deregistration. The failure to make a notification of this obligation will be an executive liability offence. In relation to the dispute resolution process, the bill creates a new emphasis on rectification of defective work being the preferred outcome in proceedings through proposed new section 48MA in item [62]. The bill will also allow for orders to set out stages for rectification work in an attempt to speed up the dispute resolution process. New section 18BA (3) (b) in item [27] of schedule 1 to the bill creates a duty to allow a contractor reasonable access to the site of residential building work through new section 18BA (3) (b) to rectify any work that is in breach of statutory warranties. I ask the Minister to clarify whether in circumstances where a contractor has previously attempted unsuccessfully to rectify defective work, or where the owner of the land is not confident that the responsible party can successfully rectify the defective work, there may be a need for an exemption.

The last area of concern for the New South Wales Opposition is the date of completion. I foreshadow an amendment to new section 3B in the other House to clarify the date of completion for work repaired by a contractor returning to site more than one year after the original completion of that work. Where a person attends a site for rectification work more than one year after what would otherwise be the completion of the original work, the date of completion of the part of the original work subject to the rectification work should be deemed to be the last date that the contractor attends a site to carry out the work. The bill also requires an

amendment to new section 3C so that the strata plan registration date or strata plan subdivision registration date becomes the date of completion for owners corporations. By using those dates the correct completion date cannot be hidden from owners corporations and strata plans will not be created well after the commencement of the relevant warranty period, which would make it almost impossible for owners corporations to seek remedies through statutory warranty insurance.

As I noted from the outset, the New South Wales Opposition will not oppose the bill in this House. The New South Wales Opposition recognises the importance of the home building industry to the New South Wales economy. It is in the best interests of all stakeholders in the home building industry, landowners and builders to ensure that there is no ambiguity or uncertainty when it comes to their rights and obligations. As such, I have foreshadowed a series of amendments in this place and further amendments in the other House to remove any inconsistencies. I thank the Minister for Fair Trading and his staff for their briefings. I also extend my thanks to Mr Peter Meredith of the Master Builders Association, Ms Karen Stiles of the Owners Corporation Network, and Mr Banjo Stanton of Stanton Legal for their extensive consultation over the past months. I commend the bill to the House.

Mr TIM OWEN (Newcastle) [11.48 a.m.]: I speak on the Home Building Amendment Bill 2014. The object of the bill is to amend the Home Building Act 1989 in connection with the statutory review of the Act, and to deal with a number of matters that were explained to the House by the Opposition this morning in some detail. I will not go into much detail on the 10 key matters that will be dealt with, as a number of members will speak on behalf of the Government on this bill. Instead, I will speak on a couple of key aspects of the bill and allow other speakers to cover other parts of it in depth.

This morning I will spend time talking about progress payments and the requirement of progress payment schedules to be built into building contracts under the amendments to the Act. The bill before the House today shows the Government's commitment to ensuring that the New South Wales home building and renovating marketplace is fair, safe and equitable. In most cases the purchase of the family home is one of the most significant investments a consumer will make. It is therefore essential that the home building legislation provides adequate consumer protections. As we have heard, a number of measures are being introduced in the amendment bill, which will provide very real benefits to homeowners. While most builders are honest and reputable—

Mr Craig Baumann: Thank you.

Mr TIM OWEN: I note that the member for Port Stephens is sitting next to me. Unfortunately there are opportunistic operators in the industry who rely on front load building contracts and claim for progress payments far in advance of the work they have done. This can leave homeowners stranded if their builder becomes insolvent or disappears, as they may be left out-of-pocket for more than they can claim back from home warranty insurance. They may also be left with an incomplete home that they are unable to occupy or afford to complete. At the same time progress payments are an important source of cash flow for the building industry, particularly for operators with low levels of capital, and it is essential that builders maintain their ability to continue working. That is both sides of the argument.

This bill will introduce statutory limits on progress payments to reinforce the consumer protection objectives of the Home Building Act. The legislation will authorise two types of progress payments that can be lawfully claimed by a builder under a home building contract valued at more than $20,000. The first type of payment is of a specified amount or percentage of the contract price that is payable following completion of a specified stage of work. The work that comprises the stage has to be described in clear and plain language, which will ensure that consumers are in a better position to make informed decisions when entering into a contract with a builder. The second type of payment is in respect of work already performed or costs already incurred, and allows for the payment of a builder's margin. Claims under this type of progress payment need to be supported by such invoices, receipts or other documents as may be reasonably expected to support the claim.

The reforms also introduce a requirement for home building contracts to include a schedule of progress payments clearly outlining the payments that are due under the contract. This will assist in clarifying obligations for both parties to the contract and will help to avoid disputes. The New South Wales Government acknowledges that inefficient regulation prevents industry from operating effectively and has developed these progress payment measures in consultation with industry to avoid imposing unnecessary costs and red tape for builders. I commend the Minister for that work. The provisions will ensure that homeowners are more vigilant

about paying for building work only following completion of a specified stage of work or in accordance with work done and materials supplied. This will help to ensure that losses associated with progress payments for incomplete work can be covered by the home warranty insurance non-completion cap.

However, it is important to note that the restrictions are flexible enough to cover the variety of contracting arrangements available in the building industry, such as costs-plus contracting and fixed-price contracting, and will ensure that builders are provided with sufficient cash flow relative to the value of their work. The amendment is sensible and I think it will work well. The amendments will also encourage better business practice by driving builders to project plan prior to commencing work and assist payment prospects for builders as the progress payment schedules will provide homeowners with greater clarity about their obligations under the contract. Overall, the proposed provisions will enhance consumer protection whilst still allowing builders to remain viable and continue to get progress payments for the work they have carried out. Overall, the provisions are sensible. I commend them to the House. I will allow other members to make contributions to other aspect of the bill.

Mr ALEX GREENWICH (Sydney) [11.54 a.m.]: The Sydney metropolitan strategy predicts that by 2031 Sydney will need to accommodate an extra 1.3 million people, which requires the building of thousands of new high-quality homes. The law must promote well-constructed, reliable buildings that do not need to be fixed—homes that people can enjoy without the stress of pursuing litigation and rectification. We must protect people's investment in homes and ensure that they can hold developers and builders to account. More than half of new developments in Sydney will be apartments, and in my electorate multi-unit dwellings already represent the majority of building approvals. We have had massive redevelopments at the Carlton United Brewery and Advanx site, and other redevelopments are underway or proposed at Barangaroo, Darling Harbour and over the Central railway tracks.

A City Futures Research Centre survey of 1,550 individuals, 106 strata managing agents and 11 peak body representatives found that 85 per cent of respondents in strata buildings built since 2000 had one or more defects present, with 75 per cent reporting that defects had not yet been fixed. This is alarming and demonstrates a clear need for reform that helps owners get faulty work fixed and discourages builders from cutting corners. The Home Building Amendment Bill makes a number of changes to protect in some cases owners and in other cases builders and developers. However, I believe that the focus is on protecting builders and developers to the serious detriment of owners, and I cannot support the bill in its current form. The bill also represents a missed opportunity with a number of much-needed reforms excluded. Of critical concern is the bill's proposed change to the types of defects covered by the six-year statutory warranty period.

Currently an owner can commence proceedings against the builder or developer for breach of the statutory warranties within six years for structural defects and two years for other defects. The bill would change the types of defects covered by the six-year period. In both the existing Act and the bill a defect must be a major structural element to be covered for six years. The bill clarifies that a structural element includes fire safety and water penetration. However, it does not guarantee that such problems will be covered by the six-year period because defects need to also satisfy other specific criteria to be eligible for a six-year warranty. The bill removes the criterion that most owners currently rely on for six years' coverage for serious defects: physical damage. Without the physical damage criterion, it is likely that defects will need to cause the destruction, collapse or inhabitability of a building or part of the building to be covered for six years.

This would exclude an enormous range of defects because essentially if something can be fixed it can be argued that the building does not require destruction, will not collapse and can be lived in, especially if people continue to live there. Fire safety and water proofing defects in many buildings, particularly larger buildings. may in reality not be covered at all under this scenario because they are generally not detected in the first two years. Initial fire safety checks are required for only 20 per cent of certain fire safety measures. Annual fire contractors do not have to check all fire safety measures and are not adequately regulated. Fire is a matter of life and death, and should warrant the six-year warranty period in all cases. Water proofing defects are usually caused by cost and/or corner cutting and are expensive to fix. If the builder knows he or she will evade financial responsibility, there is little incentive to do the job properly.

Whether fire safety or water ingress problems cause a building to be uninhabitable or fall down, or just require an expensive fix, is irrelevant; what is relevant is who is at fault and therefore liable to pay for remediation. Where the builder or developer is at fault, the owners should not pay and a six-year warranty period is necessary for owners to have meaningful rights. Of great concern is that the bill proposes to make this provision to greatly reduce the defects covered by a six-year warranty retrospective, meaning that many owners

will lose their current rights overnight. I cannot support this aspect of the bill, and I have spoken with the Opposition about its proposed amendment in the upper House. The statutory warranty period begins on completion of the work to which it relates.

However, for a new apartment building, the time of completion is unclear as it relies upon information to which the owners do not have access. The bill makes the date of completion for apartment buildings the date an occupation certificate is issued authorising the occupation and use of the whole building. This is infinitely better than the current situation that forces owners to spend resources determining when the warranty period commenced. However, this could be improved if the date of the registration of the strata plan or the strata plan subdivision were used because they are easy to identify, as opposed to an occupational certificate where there is potential for a builder to produce interim occupation certificates that owners may not discover initially, causing them to miss their deadline to enforce their rights.

Where there is work for two or more separate buildings, the bill should clarify that a separate contract must result in the issuing of a separate occupation certificate so that the completion of the work for each building is unambiguous. The statutory warranty period should be reset for repairs by an original builder. Often repairs are done after the warranty period is over, without a new contract or the protection of the warranties for the adequacy of the repair work that this would provide. Repair work can be more complicated than the original work and it is often carried out by the builder who botched up the original work. Without the potential for liability, there is no incentive for builders carrying out repairs towards the end of or after the warranty period to ensure that repairs are adequate and will last.

I do not support the inclusion of a defence for the builder or developer if a defect arose as a result of the advice of a professional such as an engineer or architect. This will harm owners by increasing the complexity and cost of defect disputes, bringing new parties into proceedings and encouraging builders to fight against liability instead of agreeing to repair genuine defects. The NSW Civil and Administrative Tribunal does not have jurisdiction over architects and engineers and it is likely that the proposed change will see cases transfer to the courts instead of the tribunal's specialist jurisdiction. This proposal could also create a dangerous situation whereby developers and builders work together to evade liability while doing substandard work through contractual structure arrangements purposely set up so that the professional advice is technically independent of both the builder and the developer.

If the Government is intent on keeping the defence in the bill, it should include safeguards against contract structures created to rely on the defence such as excluding use of the defence by the developer where the builder was a close associate of the developer or the company used by the developer to contract with the builder. The Act includes requirements for contracts depending on their size. Small job contract provisions currently apply to contracts between $1,000 and $5,000 and full contract provisions apply to contracts worth more. The bill applies small contract provisions to contracts worth up to $20,000, which is appropriate. However, the existing exemptions from any written contract requirements for contracts between parties with contractor licences, regardless of how significant the works are, should not be continued as they could encourage handshake contracts, tax avoidance and illegal work.

The bill should ensure that small jobs contract requirements apply to any building work worth more than $1,000 where a licensed builder works for a licensed contractor on premises that he or she owns, or where the contract is subordinate to a principal contract for residential work, and where the contract is for specialist work that is not also residential work. Those small job requirements can easily be met by a simple one-page template document. In 2011 the Government made a number of changes to home warranty insurance. If owners cannot claim on home warranty insurance during the warranty periods because the builder is not dead, has not disappeared or is not insolvent, they can make a delayed home warranty insurance claim if they notify the insurer of defects during the warranty periods.

However, following the 2011 changes under this Government the insurer can refuse a delayed claim if the owners failed to diligently pursue the statutory warranties. While a definition of "diligently pursue" was promised in 2011, it still does not exist and the bill should provide one to give owners and insurers certainty. The 2011 changes limited home warranty insurance claims for non-completion of work to one year after the builder last did work, without the ability to make a delayed claim if the builder was still around for all of that warranty period. That is obviously insufficient time to take a dispute to judgement and then bankrupt or wind up the builder before making a claim. While the Government has recognised that this is unfair and that it will now allow delayed claims for non-completion of work, this mechanism should be retrospective to protect all owners. [*Extension of time agreed to.*]

The last resort home warranty insurance requires that apartment building owners protect the insurer's recovery rights by pursuing both the builder and the developer through the courts. While owners can eventually claim their reasonable costs of pursuing the builder from the insurer, the reasonable costs of pursuing the developer is not claimable despite the insurance requiring that owners pursue the developer for the insurer's benefit. Owners should also have the right to claim reasonable costs of pursuing the developer. I do not support repeal of the operation of contract insurance. I understand it was originally introduced to address problems faced by owners when an insurer could deny liability under a policy of insurance on a technical point where the identity of the insured party does not exactly coincide with the party who entered into the building contract. If the insurer issues a certificate of insurance covering the work, the person entitled to the benefit of the policy—the owner or a successor in title—should be covered whether or not the contractor's name shown in the building contract is different from that detailed in the certificate of insurance. This protection must be maintained.

The transitional provisions for the 2011 government changes that reduced the statutory warranty period from seven years to two or six years for structural defects apply the new system to building work under a contract entered into on or after 1 February 2012. But owners' corporations generally do not have the original contract and, even when they do, sometimes the date on the contract does not reflect the date it was entered into. This leaves a large number of owners corporations unaware of whether they have a seven-year warranty or a two- or six-year warranty from their builder and developer. This is a serious oversight and the transitional provision for owners corporations should be based on the date of registration of a strata plan or the strata plan subdivision. I support the focus of the Government on rectification and repairs over cash settlements as the best outcome for all parties, in particular, owners. However, I believe this should not force owners into letting dodgy builders return to work on their home again.

The bill should include safeguards where the builder may not lawfully rectify the work, has already unsuccessfully attempted rectification, or the owner is reasonably sure that the builder will not be able successfully to rectify the defective work. This bill follows changes in 2011 which further reduced home warranty insurance claims and statutory warranty rights for defects. A number of constituents have told me about conveyancers advising against purchasing newly built apartments due to the risk of defects and the lack of an insurance safety net for apartment buildings with four or more storeys. This situation is unsustainable and we must be legislating to encourage better construction of buildings while protecting owners' rights where there are defects.

We are dealing with people's homes—their biggest investment—which we must protect. I believe this bill is tipped towards protecting builders from injured owners and I cannot support it. I look forward to Labor's foreshadowed amendments in this House and in the upper House, which I hope will improve the bill. In conclusion, I thank Banjo Stanton from Stanton Legal who patiently took me through the details of this complex bill and explained its implications, as well as Karen Stiles from the Owners Corporation Network for her understanding of the bill.

Mr GREG APLIN (Albury) [12.07 p.m.]: I support the Home Building Amendment Bill 2014. Residential building is not just a matter of high importance for those home owners undertaking the adventure and risk of a lifetime to create their ideal home, or at least the home they can afford, but also a fundamental underpinning of the State and national economy. In my electorate of Albury a vast number of people are employed directly or indirectly in the enterprise of building homes. New housing estates have blossomed as Albury expands to its north. Paddocks disappear and homes rise in their places. As common as it is, residential building work is a complex thing—an amalgam of technical scientific inquiry such as the investigation of soil samples and excavation planning, difficult contracts, insurance law, workplace health and safety, council town planning schemes, problematic home building warranties and, eventually, the construction itself.

It is important, therefore, that home building laws and regulation remain under constant scrutiny. Unnecessary red tape costs money at the expense of builders and cash-stretched home owners. In my career I have had cause to work closely with organisations that represent home builders, warranty insurers and consumers and I have observed the delicate balances of rights and responsibilities at play. There is a pendulum effect there too. If we clarify the rights of one party we risk alienating either the customer or the contractor. I am pleased that many aspects of the bill before us are more gentle nudges than dramatic shoves, aimed at keeping things moving forward rather than prompting a derailing of commercial and household realities.

We are all familiar with the devastation caused by unlicensed people carrying out building work. We know of the roof painters and instant driveway bitumen bandits who target pensioners and the vulnerable, work

for cash and then disappear. New section 4 (6) will increase the maximum penalty for a second or subsequent offence by an unlicensed individual who does, or offers to do, residential building work or specialist work, or a licensee or developer who hires unlicensed persons. Imprisonment is a sentencing option. New sections 8 and 8A will regulate progress payments and increase the cap on deposits, allowing builders to improve their budgeting while helping to ensure consumers are not paying for things that they do not have.

Peculiar insurance problems have been addressed by requiring residential building work done under a contract to be insured in the name of the person contracted to do that work. Rectification work is always a consideration as the building takes shape. Things can go wrong. Under the bill rectification orders will set out stages for rectification work and clarify when payment is due. It is a breach of a licence to fail to comply with a rectification order. For a long time there has been confusion about statutory warranties. It is a question of definition. While some defects are covered by a two-year warranty, structural defects, also called serious defects, receive six years of cover. But defective waterproofing, for example, may prevent use or occupation of a dwelling yet not be structural under the existing Act. The bill deals with this by using the new term "major defect" in new section 18E. Under new section 18E (4) major defect means:

> (a) defect in a major element of a building that is attributable to defective design, defective or faulty workmanship, defective materials, or a failure to comply with the structural performance requirements of the National Construction Code (or any combination of these), and that causes, or is likely to cause:
>
> (i) the inability to inhabit or use the building (or part of the building) for its intended purpose, or
>
> (ii) the destruction of the building or any part of the building, or
>
> (iii) a threat of collapse of the building or any part of the building, or
>
> (b) a defect of a kind that is prescribed by the regulations as a major defect.

"Major element" of a building means:

> (a) an internal or external load-bearing component of a building that is essential to the stability of the building, or any part of it (including but not limited to foundations and footings, floors, walls, roofs, columns and beams), or
>
> (b) a fire safety system, or
>
> (c) waterproofing, or
>
> (d) any other element that is prescribed by the regulations as a major element of a building.

These changes will bring many additional types of defect into the vital six-year warranty period. New section 102A establishes a register of insurance particulars that can be accessed by beneficiaries or potential purchasers of property. The register will display the builder's details and information about any successful claims on the insurance and the amount awarded. From the builders' perspective the 5 per cent cap on deposits for a contract value exceeding $20,000 has imposed a difficult limitation in practice. The bill lifts the deposit percentage to a standard 10 per cent. Where defects appear, new section 18BA places a clear duty on consumers to mitigate loss and to notify the builder of such defects. Under the new defect notification period provisions, the home owner must notify the licensee of a defect in the residential building work within six months after the breach of warranty becomes apparent. New subsection (4) defines this further as follows:

> (4) A breach of warranty becomes apparent for the purposes of this section when any person entitled to the benefit of the warranty first becomes aware (or ought reasonably to have become aware) of the breach.

Further, the home owner is to allow the licensee reasonable access to the site so that the licensee can rectify the defective work. This has been a concern for builders and contractors. The bill, by section 48MA, clarifies the principle that a court or tribunal, when determining a building claim, is to seek as the preferred option to have rectification of defective work carried out by the responsible party. A court or tribunal determining a building claim involving an allegation of defective residential building work or specialist work by a party to the proceedings—the responsible party—is to have regard to the principle that rectification of the defective work by the responsible party is the preferred outcome. However, where it is reasonable to do so, the owner may still be able to refuse access for a particular builder. Again, this is a sensible but difficult balancing act that takes account of the very real tensions that can develop on site.

Owner-builders will have further qualifications applied to what they can and cannot do as part of extending greater consumer protection to future purchasers. Unless there are special circumstances, new

section 32 (1A) will act to prevent an owner-builder permit being used to authorise work that relates to dual occupancy. Owner-builder applicants will have to undertake safety training. Other provisions seek to limit the capacity for people who are, in reality, commercial builders from working under the cover of an owner-builder permit. New section 95 (2) adds an important new consumer protection which will impact on home conveyancing. It states:

> (2) A person who is the owner of land in relation to which an owner-builder permit was issued must not enter into a contract for the sale of the land unless the contract includes a conspicuous note (a consumer warning) stating:
>
> (a) that an owner-builder permit was issued in relation to the land (specifying the date on which it was issued), and
>
> (b) work done under an owner-builder permit is not required to be insured under this Act unless the work was done by a contractor to the owner-builder.
>
> (3) The requirement for a contract of sale to include a consumer warning does not apply:
>
> (a) to a sale of land more than 7 years and 6 months after the owner-builder permit was issued, or
>
> (b) if the reasonable market cost of the labour and materials involved does not exceed the amount prescribed by the regulations for the purposes of this section, or
>
> (c) if the owner-builder work carried out under the owner-builder permit is of a class prescribed by the regulations.

I am sure steps will be taken to see that the public, and indeed real estate agents, licensed conveyancers and solicitors, become well informed about this requirement. And now for a personal favourite: new section 38 (5) and new section 91A (1) remove the title "home warranty insurance" and insert in its place the term "insurance under the Home Building Compensation Fund". This may seem a small thing, a matter of mere words, but in my experience of stakeholder discussions in this area the term "home warranty insurance" was thoroughly discredited and downright misleading for the scheme offers no warranty as that term might be commonly understood by consumers. What we have is an insurance scheme—and not a particularly good one. It does offer certain limited protections to home owners when, for example, their builder dies or disappears. But this remains an intractable and very expensive proposition to improve. Perhaps that is a matter for another day.

We must continue to remove red tape that unnecessarily and unproductively hampers builders—and, in particular, small contractors—from doing their work efficiently and without undue financial pressure. But we must always remember that it is consumers—ordinary home owners—who pay for it all. In turn, their finances, usually stretched to breaking point as they embark upon building or renovating their home, need protection and legislative assistance which empowers them to enforce their rights when necessary. With more than 50 changes incorporated in this bill, we are getting the precise and necessary adjustments that indicate good management which, in turn, has been informed by a solid program of consultation with stakeholders. Home building regulation remains an area of great personal interest. I support the bill.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [12.16 p.m.]: I make a brief contribution to debate on the Home Building Amendment Bill 2014, which amends the Home Building Act 1989. As my colleagues are aware, although I am a structural engineer I have always worked in the building industry and my father, Arne Baumann, and his partner, Lindsay Hardy, established a commercial building company more than 40 years ago. I joined them and 30 years later we are still marketing residential housing throughout the Hunter Valley. I am a licensed builder and a member of the Australian Institute of Building. My companies also hold membership in the Housing Industry Association and the Newcastle Master Builders.

There can be no greater material possession than one's own home. Achieving the goal of owning a home is part of the great Australian dream and buying a home for many is the greatest commitment they will ever make, other than marriage. In many cases it is a 25-year funding commitment and our consumers need protection. The Home Building Act regulates home building work in New South Wales. It does this through licence requirements, setting contractual and disclosure requirements, providing statutory warranties, establishing effective mechanisms for resolutions of disputes and establishing mandatory home warranty insurance schemes to protect consumers.

This Government took on reform of the home building legislation when elected in 2011. We conducted an extensive consultation process and we have listened. I congratulate the former Minister for Fair Trading, the Hon. Anthony Roberts, on much of the earlier work on this reform and the current Minister, the Hon. Stuart Ayres, on bringing this bill to the Parliament. I congratulate and thank the member for Albury, who in those

dark years in opposition was the Coalition's shadow Fair Trading Minister, for all the work he has done in this area. His contribution has demonstrated all his work. The bill aims to deal with issues raised by industry, consumers and other stakeholders. These issues include penalties for unlicensed work, contracts to do residential building work or specialist work, contracts to supply kit homes, statutory warranties implied in contracts, contractor licences, supervisor certificates and tradesperson certificates, notification of insolvency, winding up or deregistration of licence holders, owner-building, resolution of building disputes, disciplinary proceedings and home warranty insurance.

The bill proposes more than 50 amendments to ensure that building laws reflect current practice and reduce unnecessary procedures and either maintain or enhance current levels of consumer protection. The package of amendments will remove unnecessary red tape, maintain appropriate protections and address other issues to ensure the legislation is operated as intended and the needs of both industry and consumers are met. One of the key reforms is that builders must warrant their work for a period of two years after completion for all defects and six years for serious defects. Currently a serious defect is defined as a structural defect. A new definition of what is covered by the six-year warranty, that is a major defect, is being inserted into the Act and provides that the defect must be a major element of the building and have a significant effect on the use of the building.

Fire safety systems and waterproofing are specifically included as major elements. This aims to clarify the situation and assist in reducing the time and cost of disputes. I know that leaking shower bases are the bane of residential builders and can be difficult to diagnose. I have seen plasterboard nails in water pipes that took years to corrode and loose tap fittings after an owner incorrectly changed a washer. They are difficult to diagnose and very expensive to repair but they are major defects. I dispute the claim by the member for Bankstown that the new definition was not up to expectation; it is in fact more inclusive than the previous definition of serious defect.

The member for Sydney referred to defects in every unit that somebody surveyed. A defect is in the eye of the beholder. I have had clients who complained that our bricklayers had laid broken bricks. One pays a bricklayer for each brick that is laid; one does not pay a bricklayer to do a jigsaw puzzle. They were not broken bricks; they had surface cracks from the kiln. I have had clients insist that they be taken out but normally we decline because we can never match the mortar and the building will end up looking like a chessboard. Another possible defect or perceived defect is the use of plasterboard. Plasterboard is used universally these days. It is, as it sounds, paper over plaster with tapered edges. When one joins the boards, one has to use plaster to do so. One has paper, plaster and then paper again, so it is not a uniform surface which is fine as long as the light is right. Many people have told us that the plasterboard sags or does not work; that is what we are dealing with. I am intrigued by the statement of the member for Sydney that water leaks are caused by cost cutting.

The bill will provide builders with a defence when relying on written advice from an owner's professional. I have seen architect's plans that were impossible to build, which is not a problem if it is picked up early enough. In one project we redrew the architect's plans because the original contained a faulty roof design. The architect ignored our suggestions and we withdrew from the project. Having used the architect's plans, every time it rains heavily the owner has a water feature in the kitchen ceiling that obviously was unintended. However, it was obvious that was going to happen because of the design. When the builder's pleas are ignored responsibility reverts, as it should, to the owner's professional.

When a builder becomes insolvent it creates problems for clients and creditors. Despite our best endeavours we were not able to secure payment for local creditors owed approximately $1 million when National Buildplan Group went into liquidation last year. Insolvency law is Federal and I am yet to see a poor receiver-administrator. As I say, it is bad for owners and creditors alike, and to see the proprietor trading under a new phoenix entity the next day is extremely frustrating. This bill hopefully will stop that. Although it is not mentioned in the bill, I suggest that the Minister look at the clause in every building contract that terminates the contract if the builder becomes insolvent.

A builder's greatest asset is his or her work in progress. That is the difference between what is owed by the client and what the builder has spent at any point in time. If the builder becomes insolvent the contract is terminated and it can be difficult, costly and messy for the administrator to recover funds that are owed by former clients. This shortfall can greatly reduce the funds available for creditors. Not so long ago a large Sydney construction company was placed into insolvency by the bank for $3 million. The clients used the termination clause and the administrator could not find sufficient funds to pursue payment that otherwise was due and payable. That $3 million ended up closer to $20 million. It is not covered in this bill but is worthy of future investigation.

A plethora of home building shows grace our television screens every night. If it is not a cooking show it is a building show, and people who are not professionals are picking up tools like never before. Owner builders will not be able to obtain statutory home warranty insurance and if the home is sold during the warranty period vendors must put a conspicuous note in the sale contract advising that owner-builder work has been done and there is no insurance. This will ensure that a potential purchaser knows that the work has not been done by a qualified licensed builder and that it does not have the same protections. This bill is a win-win for all stakeholders in the home building industry. It will benefit consumers and builders, and protect consumers and builders against the shonks, the unlicensed, the incompetents and the fraudsters. I commend the bill to the House.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [12.25 p.m.]: I speak in favour of the Home Building Amendment Bill 2014, which is all about creating clarity for both home owners and builders alike. This bill balances the interests of the home building industry with providing strong consumer protections. For that reason the Government has increased the cap on deposits from 5 per cent to 10 per cent for all work over $5,000. Building comes with many up-front costs, including building materials and site preparations. Deposits allow reputable firms to be insulated against these costs which cannot be recouped if the home owner were to decide against continuing construction.

Of course, any form of up-front payment could lead to opportunism and unscrupulous firms taking advantage of consumers. To that end, consumers will continue to be protected by the Home Warranty Insurance Scheme in the event a builder becomes insolvent before the building work is complete. The scheme limits claim for the loss of deposit to the maximum allowed under the legislation. The bill adds consumer protection by restricting process payments and requiring a progress payment schedule in building contracts. The Government understands that progress payments provide an important cash flow mechanism for builders, therefore it has drafted this bill in consultation with industry. However, as I have stated previously, up-front payment and progress payments can leave consumers vulnerable to opportunistic unscrupulous providers.

The bill states that the first payment will be a specified amount or percentage once a specific stage has been completed. Furthermore, the bill ensures that clear language is used when describing the stages. This clarity will reduce disputes about when payment is due. Furthermore, the bill requires a schedule of progress payments, which also ensures clarity and transparency. This empowers the home owner to know when payment is due and is also good for builders as they are more likely to get payment on time. The second type of progress payment that is allowed in the bill is for work already completed or costs already incurred with the payment of a builder's margin. Supporting evidence, such as invoices and receipts, must be provided to home owners to ensure that they are paying only for the costs already incurred. These amendments create transparency with regard to progress payments, which makes it more difficult for unscrupulous builders to rip off home owners, and easier for reputable builders to receive progress payments. This will reduce the number of disputes over payment, leading to lower costs.

The Government is also making changes to the dispute resolution process. Currently, NSW Fair Trading does an excellent job with a free informal dispute resolution service. Where disputes are not resolved home building service inspectors will mediate on-site in order to inspect the site. They may issue a rectification order directing the licensees to undertake rectification of defective work. The bill strengthens rectification orders by making a breach an offence under the Act. Further, NSW Fair Trading inspectors are provided with the capacity to issue penalty notices for such offences. Additionally, non-compliance will be considered a breach of the building licence. The bill also clarifies that rectification orders may require the payment of money due under contract by the home owner. This improves the payment prospects for builders. This is an excellent example of the bill providing improved clarity and outcomes for both home owners and builders. Another area where the bill creates clarity is the new definition of "structural defect". The current definition is extremely broad and does not provide certainty over what is a structural defect.

The bill creates a clear definition for a structural defect that will mean fewer disputes thereby reducing the number of disputes lodged in courts and tribunals. That, in turn, will lead to cost savings for home owners and builders. The bill helps reputable builders and consumers by strengthening anti-phoenixing provisions. Phoenixing is an act whereby unscrupulous traders create short-term entities with the intention of gaining up-front payments, then forcing the entity into insolvency and ultimately dudding consumers. Consumers are left with the loss of their advance payment, incomplete work and defective buildings, which they may not be able to afford to repair. These unscrupulous individuals then start another company to rip off even more consumers. Legitimate operators also suffer as a result of these phoenix operations because they lose customers to the phoenixer's underquoting. These phoenix companies also increase the number of home warranty insurance claims, which increases premiums for reputable operators.

This bill strengthens anti-phoenixing measures by, first, extending Fair Trading NSW's power to refuse licences and certificates to applicants who have been involved in companies that have been placed in external administration within the previous three years. Secondly, the number of complaints, cautions, penalty notices or insurance claims made against a home building company that an applicant has been involved in will be taken into account when considering a licence application. Thirdly, the bill requires licensees to notify the Commissioner for Fair Trading within seven days of becoming bankrupt, becoming the subject of a winding-up order or being deregistered. It also creates an executive liability offence. Fourthly, the bill provides the option of imposing a sentence of 12 months in prison for second and subsequent offences against selected unlicensed contracting and home warranty insurance requirements.

These measures should minimise the number of dishonest traders in the building industry. The bill recognises the rights of home owners to work on their own home, and they are therefore required to obtain a permit rather than a licence. However, some have misused owner-builder provisions, instead building dual occupancies with the intention to subdivide, which goes against the intent of the legislation and circumvents licensing requirements. Therefore, unless they hold a permit approved by the secretary, they are restricted from working on a dual occupancy dwelling. However, secondary dwellings such as granny flats can be built by owner-builders under the legislation. The bill creates consumer protections by encouraging clarity and transparency. It hopes to create certainty for reputable builders and to protect consumers against dishonest operators. I commend the bill to the House.

Mr ADAM MARSHALL (Northern Tablelands) [12.31 p.m.]: I support the Home Building Amendment Bill 2014. The laws and regulations dealing with home building have served home owners and the building industry for many years. Given the more than 50 changes in this bill, I commend the Minister, the stakeholders and the officers of Fair Trading NSW who have worked hard to deliver fair, balanced, wide-ranging and positive reform in this critical industry, not only in metropolitan areas but also in country areas. The reforms set out in this bill address important gaps in current laws. I note a number of those changes: in particular, increasing the penalties for carrying out unlicensed residential building work, clarifying the responsibilities of subcontractors, enhancing dispute resolution provisions between builders and owners, a public register of certificates of insurance to provide additional protections for prospective homebuyers, reducing red tape for industry, greater protection for builders acting on instructions from professionals such as architects and engineers, and reforms to the owner-builder permit guidelines to address any circumventing of the licensing requirements.

I also commend the changes that will allow NSW Fair Trading to take into account the history of licence applicants, including insolvencies, complaints, penalty notices and insurance claims. This is an important reform that will not only give the homeowner better information but also address the cowboy builders who reflect so poorly on the wider industry. Most builders are honourable, but sadly the actions of a small minority impact on everyone. New home building is expected to increase, not only in metropolitan centres but also in regional areas. It is good to have the Minister for Western NSW in the Chamber. That area has enormous capacity to grow and this bill will have a positive impact on local builders. Regional areas are growing and the reforms in this bill are timely and necessary. They will deliver positive outcomes to both home owners and the home building industry. Northern Tablelands is experiencing strong population growth, which in most centres has resulted in the establishment of greenfield developments. New homes are popping up like mushrooms everywhere in my electorate. Guyra is home to Costa's tomato farm, which is the largest tomato farm under glass in the Southern Hemisphere.

Mr Geoff Provest: They are nice.

Mr ADAM MARSHALL: They are very nice. The growth in that community has resulted in unprecedented demand for new housing. The council has just sold all 36 blocks in a residential subdivision and is in the process of delivering another subdivision to cope with the growth. That will encourage the building industry to ramp up its efforts, and local builders will benefit from the great reforms in this bill. I will digress a little to delve into the detail of the bill, particularly as it relates to the touchstone reforms dealing with restricting progress payments and requiring a payment schedule in building contracts. As members know, the purchase of a family home is one of the most significant investments we make. It is therefore essential that home building legislation provides adequate consumer protections.

Mr Nick Lalich: Hear, hear!

Mr ADAM MARSHALL: I note that the member for Cabramatta is in agreement. Like members on this side of the Chamber, he realises that most builders are honest and reputable. Unfortunately, the industry has some opportunist operators who—

Mr Bryan Doyle: Cowboys.

Mr ADAM MARSHALL: Yes, they are cowboys. They rely on front-loading building contracts and claim for progress payments far in advance of the work they have done. That is shameful. Home owners can be stranded if their builder becomes insolvent or disappears—which happened in a couple of cases in my electorate—because they may be left out of pocket for more than they can claim from home warranty insurance. Like other members, I have dealt with a number of constituents who have sadly been left in that situation. The amount they have been able to claim under their home warranty insurance does not in any way cover their outlays to cowboy builders who have disappeared into the ether. Of course, they may also be left with an incomplete home that they are unable to occupy or afford to complete. At the same time, progress payments are an important source of cash flow for the building industry, particularly for small builders with low levels of capital and low turnover. It is essential that builders maintain their ability to continue working. We need them, particularly in rural areas such as Guyra, Inverell, Armidale and Uralla, which are experiencing tremendous growth.

Mr Kevin Humphries: Record growth.

Mr ADAM MARSHALL: I note the Minister's interjection. In fact, over the past five years the Uralla local government area has experienced 6.2 per cent growth, which outstrips the growth rate in Tamworth.

Mr Kevin Anderson: The member could be misleading Parliament.

Mr ADAM MARSHALL: Tamworth has had a 6 per cent growth over the past five years. I refer members to the latest Australian Bureau of Statistics report entitled "Regional Population Growth Estimates", which was placed on the bureau's website a couple of months ago. The data makes amazing reading. It allows one to extrapolate the growth in the local building sector because people are relocating to these areas. Whether it be Tamworth—which is a magnificent community in its own right—or Uralla, Guyra, Inverell or Armidale, when people move to country areas they occupy new dwellings. Of course, the demand for that new housing stock drives the building sector. That is why these reforms are important. Far too often as local members we deal with people who have been left high and dry by cowboys in the building industry. That is why the restrictions on progress payments are essential. They ensure the viability of the industry and keep our builders going.

The legislation authorises two types of progress payments that can be claimed lawfully by a builder under a home building contract valued at more than $20,000. The first type of payment is of a specified amount or percentage of the contract price that is payable following completion of a specified stage of work. The work that comprises the stage must be described in clear and plain language, which will ensure that consumers are in a better position to make informed decisions when entering into a contract with a builder. I emphasise the requirement for clear and plain language because I have dealt with many people who simply signed documentation they did not understand because it was not written in clear, plain language and they were in a hurry to get on with the project without understanding the full implications of the contract they were signing. Under this legislation the work that comprises each stage must be set out in clear and plain language in the contract. It must be agreed to by both parties and payments are scheduled at the completion of each stage.

The second type of payment is in respect of work already performed or costs already incurred, and it allows for the payment of a builder's margin. Claims under this type of progress payment need to be supported by such invoices, receipts or other documents as may be reasonably expected to support the claim. The reforms also introduce a requirement for home building contracts to include a schedule of progress payments clearly outlining the payments that are due under the contract. This will assist in clarifying obligations for both parties to the contract and will help to avoid disputes. I like to think my constituents in the Northern Tablelands can achieve the dream of owning a brand-new home. They can do this by working with an efficient, skilled and reliable builder with greater confidence and security as a result of this bill. The bill will provide certainty and security for the dreamers who want to build their own homes—good on them—and the building sector. These reforms go a long way to delivering the certainty that is needed, particularly in growing country areas. It is with great pleasure that I commend the bill to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [12.41 p.m.]: The introduction of the Home Building Amendment Bill 2014 is the culmination of a comprehensive consultation process. To ensure that stakeholders were partners in the reform process, legislative issues were identified and solutions were developed with the assistance and involvement of all stakeholders, particularly key stakeholders who had

expertise and experience in the industry. I note that the previous speaker, the member for Northern Tablelands, mentioned having spoken to a number of his constituents about this issue. I too have had a number of people come through the doors of my electorate office who have had issues with builders and who have lost a lot of money or even their homes. Governments need to get rid of the cowboys, although it is more a case of looking after the community. As we know, the purchase of a home is probably the biggest purchase most people make in their lives. They often have to pay off their homes over 30 years or more. We should do everything in our power to protect homebuyers.

The Tweed is no different from other electorates. Currently there are around 20,000 new home sites that are ready for approval in the next three to seven years. Outside the Sydney metropolitan area, the Tweed is one of the fastest-growing areas in New South Wales. Once the approvals process is complete there will be an enormous amount of construction. Two of the proposed estates contain 4,500 home sites each. Real estate sales in greenfield sites in my electorate are up by about 10 per cent or 15 per cent. The reform in this legislation has taken place for several reasons: to ensure home building laws reflect current best practice; to reduce any unnecessary red tape; and to provide consumers with adequate protection to ensure they are appropriately protected from risk when undertaking an investment as big as building a home or undertaking major renovations. The bill proposes a number of reforms to building contracts. It also amends the current legislation by increasing the cap on deposits for work of more than $20,000 from 5 per cent to 10 per cent. This is because the 5 per cent cap on works of this value or greater was not always sufficient to cover the costs of commencing a project.

Currently, there is no regulation on the payment for work once it commences. The bill addresses this by requiring contacts of more than $20,000 to include a progress payment schedule. The bill restricts the kinds of progress payments that a builder can claim to only two types: first, payments specifically linked to completion of specific stages of work, where the work to be completed at each stage has been described in clear and plain language in the contract; and, secondly, payments for work performed or costs already incurred, where each claim for payment is supported by an invoice, receipt or another kind of appropriate document. It will be an offence for builders to request payments that are neither of these authorised payments. These amendments represent payment methods currently used by builders who engage in best practice contracting. I am aware of certain practices whereby builders claim progress payments and use the money to pay contractors not on the job from which they are claiming payments, but on another job down the road. In one case the builder went bankrupt and left multiple home owners in the lurch.

The statutory warranties scheme is a core element of the consumer protection framework of the Act. This part of the Act makes common use of the term "structural defect". Almost 90 per cent of stakeholders who responded to an issues paper released in 2012 wanted the term "structural defect" defined more clearly. The bill replaces the term "structural defect" with the new concept of a "major defect". In the past a defect had to fulfil the requirements of a structural defect in order to qualify for coverage from the statutory warranties, which last for six years after the completion of building. This amendment defines a "major defect" with a two-step test. The first step is whether the defect is a major element of the building. The second step considers how severe the consequences of the defect are to the building. This clearer definition of a defect is intended to reduce the significant legal costs associated with disputes of this nature.

In order to provide owners corporations with greater certainty about their rights, the bill will introduce a new definition of completion of building work for strata schemes. This will be the date an occupation certificate is issued that authorises the occupation and use of the whole of the building. The bill broadens the defences available to a builder when a builder has reasonably relied on instructions given by a relevant professional acting for the homeowner and the professional is independent of the builder—for example, an architect or an engineer. The bill aims to enhance dispute resolution measures in a number of ways. It also introduces a number of amendments that enable the Act to be better targeted towards core building works, which will cut red tape for industry.

The Act's requirements will no longer apply to standalone contracts for internal painting, concrete tennis courts, ornamental ponds or water features. Consumers will remain protected by Australian consumer law for those kinds of works. The building and infrastructure industry makes a vital contribution to the economy of New South Wales. Deloitte Access Economics reports that the sector will employ 9.2 per cent of the State's entire workforce by 2020, so it is clear that making the industry as efficient as possible today is in the best interests of the future of the great State of New South Wales. I commend the bill to the House.

Mr JOHN FLOWERS (Rockdale) [12.48 p.m.]: The object of the Home Building Amendment Bill 2014 is to amend the Home Building Act 1989 in connection with the statutory review of the Act to deal with

the following matters. First, the maximum penalty for a second or subsequent offence for unlicensed work will be increased for an unlicensed individual who does or offers to do residential building work or specialist work, or for a licensee or developer who hires unlicensed persons. This penalty will include imprisonment as a sentencing option.

Secondly, the bill makes changes to contracts to do residential building work or specialist work, including by extending the matters for which contracts must provide, regulating progress payments and increasing the cap on deposits. Thirdly, the bill amends contracts to supply kit homes, including by extending the matters for which contracts must provide, and increasing the cap on deposits. Fourthly, it makes changes in relation to statutory warranties implied into contracts, including by requiring work to be done with due care and skill rather than, as is currently the case, in a proper and workmanlike manner; clarifying the responsibilities of subcontractors for breaches of warranties; imposing duties on consumers to mitigate loss and to notify defects; clarifying the test of which home building defects require a greater warranty period; and providing a defence for builders who rely on the instructions of a professional acting for the consumer.

Fifthly, the bill makes changes to contractor licences, supervisor certificates and tradesperson certificates, including broadening the grounds on which a person is disqualified from holding a licence or certificate, providing for consistent consideration of all licensing and certification decisions, and consolidating licensing and certification provisions currently spread across the Act and regulations. Further, the bill provides for the notification of insolvency, winding-up or deregistration of licence holders by requiring the holders of contractor licences to notify their insolvency, winding-up or deregistration and making a breach of that obligation an executive liability offence. The bill also deals with owner building by requiring special circumstances before an owner-builder permit can authorise work that relates to dual occupancy; requiring all owner-builder applicants to undertake safety training or other training; prohibiting joint owners of property upon which owner-builder works are being carried out from carrying out owner building work on other properties within five years; broadening the grounds on which a person is disqualified from holding an owner-builder permit; and consolidating permit provisions currently spread across the Act and regulations.

The bill amends the resolution of building disputes by making further provision for the issue of rectification orders that are used to resolve disputes; allowing for orders to set out stages for rectification work; clarifying that a contractor can require the payment of money by a consumer only when the money is due under a home building contract; making it a breach of a licence to fail to comply with a rectification order; and requiring a court or tribunal, when determining a building claim, to have regard to the principle that rectification of the defective work by the responsible party is the preferred option. Further, the bill amends disciplinary proceedings, including by changing the meaning of improper conduct and the grounds for disciplinary action to cover work done otherwise than with due care and skill, rather than work done otherwise than in a good and workmanlike manner, as is currently the case.

The bill makes changes to home warranty insurance, including by clarifying when a contractor is taken to have disappeared; requiring residential building work done under a contract to be insured in the name under which the person was contracted to do the work; providing that a contract of insurance extends to the rectification of the original residential building work; preventing owner-builders from obtaining home warranty insurance; providing an increased maximum penalty for a second or subsequent offence by an individual of uninsured contracting to do residential building work or specialist work or seeking that work by or for an uninsured person; improving access to insurance in cases of insolvency; and renaming home warranty insurance as insurance under the Home Building Compensation Fund.

Finally, the bill deals with other minor, consequential or ancillary matters including moving definitions, and exclusions from certain definitions, from the regulations to the Act and dealing with savings and transitional matters. By way of background, following the election of the Liberal-Nationals Government, the then Minister for Fair Trading, the Hon. Anthony Roberts, announced a comprehensive reform of the Home Building Act 1989. As part of the reform process, the subsequent Minister for Fair Trading, the Hon. Stuart Ayres, advised Parliament that:

> … issues with legislation were identified and potential solutions were developed with the assistance and involvement of all stakeholders who had expertise and experience in the industry.

The bill proposes more than 50 amendments to ensure that building laws reflect current practice, reduce unnecessary procedures and either maintain or enhance current levels of consumer protection. The New South Wales Liberal-Nationals Government takes residential building in New South Wales very seriously. Over the past few years a considerable amount of work has been done to identify loopholes and issues with the Home

Building Act and to come up with potential solutions. Adopting the legislative amendments contained in this bill will help to ensure that home owners and builders are supported by efficient and effective laws that keep pace with industry, provide appropriate protections for consumers and offer real benefits to builders.

This package of amendments includes a number of sensible reforms to the owner-builder provisions of the Act. The New South Wales Government is mindful that home owners have a right to work on their home as long as that work does not pose a safety risk. Accordingly, the Home Building Act owner-builder provisions allow home owners to build, extend or do work on their own home without needing a licence. Instead of a licence, they are required to obtain a permit. However, stakeholders raised concerns that commercially motivated people were carrying on the business of home building work under the owner-builder permit scheme to avoid the licensing requirements of the Act—for example, where dual occupancies were built on a piece of land with a view to subdividing the land and selling it at a profit. That was not the intention of the scheme.

To reduce the scope for sham developers to exploit the current provisions of the Act, the bill will restrict owner-builders from carrying out residential building work on a dual occupancy unless they hold a permit endorsed by the secretary. A permit may be endorsed if special circumstances exist, such as where the applicant has legitimate non-commercial reasons to justify doing the work due to financial hardship. Importantly, in light of the restrictions placed on dual occupancy work, the bill will amend the Act to allow owner-builders to carry out residential building work on secondary dwellings. This will ensure that people can continue to build additional self-contained dwellings on their properties, such as a granny flat for elderly relatives, an independent person with disabilities or those who just need a space of their own. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [12.58 p.m.]: I support the Home Building Amendment Bill 2014. The object of the bill is to amend the Home Building Act 1989, in connection with the statutory review of that Act, to deal with the matters I will now outline. In relation to penalties for unlicensed work, the maximum penalty will be increased for a second or subsequent offence by an unlicensed individual who does or offers to do residential building work or specialist work, or a licensee or a developer who hires unlicensed persons. Imprisonment will be included as a sentencing option. The bill will amend contracts to do residential building work or specialist work, including extending the matters for which contracts must provide, regulating progress payments and increasing the cap on deposits. The bill will amend provisions relating to statutory warranties implied into contracts, including by requiring work to be done with due care and skill rather than, as is currently the case, in a proper and workmanlike manner.

The bill clarifies the responsibilities of subcontractors for breaches of the warranties, imposes duties on consumers to mitigate loss and notify defects, clarifies the test where home building defects require a greater warranty period, and provides a defence for builders who rely on the instructions of a professional acting for the consumer. In terms of contractor licences, supervisor certificates and tradesperson certificates, the bill broadens the grounds on which a person is disqualified from holding a licence or certificate, provides for consistent consideration for all licensing and certification decisions and consolidates licensing and certification provisions currently spread across the Act and regulations.

The bill deals with notification of insolvency and the winding up or deregistration of licence holders by requiring the holders of contractor licences to notify their insolvency, winding up or deregistration and making a breach of that obligation an executive liability offence. The bill provides a requirement for special circumstances before an owner-builder permit can authorise work that relates to dual occupancy; requires all owner-builder applicants to undertake safety training or other training; prohibits joint owners of property upon which owner-builder works are being carried out from carrying out owner building work on other properties within five years; broadens the grounds on which a person is disqualified from holding an owner-builder permit; and consolidates the permit provisions currently spread across the Act and regulations.

I turn now to the resolution of building disputes. The bill makes further provision for the issue of rectification orders, which are used to resolve disputes, by allowing for orders to set out stages for rectification work, clarifying that they can require the payment of money by a consumer only when the money is due under a home building contract, making it a breach of a licence to fail to comply with a rectification order and requiring a court or tribunal, when determining a building claim, to have regard to the principle that rectification of the defective work by the responsible party is the preferred option. In terms of disciplinary proceedings, the bill changes the meaning of "improper conduct" and the grounds for disciplinary action to cover work done otherwise than with due care and skill, rather than otherwise than in a good and workmanlike manner, as it is at present.

The bill deals with home warranty insurance by clarifying when a contractor is taken to have disappeared; requiring residential building work done under a contract to be insured in the name under which the person contracted to do the work; providing that a contract of insurance extends to the rectification of the original residential building work; preventing owner-builders from obtaining home warranty insurance; providing an increased maximum penalty for a second or subsequent offence by an individual of uninsured contracting to do residential building work or specialist work or seeking that work by or for an uninsured person; improving access to insurance in cases of insolvency; and renaming home warranty insurance as insurance under the Home Building Compensation Fund.

Following the election of the Liberal-Nationals Government, the then Minister for Fair Trading, the member for Lane Cove, announced a comprehensive reform of the Home Building Act 1989. It is another example of 16 years of mismanagement and laziness by the previous Labor Government. The previous Labor Government wrecked the joint. It wrecked New South Wales and once again we are fixing it. The subsequent Minister for Fair Trading, the member for Penrith, advised Parliament that issues with legislation were identified and potential solutions were developed, with the assistance and involvement of all stakeholders who had expertise and experience in the industry. The bill proposes more than 50 amendments to ensure that building laws reflect current practice, reduce unnecessary procedures and either maintain or enhance current levels of consumer protection.

Many people have complained that shortly after a company becomes insolvent out of the ashes rears the head of another company—with the same people doing the same work and ripping off consumers but under cover of the creation of a new corporation. The Home Building Act regulates the residential industry to protect consumers. Part of that is the licensing regime, with minimum qualifications and experience and fit and proper standards, as well as conduct requirements for licensees. As I said, a major concern with the current legislation has been the apparent ability for unscrupulous traders to operate in the industry or, if their licence is cancelled, to re-emerge either as or behind another legal entity.

Mr Barry Collier: You've only got 10 months to go.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Myall Lakes has the call. Members will cease interjecting.

Mr STEPHEN BROMHEAD: What about the previous 16 years? The member for Miranda was part of that. Did he do anything about it? For 16 years those in the building industry and consumers have been complaining.

Mr Barry Collier: Point of order: The member for Myall Lakes has to stop calling the people of New South Wales stupid because they voted for Labor.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Miranda will resume his seat. There is no point of order.

Mr Barry Collier: The point of order is that he keeps going on about it. It is not part of the bill.

ACTING-SPEAKER (Mr Lee Evans): Order! I have ruled that there is no point of order. The member for Miranda will come to order.

Mr STEPHEN BROMHEAD: On behalf of the people of New South Wales I apologise for the conduct of the member for Miranda. Obviously he is another Labor member with a glass jaw. As was highlighted by the Collins inquiry into construction industry insolvency, the building sector is a particular hotspot for this type of phoenixing activity where a building company is established as a short-term venture, only to default on its obligations and extinguish its liabilities through insolvencies. Home owners who contract with these types of phoenix companies face a real risk of suffering losses associated with advance payments, incomplete work and building defects. Phoenixing also affects the overwhelming number of legitimate operators in the industry, as these phoenixed companies often underquote, taking work away from the good, honest and reputable builders in the industry.

These companies also increase the number of home warranty insurance claims made to the Self Insurance Corporation, placing upward pressures on premiums. The New South Wales Government has acknowledged these shortcomings, unlike the previous Labor Government, and by introducing this amendment bill shows its commitment to doing everything it can to ensure that consumers are adequately protected and the

residential building industry is vibrant and competitive. The proposed legislation will strengthen existing measures under the Act by extending Fair Trading's power to refuse licences and certificates to applicants who had been involved in companies that had been placed into external administration within the previous three years.

Whether an applicant had been involved in a home building company that had been the subject of an unreasonably large number of complaints, formal cautions, penalty notices or insurance claims also will be able to be taken into account when determining an application. The bill also introduces continuous disclosure requirements on licensees, requiring them to notify the Commissioner for Fair Trading within seven days of becoming bankrupt, becoming the subject of a winding up order or becoming deregistered. A new executive liability offence will be introduced to ensure that there is an adequate incentive for corporate licence holders to notify. To ensure that licensed builders live up to the licensing and conduct standards, the bill will introduce tougher consequences for serious breaches of the Act. It is with great pleasure that I support this bill.

Mr MARK COURE (Oatley) [1.08 p.m.]: I support the Home Building Amendment Bill 2014, and I am honoured to speak on the bill in this Chamber. The bill increases the cap for deposits for work over $20,000 from 5 per cent to 10 per cent; restricts progress payments and requires a progress payment schedule in building contracts; and improves rectification orders by introducing an offence and a penalty notice to builders who breach rectification orders and clarifying that rectification orders can require the payment of funds by a home owner. I have been the member for Oatley for the past 3½ years during which time on a number of occasions constituents have raised with me issues, which are amendments in this bill, in relation to building, and home building in particular. They may have had issues with builders, the Consumer, Trader and Tenancy Tribunal, or home warranties, and this balanced package of reform addresses each one of their concerns. There is no quick fix to a lot of the issues raised. The process can go on for months, if not years, between home owners, builders and the like across the State.

I am honoured to speak to the Home Building Amendment Bill 2014, which is a balanced package of reforms that assists home owners and builders alike by providing industry with a reduction in red tape, where possible, to support growth and investment without sacrificing fundamental consumer protections. A proposal to increase the maximum deposit that can be demanded or received by a builder is a prime example of how this Government is making reforms to support an industry which is such a vital component of a strong economy in New South Wales. Under the current Act the deposit that can be requested is capped at 10 per cent if the contract price is $20,000 or less, or 5 per cent if the contract price is more than $20,000. These limits are an important part of a consumer protection framework as they help to reduce the risks of home owners making significant payments for building work before it commences.

A builder may require advance payments for a number of reasons. Most builders incur considerable costs before building work commences, such as the investment in building materials. A couple of years ago I bought a house in the lovely suburb of Penshurst and carried out internal renovations to the kitchen, floorboards and bathroom for which some payment was required up-front. Builders may have to bring equipment on site for site preparation, which can often place financial pressure on tradespeople or builders in a small to medium business. My father, brother and cousin are cabinetmakers so I understand the pressure under which they operate. They are the backbone of the home building industry.

With a growing number of home builders becoming insolvent in New South Wales it is vital that this important legislation reflects the practical realities of building and does not unnecessarily restrict the ability of builders to maintain adequate cash flow over the course of a project. In most cases builders have more than one project underway at the same time. Builders and tradespeople have raised concerns with me over the years that the current 5 per cent cap on work over $20,000 was not always significant to cover the costs of bringing a building project to commencement after purchasing and delivering items on site. The Government has acknowledged the concerns of its stakeholders and has proposed an amendment to consolidate the cap on deposits to a blanket 10 per cent for all residential building work. That doubles the maximum amount of deposit that a builder can charge for work over $20,000.

Importantly, consumers will remain protected by the home warranty insurance scheme in the event a builder becomes insolvent before the building work is completed as the scheme limits the claim for the loss of deposit to a maximum allowed under the legislation. Overall, this amendment will help provide relief to those in the industry facing economic pressures and will maintain an appropriate level of consumer protection for home owners and the like. This bill shows the Government's commitment to ensuring that the home building and renovating marketplace is fair and safe in New South Wales. In most cases the purchase of a family home is one of the most significant investments a family can make.

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

COMMUNITY RECOGNITION STATEMENTS

BANKSTOWN SPORTS

Ms TANIA MIHAILUK (Bankstown) [1.15 p.m.]: I am delighted to inform the House of the announcement that Bankstown Sports Club is one of the five finalists in the ClubsNSW People's Choice awards. The club also won a club and community award for its ongoing partnership with the students at-risk program at Punchbowl High School, which provides a range of activities to students at risk of dropping out with an aim to give them the confidence to stay in school. The people's choice competition calls on the public of New South Wales to vote for their favourite club and is designed so that any club, no matter its size, has an equal chance of winning as votes are by total membership. I take this opportunity to congratulate Bankstown Sports Club President John Murray, Vice President Richard Phillips, and directors Alex Fulcher, Doug Shedden, Jim Ronnis, Vern Falconer and Martin Klumpp, chief executive officer Mark Condi, and all the club's staff as they continue to strive to make Sporties the premier entertainment destination not only in Western Sydney but also in New South Wales.

DANIEL SAYHOUN ASPECTS AWARD WINNER

Mr STEPHEN BROMHEAD (Myall Lakes) [1.16 p.m.]: I inform the House that Daniel Sayhoun, a student at Bulahdelah Central School, has been named as the winner of the Inspirational Award for Individual Achievement in the youth category at the 2014 Aspect Awards by Autism Spectrum Australia. Daniel is 17 and his award recognises his efforts in raising awareness of autism in his school and community. Daniel has attended Bulahdelah Central School for his entire school life; he was diagnosed with Asperger's Syndrome at the age of two. Over many years, and with the support of his parents, Daniel has risen to the challenges of his condition and is proud to have spoken to his fellow students about autism spectrum disorders in both primary and high school.

Daniel also has spoken to parents wishing to enrol their children with autism spectrum disorders in the school, explaining his experiences. In so doing, Daniel has raised awareness and suggested new ways of assisting people with autism spectrum disorders. He also speaks to community groups and works with the school executive to develop activities for Autism Awareness Week. In 2013 Daniel was dux of year 11 and was elected by his peers as vice-captain for 2013-14. When Daniel finishes his Higher School Certificate he is hoping to attend the University of Newcastle to study an arts degree.

JESSICA BUCK UNIVERSITY OF OXFORD SCHOLARSHIP

Ms SONIA HORNERY (Wallsend) [1.17 p.m.]: I want to recognise the fantastic academic achievements of Jessica Buck who has won the Charles Perkins Scholarship and a James Fairfax Oxford Australia Scholarship to study at the University of Oxford. Jessica excelled in her undergraduate degree in biomedical science. She developed a strong interest in health and medicine after watching her grandmother suffer from breast cancer. As a child she always wanted to fix things and was much more likely to play with bandages than Barbie dolls. We congratulate Jessica on her wonderful academic achievements and wish her all the best in her future studies.

TEA GARDENS HAWKS NEST MOTORFEST

Mr STEPHEN BROMHEAD (Myall Lakes) [1.18 p.m.]: I ask the House to recognise the success of the annual Motorfest which was held on Saturday 8 March 2014 with 300 veteran, vintage, unique and classic cars and motorcycles on show from 42 New South Wales motoring clubs. I note that the Tea Gardens Hawks Nest Motor Club Inc. donated $8,000 to the Hawks Nest Surf Life Saving Club and the Rural Fire Service of Tea Gardens and Pindimar and congratulate the committee and club members on hosting the community aid event day.

JEWISH CARE

Mr ALEX GREENWICH (Sydney) [1.19 p.m.]: I commend the work of Jewish Care, whose centre I recently visited with members of the Woollahra Municipal Council Community Safety Committee. The Australian Jewish Welfare Society started in 1935 as a community response to anti-semitic atrocities in Europe, helping to save Jews from persecution and death. After the war, the society continued to help Jewish refugees to come to Australia, resettle and overcome the terrible war experience and ongoing anti-Semitism. Today Jewish

Care is the major provider of non-residential services to this community, helping 4,000 people each year, including many in my electorate. The refugee experience of many older Jewish people means that they may be isolated and more fearful of authorities. Jewish Care focuses on frail aged people, those with a disability, families and young people in crisis and people with mental illness. I commend Jewish Care for its history of support and help, and thank those involved for their concern and commitment.

MAITLAND ELECTORATE SPORTS ACHIEVEMENTS

Ms ROBYN PARKER (Maitland) [1.19 p.m.]: I congratulate the many outstanding young sportspeople in Maitland. In late 2013 Jamie Parker—no relation to me or to the member for Balmain—represented his State at the School Sports Australia Swimming Championships and performed strongly in a range of events including freestyle, butterfly and relays. Porchesa Longbottom recently travelled from Maitland to Sydney to compete in the under-7s category of the National BMX Championship, bringing home both a silver and a gold medal. Recently I attended the Maitland Olympic Swimming Club presentation where it was announced that Sophie Hodgson has been selected to represent Australia in the Born '98 Australian Water Polo Team to compete at the Pan Pac games in New Zealand. Her sister, Amelia Hodgson, has been selected to represent New South Wales in the under-14's New South Wales water polo team to compete in Adelaide in July.

MIRANDA WAR MEMORIAL

Mr BARRY COLLIER (Miranda) [1.20 p.m.]: I acknowledge the enormous debt my community owes Miranda RSL Sub-branch President, Mr Bruce Grimley, for his vision, passion and leadership of the project to successfully relocate the Miranda War Memorial from the roadway in Central Avenue. The heritage-listed memorial records the names of 65 former pupils of Miranda Central Public School who served in the Great War. Its relocation to Seymour Shaw Park not only means we are better able to accommodate the growing numbers attending Anzac dawn services; it also means our community now has a permanent and readily accessible place for remembrance and reflection all year round.

On 8 May I had the privilege of speaking at the re-dedication of the war memorial in its dignified new surrounds—a park setting that is more appropriate for observance, remembrance and reflection by the people of the shire in the twenty-first century and beyond. I thank Mr Grimley, his committee and all who contributed to this wonderful relocation project, including the State and Federal governments, as well as the Sutherland Shire Council. It was fitting that we dedicated this memorial in 2014 as we approach the centenary of the outbreak of the "war to end all wars" and on the anniversary of Victory in Europe Day in 1945.

MARONITE SISTERS OF THE HOLY FAMILY

Mr TONY ISSA (Granville) [1.21 p.m.]: Today I honour the following Maronite Sisters at a celebration to be held on Thursday 22 May 2014 for their service of over 46 years to the Maronite community in Australia. Those honoured were Sister Marie Henriette Darido, Sister Marie De Rosaire Saba, Sister Constance Basha and Sister Madeleine De La Croix Bourjaili. I acknowledge also their great work with the Maronite College of the Holy Family, which endeavours to deepen the faith of its students, to strengthen their hope, to extend their love and friendship and to develop in them a respect for all people through good manners, respect for authority and dedication to work. I commend these Maronite Sisters for their 46 years of service to the Maronite community in Australia and I have no doubt that their good work will continue for the betterment of all.

FAIRFIELD HOSPITAL

Mr NICK LALICH (Cabramatta) [1.22 p.m.]: On 3 April I joined the shadow Minister for Health, Dr Andrew McDonald, and my colleague the member for Fairfield, Guy Zangari, at Fairfield Hospital. We met with nurses and staff, who are doing a great job caring for people in the area in the face of massive funding cuts to the South West Local Area Health Service. Fairfield Hospital is a very busy hospital. Unfortunately, because of the previous O'Farrell Government's budget cuts, elective surgery waiting times have blown out. Despite this, the staff is still doing a wonderful job. On behalf of the people of Cabramatta, I thank the staff at Fairfield Hospital for their hard work and dedication to their patients.

ANZAC DAY

Mr ANDREW ROHAN (Smithfield) [1.23 p.m.]: I attended Smithfield RSL Anzac Day dawn services on 25 April 2014 and was given the honour of opening the proceedings in commemoration of our

Anzac heroes. On this day we acknowledge the deeds and sacrifices of our young men and women involved in all conflicts. Since Federation, Australia has been involved in both world wars and conflicts in Korea, Vietnam, Malaya, Borneo, Afghanistan and Iraq, just to name a few. Our courageous Anzac troops have cemented Australia's national identity on the world stage. These men and women undertook acts of bravery and, most importantly, celebrated camaraderie in the face of adversity. Such attributes have echoed across time and distance as being uniquely Australian. The Anzacs laid down their lives to protect Australia and to allow this country to prosper and grow as a free and peaceful society. For that we are eternally grateful.

COMMUNITY RADIO STATION 2GLF FM

Mr GUY ZANGARI (Fairfield) [1.24 p.m.]: On 7 September 2013 community radio station 2GLF FM celebrated its thirtieth birthday and the Governor of New South Wales, Professor Marie Bashir, officially opened its new studios. Past and present members gathered at the Hilda M. Davis Senior Citizens Centre, Liverpool, for the celebrations. Radio station 2GLF FM began its first broadcast from the State Emergency Services building in South Liverpool, before the station moved to the School of Arts building in 1997.

In November 2011 2GLF purchased its own property and moved into its new premises at 161 Bigge Street, Liverpool, on 1 April 2012. Radio station 2GLF is a voluntary cooperative organisation with 163 members. It broadcasts in a variety of different languages to cater to the multiculturally diverse communities of the Liverpool and Fairfield local government areas. Radio station 2GLF encourages people from all walks of life and interests to contribute and make a difference in the community. I congratulate 2GLF on 30 years of outstanding service to our local community.

BINGARA CENTRAL SCHOOL SILVER DEBUTANTE BALL

Mr ADAM MARSHALL (Northern Tablelands) [1.25 p.m.]: I congratulate and acknowledge Bingara teacher and ovarian cancer survivor Nikki Galvin on organising and acting as emcee of the hugely successful Bingara Central School Silver Debutante Ball. The ball, which raised awareness and money for the Ovarian Cancer Research Foundation, was held last Saturday 10 May 2014. Nine debutantes and their partners, all students of Bingara Central School, were presented at the ball and performed the Pride of Erin, courtesy of tutelage by Judy Adams and Jan Miller.

The debutantes and their partners—Gabby Rampling and Daniel O'Connor, Lucie Boyle and Jack Mahoney, Gabby O'Connor and Trent Wilson, Charmaine Nowlan and Tom Mahoney, Maryellen Honeysett and Andrew Riley, Shannon McGarrity and Cameron Fletcher, Crystal Cooper and Matthew Blakey, Kelsey Cooper and Taylor Holland-Wright, and Jayda Stevens and Jack Walton—looked stunning on the evening and were a credit to themselves and their families. I extend congratulations to Nikki and the Bingara community, which turned out in huge force to support the evening. It was a wonderful event and a fun night.

AUSTRALIAN ICE DANCE CHAMPIONS GREG MERRIMAN AND DANIELLE O'BRIEN

Ms LINDA BURNEY (Canterbury) [1.26 p.m.]: I congratulate international ice skater and Canterbury resident Greg Merriman and his skating partner Danielle O'Brien, who recently represented Australia in the Figure Skating competition at the 2014 Winter Olympics in Sochi, Russia. They were the second ice dance couple from Australia to compete at the Winter Olympics. At the Sochi 2014 Winter Olympics Danielle and Greg achieved their goal of securing a top 20 place after their short dance routine on day 10 of the competition, scoring 75.85 points.

Greg has done most of his ice skating at Canterbury Ice Rink and as ice dancers Greg and Danielle recently trained in the United States. Their success has been achieved after a huge amount of dedication, training and determination. Prior to the Sochi Olympics Greg and Danielle were ranked twenty-fifth in the world and their top 20 finish is an inspiring and fabulous achievement. Greg and Danielle announced their retirement from competitive ice dancing following their superb performance at Sochi. I wish them both well for the future.

ORANGE KART CLUB SUPER HEAVY CHALLENGE

Mr ANDREW GEE (Orange) [1.27 p.m.]: I draw the attention of the House to some of the speediest people in Orange. Over the recent weekend the Super Heavy Challenge was held at Perc Griffith Way where Orange Kart Club drivers absolutely shone. The Dickson brothers, Kurtis and Brent, took home three podium finishes. Kurtis won the Senior National Super Heavy division and Brent finished third. Brent also finished third

in the Clubman Super Heavy category and fourth in the Tag 125 Super Heavy category. In addition, Adam Reilly won the Clubman Super Heavy category, David Dunbar triumphed in the Senior National Combined, James Keene received gold in the Junior National Super Heavy category, Ben Churchland came second in the Senior National Super Heavy category, Charles McLandsborough was the runner-up in the Rookies and Henry McLandsborough finished second in the Cadets. I congratulate all members of the Orange Kart Club on revving it up at the Super Heavy Challenge.

EXODUS CAFE

Mr JOHN FLOWERS (Rockdale) [1.28 p.m.]: I acknowledge the grand opening of a new youth cafe in my electorate on 26 and 27 April. The new Exodus Cafe is situated at Wyee Street, Kogarah Bay. The cafe was opened to provide funds for Exodus Youth Worx, which offers fellowship and guidance through various activities that provide youth with a positive and constructive network and environment. The newly established Exodus Cafe will provide employment opportunities in hospitality for local young people who often start out working in this community-centred industry. This opportunity enables youth to be trained by senior staff to further develop their skills in waiting, making coffee or cooking. As a non-profit establishment, the services provided by Exodus Cafe will help the organisation to continue to expand its work with young people and become self-sufficient. I commend the dedication and caring of all involved in making this worthwhile venture a reality

ORDER OF THE HOSPITAL OF ST JOHN OF JERUSALEM

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [1.29 p.m.]: Having had the privilege to have served as an operations manager for St John Ambulance in 2000-04, it was an honour for me to attend the Investiture of the Most Venerable Order of the Hospital of St John of Jerusalem for the Priory in Australia at Government House. His Excellency the Hon. Thomas Frederick Bathurst was on hand to invest each postulant with their insignia of the order. I congratulate all those who were promoted. Rhonda Sneddon, a very good friend of mine, was promoted to Dame of Grace of the Order of St John; James Chandler, Malcolm Little, Colin Lott and Kerrie Hall were promoted to Commander; and promoted to Officer were Christopher Chant and Didier Moutia, who is about to become the new Commissioner of the Order of St John Ambulance, New South Wales. I congratulate also those admitted as members: Deborah Ainslie, Andrew Craig, Peter Dixon, Rhonda Dunn, Lionel Fuller, Lachlan Liao, Carmel McLean and Helen van Duursen. The people of St John do a wonderful job as volunteer emergency service workers in New South Wales. They deserve this accolade and I offer my congratulations to them all.

O'LOUGHLIN'S MEDICAL PHARMACY

Mr JONATHAN O'DEA (Davidson) [1.30 p.m.]: I acknowledge O'Loughlin's Medical Pharmacy in the St Ives Shopping Village for once again taking out its category in the Small Business Champions Awards. In 2012 the pharmacy also was named the Australian Small Business National Pharmacy of the Year in recognition of the pharmacy's outstanding service and patient care as well as staff mentoring and training programs. My visit to the pharmacy indicated that the pharmacy has received many other awards in recognition of its high standard of service to the community.

O'Loughlin's Medical Pharmacy specialises in dispensing medicines. While most are pre-packaged, the pharmacy also maintains the traditions of a compound pharmacy in which specialised remedies can be mixed on-site. The pharmacy is a strong supporter of the New South Wales Government's Know Your Numbers program, which focuses on taking blood pressure readings to better inform people of possible medical risks. I congratulate Brendan O'Loughlin and his team on being recognised for their ongoing and outstanding service to the St Ives community and beyond.

[*Acting-Speaker (Mr Lee Evans) left the chair at 1.31 p.m. The House resumed at 2.15 p.m.*]

VISITORS

The SPEAKER: I welcome to the gallery participants in the "Introduction to the New South Wales Legislative Assembly" Public Sector Seminar, which is being run by the Department of the Legislative Assembly. I trust you will find the seminar useful and informative. I spoke to you this morning to that effect. I hope you are enjoying the day generally. I welcome to the gallery the NSW State Emergency Service Cadet of the Year, from Cherrybrook Technology High School, Benjamin Albers, and the NSW Rural Fire Service Cadet

of the Year, from Yass High School, Richard Alley. Welcome to both of you, and congratulations. They are guests of the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney and member for Penrith.

I recognise Reverend Jay Bacik, Chief Executive Officer of Life Education New South Wales, who is a guest of the Minister for Mental Health, Assistant Minister for Health and member for Wollondilly. I welcome 45 year 10 commerce students and their teachers from Presbyterian Ladies' College, Croydon, guests of the member for Strathfield. Welcome to my guest, Mr Allan Trass, who is my representative on the Local Traffic Committee.

QUESTION TIME

[*Question time commenced at 2.20 p.m.*]

The SPEAKER: Order! Members will come to order. The member for Campbelltown will come to order. Her comments are inappropriate.

FEDERAL BUDGET

Mr JOHN ROBERTSON: I direct a question to the Premier. Given the new $7 general practitioner tax and the massive $25 billion worth of funding cuts to health and education in New South Wales will the Premier inform the House if he agrees that the Prime Minister has broken his pre-election promises for no surprises, no new taxes and no cuts to health and education?

The SPEAKER: Order! Opposition members will come to order. Opposition members should be interested in the answer.

Mr MIKE BAIRD: I have made a number of comments this morning and the Government has clearly said, and I will clearly say as Premier, that I will stand up for the interests of the people of New South Wales. That is what I will do. We know how those opposite operate: It is clear if any issue comes up they call Sussex Street and ask, "What do we do here team?"

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

Mr MIKE BAIRD: The team that this Government represents is the people of New South Wales. That is who we take our orders from. This Government does not take our orders from Sussex Street; it listens to the people of New South Wales and responds accordingly.

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

Mr MIKE BAIRD: The shadow Minister for Health is a little excited. He did not jump, but there he is.

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

Mr MIKE BAIRD: There is clear action from a Government that is standing up for the interests of the people of New South Wales and that is what it will do every day of the week. I am more concerned about the secret plans of members opposite.

Mr John Robertson: Point of order: My point of order relates to Standing Order 129, relevance.

The SPEAKER: Order! Does the Leader of the Opposition know what secret plans the Premier intends to talk about?

Mr John Robertson: Did he break his promises—yes or no?

The SPEAKER: Order! I do not know what the secret plans are so I do not know whether they are relevant to the question. We will have to wait and see. There is no point of order.

Mr MIKE BAIRD: We know the secret plans.

The SPEAKER: Order! I would like to hear about the secret plans.

Mr MIKE BAIRD: They include not revealing bribes. There have been secret plans to visit ski chalets.

Mr Ron Hoenig: Point of order: My point of order relates to Standing Order 73. If the Premier wishes to cast a reflection on the Leader of the Opposition, he should do so by way of substantive motion.

The SPEAKER: Order! I have not heard the Premier say anything to that effect. However, I will call him to order if he strays down that path. I note the point of order.

Mr MIKE BAIRD: I would say that there were secret drinks, but they were not very secret. The Leader of the Opposition has very secret plans involving the mining industry.

Ms Linda Burney: Point of order—

The SPEAKER: Order! If the member for Canterbury is seeking to waste the time of the House I will direct her to resume her seat.

Ms Linda Burney: My point of order relates to Standing Order 129. The Leader of the Opposition asked a serious question about the future of New South Wales.

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

Mr MIKE BAIRD: As I said, this Government is clear and open about its plans. We will look after the people of New South Wales. My concern is the secret plans of members opposite. The Leader of the Opposition was asked about coal mining being phased out, and he replied that the Labor Party agreed and that the plan to do that is being developed.

Dr Andrew McDonald: Point of order: Madam Speaker, I know that you were distracted, but I refer to Standing Order 129. The question was about broken promises.

The SPEAKER: Order! I know what the question was about.

Dr Andrew McDonald: The Premier does not.

The SPEAKER: Order! Yes he does, and his answer is relevant to the question. There is no point of order.

Mr MIKE BAIRD: The reason that is concerning to the people of New South Wales, not least the member for Cessnock, is that the coal industry is worth about $14 billion to the broader economy. The people of New South Wales should be concerned about that. I have made clear comments about that issue. This Government is determined to stand up for the people of this State, and it will do so every day of the week.

FEDERAL BUDGET

Mr BARRY O'FARRELL: I address my question—

The SPEAKER: Order! I cannot hear the member for Ku-ring-gai. Members will come to order or there will be serious consequences. The former Premier and member for Ku-ring-gai has the call.

Mr BARRY O'FARRELL: My question is addressed to the future and current Premier and Minister for Western Sydney. How is the Government standing up for New South Wales—again?

The SPEAKER: Order! I am not being biased but that is the best question I have heard for a long time.

Mr MIKE BAIRD: It was a very good question. I pay tribute to the former Premier. He is a good example of someone who is prepared to stand up for the interests of the people of New South Wales. He did that time and again. It annoyed and frustrated members opposite, but he stood up for the people of this State and I am proud to continue that tradition.

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

Mr MIKE BAIRD: It is fantastic to have the girls from Presbyterian Ladies' College, Croydon, in the gallery. My mother worked there for many years as a school counsellor. I understand that she gave some pretty poor advice at times. She certainly did not want me to go into politics. I want to be very clear that I fight for the interests of New South Wales every day of the week. While I welcome the infrastructure investment and the commitment to the National Disability Insurance Scheme announced in last night's Federal budget, I feel strongly that the people of New South Wales have been let down. I have said that I do not accept Canberra outsourcing its problems to the States, including New South Wales.

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

Mr MIKE BAIRD: I do not accept Canberra sending a bill for New South Wales to pay. The message I send to Canberra—I will send it every day of the week while I am in this job—is that I will stand up for the interests of this State and for every community in New South Wales. The Government has serious concerns about what was revealed overnight. I acknowledge that the Federal Government has a tough job to do in cleaning up another Federal Labor mess. Every time that the Australian Labor Party occupies the Treasury benches it leaves behind a fiscal mess. It has certainly done that in Canberra. This Government has taken responsibility for cleaning up our house. We must address the financial challenges left behind by members opposite. We have addressed a number of policy areas, but we certainly did not send the resulting bill to anyone else. We got on and did what we had to do in the interests of this State and we have accepted that responsibility. We remember what was left behind by those opposite when we came into government.

Mr Michael Daley: Point of order: The very good question from the member for Ku-ring-gai was based on a simple premise: How is the Premier sticking up for New South Wales? The Premier has not said how he is doing so.

The SPEAKER: Order! The Premier is answering the question. There is no point of order.

Mr MIKE BAIRD: The first thing I can do is to keep the member from Maroubra out of the Treasurer's job. The Government has fiscal challenges because of what those opposite left behind. You cannot go three years and not remember what those opposite left behind. The Opposition left behind a $30 billion infrastructure backlog. They left behind expenses growing at greater than 7 per cent, an unsustainable path. The Opposition left debt levels right up against the triple-A credit rating. The Opposition left jobs growth at the slowest rate in the country. The Opposition left economic growth at the slowest rate in the country. The Opposition left housing starts at the lowest level for 50 years. That is what was left for this Government to deal with, and we have got on with the job.

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

Mr MIKE BAIRD: We have brought down expenses to under 3 per cent and the economy is improving. Every member of this House is delighted to know where we sit on economics and job growth. We lead the nation and that is what this responsible Government has done. We have gone from economics to infrastructure. We have committed to a record infrastructure spend of $60 billion over four years and we have found the capacity to pay for it. Labor does not quite understand that.

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

Mr MIKE BAIRD: You can announce things, but for its entire term of government the Labor Party forgot you have to have the money to do what you announce. We have gone through an asset recycling program

that has delivered the capital to transform this city, so we will continue to stand up for the people of New South Wales. We will continue to clean up the mess left behind by those opposite. Every day of the week we stand up for the people of New South Wales.

GOODS AND SERVICES TAX

Mr MICHAEL DALEY: My question is directed to the Premier. Will the Premier rule out support for any increase in the rate of the goods and services tax or support for the broadening of its base?

Mr MIKE BAIRD: I rule out any policy that is not in the interests of the people of New South Wales. I have praised Joe Hockey and Tony Abbott. Before the election they said they wanted to have a discussion on tax reform. I said that we needed to have that discussion. I will not make any commitment to anything in relation to tax reform. I am going to take a decision to the people of New South Wales and we are going to be responsible in everything we do. We have no commitment to change taxation. We have no commitment in any way, shape or form to change. The only commitment I have made in relation to taxation is that we want to lower the threshold. That is exactly what we said, but those opposite have not explained to the people of New South Wales what is in their secret plan.

Mr John Robertson: Point of order: It is pathetic that the Premier is using the Labor Party plan as cover. Will the Premier rule out support for an increase in the goods and services tax?

The SPEAKER: Order! There is no point of order. Members will not use points of order to abuse each other across the Chamber.

Mr MIKE BAIRD: Those opposite have not ruled out their plan. This is the Labor Party policy for New South Wales. No-one expects anything else because this is in Labor's DNA. They said they want to build infrastructure, and that is positive. How were those opposite going to pay for it? They were going to increase the overall tax take and add more debt. It is in Labor's DNA to increase taxes and raise debt. Why have those opposite not ruled out this document? I say to those opposite that at some point they will have to finish their populist politics, because the shadow Cabinet goes from one end to the other. Those opposite announce policy after policy, but they do not understand they have to pay for those policies and there is no capacity to pay. The budget says the country is $4 billion worse off under Labor.

Ms Cherie Burton: You've been sold out.

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

[*Pursuant to sessional order the member for Kogarah left the Chamber at 2.34 p.m.*]

Mr MIKE BAIRD: The question to those opposite is: How are they going to pay for their policies? We are very proud of what we have done, because despite fiscal challenges we have delivered a record infrastructure budget. We have completed the funding for the duplication of the Pacific Highway. We have undertaken Bridges for the Bush.

Mr John Robertson: Point of order: The question was specifically about ruling out an increase in the goods and services tax. The Premier squibbed that as he squibbed standing up to the Prime Minister.

The SPEAKER: Order! The Premier is answering the question. There is no point of order.

Mr MIKE BAIRD: We are very proud of what we have done for this State from a financial point of view. The Minister for Health is in charge of a record spend, close to $5 billion for hospitals across this State. We are delivering for the people of New South Wales and that is exactly what we will continue to do. We will face challenges and we will respond to the challenges that came today. I can assure the House that we will take decisions in the interest of the people of New South Wales, we will be responsible with our budget and we will deliver record infrastructure. That is what people expect from responsible government, and what we will continue to do for the people of New South Wales.

FEDERAL BUDGET

Mr JOHN SIDOTI: My question is addressed to the Treasurer and the Minister for Industrial Relations. What impact will the Federal budget have on New South Wales?

Mr ANDREW CONSTANCE: I thank the member for his question. The New South Wales Government understands only too well the challenges besetting the Commonwealth in future-proofing Australia. There are debt and deficit challenges associated with the budget as a legacy of the previous Labor Government and having to repair the work of Wayne Swan, Kevin Rudd and Julia Gillard. Three years ago this Government had the same experience when we inherited high debt and legacy deficits from those opposite. There is no doubt that the challenge besetting the nation is real and profound.

One key thing we did when we started the repair work on Labor's legacy was to make sure that we did not pass on to someone else the bill for the repair work. We are deeply troubled by last night's budget when it comes to expenditure and expenditure growth in health and education. We are pleased that, as part of the budget, the Federal Government met the National Disability Insurance Scheme agreement, which New South Wales under the leadership of Barry O'Farrell reached with Canberra. We are not going to stand by a $2 billion hit to the State budget over the forward estimates, including $1.2 billion over five years for health expenditure. This is particularly troubling when taking into account the growth requirements for health in the decade ahead. Education is also affected with a $240 million hit over the forward estimates. Beyond that is the real challenge in 2018-19 when we will potentially be hit with a cut of $1.3 billion.

We do not accept Canberra outsourcing the Federal deficit to us, as we face the State budget in five weeks. But most importantly for the people of New South Wales, we make no apologies whatsoever for sticking up for them when it comes to the challenges we face from Canberra. When it comes to the States there is a very real mismatch between the Commonwealth tax take and expenditure requirements; there is a major problem with vertical fiscal imbalance. We believe that the indications from the Federal Treasurer and the Prime Minister relating to the white papers around Federation and taxation are a way forward, but they need to be elevated and prioritised. We will not accept Canberra saying this morning all over radio and television that schools and hospitals are the States' responsibilities.

My question to Canberra is: Why have a Federal Department of Education that has no involvement with State schools? Why not shut down that department and give that money back to the States to assist them with education expenditure requirements? We make it clear that we will back Canberra in relation to the white paper on Federation and we will lead the way in negotiating for Federation, which has been broken. But let us start doing some heavy lifting now. Let us look at the ways in which we can minimise duplication now. We do not need to wait for the finalisation of a white paper to do that. We have enormous challenges ahead in health and education because of a range of factors, not the least of which is our ageing community. However, in the Federal budget it was pleasing to see the Commonwealth backing New South Wales' infrastructure plan. It is particularly pleasing for Western Sydney where $2.9 billion is required to build more infrastructure in a region in which one in 11 Australians reside. It is without doubt very pleasing to see the infrastructure commitments from Canberra—

Pursuant to standing order additional information provided.

Mr ANDREW CONSTANCE: As I was saying, the Premier indicated earlier that the infrastructure spend is about $59 billion across our forward estimates. That is backed up by last night's Commonwealth budget for projects such as WestConnex, which has a $1.5 billion grant and a $2 billion concessional loan which brings forward stage two. Congestion costs this State $5.1 billion annually. In order to improve the quality of life of people across Sydney we need to stop the traffic jams that are occurring in the morning peak hour when people are trying to get to work and in the evenings when mums and dads are trying to get home to their kids. That is why we need to invest in this type of infrastructure.

Also in last night's budget funding was confirmed for NorthConnex and for the Pacific Highway and, as I alluded to earlier, $1.2 billion was confirmed for infrastructure that is planned for Western Sydney. Nationally it is also pleasing to see confirmation of $19 million from Canberra for the Bridge Renewal Program and funding of $140 million for the new Black Spots Project. We also welcome from last night's budget the $5 billion incentive for the asset recycling initiative. Asset recycling is important as it takes capital out of lazy assets and invests it in more productive assets for the community. We have seen enormous success in that area. I note that those opposite have rejected the port transactions but they have been quick to come forward with suggestions of how the proceeds from those transactions should be spent across the State. That hypocrisy has not gone unnoticed. No doubt this budget will be challenging for the State but we will continue to fight hard for New South Wales.

FEDERAL BUDGET AND HOSPITAL EMERGENCY DEPARTMENTS

Dr ANDREW McDONALD: My question is directed to the Premier. Will the Premier rule out introducing any charges for patients attending hospital emergency departments—yes or no?

The SPEAKER: Order! The member for Macquarie Fields might like a yes or no answer but the Premier will decide how he responds to the question. The member for Macquarie Fields will not interject during the Premier's answer.

Mr MIKE BAIRD: We will be ruling that out, so the member for Macquarie Fields does not have to panic.

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

Mr MIKE BAIRD: I love it when Opposition members ask questions. It is question time and they are able to do that but I have a few questions for them. The first question is pretty simple: What do Opposition members and the Leader of the Opposition stand for? How will they fund their policies? The people of New South Wales want to know how they will fund their policies. I have another question for the Leader of the Opposition. Why does his frontbench look so uneasy when he rises to his feet to speak? Why has the member for Miranda gone to the backbench? Does anyone know why he went to the backbench?

Dr Andrew McDonald: Point of order: My point of order relates to relevance under Standing Order 129. The Premier said he will rule it out but he does not say that he has. He should just say yes.

The SPEAKER: Order! The member for Macquarie Fields asked whether the Premier would rule out something and he said that he would. Does the member for Macquarie Fields want the Premier to change the tense of his answer? The Premier has answered the question and has the call. If the Premier wants to stray onto other matters he may do so.

Mr MIKE BAIRD: The general question that is being asked across this State is who will lead the Labor Party in the 2015 election.

The SPEAKER: Order! Government members will come to order. The member for Murray-Darling will come to order. The member for Campbelltown will come to order. The Premier has the call. The Treasurer will come to order. The member for Dubbo will come to order.

Mr MIKE BAIRD: I understand that the member for Maroubra has a new challenger: the member for Keira. The member for Keira is doing the numbers as we speak.

Mr Ryan Park: I've got one.

Mr MIKE BAIRD: He has one but he is on a roll. Gareth will back him.

The SPEAKER: No, he has not got Gareth!

Ms Linda Burney: Point of order: I remind the Premier that this is question time, not amateur hour.

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

Mr MIKE BAIRD: I remind people in the gallery that when the State was facing a challenge in regard to bringing down electricity prices, the response of the Deputy Leader of the Opposition was, "Take a hot water bottle to bed."

The SPEAKER: Order! I remind the member for Canterbury that interjections are disorderly at all times.

Mr MIKE BAIRD: That was her response and it was a cracker. The member for Keira loves that. We can understand Opposition members raising concerns—we have articulated those concerns ourselves. Whatever the policy issue, whatever the concern, we will stand up for the people of New South Wales, whether it be in relation to health funding or education funding. The Minister for Education has argued strongly for the Gonski agreement and he has done a great job.

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

Mr MIKE BAIRD: We will always give praise where it is due and we appreciate what the Federal Government has done for infrastructure. The Federal Government has responded on infrastructure and it will deliver for Western Sydney and across New South Wales—and that is a good thing. But when the Federal Government's actions are not in the interests of the people of New South Wales we will take up that cause for the people of New South Wales. We make no apologies for standing up for the people of New South Wales.

FEDERAL BUDGET AND EDUCATION

Mr MATT KEAN: My question is directed to the Minister for Education. What are the implications for New South Wales schools following the Federal budget?

Mr ADRIAN PICCOLI: As the House knows, the former Premier made New South Wales the first State to sign up to the Gonski agreement. Last night I think everybody in New South Wales was disappointed to hear that the Commonwealth would not be funding the fifth and sixth years of that agreement. I can confirm that the New South Wales Government has reaffirmed our commitment to fund all its obligations under the Gonski agreement. When we signed up to Gonski, New South Wales committed an extra $1.76 billion in school funding. We will honour our obligations under the agreement and we call on the Commonwealth Government to do the same. As the Minister for Education I am bitterly disappointed that the Commonwealth has walked away from that agreement. It is a breach of the agreement signed with the New South Wales Government. The agreement was not signed by the Liberal and National parties and the Labor Party in Canberra; it was signed by the newly elected New South Wales Government and an elected Federal Government.

The announcements last night will cost New South Wales schools $1.2 billion in 2018-19 alone, with government schools losing $944 million, Catholic schools losing $209 million and independent schools losing $120 million. Unfortunately, schools in regional New South Wales, as well as disadvantaged students, Aboriginal students and students with disabilities, will be the hardest hit. They are the reason the Government signed up to Gonski in the first place. It is disappointing. This morning I was in the Hornsby electorate visiting a school for specific purposes, also known as a special school, and watching the great work it does there, enhanced by the funding that comes from Gonski. Then I was in the Parramatta electorate, where I met with 30 school principals. I was able to tell them that despite the Commonwealth's decision, the New South Wales Government will honour the agreement it signed up to, including honouring the funding agreement, the funding envelope, to which it committed a year ago.

Those principals were pleased to see the commitment from the New South Wales Government for school funding. The additional funding we signed up to with Gonski started to flow this year, with an additional $153 million, and that should have risen to $1.86 billion in 2019 under the agreement. This year public schools have benefited by receiving additional money as part of the resource allocation model. All members have seen the great things that individual schools in their electorates have been able to do with the additional dollars they received just this year. But over that six-year period the funding envelope increases every year. The agreement in full would have delivered $5 billion in additional funding for government and non-government schools over that six-year period. It will still include the $1.76 billion committed by the New South Wales Government, but the Commonwealth should have provided $3.2 billion.

The loss will come from not continuing to meet the schooling resource standard and reduced Commonwealth indexation after 2017 which will impact on our ability to deliver the schooling resource standard that had been developed by the Gonski panel. It was not a panel of Labor stooges, by any measure. No-one would accuse David Gonski or Kathryn Greiner of that in any way. They did an enormous amount of work. No-one in the business community has more credibility than David Gonski, who put together an objective review of school funding and who came up with some critical reforms that should have led the way for funding for schools across Australia for a long time into the future. Obviously I am disappointed that the additional funding will not continue beyond four years, but we want a needs-based funding model to continue in New South Wales. The New South Wales Government will be working hard with the non-government sector and other stakeholders to convince the Federal Government to change the decision that it made last night.

HEALTH FUNDING

Mr RYAN PARK: My question is directed to the Treasurer. In an earlier answer the Treasurer said that he opposed the $1.2 billion in cuts to health by the Abbott Government after last night's budget. Does that mean that he also opposes the $3 billion of cuts to health funding by the Premier?

The SPEAKER: Order! The member for Monaro will come to order. The Treasurer has the call.

Mr ANDREW CONSTANCE: I invite the member for Keira to look at the expenditure on health in Labor's last budget, compared to the last budget delivered by the former New South Wales Treasurer.

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

Mr ANDREW CONSTANCE: I think it is a 15 per cent increase. I will run through it for the benefit of the member for Keira. In Labor's 2010-11 budget Health funding was $15.5 billion. In the 2013-14 budget Health funding was $17.9 billion.

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

Dr Andrew McDonald: Point of order: My point of order relates to relevance under Standing Order 129. It was a fairly simple question about the $3 billion worth of health cuts. Does the Treasurer oppose them?

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

Mr ANDREW CONSTANCE: I am sure the member for Keira can write to the Minister for Education about maths. In light of the fact that the member for Keira asked questions about budgeting, I took the opportunity to look at a number of characters in the Labor Party and at Federal-State relations when it comes to budgets. I am sure we all remember Wayne Swan and the member for Toongabbie.

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

Mr ANDREW CONSTANCE: In 2009 Wayne Swan, as national Treasurer, spent about $8 billion on transport projects nationally. Do members know how much Sydney received?

Government members: Tell us.

Dr Andrew McDonald: Point of order: This has nothing to do with the question. Madam Speaker, I ask you to direct the Treasurer to return to the leave of the question.

The SPEAKER: Order! I tend to agree with the member for Macquarie Fields. However, I will hear further from the Treasurer to see how his remarks relate to the question.

Mr ANDREW CONSTANCE: I thank members opposite for answering the question. It was not nothing; it was $91 million out of $8 billion. What did the then Premier say at the time about the Commonwealth budget?

Mr John Robertson: Point of order—

The SPEAKER: Order! I am hearing further from the Treasurer as to the previous point of order, but I will hear the Leader of the Opposition's point of order. The Treasurer will resume his seat. Does the Leader of the Opposition raise a different point of order?

Mr John Robertson: The Treasurer is now flouting that ruling.

The SPEAKER: Order! The Treasurer is not flouting my ruling because I did not rule on the matter. I said that I would hear further from the Treasurer. The Treasurer has the call.

Mr ANDREW CONSTANCE: We are getting a lecture from members opposite about responding to the Federal budget. Yet when Labor was in office at both the State and Federal level members opposite thought New South Wales had done well to receive only $91 million out of $8 billion for infrastructure. When I looked at how that $91 million was spent I found that it was spent on the Rozelle metro. I am happy to continue to take questions from members opposite.

Dr Andrew McDonald: Point of order: When will the Treasurer return to the leave of the question?

The SPEAKER: Order! I do not know. I will ask the Treasurer. The member for Macquarie Fields will resume his seat.

Dr Andrew McDonald: I ask you to direct him to return to the leave of the question.

The SPEAKER: Order! The Treasurer is contextualising his answer and remains relevant to the question.

Mr ANDREW CONSTANCE: The member for Toongabbie said Labor did well on the western metro. No doubt we are happy to take questions all day from members opposite in relation to the Federal budget. We are prepared to say when we have not done well, unlike those who are prepared to give glowing endorsements for the actions of Wayne Swan and Julia Gillard.

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

FEDERAL BUDGET AND HEALTH

Dr GEOFF LEE: My question is addressed to the Minister for Health, and Minister for Medical Research. What is the impact of the Federal budget on health services in New South Wales?

Mrs JILLIAN SKINNER: Like all members on this side of the House, the member for Parramatta has a strong interest in health services delivered by this Government. As Minister for Health I will give an absolute commitment to the people of New South Wales that I will put them first. I recall the former Premier always asking whether it was in the public interest. The current Premier clearly said that we will stand up for the people of New South Wales. I will stand up for the people of New South Wales, and that shows consistency. We will continue to put patients first. There will be no cut to hospital services. There will be no co-payment for emergency services. We have record investment in Health this year of $17.9 billion—a 5.2 per cent increase on the figures for last year and a 15.5 per cent increase on the figures of the Labor Government. There will be no $3 billion cut to the Health budget—the biggest load of nonsense I have ever heard.

This year alone the Government allocated a further $1.2 billion for capital works which means we are getting on with the job of building the hospitals that the Labor Government never delivered. Those hospitals will be built in Tamworth, Wagga Wagga, Dubbo, Bega, Campbelltown and Blacktown-Mount Druitt—the member for Mount Druitt is silent about the hospital to be built at Blacktown-Mount Druitt—and Westmead will benefit from planning money that has been allocated this year for a total campus plan. I was also pleased to announce planning money for the next stage of the redevelopment of Hornsby hospital.

The Government has put planning money into the Central Coast to get on with the job of upgrading hospitals in that area. The member for Oatley was successful in lobbying the Government for money to continue the wonderful work at the St George Hospital emergency department—one of our finest emergency departments—which is under construction and nearly ready for completion. And all this investment has been about putting patients first. We have treated more patients and improved performance in emergency departments with 70.8 per cent of patients being treated and either discharged from or admitted to emergency departments within four hours as at the end of last year compared to 59 per cent when I became Minister for Health, which is a huge increase. I am delighted to inform members that that percentage will increase even further because we are engaging clinicians, doctors and nurses, and the staff who support them in our hospitals.

The SPEAKER: Order! Members will cease having private conversations in the Chamber. The member for Cabramatta should not single out the member for Kiama. He is equally guilty.

Mrs JILLIAN SKINNER: We have engaged an additional 4,100 nurses, extra doctors and other clinicians, and the staff who support them in our hospitals. The member for Tweed is nodding his head in agreement as he knows we achieved a fantastic result in the Tweed Hospital emergency department—one of the best in the State where our marvellous doctors and nurses work under a devolved system and are making suggestions about better ways to treat patients. This Government puts patients first. There will be no cuts to hospital care by the New South Wales Government. There will be no co-payment for emergency patients.

There is no doubt that the Federal budget contains significant funding cuts for State hospitals. Like the Premier, I am disappointed that the Federal Government has asked this Government to repair the budget horror

that it inherited from Labor. We will continue to work with the Federal Government on integrated care, thus ensuring that patients are treated in a range of primary healthcare settings, out of hospital settings and in general practices by not always putting them in acute beds when that is not in their best interests. I reassure members that this Government got it right in relation to hospitals in this State.

POLITICAL DONATIONS

Mr GREG PIPER: My question is directed to the Premier. In light of the Premier's stated commitment to electoral funding reform will he move to introduce a system whereby electoral donations are promptly disclosed online, with a cut-off date prior to an election to allow voters to scrutinise a candidate's campaign donors before they go to the polls?

Mr MIKE BAIRD: It is refreshing to have a hardworking local member ask a sensible question in this place. As the member knows, I answered this question more broadly in the House this week and last week and he is right to raise such concerns. I share deeply the concerns that the member has raised. In my first speech in this place I said I was concerned about the impact of the donation system on policy in this State. I followed that up with a submission outlining clearly that we needed to take action. As a Government we have started to take significant action. The former Premier introduced reforms but I was disappointed—and no-one should expect anything less—when those opposite opposed donation reform at every opportunity. They can spin it whichever way they like but they opposed donation reform in this House.

This Government will continue to introduce options that should be discussed by everyone in New South Wales. We will introduce options to fix a system that undoubtedly is broken. That is exactly what this Government will do. We have already taken steps, of which I am proud, to introduce reforms relating to lobbying to ensure there is more transparency around government decisions. Donation reform is coming. There is a clear requirement to fix this broken system, which is what this Government will do.

FEDERAL BUDGET AND ROADS

Mr ANDREW FRASER: My question is addressed to the Minister for Transport. How will the Federal budget impact on road infrastructure in New South Wales?

Ms GLADYS BEREJIKLIAN: I know that the member for Coffs Harbour is delighted with the extra funding that has been allocated for the Pacific Highway—something for which he has been advocating for a long time. The silver lining for New South Wales in last night's budget was the Commonwealth Government's commitment to fund priority transport infrastructure in this State. Last night it was refreshing to hear that projects this State desperately needs will get a funding boost from the Federal Government. The New South Wales Government has been able to acquire billions of dollars in extra funding commitments to promote projects in this State. Let us compare the record of this Government with the record of the Labor Government, which was ridiculed by the Federal Labor Government because of the amateurish way in which it approached public transport and roads projects.

I listened intently to what the Federal Treasurer had to say. When Labor was in office it was excited to receive $91 million for a feasibility study. However, from memory it had to return $84 million of that $91 million because it did not do the work. This Government is grateful for additional funds for this important infrastructure. I know that my colleague the Minister for Roads and Freight is also grateful for this funding. The WestConnex project will receive $1.5 billion in funding and a loan of up to $2 billion for that critical piece of infrastructure. All members would be aware that WestConnex, the largest and most important transport and urban revitalisation project in Australia, will not only improve the quality of life for many people in Western Sydney and south-western Sydney but also deliver more than $20 billion in economic benefits for this State. A loan of up to $2 billion will be provided to the New South Wales Government to accelerate construction of stage two of this important project. Members may be aware that construction of WestConnex stage one is expected to begin next year.

That involves widening and extending the M4 motorway, including constructing a new tunnel under Parramatta Road to connect with the City West Link at Haberfield. Given the additional boost from the budget, construction of stage two is now expected to commence in 2015—two years ahead of schedule. Stage two will involve a duplication of the M5 East to four lanes in each direction and construction of the airport link, which is a very important project. We acknowledge and welcome Federal funding of nearly $2.9 billion towards upgrading road infrastructure in Western Sydney to support the second airport at Badgerys Creek. We also know

that these upgrades are not just about a second Sydney airport; they are also about important road links to jobs, service hubs and communities in the south-west and the west, together with Sydney's existing and future public transport network.

As was acknowledged earlier—and I know this is music to the ears of the member for Coffs Harbour, the Deputy Premier and all our colleagues who represent electorates on the North Coast—the Commonwealth has also committed $4.6 billion over four years to the Pacific Highway. It is fair to say that the Pacific Highway upgrade is now on the home stretch, and I know many local members will welcome that news. We are pleased that the Commonwealth has also highlighted the importance of the NorthConnex project by confirming $405 million in funding. This is another important project, which involves building nine-kilometre tunnels to link the M1 and M2 under the busy Pennant Hills Road.

It is important to note that these projects are additional to the more than $600 million from the New South Wales Government for Western Sydney road upgrades that are underway or in planning. This is in addition to what the State Government is already contributing. But perhaps this is the most important point in my brief contribution today: This funding is made even more meaningful when a State government actually knows how to deliver public transport and roads funding. It is one thing to receive funding; it is another to make sure that projects are delivered. When it comes to public transport and roads in this State, we have the funding and we also have the capacity.

Mr John Robertson: You got nothing for public transport in the budget and you welcomed it.

Ms GLADYS BEREJIKLIAN: The Leader of the Opposition interjects but only because he is embarrassed by his abysmal record.

The SPEAKER: Order! It has been drawn to my attention that a tweet from the member for Balmain during question time pointed out that the three South Coast Liberal members are absent from the Chamber and at the Independent Commission Against Corruption. I do not know how he could miss the member for Kiama, the member for Bega and the member for South Coast. We are here. There is a difference between the South Coast and the Central Coast. The member for Balmain should amend his tweet.

Question time concluded at 3.12 p.m.

PETITIONS

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

Pyrmont and Ultimo Bus Services

Petition requesting the improvement and expansion of bus services to Pyrmont and Ultimo, received from **Mr Alex Greenwich**.

Sutherland Shire to Kogarah Railway Station

Petition requesting the restoration of direct rail services from the Sutherland Shire to Kogarah railway station, received from **Mr Barry Collier**.

Gymea College of TAFE

Petition opposing cuts to courses and increased fees for students at Gymea College of TAFE, received from **Mr Barry Collier**.

Como and Jannali Railway Stations

Petition requesting the restoration of train services from Como and Jannali railway stations, received from **Mr Barry Collier**.

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**.

Sutherland Shire Fire Stations

Petition opposing closures of fire stations in the Sutherland Shire, received from **Mr Barry Collier**.

Container Deposit Levy

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

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

Nymboida Hydroelectric Power Station

Petition calling on the Government to reopen the Nymboida hydroelectric power station, received from **Mr Christopher Gulaptis**.

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos 2809 to 2818 lapsed pursuant to Standing Order 105 (3).

General Business Notices of Motions Nos 2819 and 2823 will lapse tomorrow pursuant to Standing Order 105 (3).

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Mr ANTHONY ROBERTS (Lane Cove—Minister for Resources and Energy, and Special Minister of State) [3.14 p.m.]: I move:

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

(1) For the following routine of business after the motion accorded priority:

(a) Government business;

(b) consideration of General Business Notice of Motion (General Notice) No. 3014, standing in the name of the member for Albury;

(c) private members' statements;

(d) matter of public importance; and

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

(2) That from the commencement of General Business Notice of Motion (General Notice) No. 3014 until the rising of the House, no divisions be conducted or quorums be called.

Mr MICHAEL DALEY (Maroubra) [3.15 p.m.]: Usually the Opposition does its best to assist the Government in running the House. We were given no notice that General Business Notice of Motion (General

Notice) No. 3014 standing in the name of the member for Albury was to be considered; nor were we told why it must be considered today. However, as I have been informed that it is a condolence motion, the Opposition has no objection to the matter proceeding.

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

Motion agreed to.

PARLIAMENTARY COMMITTEES

Membership

Motion by Mr ANTHONY ROBERTS agreed to:

That:

(1) (a) Gregory John Aplin and Anthony John Sidoti be appointed to the Joint Standing Committee on Electoral Matters in place of Daryl William Maguire and Jai Travers Rowell, discharged;

(b) Melanie Rhonda Gibbons and Christopher Gulaptis be appointed to the Joint Standing Committee on the Office of the Valuer-General in place of Matthew John Kean and Leslie Gladys Williams, discharged;

(c) pursuant to section 66 of the Independent Commission Against Corruption Act 1998, Gregory Eugene Smith be appointed to serve on the Committee on the Independent Commission Against Corruption in place of Dominic Francis Perrottet;

(d) pursuant to section 68 of the Health Care Complaints Act 1993, Donald Loftus Page be appointed to serve on the Committee on the Health Care Complaints Commission in place of Leslie Gladys Williams; and

(e) a message be sent informing the Legislative Council.

(2) Andrew Stuart Cornwell and Glenn Edward Brookes be appointed to the Standing Committee on Parliamentary Privilege and Ethics in place of Jai Travers Rowell and Robert Gordon Stokes, discharged.

(3) George Souris be appointed to the Legislative Assembly Committee on Law and Safety in place of Giovanni Domenic Barilaro, discharged.

(4) Robert Anthony Furolo and Jonathan Richard O'Dea be appointed to the Legal Affairs Committee in place of Clayton Gordon Barr and Dominic Francis Perrottet, discharged.

(5) Kevin Francis Conolly be appointed to the Legislative Assembly Committee on Economic Development in place of David Andrew Elliott, discharged.

(6) Kevin John Anderson be appointed to the Legislative Assembly Committee on Transport and Infrastructure in place of Paul Lawrence Toole, discharged.

(7) Adam John Marshall be appointed to the Social Policy Committee in place of Troy Wayne Grant, discharged.

(8) Clayton Gordon Barr and Robyn Mary Parker be appointed to the State and Regional Development Committee in place of Robert Anthony Furolo and Daryl William Maguire, discharged.

(9) Andrew Stuart Cornwell, Anthony John Roberts and Gareth James Ward be appointed to the Standing Orders and Procedure Committee in place of Bradley Ronald Hazzard, Daryl William Maguire and Jai Travers Rowell, discharged.

SELECT COMMITTEE ON THE MOTOR VEHICLE REPAIR INDUSTRY

Extension of Reporting Date

Motion by Mr ANTHONY ROBERTS, by leave, agreed to:

That the reporting date of the Select Committee on the Motor Vehicle Repair Industry be extended to Thursday 31 July 2014.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

State Finances

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [3.20 p.m.]: Earlier I gave notice of a motion that I seek to have accorded priority:

That this House supports the Government continuing to fight for every dollar for the people of New South Wales to ensure investment in vital areas.

Against the background of last night's budget I seek to have this motion accorded priority because members need to recognise the mess that Labor governments, State and Federal, have created.

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

Mr MARK SPEAKMAN: We need to acknowledge the great efforts of the New South Wales Government to fix the mess created by Labor in this State. This Parliament must reassure the people of New South Wales that we have a Premier and a Government that will stand up for this State every day of the week, without fear or favour. We need to assure the people of New South Wales that they have a Government that will honour its commitments in health and education and, as a Parliament, we need to send an immediate and unambiguous message to Canberra that the funding cuts for New South Wales are unfair and unsustainable and New South Wales will not cop the bill.

This motion should be accorded priority because there must be recognition of the fiscal mess that this Government inherited from State Labor. The issues include: a $30 million infrastructure backlog; expense growth running at above 7 per cent; economic growth in New South Wales that was the slowest of any State under Labor; and debt running out of control, estimated to be $55 billion by 2014-15. The people of New South Wales need to be reminded of the fiscal mess that State and Federal Labor governments leave behind. We need to address the mess that the Abbott Government has to deal with at the moment: government debt heading towards $667 billion. Contrast that sum with a $20 billion surplus left by the Howard Government.

Despite understanding the problems that the Abbott Government faces in dealing with that fiscal mess, New South Wales must send a strong message that this State will not cop the bill, that cost shifting to New South Wales is unacceptable and that the New South Wales Government is prepared to sit down with the Abbott Government and discuss the way forward to clear up this mess. This motion must receive priority because our Federal system is dysfunctional. Last night's Federal budget highlights the need to urgently address that dysfunction. I seek for this motion to be accorded priority.

Federal Budget

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.22 p.m.]: Earlier I gave notice of a motion that deserves to be accorded priority and supported by those opposite. If there is any shred of genuineness in the Government when it comes to fighting for the people of New South Wales this motion will receive support. This motion goes to the heart of the problems with the Abbott-Hockey budget: The Federal Government has ripped away fairness and decency when it comes to health and education. The cuts put in place for health and education alone warrant debate of this motion. This motion goes to the heart of every issue in the Federal budget that hits the people of New South Wales, not just a select or convenient few.

The Federal budget exceeds any mandate that the Federal Government was given at the last election. It is a budget of broken promises and shattered dreams for our nation and our State. It has shattered the dreams of the people of New South Wales. Tony Abbott promised at the last election there would be no cuts to health, no cuts to education, no cuts to the pension and no new taxes. If those opposite are serious about standing up for the people of New South Wales and actually having a go, this is the motion that will receive support—not some plea to have a discussion. The time for discussion is over. The time for discussion was at the Council of Australian Governments. Now it is time for action, not crocodile tears.

The first action is those opposite can accord priority to a motion that goes to the issue of cuts to hospital and school funding, which were outlined so eloquently by the Minister for Education and Minister for Health. They did a great job highlighting to this House the significance of the cuts that Tony Abbott and Joe Hockey have made in New South Wales. What about the $7 co-payment every time you go to the doctor? The detail shows it will also be a $7 co-payment for X-rays or pathology tests. There will be an increase of $5 each time you fill a prescription. There is now indexing of fuel excise. Every motorist in New South Wales will contribute towards the $2.2 billion. Every time a motorist in New South Wales goes to the bowser and fills the tank they will be affected. But who will be most affected? It is those who travel the furthest: people in Western Sydney. If the Premier is serious about standing up for Western Sydney he will support this motion.

Mr John Williams: What about Broken Hill?

Mr JOHN ROBERTSON: I acknowledge the interjection. Vote with us, Crusty.

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

The House divided.

Ayes, 63

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

Noes, 23

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

Question resolved in the affirmative.

STATE FINANCES

Motion Accorded Priority

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [3.35 p.m.]: I move:

That this House supports the Government continuing to fight for every dollar for the people of New South Wales to ensure investment in vital areas.

From day one, this Government has carried on this fight, and it has done so in the context of the fiscal mess it inherited from the Labor Government. When we were elected in March 2011 we faced a $30 billion infrastructure backlog, expense growth running at more than 7 per cent per annum, the slowest rate of economic growth in any State for the past decade, and debt running out of control—estimated to be $55 billion by the end of 2014-15. This Government has turned New South Wales around, from being the laggard of the Australian economy to Australia's strongest State economically. We had the slowest jobs growth of any State over the last 10 years of the Labor Government's administration, but we now have the second-lowest unemployment rate in Australia.

More jobs have been created in New South Wales in the past three years than in any other State. We have the fastest economic growth rate in Australia and our housing approval rate is the highest it has been for a decade. This Government has embarked on an ambitious $60 billion infrastructure program. We have delivered the South West Rail Link $100 million under budget and a year ahead of schedule, and we are now constructing the North West Rail Link, providing light rail, fixing the Pacific Highway, and hospital capital expenditure is greater than ever. The Government has over delivered on election promises about frontline services by employing more than 5,000 extra nurses, teachers and police officers.

However, we have a tale of two governments. Like this Liberal-Nationals Government, the Abbott Government was elected to clean up the mess left behind by a Labor government. That is a consistent pattern throughout Australian political history. The profligacy of the Whitlam Government resulted in a 40 per cent increase in expenditure in one year that had to be addressed by the Fraser Government. A $96 billion black hole had to be filled by the Howard Government, which left the country with a $20 billion surplus in its last budget. The Rudd-Gillard-Rudd Government left the Abbott Government with a $677 billion deficit—approximately $25,000 for every man, woman and child in this country—and an interest bill of more than $12 billion per annum. That is more than we spend on university education. The New South Wales Government understands the problem facing the Abbott Government and the fiscal mess that it must resolve.

However, this Government is most concerned about the negative impact of the Federal budget on the delivery of services in New South Wales, especially in the health and education sectors. We have given assurances this afternoon in question time that we will stand by our commitments in the New South Wales budget forward estimates in relation to health spending and the Gonski education reforms. However, we do not accept Canberra's attempts to cost-shift the funding of education and health to New South Wales. The Prime Minister said that each level of government should be sovereign in its own sphere. He also said that he makes no apologies for wanting the State governments to be grown up and adult. If the States are to be sovereign in their own spheres and have grown-up, adult governments, they must be treated as adults and be given the required revenue to fund growth areas.

The Leader of the Opposition's solution was to say that we should have done it all at the Council of Australian Governments meeting and that the time for talking has passed. He wanted the House to agree to a motion and that would be the end of it. The people of New South Wales can be assured that this Government does not have the defeatist, throw-in-the-towel attitude displayed by the Leader of the Opposition. The Premier has demonstrated this afternoon that he will fight tooth and nail for every dollar that New South Wales deserves. That will involve the mature discussion about tax reform the Premier said he supported and the Prime Minister spoke about before the election.

But there is now a great urgency in having that mature discussion. We cannot wait for some white papers in the medium term. We need a detailed discussion now and we need Canberra to address exactly how it expects the States to fund growth areas like health and education. We will stand up for the people of New South Wales. We will take on the Federal Government if we have to. We are demonstrating that we will speak and act without fear or favour every day of the week. I commend the motion to the House.

Mr MICHAEL DALEY (Maroubra) [3.40 p.m.]: We can safely say that the embarrassment of the Coalition Government in New South Wales is complete, in having to revisit an argument that was advanced and shot down in April 2011 about a concocted budget black hole. The Prime Minister, Tony Abbott, said before the election this would be a budget of no surprises. Looking at the faces of the Treasurer of New South Wales and the Premier of New South Wales you could have fooled me. They looked like the quintessential bunnies in the spotlight today. They were insulted up hill and down dale by their North Shore, Liberal, surfing buddies who did not even tell them what was going to happen in this budget, and nor did they inquire. That is where their condemnation should lie.

For the member for Cronulla to follow the lame and limp lead of his Premier and Treasurer in question time and revisit this tired, old, hackneyed, demolished argument about a so-called mess that they inherited in 2011 is bunkum and, frankly, it is beneath a man of the standing of the member for Cronulla. Under the Labor Government, New South Wales had a triple-A credit rating and 200,000 jobs were created in two years. There was low government debt and 14 budget surpluses were delivered in 16 years. There was low unemployment, and the Government took the State through the global financial crisis while returning the budget to surplus in a single year without having to sack a single public servant. Those opposite can only dream about an economic record like that.

All we heard from the Premier and the Treasurer was talk, but I have to say it was passionate talk. Those were the most passionate weasel words and heartfelt and concocted crocodile tears I have seen in this place in a very long time. The fact is they should not have had to resort to that sort of plastic emotionalism, because they should have seen this coming. They should have warned it off and done something to head off Tony Abbott and Joe Hockey at the pass. They stand condemned by everybody in New South Wales, particularly those families who will have their health and education services gutted because the Government did nothing to stop this slow-moving train wreck from arriving in New South Wales.

The Government had four months to do something about this. Indeed, a couple of weeks ago the new Premier, the hairy-chested Tarzan from Manly, sat next to the Prime Minister of this nation. Not a single report has come out of the Council of Australian Governments meeting saying the New South Wales Premier banged the table and said: "Do not cut services in my State. Do not touch a dollar of the funding agreements due to this State to help our people quickly get off the surgery waiting lists or to help families get out of hospital emergency department waiting rooms." The Premier did not challenge Prime Minister Abbott or Treasurer Hockey on embarking upon the most counterproductive measure one could dream of for the future productivity of this State, and that is gutting the education budget.

This all happened because Tony Abbott and Joe Hockey followed the Baird blueprint. They concocted a budget emergency that does not exist and then cut education and health spending. In this State, spending on education and health takes up almost half of the budget. The first thing that Mike Baird did as Treasurer in 2011 was to say that he was taking $8 billion from the forward estimates, and that $3 billion, the biggest chunk, was going to be taken from health with $1.7 billion, the second biggest chunk, to be taken from education. Those opposite ran the flag up the flagpole and announced to the world that if you want to balance your budget, do not do any tough stuff, do not look at any of the revenue measures but cut health and education.

The Prime Minister and the Treasurer of Australia heard the message from their forebear Mike Baird and last night pulled off the Federal budget with aplomb. In question time, the Treasurer stood trembling in this place with a bit of paper in his hand and pretended he was on top of the job when he is not. The Premier, who is not far behind the Treasurer, said with crocodile tears that they were going to have a tough discussion with Tony Abbott. They should have had this tough discussion four months ago, when all of this nonsense was foreshadowed. They said this is not the time for white papers. You bet this is not the time for white papers. Ken Henry has already done that. Those opposite had an opportunity to do something and get stuck into these two thugs from Canberra to tell them, "Hands off New South Wales", but they failed.

Mr MATT KEAN (Hornsby-Parliamentary Secretary) [3.45 p.m.]: The member for Maroubra's diatribe would be laughable if this matter was not so serious. The member for Maroubra tried to lecture us about fiscal responsibility. Let us look at his record in fiscal responsibility. When he was the Minister for Police in 2009-10 he blew the budget by $244 million. That was $244 million that did not go into front-line police, front-line health or front-line transport services. It gets better. When he was the Minister for Roads in 2008-09, demonstrating the well-travelled path of Labor Ministers, he blew the budget by $316 million. That was $316 million that did not go into essential road infrastructure or road projects. This Government is now getting on with the job of delivering those projects.

This priority motion is about standing up for the best interests of the people of New South Wales. This Government has a proven track record of doing that. We are investing $60 billion in infrastructure over four years—WestConnex, NorthConnex, the North West Rail Link, the South West Rail Link. Cranes are going up all over the city because of decisions taken by this Government to stand up for the people of this State. We are reining in expenses, which were out of control, to below 3 per cent. We are creating the strongest economic growth of all States on a quarterly and annual basis. They talk about standing up for New South Wales, but Labor's record is dismal. What was its record on standing up for the people of New South Wales? A $30 billion infrastructure backlog, debt running out of control to an estimated $55 billion by 2014-15, and the State had the lowest number of housing starts per capita over five years.

Mrs Barbara Perry: Not true.

Mr MATT KEAN: The member for Auburn says it is not true that debt was spiralling out of control and that Labor trashed the State economically. The Labor record speaks for itself. New South Wales had the slowest economic growth of any State over the previous decade. Labor trashed the economy and trashed the infrastructure of the State, and Labor wants to continue to do this. My message is that Federal and New South Wales Labor governments always create a fiscal mess and wreck the joint. The Liberal-Nationals Government has the job of cleaning up the mess to fix the State. We have a track record of doing this and that is why the people of this State can have confidence that we will stand up to Canberra. We expect Canberra to honour commitments in education and health. [*Time expired.*]

Ms LINDA BURNEY (Canterbury) [3.48 p.m.]: I move:

That the motion be amended by leaving out the words "supports the Government continuing to fight" with a view to inserting instead:

"urges the Government to commence the fight".

I just listened to the two contributions from the Government and they were about as strong and as hopeless as the performance from the Premier and the Treasurer today. What is the great action this Government is going to take Canberra on with? Is the Government going to go down to Canberra and demand what is right for the people of New South Wales? Is the Premier going to ring Treasurer Hockey and talk about it? No. The Government is going to go and have a discussion. I am sure that will not have any effect at all on Treasurer Hockey or the Prime Minister.

This is a Premier who, as State Treasurer, lost a billion dollars behind the couch cushions—he completely missed it in the budget. How can there be any credibility in any discussion the Treasurer and the Premier has with the Prime Minister? The people of New South Wales are not going to be sucked in by a discussion. The mum whose child has a temperature of 41 degrees at 3 o'clock in the morning and has $10.00 in her wallet and needs to go to the hospital but will have to make a co-payment will not be able to do that. She will not want the Government to have a discussion; she will want the Government to do a little bit more than have a discussion.

The notion that these broken promises by the Federal Government are not going to have an effect and are not going to reflect on the Baird Government, which is going to have "a discussion", is nonsensical. The Holy Grail of the Australian people is Medicare, whether a person votes Liberal, Labor or whatever. The attack on Medicare and the broken promises about it will go far and wide in undermining the credibility of the Federal Coalition and the New South Wales Government. A discussion is not going to change the situation of that mum who has a child with a 41-degree temperature at 3 o'clock in the morning. A discussion will not change the situation for people who cannot afford to get their prescriptions filled. A discussion will not change the situation for people who will not be able to get the educational outcomes they want. I move the amendment on behalf of the Opposition.

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [3.51 p.m.], in reply: I thank the member for Maroubra, the member for Hornsby and the member for Canterbury for their contributions. The absence of the Leader of the Opposition from this debate is very noticeable. We will not take lectures from Labor about fiscal responsibility when absent from this Chamber is the man responsible for the Solar Bonus Scheme—the man responsible for a scheme that the Auditor-General said would cost $4 billion if left to run as it was and which ended up costing $1.7 billion. It was yet another fiscal mess that the New South Wales Liberals and Nationals had to fix up. However, the member for Maroubra and the member for Canterbury are in the Chamber—two people who sat in Cabinet when the Rozelle metro was cancelled, at a cost of $500 million to the New South Wales taxpayer.

When he was Minister for Finance, the member for Maroubra signed off on the gentrader contracts. We saw a great theatrical performance this afternoon by the member for Maroubra waxing lyrical, showing his strength and huffing and puffing. But this is the man who did not have the ticker to say to Cabinet that his Government was selling its assets for less than the retention value—about 40 per cent of what they were worth—and was yet again squandering the resources of the New South Wales taxpayers. That is the sort of mess that from day one we on this side of the House have had to clear up. I must give full marks to the member for Maroubra for audacity, although I dare say that it is hypocrisy, in lecturing our side on fiscal responsibility. The member for Canterbury kept saying that it was too late to talk. The Opposition side has a defeatist attitude that you do not have dialogue, you throw in the towel.

In fact, it is dialogue that after decades of inaction has produced $2.9 billion worth of infrastructure improvements in Western Sydney—something the member for Macquarie Fields was never able to achieve when he was on the Government benches. It is forceful dialogue from our side that we will not give up demonstrating to and remonstrating with the Abbott Government on the need to address vertical fiscal imbalance—something that the former Labor Government in New South Wales and the Rudd-Gillard-Rudd Government never addressed. We are quite open: we are prepared to take on anyone. Contrast that with New South Wales Labor when it got $91 million out of $8 billion on offer for infrastructure and said that was a good deal. I commend the motion.

Question—That the amendment of the member for Canterbury be agreed to—put.

The House divided.

Ayes, 23

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

Noes, 60

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

Question resolved in the negative.

Amendment of the member for Canterbury negatived.

Question—That the motion be agreed to—put.

Division called for and Standing Order 185 applied.

The House divided.

Ayes, 61

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

Noes, 20

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

Question resolved in the affirmative.

Motion agreed to.

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

HOME BUILDING AMENDMENT BILL 2014

Second Reading

Debate resumed from an earlier hour.

Mr MARK COURE (Oatley) [4.16 p.m.]: The last issue to which I refer is restricting progress payments and requiring a progress payment schedule in building contracts. One of the major concerns of some of my constituents is addressed in this bill. This bill shows the commitment of this Government to ensure that the New South Wales home building and renovating marketplace is fair, safe and just. In most cases the purchase of a family home is one of the most significant investments a consumer will make. A couple of years ago my wife and I sold our unit and bought a house which we then proceeded to renovate. It is essential that the home building legislation provides adequate consumer protection. I am sure all members are on the same page in that regard.

This bill introduces a number of measures that will provide real benefits to homeowners. Most builders are honest but, unfortunately, some opportunistic operators in the industry rely on front-loading in building contracts and claim for progress payments far in advance of the work being done. When I was a councillor on Kogarah City Council a number of development applications were approved unjustly—something that this bill aims to fix. Homeowners can be left stranded if their builder becomes insolvent or disappears, and they can be left out of pocket for more than they can claim under home warranty insurance, which is what happened to one of my constituents who took the matter to the Consumer, Trader and Tenancy Tribunal. Ultimately they can be left with homes that they are unable to occupy or they cannot afford to complete building or renovation works.

At the same time progress payments are an important source of cash flow for the building industry, particularly for operators with low levels of capital. It is essential for builders to continue working. This bill will introduce statutory limits on progress payments to reinforce the consumer protection objectives of the Home Building Act. The legislation will authorise two types of progress payments that can be lawfully claimed by a builder under a home building contract valued at more than $20,000. This bill, which is a common sense solution, amends a number of issues that have been brought to my attention by constituents in my electorate. I have mentioned some of them already during my term in office. Four or five have come to see me about issues with builders, building or renovating. This bill covers each and every one of the issues they have raised, which is why I support it.

Mr JOHN BARILARO (Monaro—Parliamentary Secretary) [4.19 p.m.]: I support the Home Building Amendment Bill 2014. Before becoming a member of Parliament I had 20 years in the building industry as a supplier and someone who also built a number of homes. I have seen disputes between builders, tradies, contractors and consumers. Owning a home is probably one of the largest investments for most people and one that most people take seriously. We must ensure that there is security around the building industry, contractors and builders so that people can have confidence when parting with their money, knowing that their investment is strong and that the product they receive has a building warrant.

We all know the importance of the building industry to the New South Wales economy. Right now in this State jobs growth is important and the construction sector is part of that large jobs growth. Since coming to office in 2011 in excess of 130,000 jobs have been created in this State. In large part this is attributable to the construction industry. Of course, like every sector and industry there are cowboys— people in the industry who make it hard for legitimate, reputable businesses to carry out their jobs. One such problem is phoenixing. We have all heard about the builder who goes broke today, who reappears next week under a different name and who continues to operate and rip off clients and customers. Such a practice gives the industry a bad reputation.

The bill regulates the residential building industry to protect consumers, especially in relation to phoenixing. It does this by having a licensing regime with minimum qualifications and experience, fit and proper standards as well as conduct requirements for licensees. A major concern with the current legislation has been the apparent ability for unscrupulous traders to operate in the industry. This was highlighted by the Collins Inquiry into Construction Industry Insolvency. The building sector is a particular hotspot for this type of phoenixing activity where a building company is established as a short-term venture only to default on its obligations and extinguish its liabilities through insolvencies.

Home owners who contract with these types of phoenix companies face a real risk of suffering losses associated with advance payments, incomplete work and building defects that devalue their properties. This then becomes a financial liability for home owners, especially those who borrow significant sums compared to the price of the work. Phoenixing also affects the overwhelming number of legitimate operators in the industry as these phoenixed companies often underquote, taking work away from the good, honest and reputable builders in the industry. These companies also increase the number of home warranty insurance claims made to the Self Insurance Corporation, placing upward pressure on premiums.

The New South Wales Government has acknowledged these shortcomings and by introducing this bill shows its commitment to doing everything it can to ensure that consumers are adequately protected and that the residential building industry is vibrant and competitive, which is good news for jobs and the economy of New South Wales. The proposed legislation will strengthen existing measures under the Act by extending Fair Trading's power to refuse licences and certificates to applicants who had been involved in companies that had been placed into external administration within the previous three years. Whether an applicant had been involved in a home building company that had been the subject of an unreasonably large number of complaints, formal cautions, penalty notices or insurance claims will be taken into account when determining the application. The bill introduces continuous disclosure requirements on licensees, requiring them to notify the Commissioner for Fair Trading within seven days of becoming bankrupt, the subject of a winding up order or being deregistered.

A new executive liability offence will be introduced to ensure there is adequate incentive for corporate licence holders to notify. To ensure that licensed builders live up to the licensing and conduct standards, the bill will introduce tougher consequences for serious breaches of the Act. Reflecting on the seriousness of this issue, imprisonment for up to 12 months will be provided as a sentencing option for second and subsequent offences against selected unlicensed contracting and home warranty insurance requirements. Appropriate awareness campaigns will be implemented by NSW Fair Trading to ensure that licensees are aware of the changes. NSW Fair Trading will be able more effectively to prevent inappropriate persons from being associated with the industry and will prevent them reappearing as another entity with another licence. The amendments significantly enhance the level of protection for consumers when embarking on what might be the single most significant purchase of their lives.

We understand the need for owner-builders. Indeed, I have built my own home at times under an owner-builder permit. We must allow that to happen but also we must ensure that the work is done correctly and does not pose a safety risk. Accordingly, the owner-builder provisions of the Home Building Act allow home owners to build, extend and do work on their own homes without needing a licence. However, rather than a licence they are required to obtain a permit. Stakeholders have raised concerns that commercially motivated people were carrying on the business of home building work under the home-builder permits scheme to avoid the licensing requirements of the Act, for example, where dual occupancies were built on a piece of land with a view to subdividing the land and selling it at a profit. This was not the intention of the scheme.

To reduce the scope for sham developers to exploit the current provisions of the Act, the bill will restrict owner-builders from carrying out residential building work on a dual occupancy unless they hold a permit endorsed by the secretary. A permit may be endorsed if special circumstances exist, such as where the applicant has legitimate, non-commercial reasons to justify doing the work due to financial hardship.

Importantly, in light of the restrictions placed on dual occupancy work, the bill will amend the Act to allow owner-builders to carry out residential building work on secondary dwellings. This will ensure that people can continue to build additional self-contained dwellings on their properties, such as a granny flat for elderly relatives, independent people with disabilities or those who just need a space of their own.

However, the additional dwellings would need to fall within the planning classification of a secondary dwelling, which have restrictions as to their size and cannot ordinarily be subdivided from the original property. These amendments are necessary to restore the intent of the owner-builder provisions under the Act, which will, in turn, benefit licensed builders who may otherwise be placed at a competitive disadvantage by those people using the provisions to circumvent the licensing requirements. As I stated earlier, the industry is important to the economy of New South Wales. It is important to jobs growth in this State. We are seeing that jobs growth off the back of some of the largest development approvals at the local and State government level. We are seeing new greenfield sites for construction. When one looks across the State, and especially across Sydney, the sight of cranes in the sky highlights our vibrant construction market.

Even our regional and rural communities have greenfield sites. The Googong development on the outer reaches of Queanbeyan in my electorate of Monaro is a superior development that is enticing Australian Capital Territory residents to cross the border. That development has as its campaign slogan, "If you are thinking new, think New South Wales." It should not be forgotten that New South Wales has one of the most generous first home owner schemes in the nation with its stamp duty exemptions and the $15,000 First Home Owner Grant. New South Wales has a great opportunity to have a vibrant, strong construction sector, creating real jobs that flow into the local economy. However, we must ensure that we have an environment in which reputable builders and contractors are getting and are being paid for their fair share of work, and that the cowboys in the industry are shown the door. In this way we can protect consumers who are investing large sums of money in their own homes. This excellent and timely legislation is a package of reforms to boost the economy, create jobs and protect consumers. I commend the bill to the House.

Mrs ROZA SAGE (Blue Mountains) [4.29 p.m.]: The decision to build a new home or even renovate is often touted as one of life's most stressful situations, after public speaking and divorce. Therefore, creating greater certainty of the obligations for people building their own homes or builders of homes should alleviate some of the stress. As someone who had major renovations carried out to my own home several years ago I understand the stress of having a large hole in the floor while it is re-laid and of having workmen intrude in one's home for months interrupting the normal flow of family life. Fortunately, I had a reputable builder who carefully explained the process, the possible problems, the monetary implications and the after-sales service that he would provide, which is important.

The renovation went mostly to plan and the warnings of possible unknown problems were well heeded, especially when dealing with an old house. I was one of the lucky ones. I have friends whose builders become bankrupt in the middle of a project and others who unknowingly contracted the dodgy brothers and had no end of trouble with poor workmanship. In the Blue Mountains we are experiencing a mini housing boom in those areas where homes were lost in the recent bushfires. I am pleased to advise the House that many residents have chosen to rebuild and a few homes are well on the way to being completed before the end of the year. To date over 60 development application requests have been made to council, which has been expediting them.

For those residents who have experienced such a challenging time the decision to rebuild, which involves a myriad of decisions, has been difficult. On top of that they are coping with the psychological and emotional trauma of what they have lived through. This bill is timely in ensuring that they have as much protection and fairness around the rebuilding process as possible. The Home Building Amendment Bill 2014 addresses some key reforms developed in response to consultation on home building regulations by the New South Wales Government in 2011. The reform of the Home Building Act 1989 issues paper was produced. I congratulate the former Minister for Fair Trading Anthony Roberts on his extensive consultation with industry, consumers and other stakeholders which culminated in this bill. At the time I also had discussions with the local Master Builders Association which was concerned about home warranties.

This bill is a balanced package of reforms that will assist home owners and builders alike by providing industry with red tape reduction where possible to support growth and investment without sacrificing fundamental consumer protections. The proposed reforms include: progress payments and termination clauses for work over $20,000; deposits for work over $20,000; providing a definition for major defects; providing a defence for builders relying on advice from an owner's professional such as an architect or draftsman; removing loopholes in the owner-builder permit system; owner builders will be ineligible to obtain statutory insurance;

tightening licence eligibility; and increasing penalties for unlicensed or uninsured repeat offenders. The last amendment is particularly important as one often hears in the media of dodgy builders who repeatedly defraud people but who are unable to be prosecuted.

In an area such as the Blue Mountains where there is great connectedness, news of a less than good tradesman travels far and wide. I have come to know many builders in the Blue Mountains, such as Michael Edwards Homes, Bartush Designer Homes, Blue Eco Homes, Woodford Homes, and Damon Harper Builder, and I can say that they all have good reputations and many have won industry awards over the years. Unfortunately there are also substandard opportunistic operators in the industry who rely on front load building contracts and claim progress payments far in advance of the work they have done. It can leave home owners stranded and distressed if their builder becomes insolvent or disappears. They may be left out of pocket for more than they can claim back from home warranty insurance. They may also be left with an incomplete home that they are unable to occupy or afford to complete.

In the 1980s I believe Huxley Homes went bankrupt and many homes in the Heathcote area were left unfinished. I know about that incident because one of our friends was a victim of that builder. It had stretched its cash resources. However, progress payments are an important source of cash flow for the building industry, particularly for operators with low levels of capital, and it is essential that builders maintain their ability to continue working. As a word of caution, this is where home owners need to be careful in their selection of builders. Word of mouth in a small community is invaluable.

The consumer protection objectives of the Home Building Act will be reinforced by the introduction of statutory limits on progress payments. Two types of progress payments will be authorised, which can be lawfully claimed by a builder under a home building contract valued at over $20,000. The first type of payment is of a specified amount or percentage of the contract price that is payable after completion of a specified stage of work. The work that comprises the stage has to be described in clear and plain language, ensuring that consumers are in a better position to make informed decisions when entering into a contract with a builder. The importance of informed consent in any dealing consumers enter into for large sums of money is paramount to prevent costly disputes at a later stage. I reflect on my experience; the builder I used went through the contract process very carefully.

The second type of payment relates to work already performed or costs already incurred, and allows for the payment of a builder's margin. There is a general expectation when any payment is made that invoices, receipts or other documents, as may be reasonably expected to support the claim, be produced. This bill will ensure that claims under this type of progress payment need to be supported by such documentation. The reforms also introduce a requirement for home building contracts to include a schedule of progress payments clearly outlining the payments that are due under the contract. This will assist in clarifying obligations for both parties to the contract and will help to avoid disputes.

These progress payment measures have been developed in consultation with industry to avoid imposing unnecessary costs and red tape on builders. The provisions will ensure homeowners are clear about paying for building work only following completion of a specified stage of work or in accordance with work done and materials supplied. This will help to ensure that losses associated with progress payments for incomplete work can be covered by the home warranty insurance non-completion cap. Importantly, the amendments will also encourage better business practice by driving builders to project plan prior to commencing work and assist payment prospects for builders as the progress payment schedules will provide home owners with greater clarity about their obligations under the contract.

It is only fair that clear mutual obligations be adhered to in any contractual situation—in this case between home owners and builders. The proposed provisions of the bill will enhance consumer protection, at the same time allowing builders to remain viable and continue to receive progress payments for the work they have carried out. This bill sensibly provides a balance between what is necessary to protect consumers and what is necessary to assist builders to remain viable. The majority of builders are small businesses and do not have many employees. There are some larger companies. There needs to be balance, mutual respect and an understanding of the obligations of each party. This bill will make a positive difference to the building industry. I commend it to the House.

Mrs TANYA DAVIES (Mulgoa) [4.39 p.m.]: I support the Home Building Amendment Bill 2014. This bill is the culmination of an extensive consultation and reform process. The process was undertaken to ensure that home building legislation reflects current practice and to reduce any unnecessary red tape for

industry while providing consumers with appropriate protection. The bill amends the Home Building Act 1989 and proposes reforms developed in accordance with the views and issues that have been raised by the industry, consumers and other stakeholders. This bill will drastically improve our local development and the reforms will lead to a fairer and more successful industry for all.

These reforms are essential because our constituents—both the owners and the builders—expect and deserve a fair and reliable service when entering into contracts. This bill is a significant step forward in ensuring a more proficient industry. When the Liberal-Nationals came to government in 2011, New South Wales had the lowest number of new dwelling starts per capita. This severe reduction in housing supply had ramifications throughout the economy. With the increasing lack of housing supply, housing affordability became more and more challenging. Families and individuals—especially those in Western and south-western Sydney—were forced out of the market and into rental accommodation. Not only were small businesses struggling; the businesses supplying the fittings and furnishings of new homes also were under great strain. Small businesses that provided accessories such as outdoor entertaining areas, swimming pools, landscaping, and concrete driveway improvements likewise were under strain.

The Labor Government's legacy of the lowest number of new dwelling starts per capita led to New South Wales having the lowest average annual rate of retail trade of any State. The failed Labor Government's policies and its disastrous economic management of our great State are two of the many reasons that in 2011 New South Wales had the slowest jobs growth rate of any State for the preceding decade. When the Coalition was elected in 2011, the inexperienced management of the State by the Labor Government was abundantly clear because we had the slowest economic growth of any State for the preceding decade. Now, after three years of Liberal-Nationals administration, the number of private dwelling approvals in New South Wales is at its highest since 1999, our economic growth is the strongest of all the States on a quarterly and annual basis, we are facilitating delivery of more jobs than any other State and we have the strongest retail trade growth. Once again, a Liberal-Nationals government has returned professional, experienced and sound policies and fiscal management to this State.

The Home Building Amendment Bill 2014 is yet another example of the positive change that this Government is delivering for the vital housing industry. The bill contains more than 50 amendments that will ensure appropriate levels of consumer protection are maintained and, where appropriate, enhanced. The industry will benefit from cuts to unnecessary red tape and the reforms will support builders in getting on with the job of building homes. Residential building in this State is of great importance to this Government. One of the significant amendments in this bill will restrict progress payments, making it mandatory to include a progress payment schedule in all building contracts. It will encourage better business practice by driving builders to project plan prior to commencing work and will provide home owners with greater clarity about their obligations under the contract.

In the majority of cases, the purchase of the family home is one of the most significant investments a consumer will make. This legislation will protect that investment for the future of our families. It is essential that the home building legislation provide adequate consumer protections. While most builders are honest and reputable, unfortunately the industry has some operators who rely on front-load building contracts and claiming for progress payments far in advance of completing work. This bill will tighten licence eligibility, thereby restricting such operators from working in the industry. Furthermore, the bill provides increased penalties for unlicensed or uninsured repeat offenders, which will provide a major deterrent to those who repeatedly engage in the most serious offences.

The Home Building Amendment Bill 2014 introduces balanced reforms that assist home owners and builders alike by supporting growth and investment without sacrificing fundamental consumer protections. Overall, this legislation will help to provide relief to those in the industry facing economic pressures while maintaining an appropriate level of consumer protection for home owners. It also provides a defence for builders who rely on instructions and advice from a professional agent acting on behalf of an owner. In proceedings for a breach of statutory warranties, this will protect these builders from unfair litigation. A vital consumer protection feature of the Home Building Act is the statutory warranty scheme, which implies legally enforceable standards for the quality and performance of work in residential building contracts. Because of the confusion and disparity that may arise in industry work performance, one of the most important objectives of the proposed amendments is to encourage the timely and efficient resolution of home building disputes.

The bill also clarifies a number of the home warranty insurance requirements in the Act, including clarifying the definition of "disappeared" for the purposes of insurance claims as meaning a licensee or

owner-builder "cannot be found in Australia". This responds to a 2011 District Court ruling that interpreted this as meaning "could not be found in New South Wales". The new definition will not apply to any finalised claims or litigation, or any proceedings commenced or claims made before the commencement of the legislation. The bill also addresses a number of licensing issues. It enforces the Act's consumer protection objectives by refining the current system of licensing to ensure that consumers are contracting with fit and proper people with appropriate knowledge and skills, and to help address the risk of phoenixing activity. Imprisonment for up to 12 months will now be a sentencing option for repeat offenders who engage in unlicensed contracting, who seek work by or on behalf of unlicensed persons and for home warranty insurance offences.

Licence eligibility is also being tightened where an applicant for a new licence has had recent involvement in companies that later became insolvent, and to allow NSW Fair Trading to take account of past consumer complaints, cautions, penalty notices or insurance claims. Corporate licence holders will be required to notify the commissioner within seven days if they have been placed in external administration. I draw the attention of the House to a case of first time home owners in my electorate whose situation highlights the need for these reforms. This young couple was misled by a building company that had already been ordered to liquidate. Their property was left incomplete, and some elements of what had been constructed were incorrect. The builders abandoned the site and the insurance documentation intended to protect these consumers against such an occurrence proved to have been falsified, leaving this couple without the means to continue construction.

When NSW Fair Trading became involved it was evident that the building company had other complaints against its name, and had been conducting fraudulent activities in order to continue operating. This young couple are finally back on their feet, but their first home has cost $50,000 more than they had been prepared to pay originally. That is further evidence of the necessity for these amendments. Situations such as this have informed the introduction of the proposed amendments after an extensive industry consultation process involving individuals and companies. After NSW Fair Trading released its "Reform of the Home Building Act 1989" issues paper publicly in July 2012—

The DEPUTY-SPEAKER (Mr Thomas George): Order! Members will come to order. I remind the member for Murray-Darling that he is on three calls to order.

Mrs TANYA DAVIES: NSW Fair Trading received more than 600 responses to the issues paper. In addition, key stakeholders were able to discuss the complex aspects of the proposed reforms. Finally, in September 2012 a position paper was released outlining the Government's key proposals for reform of the Act. The Home Building Amendment Bill 2014 follows up these findings with a commitment to supporting and defending those in need. It makes it harder and imposes more severe penalties for those who would take advantage of the system. By introducing this amendment bill, the Government has demonstrated its commitment to doing everything it can to ensure that consumers are adequately protected and that the residential building industry is vibrant and competitive. This Liberal-Nationals Government is committed to reforming the home building legislation to ensure that it takes a balanced approach to regulating the industry by providing appropriate protection for home owners without imposing unnecessary red tape on industry. I commend the bill to the House.

Mr DOMINIC PERROTTET (Castle Hill—Minister for Finance and Services) [4.49 p.m.], on behalf of Mr Stuart Ayres, in reply: I recognise the contributions to this debate by so many of my colleagues who have spoken in support of this important legislation. As members have heard, the key objective of the Home Building Amendment Bill 2014 is to ensure home building laws reflect current practice and reduce any unnecessary red tape for industry, while providing consumers with appropriate protection. As the member for Bankstown acknowledged, the bill provides enhanced protections for consumers, particularly the increased penalty provisions, which will allow custodial sentences for second and subsequent offences for unlicensed contracting and for not providing home warranty insurance. The member also welcomed the requirement for licensees to notify NSW Fair Trading within seven days of entering into insolvency. These provisions, as well as the ability to refuse a licence if the applicant was involved in the management of a company that had been wound up in the past three years, strengthen the licensing regime. A strong and robust licensing system benefits not only consumers but also hardworking subcontractors and tradies who are often also the victims of insolvent builders.

The amendments in the bill will underpin the growth in dwelling construction that has been on track since the Liberal-Nationals Government came to power. It is estimated that the home building sector will employ 9.18 per cent of the State's workforce by 2020. The Government has worked hard to support the vital growth of the industry. Reducing red tape for industry and making it easier for it to get on with the job supports the Government's infrastructure drive to make New South Wales number one again. The reforms were subject to

extensive stakeholder consultation, which included the public release of a discussion paper and a position paper, and roundtable discussions with key stakeholders and expert working groups on the most significant reforms. In addition, targeted consultation was undertaken with key stakeholders on the draft bill itself.

I turn to the matters raised by the member for Bankstown. I thank the member for her recognition of the importance of specifically including fire safety systems and waterproofing in the clarified definition of what defects are included in the six-year warranty period. However, I point out the difficulties with providing a six-year warranty for all defects in these important components of a building. The two-year warranty period gives consumers the right to require their builder to rectify all defects, no matter how minor. It would be inappropriate to require a builder to rectify a scratch on a fire sprinkler, or a minor shower leak that is not likely to worsen or cause damage three, five or six years after the building is completed. As members would be aware, stakeholders on all sides have expressed concern about the existing definition of "structural defect" in the current Act. The concern of stakeholders is that under the current law a significant defect, worthy of the six-year warranty, may not be a "structural defect".

It was therefore vital that the definition be amended to provide that the six-year warranty applies to major defects. The Government has listened to stakeholders and the bill includes a new definition of "major defect". As members would appreciate, it would not be possible to provide an exhaustive list of possible defects that attract the longer warranty. There are great dangers in creating such a list, as some defects may be included inappropriately and other important or major defects may be omitted. That is why this bill maintains the existing two-step test to provide the flexibility necessary to accommodate the great variety of possible defects, but which clarifies the major elements of a building, specifically providing that they are not only the structural elements. The first step is whether the defect is in a major element of the building. The second step considers the level of severity of the defect.

It is important that only defects that significantly affect the use and structural integrity of the building are caught by this second step. That is why nebulous terms like "physical damage" have not been included in the definition, as the objective of this reform was to provide greater clarity. A scratch on a wall could be interpreted as being physical damage. Clearly this is not a defect that would take time to appear or should be considered a major defect. However, to ensure that the concept of "major defects" can be refined if necessary in the future, the bill provides a regulation-making power to prescribe other major elements or major defects. In keeping with the open and transparent consultative approach to the development of this bill, we will continue to consult with our stakeholders in developing any regulations.

The member for Bankstown and the member for Sydney also raised concerns about the defence for builders who reasonably rely on written instructions from an owner or a professional acting on behalf of the owner who is independent of the builder. Both members raised hypothetical situations where a builder could contract with a shelf company established by the developer. Their concerns were that in this scenario there would be loopholes in the provision as drafted that would allow unscrupulous builders and developers to shift blame to a professional, thereby avoiding responsibility. The Act as it is currently drafted already has in place many protections for consumers who may be the innocent victims of unscrupulous developers. In the Act developers are equally responsible for the statutory warranties as though they carried out the building work themselves. Therefore, if the developer engaged the professional or the professional had been a close associate of the developer within the past three years, the developer could not rely on that advice as a defence in a claim for a breach of the statutory warranties.

The provisions in the bill that create requirements for certain information about owner-builder work on a property are enhancements of existing requirements for a conspicuous note on a contract for sale concerning owner-builder work. Conveyancers and lawyers are therefore already well aware of this requirement, and the proposals in the bill are merely enhancements to this current requirement. However, whenever new legislation is commenced NSW Fair Trading engages in a comprehensive and targeted education and information campaign to ensure that all stakeholders and interested parties are fully informed of their rights and responsibilities. To this end, stakeholders such as the Law Society of New South Wales and the Australian Institute of Conveyancers are provided with all necessary assistance and information in educating and informing their members. Information and advice is also made publicly available on the Fair Trading website.

In regard to the concerns raised by the member for Bankstown and the member for Sydney regarding the date of completion for the construction of strata buildings, it should be noted that all possible options that could assist owners corporations to easily discover the completion date for their building were explored. These included the date of registration of the strata plan. However, this is often done long before the building can be used properly for its intended purpose and occupied by residents. The bill provides that the occupation

certificate issued must allow the occupation and use of the building. This ensures that it is provided at a time when the work has truly been completed. It is also a document that is easily discoverable by approaching the local council. This amendment will greatly improve the ability of owners corporations to determine the warranty periods for their building.

The member for Sydney proposed that the amendment to the delayed claim provisions should also provide a definition for "diligently pursued" to assist in determining whether consumers had in fact tried to enforce their statutory warranties prior to the end of the warranty period. Once the bill has been passed by the Parliament the regulations will be remade and, as this will be a prescribed term, the matter will be considered at that time and subject to extensive stakeholder consultation. The member for Sydney also suggested that the amendments to the delayed claim provisions for incomplete work should be made retrospective. Given that this is not currently a liability that the home warranty insurer could foresee, it is appropriate that the amendment apply only to new contracts of insurance. I also point out that the bill provides for the establishment of a register of home warranty insurance policies, which would allow all consumers to ascertain easily the validity of their certificates of insurance.

The bill provides amendments that will enhance existing protections for consumers and, in doing so, the home owners of New South Wales will benefit from reduced risks in undertaking such a big investment as building a home or undertaking major renovations. Legitimate industry participants will be able to carry on their businesses without having the bad name of the industry hanging over them. The licensing provisions contained in this bill send a clear message that New South Wales will not tolerate the unlawful actions of a small minority of builders. I again thank members for their contributions to the debate. I thank the shadow Minister for Fair Trading, the member for Bankstown, and the member for Sydney for offering their thoughts on the bill. I also thank members representing the electorates of Newcastle, Albury, Port Stephens, Northern Tablelands, Tweed, Baulkham Hills, Rockdale, Myall Lakes, Blue Mountains, Oatley, Monaro and Mulgoa. I thank all those who have contributed to the development of the bill, including those from the Department of Fair Trading—Gabbie Mangos, John Vernon, Simone Lieser, Nancy Gangi, Richard Potts, John Tansey and Justin Pleass—and the staff in the offices of the previous and current Ministers for Fair Trading. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Consideration in detail requested by Ms Tania Mihailuk.

Consideration in Detail

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

Clauses 1 and 2 agreed to.

Ms TANIA MIHAILUK (Bankstown) [5.00 p.m.], by leave: I move Opposition amendments Nos 1 and 2 on sheet C2014-039 in globo:

No. 1 Pages 10 and 11, schedule 1 [29], line 39 on page 10 to line 18 on page 11. Omit all words on those lines. Insert instead:

(3) The regulations may prescribe defects in a dwelling that are not (despite any other provision of this section) a major defect.

(4) In this section:

major defect means:

(a) a defect in a major element of a dwelling that causes or is likely to cause:

(i) the inability to inhabit or continue the practical use of the dwelling (or part of the dwelling) for its intended purpose, or

(ii) the destruction of or physical damage to the dwelling or any part of the dwelling, or

(iii) a threat of collapse of the dwelling or any part of the dwelling, or

(b) a fire safety system or waterproofing defect, or

(c) a defect of a kind that is prescribed by the regulations as a major defect.

Note. The definition of **major defect** also applies for the purposes of section 103B (Period of cover).

major element of a dwelling means:

(a) an internal or external load-bearing component of a dwelling that is essential to the stability of the dwelling, or any part of it (including but not limited to foundations and footings, floors, walls, roofs, columns and beams), or

(b) any other element that is prescribed by the regulations as a major element of a dwelling.

No. 2 Pages 11 and 12, schedule 1 [30], line 19 on page 11 to line 8 on page 12. Omit all words on those lines.

The first amendment relates to the definition of "major defect". The amendment will clarify the kind of defect that will attract a six-year statutory warranty period and it specifically includes fire safety and waterproofing defects. The amendment will insert the words "physical damage" in subsection 4 (a) (ii). It will also provide certainty in relation to fire safety and waterproofing defects meeting the six-year warranty period. The New South Wales Opposition wants to ensure that if a major defect causes physical damage to a dwelling it should fall within the six-year statutory warranty period. Crucially, the bill does not mention the words "physical damage". The Government's threshold for "major defect" is that it must cause an inability to inhabit or use the building for its intended purpose, the destruction of the building or the threat of collapse of the building in order to meet the six-year warranty. In reality, very few defects will be able to meet this high threshold. It is imperative that if a major defect causes physical damage to a building, especially if it relates to fire safety devices or waterproofing of the building, those defects fall within the six-year statutory limitation period.

The amendment inserts the words "continue the practical use" at subsection 4 (a) (i) in lieu of "to use", it inserts the words "physical damage" in subsection 4 (a) (ii), it clarifies that fire safety and waterproofing defects are "major defects" in order to address areas of uncertainty that have been raised with the current new section, and it replaces all references to "building" with references to "dwelling". Many members spoke this morning of the need to look after home owners and to assist average mums and dads in recouping their losses after damage occurs to their properties. My concern is that if this amendment is not supported today it will be a slap in the face for the mums and dads whom we all claim to support. This amendment will support them by ensuring that they can recoup their losses after damage has occurred to their property.

Item [28] proposes to remove "structural defects" and to amend section 18E by including the words "major defect in residential building work". It proposes a two-step test to determine whether a defect is a major defect. First, a defect must be a major element to satisfy the threshold of "major defect". If a defect fails in this first instance, under section 18E (1) of the Home Building Act the statutory warranty would be limited to two years instead of six years. To be eligible for the six-year warranty a defect must meet the threshold of "major defect" proposed in item [29]. Item [29] allows for the prescription of what may not be a major defect by regulation. It does not clearly define what a major defect is. That is why I foreshadowed earlier today that I would move this amendment, and I hope the Government will support it.

I turn now to the second amendment, which refers to the professional reliance defences. The amendment omits new section 18F. If new section 18F were to be enacted, it is likely that builders, landowners or developers as potential defendants to a cause of action could exploit the provision to avoid their obligations under section 18C of the Act. Section 18F of the Act refers to a defence for the defendant to prove that the deficiencies of which the plaintiff complains arise from instructions given by the person for whom the work was done contrary to the advice in writing of the defendant or person who did the work. As under section 3A of the Home Building Act 1989, it is deemed that the developer is someone for whom the work is done. No reference is made as to who the work was contracted for, as in new section 18F.

A landowner or an owners corporation has a cause of action against developers if there is a defect with their building. Under current section 18F, a builder who received instructions from a developer to carry out the defective work can rely on the defence, while the developer would be accountable for the instruction. This section is sufficient as a defence to proceedings under section 18C of the Act. New section 18F will allow developers to utilise this reliance defence if they are contracted for professional advice. This is the critical distinction between the current section 18F and the new section 18F. New section 18F could be exploited by

contract-structuring arrangements. Both a developer and a builder often have a collective incentive to cut costs to potentially avoid liability for defects. Omitting the section would provide both cost savings and protection from liability for defects resulting from deliberate cost-cutting construction decisions.

These are genuine arrangements that currently exist, so nobody should be surprised that the arrangements may be encouraged, to some extent, by the wording of this bill. But a developer may enter into an arrangement with a $2 shelf company that also enters into an arrangement with the builder. This scenario would be more likely in the event that the developer is also the builder. Under the current provisions, only the builder can rely on a defence and, as a result of section 18C, a developer cannot utilise section 18F in any way as a defence. If new section 18F proceeded as it currently appears in the bill, both the developer and the builder could consult for professional advice from the shelf company, thereby potentially avoiding their statutory obligations under the Act. This could potentially create multiparty liability disputes for numerous individual defects in a contractor's work and that would be the focus, rather than what we hope will be the focus of swiftly rectifying the defects. I urge the Government to omit the new section from the bill in the best interests of ensuring consumer protections. The existing section 18F ensures that the loophole for contracted work does not exist and, as such, should be retained.

Mr DOMINIC PERROTTET (Castle Hill—Minister for Finance and Services) [5.08 p.m.]: The substance of the amendments was dealt with predominately in the speech in reply. I note that the amendments of the member for Bankstown were provided only 10 or 15 minutes ago. It would be more appropriate for the amendments to be dealt with during debate in the other place, should the bill be passed by this House. Therefore, the Government does not support the Opposition amendments.

Ms TANIA MIHAILUK (Bankstown) [5.09 p.m.]: At approximately quarter past 11 today I read verbatim my amendments onto the record. The amendments are significant. One is a complete overhaul of the way major defects and major elements will be determined under statutory warranties. That will have major implications for the home building industry. I believe it will make it virtually impossible for owner corporations and individuals to make claims under the six-year provision. Surely defining fire safety and waterproofing as a "major defect" is a no brainer as clearly it is not simply a major element. The inclusions proposed in my amendments simply make it clearer. The amendments also make the two-step test clearer. The test proposed in the amendments will provide certainty to the industry, especially with the wording I have used.

I respect the fact that the Minister for Finance and Services has taken carriage of the bill on behalf of the Minister in the other place. However, these amendments must be dealt with by the lower House today because the State needs to make a decision. Members should put up their hands on how they want to proceed with the Home Building Act, because there are major changes. My second amendment relating to defences would make life much easier for developers. I thought the Government would send a strong message that it is anti-developer in this instance and that it would not be supporting a change to the legislation that will create a loophole for developers to avoid their obligations under statutory warranties.

I want these amendments dealt with in the lower House. There is interest from the member for Sydney and the Opposition to pass these two significant amendments, which will greatly assist the Home Building Act. I am disappointed that the Government is not considering these amendments more appropriately, although it has brought on this debate today because it is supposedly urgent. As I said, the Government has been aware of the amendments for about five or six hours. The amendments are not complicated. In the past I have expressed concern, as have other stakeholders, about changing the definition of "major defect", and the new professional reliance defence.

Question—That Opposition amendments Nos 1 and 2 [C2014-039] be agreed to—put.

The House divided.

Ayes, 23

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

Noes, 57

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

Question resolved in the negative.

Opposition amendments Nos 1 and 2 [C2014-039] negatived.

Schedule 1 agreed to.

Schedules 2 and 3 agreed to.

Consideration in detail concluded.

Third Reading

Motion by Mr Dominic Perrottet, on behalf of Mr Stuart Ayres, 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.

PARENTS AND CITIZENS ASSOCIATIONS INCORPORATION AMENDMENT BILL 2014

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

TEACHING SERVICE AMENDMENT (TRANSFERS) BILL 2014

Second Reading

Debate resumed from 27 March 2014.

Mr RYAN PARK (Keira) [5.22 p.m.]: I lead for the Opposition in debate on the Teaching Service Amendment (Transfers) Bill 2014 which the Opposition supports. The main purpose of this bill is to amend the Teaching Service Act 1980 in relation to the transfer of officers employed in the teaching service and for the purpose of law revision. The Government Sector Employment Act 2013 commenced in 2014 following the Government's removal of the Public Sector Employment and Management Act 2002. As a result, the teaching service and the internal transfer provisions were not encompassed in the new legislation. The Teaching Service Amendment (Transfers) Bill 2014 essentially tidies up that new Act, work that should have been dealt with in 2013 by the Government. The Opposition is generally and is often happy to clean up the Government's work in that regard.

I am extremely interested in the teaching profession, having been a teacher for some years. I gained the qualifications of a Bachelor of Education, honours, and then a Master of Education in leadership and management, from that great institution the University of Wollongong. I know the importance of the Teaching Service Act and the internal transfer system.

Mr Geoff Provest: How did you go at spelling?

Mr RYAN PARK: I also know how important that is.

Mr Geoff Provest: Spelling is very important.

Mr RYAN PARK: Yes, spelling is definitely one of my strengths.

Mr Geoff Provest: We have seen that before.

Mr RYAN PARK: I say from the outset that I appreciate the conversations I have had with the office of the Minister for Education about this legislation. I have reviewed the legislation and sought advice from stakeholders, as would be expected of any shadow Minister for Education and something that we should all do. I appreciate the feedback I have been given by those stakeholders. I emphasise that this bill is important for teachers. Teachers in this State do an enormous amount of work in schools right across New South Wales from your area on the North Coast, Mr Acting-Speaker, to the far-flung western regions, all the way down to the South Coast and, of course in major regional centres like the Illawarra, the Hunter and in Western Sydney and metropolitan Sydney.

Each and every day across more than 2,200 schools in New South Wales teachers work hard to educate young people and it is important for them to have a Parliament that is responsive to their needs. We are definitely going through a challenging period for the teaching profession. I am concerned that after last night's budget, members of the teaching profession, on whom this bill focuses and seeks to support, will leave the profession as a result of a government not supporting and assisting them with what they do in schools.

This bill focuses on internal transfers which is one of the strengths of the staffing agreement. It allows people to be moved around and shifted to schools that are often very difficult to staff. It is also important to have such arrangements in place to ensure a quality education is available right across New South Wales, regardless of the postcode. I hope that such a budget as delivered last night will never be repeated. I say on behalf of every teacher in this State that I will always defend their profession and the quality of teachers. I will always support legislation, regardless of who introduces it, that aims to enhance and support quality teachers in our schools. I hope we do not see a mass exodus of quality teachers after what happened last night.

This House must send a clear message to Canberra that last night's budget was unacceptable to teachers, parents and, most importantly, students. The Leader of the Opposition and the shadow Cabinet have made it clear that they will work night and day to ensure that the Federal Government and the current New South Wales Government have a clear understanding of the important role played by teachers, legislation such as this and the legislative reforms that were seemingly rejected at the stroke of a pen last night. We will certainly do everything we can to continue to support quality teaching in New South Wales. Quality teaching leads to quality learning and that is what the focus of teaching has to be all about.

I am happy to support this bill, the second bill in as many days that I have supported. After talking the talk, it is important that I walk the walk. I talked very early when I became a shadow Minister and said that I would be willing to work cooperatively with the Minister. I will continue to advocate for education and to raise issues in Parliament and publicly in the hope that the Minister does not simply revert to type. Just because someone on the other side of politics says it is bad does not automatically mean that it is bad. We must rise above that type of thing. Last night was a good example of what happens when that occurs. I am sure the electoral backlash of last night will reinforce the fact that it is risky to make commitments that are not honoured. It is risky to scrap agreements that support teachers and students, which is what this bill does. We should all support students and ensure that quality teaching and learning are at the forefront of all education policy in New South Wales.

Mr KEVIN CONOLLY (Riverstone) [5.30 p.m.]: I support the Teaching Service Amendment (Transfers) Bill 2014 and welcome the support of the Opposition for what I believe to be a practical and sensible bill, just as yesterday's bill relating to the NSW Federation of Parents and Citizens Associations was a practical

and sensible bill and in the interests of students across New South Wales. As the shadow Minister has stated, the Government Sector Employment Act 2013 replaced the former Public Sector Employment and Management Act 2002. It simplified a wide range of employment arrangements in the public sector but it did not specifically target a previous power in the Public Sector Employment and Management Act that allowed for internal transfers within the Department of Education and Communities of teachers from one school to another.

The critical element of that power has been touched on in part by the shadow Minister. It is true that we have more than 2,200 schools across New South Wales and we, as a State, have an obligation to ensure that they are all properly staffed and that quality education is available for all students across New South Wales. To properly manage that onerous responsibility it is critical for the director general to have the capacity to transfer teachers. That is not the only reason it is essential for the director general to possess this power. I have had some experience in educational administration, in the smaller Parramatta Catholic education system in the diocese of Parramatta. It is a critical element to manage the movement of student numbers. School enrolments go up and down from one year to the next. It is a big challenge to ensure that the resources applied to schools are properly managed to meet needs, and those needs constantly change, making it a difficult task for the administration to move personnel around if these kinds of powers are not explicit in legislation underpinning the role of the Department of Education and Communities.

A vast State with 2,200 schools and many different contexts must have the capacity to respond quickly. Not having the ability to move teachers and staff from schools with declining enrolments to schools with increasing enrolments will result in significant cost overruns otherwise it is simply not possible to sustain the necessary level of support across the entire system. We know that teaching staff cost a significant amount of money. They are the most expensive resource within an education system, and that is right and proper. We recognise the immense value that they provide. The flipside is that one cannot afford to have them in the wrong places. There must be the capacity to move staff to where student need really exists, whether that is general teaching roles in broad numbers of the population or targeting specific purpose teachers for children in particular places. That capacity must be explicitly outlined in the Act. The alternative is to rely on the direction of management that is not underpinned by legislation and it is unsatisfactory for that situation to continue.

Each year we know that approximately 400 to 500 teaching staff are compulsorily transferred. That is one mix of the transfer system within the department. In addition, there are optional transfers where people apply for positions and also merit selection positions. It is part of a mixed system but as an integral element of the system the department must have the capacity to move people to respond either to hard-to-staff situations or to growing enrolments from schools where enrolments are declining. A determination by the Secretary to the Department of Education and Communities is not a suitable alternative to amending the Teaching Service Act as this risks disputes arising from internal transfers being the subject of conciliation and possibly arbitration in the Industrial Relations Commission. Further, while the commission has the power to make an award that would override a determination, it cannot make an award to override the Teaching Service Act.

The Public Service Commissioner has provided advice on this bill and preliminary union consultation has taken place on the need to restore the internal transfer provisions from the former Public Sector Employment and Management Act 2002. The consultation focused on the determination as an interim measure. This Act will make explicit the power that was formerly within the legislation prior to the change last year for the department to nominate a teacher to move from one school to another on a needs basis to ensure that the Government is responding to the needs of children and schools. It focuses the purpose of running an education system exactly where it should be—on the needs of children. I am sure all stakeholders in the system, whether they are principals, teachers, parents, other staff or indeed departmental officers, would agree that is the focus we need to retain.

Education is about the needs of children and we have to make the system responsive to that. Where we have enrolments growing in one place and declining in another, or a less desirable location for whatever reason—a harder-to-staff school compared to others—the department as the employer must have the capacity to meet the needs of children in all those places because we give the guarantee that all children will receive quality education wherever they live and whatever the circumstances. I commend the bill to the House as a common-sense and practical measure that meets the needs of children throughout New South Wales and allows the department to do its job in providing quality education for all.

Mr NICK LALICH (Cabramatta) [5.36 p.m.]: I make a brief contribution to debate on the Teaching Service Amendment (Transfers) Bill 2014. I join my colleagues in supporting this bill, which is to amend the Teaching Service Act 1980 to restore provisions for the transfer of officers employed in the Teaching Service.

In February this year the Government Sector Employment Act 2013 was passed in this place. As a result the Public Sector Employment and Management Act 2002 was repealed but for some reason the new legislation left out provisions for the temporary and permanent transfer of staff within the Teaching Service. While it did not change staffing practices and procedures, it left the department unclear and confused about its broad powers in relation to staff transfers. This bill will bring much-needed clarity and give the department clear powers to transfer staff within the Teaching Service. The bill's transfer provisions state:

(a) the Secretary of the Department of Education and Communities is required to consult an officer about a permanent transfer, and

(b) an officer may request (but is not entitled to) a transfer, and

(c) the Secretary may transfer an officer with or without the officer's consent, and

(d) a transfer may be made to any workplace location in the State, and

(e) an officer is entitled to be transferred at the officer's existing level of remuneration.

For such a large department that delivers education services to more than 2,200 schools across New South Wales it is important that the department has the ability to move teachers around depending on the needs of students and on the changing numbers of students at schools across New South Wales. The department must have the flexibility to relocate their teachers depending on where their skills are needed. This will help ensure that schools have enough teachers and that the educational needs of the State's students are met. Labor has a proud history of investing in the education sector and in meeting the educational needs of our students. Under Labor we more than doubled our investment in education. We saw New South Wales achieve the best literacy and numeracy results in the country.

We rewarded the brightest and most hardworking teachers. We focused on teacher quality by implementing teacher standards for accreditation, and ensuring that students with disabilities and special needs were provided with the facilities and staff they needed. For people in the Cabramatta electorate education is the top priority. There are many young families in the area and many are from multicultural backgrounds. These families know that education is the key to rising out of poverty, for more opportunity and for a brighter future for their children. My dad, as do all dads, wanted his children to have a good education. He knew that investing in education is how New South Wales can increase its productivity. I have concerns after last night's Federal budget and the termination of the Gonski school funding by the Federal Government.

Mr Geoff Provest: Point of order: The member for Cabramatta should be asked to return to the leave of the bill which is not about the Federal budget but about teacher transfers.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I am sure the member for Cabramatta is referring only briefly to the Federal budget and will return to the leave of the bill.

Mr NICK LALICH: It was only a brief reference to the Gonski reforms that were going to revolutionise the education system in Australia, but with the cancellation of that last night it has gone down the drain. I will return to the State Liberal Government which removed $1.7 billion from the education system over four years. It is a terrible situation for mums and dads to be concerned about the education of their children because $1.7 billion has been removed from the education system. The member for Keira and I have the same concerns. We are concerned that the teachers may be reading between the lines and thinking that they have to get out of the system. Let us hope that our best teachers do not leave the education system.

Mr Andrew Cornwell: Point of order: Mr Assistant-Speaker, I ask you to direct the member for Reuben F Scarf back to the leave of the bill.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Cabramatta has strayed from the leave of the bill. If the member had been listening during question time today he would have heard the Minister for Education guarantee the return of $1.7 billion to the budget. If the member for Cabramatta had listened during question time he would be better informed. He will return to the leave of the bill.

Mr NICK LALICH: I will return to the leave of the bill. I never heard the Minister for Education say that $1.7 billion would be returned. However, I will not question the Assistant-Speaker's integrity.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Cabramatta will not canvass my ruling.

Mr NICK LALICH: Investing in education is how we secure the future for our children. That is why I support the bill. Ultimately it will give the teaching service the flexibility to ensure that it can meet the education needs of students in New South Wales.

Mr ADAM MARSHALL (Northern Tablelands) [5.42 p.m.]: I support the Teaching Service Amendment (Transfers) Bill 2014 which has as its object to amend the Teaching Service Act 1980 to restore the substantive effect of provisions relating to the transfer of officers within the teaching service that applied under the general government sector staff transfer provisions, sections 86A and 87, of the Public Sector Employment and Management Act 2002 immediately before its repeal by the Government Sector Employment Act 2013.

The Government Sector Employment Act 2013 continued provisions relating to the transfer of staff between the services of the Crown, but left transfers within a service of the Crown, other than the public service, to be regulated by the separate provisions that apply to those other services. The Teaching Service Act 1980 does not currently contain specific provisions relating to transfers between schools. The effect of this bill is to allow the status quo to be maintained and to ensure that the director general, now known as the secretary to the department has the statutory powers to continue to transfer teachers and other educational staff. The bill will not require the department to change any of its current staffing practices or procedures.

This ability to transfer and relocate teachers between schools is essential for the department to be able to respond to the changing needs of schools, taking into account their geographic location, social economic status, and staffing needs in relation to enrolment numbers. As has already been stated in this debate, the department manages 2,200 schools throughout New South Wales and with the recent introduction of the magnificent Gonski reforms in education and the subsequent increase in schools equity funding in this State, there is now a huge emphasis on the delivery of equitable and quality education to students across New South Wales and I am proud to say particularly in country New South Wales.

In the Northern Tablelands electorate we are proud to have 53 public schools, many of which are small and geographically isolated. To be able to deliver on that promise of equitable and quality education to students across country areas it is vital that the department continues to have the authority to transfer quality teachers to those positions in rural and remote schools where they are needed most. The bill also contains some minor amendments of a statute law nature, for example, changing references from director general to become references to the secretary and removing other references in the Act to legislation that has been previously repealed.

This bill will ensure that the transfer processes for teachers in public schools will continue to be underpinned by a legislative power that is both transparent and unambiguous. While on the subject of the benefit of maintaining the authority of the department to transfer teachers, I would like to welcome three new principals who have taken up leadership positions at Northern Tablelands schools. Last week Matthew Hobbs took over the reins at Armidale City Public School, located in the centre of Armidale, which has an enrolment of 416 children and is the oldest public school in Armidale. Matthew has transferred from Lismore to take up this position.

Mr Hobbs started his teaching career at Curlewis Public School, not far from where I attended primary school at Gunnedah South Public School. I spoke to Mr Hobbs at the Armidale Public School fete last Saturday, which I had the great pleasure to open. He reminded me that he had coached me in soccer and cricket when I was a primary school student. He did so well that I decided to take up politics. I am sure that Matthew will do a great job at Armidale Public School, the school from which he graduated not that long ago. Michael Rathborne has been appointed principal of Uralla Central School, which has an enrolment of around 300 students. Michael replaces Sue Brown, who recently took up the position of Public Schools Director, Northern Tablelands. I congratulate Sue on this new role and I look forward to working with her as the local member of Parliament. I know that she will serve all the schools in the Northern Tablelands region well in her new leadership role.

I congratulate Belinda Baker, who has been doing a sterling job as acting principal of Black Mountain Public School for the past three years. I am pleased to advise the House that she was recently appointed as the principal. This is deserving recognition of Belinda's passion and professionalism as an educational leader and her commitment to the students in her charge. It would be fantastic if we had more teachers and principals like Belinda Baker in the public school system. I congratulate Matthew, Michael, Sue and Belinda on their new roles and wish them every success. As a parliamentarian, I look forward to working closely with them, along with all principals and educational leaders in the Northern Tablelands.

With the new model, Local Schools, Local Decisions reforms the new equity funding so it is controlled by school principals and expended according to each school's priorities. Principals are free to use this funding as they see fit for the needs of their school, such as employing extra or specialised teachers, employing speech pathologists, running breakfast clubs, purchasing specialised equipment or starting innovative education programs tailored to their students' needs. I acknowledge that wonderful reform by the Minister for Education. The feedback I receive indicates that principals and education leaders welcome the increased control over the funding enabling tailored programs and staffing according to the needs of their student cohort. That is where those decisions are best made rather than by the department in Sydney.

The end result of those reforms is that schools in my electorate are now far better resourced than they have ever been. Those resources will be used more effectively and according to each school's individual needs. The importance of this bill is underscored by the fact that it allows principals who want to do so to employ specialised staff. This bill also makes that transparent and unambiguous. The New South Wales Government is committed to ensuring that every child has access to the best possible education, regardless of where they live, their family income or the school they attend. To deliver on that commitment, the Department of Education and Communities must continue to have the power to fill teaching positions in all corners of the Northern Tablelands and in every school in this State. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [5.50 p.m.]: The object of the Teaching Service Amendment (Transfers) Bill 2014 is to amend the Teaching Service Act 1980 in relation to the transfer of officers employed in the teaching service and to make subsequent amendments for the provision of transfers of individuals engaged in the teaching profession. When the Government Sector Employment Act 2013 commenced earlier this year the 2002 Act was repealed. Provisions that allowed for the temporary and permanent transfer of staff within public sector agencies, including those within the teaching profession, therefore ceased to exist. As a result, new legislation must be implemented to ensure that our hardworking teachers are not overlooked.

I was a teacher for 17 years and I understand the hard work done by teachers in my electorate, and particularly those who work with migrant and refugee communities. They need to be well resourced and looked after to ensure they can deliver a quality curriculum and teaching, particularly to those students. That is why it is so disappointing that the Federal Government has ripped so much from the New South Wales education sector. We are the poorer for that. The Australian Labor Party is committed to ensuring that the New South Wales education system receives the time, attention and quality services that it deserves. The Opposition has remained focused on ensuring that this State has the best teachers. The Labor Government developed a comprehensive set of teacher standards and required all teachers to be accredited against them.

The NSW Institute of Teachers, which was established by the Labor Government, is vital in ensuring that first-year teachers and those in the formative years of their career are well mentored and looked after to ensure that they are doing the best for their students. The Labor Government also provided ongoing opportunities for teachers to develop their skills. The Opposition will ensure that the hardworking teachers of this State are not overlooked as a result of the changes this Government is making.

Without the passage of this bill, members of the teaching service will not have the ability to transfer within the public sector. It is important that transfers can occur. However, they may occur only when a school's enrolment fluctuates and it requires fewer or more teachers. Without legislation that caters for this essential service, students and schools around the State will miss out. I wonder about the motive behind the Federal budget stripping billions of dollars from the education sector. New South Wales is poorer as a result.

Mr Daryl Maguire: Point of order: The member for Fairfield is straying from the leave of the bill. I ask that he be directed to the leave of the bill.

ACTING-SPEAKER (Mr Adam Marshall): Order! The member for Fairfield will return to the leave of the bill.

Mr GUY ZANGARI: To the point of order: Education is the heart and soul of what the Opposition believes.

ACTING-SPEAKER (Mr Adam Marshall): Order! Is the member canvassing my ruling?

Mr GUY ZANGARI: No, I am simply—

ACTING-SPEAKER (Mr Adam Marshall): Order! I have ruled on the point of order.

Mr GUY ZANGARI: The education sector is an integral part of this State and we must ensure that our teachers have the facilities and the means to provide the best services they can to all students. I am sure that the Minister would agree that teachers need to be well resourced so that they can ensure the best possible outcome for students. It is as simple as that. Making a comment about a Federal government that is stripping funding from education is appropriate. The Minister voiced his concerns about this issue in the House today, and rightly so. I commend him for doing that. I do not believe that the point of order was appropriate.

With the implementation of this bill, employees in the education sector will have the ability to transfer to areas in which their skills are required. That will ensure that no school is left understaffed and no student's education is in jeopardy. If a school is overstaffed, a vocational education and training teacher might be able to move to a school that is understaffed. That should be possible. I was a vocational education and training teacher and if I had been required to move to another school I would have done so.

The Labor Party has a proud history of introducing legislation designed to improve teaching and to allow for first-class educational services to be delivered throughout this State. As a former teacher, I know how vital it is for individuals in the education sector to have the ability to transfer between posts as student demand dictates. Without this legislation, students in New South Wales would be at a great disadvantage. It is important that teachers are able to transfer between schools without difficulty. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [5.56 p.m.]: I support the Teaching Service Amendment (Transfers) Bill 2014. This legislation dovetails with the approaches, directions and strategies implemented by the Minister for Education, the Hon. Adrian Piccoli. It is also in line with the Government's Local Schools, Local Decisions policy. No-one knows a school better than the school principal, the teachers and the school community. That is strikingly evident in regional New South Wales, where smaller schools play an integral part in the community. I am a big supporter of small schools and supporting them by providing an internal transfer system is most important. The legislation also abolishes the magical number of 23 or 24 students and allows decisions to be made according to need. That is welcome news and common sense.

That internal transfer power is necessary in public schools because it ensures that teachers can be relocated to reflect changes in enrolment. It will allow the Department of Education and Communities to meet the needs of rural and regional communities and to ensure that educational services can be delivered throughout New South Wales. Each year approximately 400 to 500 staff are compulsorily transferred. Apart from being common sense, this bill has two main features. First, it allows the secretary of the Department of Education and Communities to transfer an officer of the teaching service to another position in the service. Where the proposed transferred is permanent, the secretary is required to consult with the officer before implementing the transfer.

Having that discretion at the local level with the principal being able to say what is required as a unique circumstance augurs well for the community, which expects to have specialist teachers in specialist positions. Giving principals the power to look after their staff and students is a common-sense approach. It is something for which the school communities have been crying out for a long time. Removing the magical number of 23 or 24 meant that if a school dropped below the so-called magic number it lost a teacher or resources and if it went above the number it attracted further teaching resources. To have that on an as-needs basis is an excellent way to ensure that smaller schools play a significant role in the community they serve. These schools are the heart and soul of the community. I commend the Minister for his continued development in the Education portfolio. I commend the bill to the House.

Mr ADRIAN PICCOLI (Murrumbidgee—Minister for Education) [6.00 p.m.], in reply: I thank all members for their contribution to the debate on the Teaching Service Amendment (Transfers) Bill 2014. The internal transfer power is necessary in public schools as it ensures that teachers can be relocated between schools to reflect changes in enrolment over time. It allows the department to meet the needs of rural and regional communities to ensure educational services can be delivered throughout New South Wales. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Adrian Piccoli agreed to:

That this bill be now read a third time.

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

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

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

Pursuant to resolution General Business Notice of Motion (General Notice) No. 3014 proceeded with.

DEATH OF THE HONOURABLE WILLIAM LLOYD LANGE, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

Mr GREG APLIN (Albury) [6.01 p.m.]: I move:

That this House extends to Mrs Lange and family the deep sympathy of members of the Legislative Assembly on the death of the Hon. William Lloyd Lange, a former member of the Legislative Council.

In March 1984, with a tight election looming, the *Sydney Morning Herald* profiled members of the Opposition who seemed likely Ministers in a potential Coalition government. The *Herald* put a certain Mr Lloyd Lange on its list. The *Sydney Morning Herald* stated:

> Mr Lange is one of the strongest members of Mr Greiner's team—and one of the least known. According to one Minister, among the few speeches and questions in the Upper House of which the Premier, Mr Wran, takes notice are those of Mr Lange.
>
> They are almost without exception, laden with details which have been meticulously researched.
>
> Mr Lange is the anti-type of a charismatic figure.

The *Sydney Morning Herald* records:

> But his deliberate manner and ponderous speaking style belies a sharp mind and good political intuition.

Indeed, the *Sydney Morning Herald* claimed that Mr Lange had played a key role in the ascension of Mr Greiner to the leadership of the Liberals, by pulling the upper House Liberals in behind him. He was described as an economic rationalist, one of the original "dries". Lloyd Lange, who passed away on 24 November last year at the age of 76, lived for much of his life on a country property along the Howlong Road out of Albury. He is not as well known now as perhaps he deserves to be, for he was a notoriously quiet person who never made a fuss. Indeed, because on 6 January 1986 he retired from Parliament when it was not sitting, there is not even a valedictory speech left behind to record his parting message. But this quiet disposition masked a most forceful mind for change, and Lloyd Lange forever changed the way the New South Wales Parliament goes about its business.

Born on 27 June 1937, the son of Herbert Lange and Dorothy White, William Lloyd Lange was educated at Wagga Wagga and Sydney Technical College. He married Pamela Daley and had five children. I welcome Pamela and members of the family here tonight. Angus Macneil, a farmer from Rand who served on a rural committee with him, described Lange as "a quiet, behind-the-scenes person who worked on many committees in the area. He was not a high-profile kind of person". Mr Lange was an accountant. He had lots of rural clients and was aware of their concerns. He had a passion for rural and regional Australia which he took to the New South Wales Parliament. Mr Macneil notes, "He got there without grandstanding." One of his objectives in public life was to keep the Albury Wodonga Development Corporation accountable as an effective force for the region. Albury's Tim Fischer, former Deputy Prime Minister, said on hearing of Mr Lange's passing:

> He was to some extent a prodder of the corporation and was good at second-guessing it. He was deeply concerned that the corporation would become a heavy hand and not really tick things along as well as it could. Lloyd was well placed to make those observations and, to the extent he could, sought to do something about it.

At various times Mr Lange had been chair of the Legislative Council Select Committee on Public Accounts and Financial Accounts of Statutory Authorities, served on committees to monitor the public funding of election campaigns and pecuniary interests of members of Parliament, was chair of the Liberal Party of New South Wales Rural Committee and regional president of the Liberal Party, Leader of the Opposition in the Legislative Council and Deputy Leader of the Liberal Party. On 2 April 1984, Ross Gittins, economics editor for the *Sydney Morning Herald*, while praising the invigorated role of the Public Accounts Committee, turned his attention to Mr Lange:

> The list of taxpayers' heroes isn't restricted to the Government side, …
>
> The bloke who started it all is the Opposition Leader in the Legislative Council, Lloyd Lange. Mr Lange began what was then a lone crusade in 1978. He established an Upper House committee on financial accounts which recommended, among other things, the reconstitution of the moribund Public Accounts Committee, with wider powers and more resources.
>
> … The Government [of the day] finally acted on the proposal but with one omission: the Public Accounts Committee was to remain a Lower House Committee so that the high-powered Mr Lange could not be a member.
>
> Ministers concede privately that the only Liberal who worries them in the Upper House is Mr Lange. He has long fought for electoral reform of the Gentlemen's Club to be accompanied by procedural reform … And he will keep bashing away until he gets it.

It is perhaps appropriate to end this story back at the start, with a glimpse into Mr Lange's maiden speech to Parliament. What was on his mind on this momentous occasion in his life, when he first stood to address the Legislative Council on 5 November 1974? As an accountant, it is no surprise that he chose to speak on an appropriations bill. The early 1970s were tough economic times and Mr Lange focused on inflation as a dominant issue. He contrasted the then inflation rate of 16.3 per cent with a rate of 4.5 per cent which had applied just two years earlier. He examined whether this surge in inflation was the result of local conditions and policies or whether high inflation had been imported into Australia as part of worldwide economic conditions. His analysis was typically "dry". He said:

> It seems to me that the answer to inflation rests mostly in our own hands, and this means greater personal effort and fewer demands for Government services.

It was not a message designed to gild the lily or appeal to those who look to government to do everything for them. From there, his maiden speech detoured to another burden on what he termed "the productive sector of the community"—namely, death duties. He was deeply concerned about the hardship forced upon widows and productive businesses, particularly primary producers, by this "anachronistic" tax. In his view, death duties were to be abolished and replaced with a capital gains tax. His post-parliamentary career was equally distinguished, as he took on roles as deputy chairman of the New South Wales GIO, chairman of the NSW Coal Compensation Board and a director of the Sydney Airports Corporation.

In concluding, let me praise William Lloyd Lange for his great contribution to New South Wales. He was a man who made real change happen by closely watching the patterns in the numbers. This benefited us all through improved management of the State's finances and, in particular, through mechanisms of accountability for the handling and spending of public money. I extend my condolences to Mr Lange's widow, Pamela, their children and wider family who are with us tonight. I recognise former member Joe Schipp and his wife, Rhonda, the sister of Lloyd Lange.

Mr GEORGE SOURIS (Upper Hunter) [6.08 p.m.]: I am honoured to join the member for Albury and subsequent speakers in speaking in debate on this condolence motion. It is with deep regret that I pay my condolences to the family of the Hon. William Lloyd Lange, who passed away on 24 November 2013, aged 76. Better known as Lloyd to his family, friends and colleagues, he was a dedicated and highly motivated servant to the citizens of New South Wales. Lloyd was a country boy, having been born in Wagga Wagga on 27 June 1937 to Herbert Norman Lange and Dorothy Olive White. He was educated at Wagga Wagga High School and Sydney Technical College, where he trained as an accountant—and I am delighted to know that there were accountants in the Parliament before me.

On 22 November 1963 he married Pamela Marion Daley, with whom he had five children. Lloyd was always interested in serving his community and was passionate about making a contribution to the lives of others, which led him into local and then State politics. We all know that local government is a tried and proven path to Parliament. In 1970 he became Chairman of the Liberal Party's New South Wales Rural Committee and the party's Country Vice-President. Four years later Lloyd was elected to the New South Wales Legislative Council. He became the Opposition's leader in the upper House in 1981 and in 1984 became Deputy Leader and

spokesman for Minerals and Energy, but he always remained close to his local community in Albury. Rand farmer Angus Macneil knew Mr Lange well from his time spent in the Young Liberals in the 1970s and he had this to say about his old mate and mentor:

> He was certainly an important person in the Liberal Party in Albury.
>
> His impact would be that he was interested in people's issues and was a good listener.

Mr Macneil described Lloyd as:

> … very much a behind-the-scenes worker.

Although the member for Albury referred to Mr Lange's lesser profile in the public domain, nonetheless Mr Macneil described Lloyd as an example of a person "who got involved and did good for the community". Mr Macneil said:

> You don't like to see one of your friends pass on, particularly one who's made a contribution to society. More people should make such a contribution and get engaged in politics …

Albury councillor Patricia Gould told her local newspaper she could recall going into local government in the early days of Lloyd's career. She said:

> Of course he had to go back to his own government at the time and get things through the parliament but he was all for Albury. He listened and was never too busy to take calls.

After 12 years of loyal and sterling service to his local and wider community, Lloyd resigned from the Council in 1986 and moved to the Sydney suburb of Pymble. But his service to the public continued. He was appointed Chairman of the New South Wales Coal Compensation Board, with which I have had many dealings because my electorate was heavily involved in the coal compensation issue—but we do not have several hours to go through that at this stage—and Deputy Chairman of the New South Wales Government Insurance Office in 1988. I also had dealings with the Government Insurance Office when I was appointed Minister Assisting the Premier and had charge of its privatisation by public float.

Lloyd left the Government Insurance Office in 1992—and, incidentally, July 1992 was the date of the float—to become director of Abigail Group Ltd. That company had considerable involvement with the Upper Hunter area, particularly in the construction of the Bayswater Power Station between Singleton and Muswellbrook. Lloyd had also been involved with Sydney Airports Corporation as a director since 1998. I extend my heartfelt sympathies to Pamela, Lloyd's wife of 50 years, his children and many friends—I am delighted that they include friends of mine, Joe Schipp and Rhonda—and I acknowledge the enormous contribution that Lloyd Lange made to the lives of so many of his fellow citizens.

Mr RICHARD AMERY (Mount Druitt) [6.13 p.m.]: It is an honour to join the member for Albury and the member for Upper Hunter on this sad occasion in acknowledging the service of William Lloyd Lange, and offering my condolences to his family on his passing on 24 November last year. I note that this tribute is being offered in the Legislative Assembly and not in the Legislative Council, where Lloyd Lange served from 1974 until the first few days of January 1986. Lloyd Lange came into Parliament just after Neville Wran became the New South Wales Leader of the Opposition. He left this place only six months before Wran. As a result, Lloyd Lange was part of a turbulent and reformist period in New South Wales politics when the Liberal Party lost office at the election on 1 May 1976 by only one seat. As a result of that period, he served from Opposition during some major reforms carried out by the new Wran Government, some of which the Liberal Party opposed—Joe Schipp might say many of which the Liberal Party opposed.

It is because of this time factor that the career of Lloyd Lange saw him serve on such committees as the Joint Committee on Pecuniary Interests—that being a major reform of the Labor Government—and was the Opposition spokesman for Minerals and Energy during the period of Labor Government when, in the words of the Liberals at the time, it was nationalising mineral rights in New South Wales. Members may recall that debate taking place from the late 1970s through to the 1980s. Lloyd Lange last sat in the Parliament late in 1985, so I had only a short time to see him in the confines of the Parliament. I was elected in October 1983 and had only two full years during which our service co-existed. Also, he was in the upper House and I was in this Chamber, so I only met him a few times socially or incidentally in the corridors, but I was aware of his existence and of the many comments made about him by members on both sides of the House. That said, I always found him to be very polite and courteous to me as a very new member of the House.

When the member for Albury advised that this House would be speaking on this motion and asked whether I would like to speak, I was pleased to do so. However, as my knowledge of Lloyd Lange was limited and I feared that I would not do him justice speaking only from my own recollections, I made a number of inquiries with Labor members who served with him in the Legislative Council. Lloyd Lange was a leader of his party, so I guessed I was giving the members I spoke to an opportunity to settle some old scores or to drop a few negative comments about him. I am pleased to advise the House, particularly members of the Coalition, and Lloyd's family, that they need not have any fears in that regard. The first person I spoke to was the Hon. Ron Dyer, a former well-respected Labor member of the Legislative Council and Minister. When I asked him about Lloyd from his perspective he said that Lloyd was a conservative Country member—I will not hold that against him—whom he described as an effective speaker and a "thoroughly competent member" who was "honourable and decent." Being a lawyer he would know that as a former policeman I would be recording in my notebook the words that he was saying. Having served so many years in this place during such a turbulent time, they were very kind words from one of Lloyd's political opponents.

That said, Ron Dyer indicated that he was a strong debater and was not shy of criticising any action of either the State or the Federal Labor Party that he felt was not in the interests of his community. I acknowledge that the member for Albury spoke about inflation rates in 1974 and some years before. He was kind enough to delete from that reference to Lloyd's speeches the fact that he was certainly blaming the Whitlam Government for that economic situation, which of course as a Labor member I would say had more to do with the petrodollar crisis around the world. But that is a debate for another day. I then made contact with another member of the Legislative Council, and I would be surprised if any member does not know of him: John "Johno" Johnson, a person who I know is known and respected by all. Johno Johnson was also complimentary of Lange. Like Mr Dyer, he described Lange as a "thoroughly decent and courteous person", adding that he gave no quarter in debate and had no enemies or haters and then, in true Johno fashion, he said "not in the Labor Party at least". Johno Johnson always adhered to the belief—and I am sure Joe agrees with this—that in politics your opponents are in front of you in Parliament and your real enemies are behind you in your own party.

Returning to Ron Dyer, he made a point of singling out Lange's role in the formation of the committee system in the Legislative Council. Ron Dyer directed me to a publication of the New South Wales Parliamentary Library, entitled *Keeping the Executive Honest: The Modern Legislative Council Committee System*, by David Clune, another well-known and respected person. This publication supports Dyer's assessment that Lloyd Lange was not only a member of the committees but also a driver for the establishment of the committee system in the Legislative Council. This is highlighted by the fact that during the time of the Wran Government—namely, in 1979 and 1980—Lloyd Lange moved that a select committee upon standing committees be established. However, on both occasions his motions were defeated by the Government and crossbenches. He was persistent and later the Labor Government established such a committee, and Lloyd Lange was made a member of that committee. I am sure the family and political friends of Lloyd Lange are proud of his achievement in that regard. In other words, he is part of the history of an important aspect of the committee system in this Parliament and particularly the Legislative Council. With the budget to be presented in Parliament shortly, the committees will meet regularly to deal with the budget processes.

In conclusion, I again pass on my condolences to the family of Lloyd Lange. He held senior positions within the Parliament and the Liberal Party. He worked hard for what he believed in, and can take a lot of credit for his role, as I said, in the establishment of the committee system in the State and particularly the upper House. His speeches in *Hansard* were serious and significant. He left this place highly respected by political friends and foes alike. *Hansard* speeches show him crossing swords with people such as Barrie Unsworth—then a future Premier—Jack Hallam, Joe Thompson, who came into the House with Lloyd Lange in 1974, and Ron Dyer, who still holds such great respect for him. Lange served in this Parliament during a time when the building undertook major structural changes, and his House moved basically from an appointed House to a publicly elected Parliament.

The member for Albury and others quoted media reports suggesting that Lloyd Lange was little known. I urge the Liberal Party to look at that in this regard. The computerised version of *Hansard* and photographs of members from that era are sometimes hard to find. More work needs to be done to ensure that the contributions of people like Lloyd Lange are preserved and able to be accessed when we need to look at the history of the formation of committees and so on. As I said, Lloyd Lange served in the Parliament during a time of many changes. The political landscape of New South Wales changed a lot during his time in this place. No doubt the Liberal Party needed some steady hands during this period, and the Hon. Lloyd Lange certainly provided that. Nothing more can be said; Lloyd Lange was a well-respected, highly regarded member who served during a

controversial but exciting time in the New South Wales Parliament and he left this place with his reputation intact. I join all members in passing condolences and sympathies to the family and friends of William Lloyd Lange.

Mr JONATHAN O'DEA (Davidson) [6.22 p.m.]: I pay tribute to a life well lived—the life of the Hon. William Lloyd Lange. Lloyd Lange was born in Wagga Wagga but was a resident of Pymble in my electorate of Davidson prior to his passing late last year. He was educated at Wagga Wagga High School and later graduated from Sydney Technical College as an accountant. In 1974, at the age of 37 years, Lloyd was appointed to the Legislative Council as a Liberal member and remained there until 1986. He served as Leader of the Opposition in the Legislative Council from 1981 to 1984, and as Opposition spokesman for Minerals and Energy and Deputy Leader of the Liberal Party from 1984 to 1986.

Lloyd was one of the younger members of a Chamber which was then largely occupied by retired or semi-retired members. He was keen, along with others, to make the Legislative Council more relevant to the State's governance. He believed that this could be achieved by establishing a formal system of committees in the Legislative Council. In 1979 Lloyd unsuccessfully moved for the establishment of standing committees in the Legislative Council to replace the ad hoc select committees. In 1984 he moved that separate standing committees be appointed on Resources, Health, Education, Law and Justice. Lloyd believed these committees would restore some "meaningful degree of parliamentary check on executive government of whatever persuasion". Lloyd was keen on keeping the Executive honest.

On 28 February 1985 the Labor Government successfully moved to appoint a committee to inquire into the establishment of a system of Upper House committees. Lloyd served on this Standing Committee until his resignation in 1986. He also successfully moved in 1978 that a Legislative Council Select Committee on Public Accounts and Financial Accounts of Statutory Bodies be set up. He was a member of this Committee between 1978 and 1986, and its work was subsequently taken over by a joint select committee, which recommended the reconstitution of the Public Accounts Committee. The then Premier, the Hon. Neville Wran, eventually supported this proposal. I understand that only last year, shortly before his passing, Lloyd commented on his vision for the committee system and believed that it had been largely fulfilled. He said:

> The authority is there and the operations are being pursued satisfactorily … it took a while to even get approval to look at it but it finally came through. I am pleased that it is working.

On a personal note, I appreciated Lloyd's kind gestures and dedication of time to meet with me when I was appointed Chair of the New South Wales Public Accounts Committee in 2011. I appreciated and valued the advice he imparted. It may be that Lloyd smiles from above now as there is a current recommendation for the Public Accounts Committee to become a joint House committee. Whether that transpires next year, we will have to wait and see, but I understand that that recommendation through the Lambert report is being seriously considered at the moment. Lloyd was concerned about fairness. His maiden speech highlighted problems with hyperinflation and death duties, especially on small business and farmers. His grassroots credentials and common sense were highlighted by his natural ability to connect to people and talk to major business leaders, small business owners and farmers alike.

Lloyd was a man of the people, caring about other people's lives and how government decisions affected them. After retiring from Parliament in 1986, Lloyd served in many senior governance roles in the public sector and was a partner in an executive search firm, Watermark. As already mentioned, Lloyd was appointed chairman of the NSW Coal Compensation Board and deputy chairman of the NSW Government Insurance Office in 1988. On leaving that office in 1992 he became a director of Abigail Group and from 1998 he was a director of the Sydney Airports Corporation. I am pleased to note that some of his colleagues from those days are in the gallery this evening.

Lloyd made substantial contributions to the people of New South Wales during his parliamentary career, especially in the area of public finance. He was a good communicator who valued and maintained a wide circle of contacts who often benefited from his advice, as indeed I did. Lloyd Lange was a politician with common sense and balance. His was a life well lived and not to be forgotten. I was pleased to attend his funeral locally, and noted that there was a range of Liberal luminaries at that farewell. Again, I extend my sympathies to Lloyd's widow and wife of 50 years, Pamela, as well as his surviving family and all his friends and colleagues who are in the gallery this evening.

Mr DARYL MAGUIRE (Wagga Wagga—Parliamentary Secretary) [6.28 p.m.]: Wagga Wagga is famous; it has a great reputation as the city of good sports and it has produced respected sports men and

women—cricketers, footballers, golfers, tennis players, et cetera. Our great city has also produced well-respected politicians, in particular Liberal members of Parliament: the Hon. Wal Fife in 1957, the Hon. Joe Schipp in 1975 and the Hon. Lloyd Lange in 1974, who was born in Wagga Wagga. In fact, his siblings, Roslyn, Jeffrey and Rhonda—the wife of the Hon. Joe Schipp, OAM—still reside in the city so the connection is exposed. Earlier I received a telephone call from retired member the Hon. John Matthews, who served with the Hon. Lloyd Lange from 1981 to 1991 and who asked me to extend his apology for his inability to attend today. He recalled that Lloyd was a deep thinker, very definite and was respected across the Parliament by all, including political journalists—something that is very rare. He said Lloyd was very strong on policy matters especially in relation to finances.

I only met Lloyd Lange on a handful of occasions at former members' functions. He was always considered, thoughtful and gave me good advice, which I appreciated. Lloyd's brother-in-law, the Hon. Joe Schipp, OAM—my predecessor—knew him very well. An accomplished wordsmith in this place, Joe delivered a tribute to his brother-in-law, the Hon. Lloyd Lange, at the funeral which, with the indulgence of the House, I will quote because it paints a very good picture of a man who was well respected. It states:

TRIBUTE TO THE HON LLOYD LANGE 1937-2013

MEMORIAL SERVICE HELD 2 DECEMBER 2013

FIVE WAYS UNITING CHURCH KILLARA

By brother-in-law of 59 years Joe Schipp OAM

William Lloyd Lange (Lloyd) was one of the relatively rare politicians who won respect across political divides, within business, commercial and community circles evidenced by the large and diverse congregation at his Memorial Service at Five Ways Uniting Church Killara.

Mourners included former Prime Minister John Howard, former Premier Nick Greiner, former Leader of the Opposition Bruce McDonald, current Minister in the State Government Duncan Gay, former State and Federal Minister and Lloyd's local member Wal Fife (an earlier mentor to Lloyd's then fledgling political career) and Federal Minister and former Liberal Party General Secretary Jim Carlton, former New South Wales Labor Treasurer Michael Egan, past Sydney Lord Mayor and State ALP Minister Frank Sartor, numerous past MPs and parliamentary officers. All paying their respect to Lloyd as "one of the good guys".

Also included were representatives from Lloyd's pre-political activities from his Accountancy partnership in Albury, Executive positions with the Accountancy profession, the Liberal Party of NSW, Farmers & Graziers Association of NSW and Victoria and board membership of Albury Technical College.

He was appointed to the NSW Legislative Council in 1974 at age 37 being a younger Councillor in what was regarded then as a sedate Chamber occupied by largely retired or semi-retired members.

While the geriatric inferences were perhaps overstated and unfair to those Members who had made significant contributions in their previous business and representative roles Lloyd and like thinkers from both sides set about to make the Legislative Council more relevant to the State's governance.

It was Lloyd who moved the motion in 1979 for the establishment of Standing Committees of the LC to replace the ad hoc Select Committees. A recently released 'Oral History of the Parliament' titled "Keeping the Executive Honest" records the efforts of those engaged (including Lloyd) to successfully bring about the envisaged Standing Committees despite the resistance of Premier Wran.

On his appointment as a Legislative Councillor Lloyd's maiden address highlights his grassroots credentials and his philosophical attitude of fairness. His two principle themes, being hyper inflation and death duties which were doing great economic damage to the future prospects of small family businesses and farmers.

He held the post of Leader of the Opposition in the Legislative Council between 1981 and 1984.

Lloyd was not a firebrand politician, he sought to persuade by strength of argument and won a broad spectrum of support which fitted him well for his post political career as a businessman, board member on several listed companies and Government appointments, University Councillor (UNE) Chairman of the New South Wales Coal Compensation Board, Member of the Federal Government Housing Authority and board representation on the Federal and State Airports Corporations.

With this extensive career who exactly was William Lloyd Lange?

Born in 1937 to ex-farmer parents, Norm and Olive Lange, he grew up in Wagga Wagga, conservative politics was ingrained in him by his Dad as was his later 'central figure' role in his family's life.

He became a Young Liberal at an early age and politics stayed "in his blood" until the end. He was objective though and saw the strengths and shortcomings of both sides.

> A common sense politician without question he would have been a successful Minister in the first Greiner Government elected in 1988—Lloyd had held Shadow Minister appointments prior to resigning in 1986 being then Opposition Spokesman on Minerals and Energy.
>
> Any sporting aspirations Lloyd may have had were impacted by a serious bout of Rheumatic Fever which saw him hospitalised in isolation for an extended period at a young age in Wollongong Hospital where he was holidaying with his grandparents.
>
> He however retained a lifelong interest in sport especially as a cricket 'tragic' and as a loyal Carlton AFL Supporter. He played golf socially.
>
> Lloyd's thoroughbred racing interest (small bets) were wetted when he visited Newmarket UK racing establishment where he developed a friendship with renowned English Trainer Mick Channon and also his visit to the influential New Zealand Canterbury Stud, made a lasting impression.
>
> Lloyd was a great communicator who valued and maintained his wide circle of contacts and had a lifelong interest in providing advice and assistance when appropriate.
>
> The many kind and generous words offered by family friends and Lloyd's business associates and political colleagues gave much appreciated comfort to Lloyd's wife Pamela, his children Richard, Janet, Amelia, Fleur and their families. Also to his siblings (my wife) Rhonda Roslyn and Jeffrey and their families.

May I add my words of condolence to Lloyd's family—his wife, Pamela, his children, Richard, Janet, Amelia and Fleur, and their families—and also to his siblings, Roslyn, Jeffrey and my good friend Rhonda. Vale Lloyd Lange, a life well lived.

Ms PRU GOWARD (Goulburn—Minister for Planning, and Minister for Women) [6.36 p.m.]: I will make a short contribution to this condolence motion. I first met the Hon. William Lloyd Lange during the Sydney Olympics in 2000. Lloyd was a member of the board of Sydney Airports Corporation, then a Federal Government entity. I was the Commonwealth Government's spokesperson for the games and clearly the operations of Sydney airport were critical to the success of those games. He was, as we would all acknowledge, charming, engaging and knew a lot about me. Not just me, my husband's history also had not escaped him. He was a great networker and trader in information. My husband always enjoyed his company and his observations, including when I reported them back to him.

Over the years that followed occasionally I met Lloyd at official functions and he always, unsolicited, offered his advice. Given that by then I was Sex Discrimination Commissioner, this was not always easy for him but I appreciated that I was one of probably several younger people whom Lloyd took an interest in mentoring. Then he discovered that I liked music, as he did. Despite having grown up with classical music, thanks to my mother's great interest in it, he soon found I lacked a certain breadth of knowledge, especially about one stunning Italian soprano, Cecilia Bartoli. This was probably the point at which I began to see Lloyd as a friend rather than as one of many people in a life who is there to offer support and advice.

He sent me a CD of Cecilia singing Rossini arias. I knew very little about Rossini and nothing about Cecilia but I was so touched at being sent such a gift that I made it my business to listen to it, over and over, on the off-chance he would examine me on it. He was generous in his knowledge of music but fortunately never sought to test my appreciation in any detail; perhaps he knew I might fail. I thank him for bringing Cecilia Bartoli into my life. Lloyd always spoke quietly and evenly. He explained that a childhood dose of rheumatic fever had weakened his heart and he never moved quickly. But his passion for music always suggested that there was that deep thinker to which the member for Wagga Wagga has referred.

During my time as a human rights commissioner my interest in entering politics began. Lloyd, as a senior figure in the Liberal Party, was a wonderful, if occasional, adviser. He spoke to many people and introduced me to some he believed I should get to know and whose help I would need. I knew so little I was grateful for any help, and he was generous. With Lloyd's long history and his understanding of philosophical differences in political opinion within the Liberal Party, he advised me to be a conservative, not a liberal. Now there are various hues of this but he was clear on this point. On one memorable occasion he said, "The DLP had it about right" on "social issues like women and families, Australians are very conservative and you should stay in step" with that. Wow! That was a very tall order to give a former Sex Discrimination Commissioner. I had thought the Democratic Labor Party had disappeared from view several decades before but now I was being told that it was an influence within the Liberal Party.

So I listened to many and I thought about that comment a lot. My pondering took place over several years and is probably still going on. With that one comment Lloyd had challenged me, among others, to think critically about the philosophy I would bring with me into the Parliament and to be sure that I could always

defend it. Although I could never describe myself as right wing, it is probably true to say that I now have a view of the individual, society and government that more consistently integrates my economic, moral and social beliefs than before. Lloyd was good at giving me direct feedback. Occasionally when I made a public statement he did not agree with he gave me the benefit of not only his views in a phone call, in his slow, deliberate voice, but also the views of the people he talked to about it. He certainly had a way of talking to people; he seemed to know everyone. I got a sound telling off on a couple of occasions.

Lloyd and I scarcely saw each other again after we came to government. I was very busy and I now understand he was probably too ill to make the effort to keep in touch and continue to advise me. I am so sorry we did not keep in touch. I have always appreciated his kindness and efforts to guide and educate me—a raw outsider. I wish I had said thank you and I say it now. Death can come unexpectedly and this regret will stay with me for the rest of my life. Mentors like Lloyd Lange do not come along very often.

Lloyd was so proud of the beautiful garden he had with his wife, Pam, and he spoke about it often. Although I never saw it, I suspect Pam probably did most of the work. He loved beauty—I understood that—and he always talked glowingly of how beautiful Pam was. When we met at my fiftieth birthday it was obvious his eye for good looks had not let him down. I trust Pam and their children are being supported in their grieving and that they are comforted by the knowledge that Lloyd Lange was a good, wise and clever man, who made a huge difference as a member of the Legislative Council, in the many roles he played in commercial life subsequently and within the Liberal Party. I give thanks for the guidance and friendship he showed me over the years.

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

Motion agreed to.

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

Pursuant to resolution private members' statements proceeded with.

PRIVATE MEMBERS' STATEMENTS

NORTHCONNEX VENTILATION OUTLET

Mr BARRY O'FARRELL (Ku-ring-gai) [6.43 p.m.]: NorthConnex is an overdue, much-needed project that proposes to connect the M1—or what some know better as the F3—and the M2. NorthConnex proposes twin road tunnels approximately nine kilometres long to link these major routes at Sydney's northern access point. The benefits claimed for NorthConnex include a saving of up to 15 minutes in travel time, the bypassing of 21 sets of traffic lights and up to 5,000 trucks a day being removed from Pennant Hills Road. The project was announced on 16 March by both the State and Federal governments, which are contributing $810 million of the $3 billion cost of the project.

Transurban has released its preferred scheme and held a number of public meetings and a promised comprehensive environmental impact statement is due to go on public exhibition later this month. All infrastructure projects have an impact, whether during construction or ongoing afterwards. That is certainly true of NorthConnex. There will be the inevitable disruption caused during the construction phase. But it is the issue of air quality and the proposed northern ventilation outlet that I want to briefly raise this evening. I do so after talking to a number of residents about the issue over the past couple of weeks and following a meeting with a local group in my electorate office last Friday.

I want to make clear that every person I have spoken to supports a tunnel to alleviate the traffic congestion experienced by local residents and other motorists trying to enter or leave Sydney's north but all have concerns about the potential health impact of particulates emitted from the proposed outlet or stack. I think we all accept that obviously existing traffic produces such emissions already but residents' concerns include the fact that homes close to the proposed outlet may suffer a concentrated exposure to particulate matter. It is true that the proponents, Transurban, have committed to a number of initiatives to try to address concerns about these air quality issues. The design of the tunnel—and in particular the gradient of entry points—are intended to overcome the problems associated with the M5 tunnels. There have been promises about ensuring trucks

actually use the tunnel when built—something I am keen to understand how, in practice, will be enforced—requirements for continuous monitoring of tunnel air quality and requirements to meet Department of Health and Environment Protection Authority standards.

The State Government has also appointed an advisory committee, led by New South Wales Chief Scientist, Mary O'Kane, to provide advice on world's best practice in managing air quality for Sydney's road tunnels. I understand that many of the details of these and other matters will be outlined in the environmental impact statement due out later this month. My first point is that usually an environmental impact statement is exhibited for 30 days. I understand Roads and Maritime Services is prepared to extend that to 45 days for NorthConnex, following a request by residents for a three-month exhibition period for the environmental impact statement. I have written to the Minister for Planning urging that a longer period be allowed. I believe that double the normal period—that is 60 days—would allow residents a better opportunity to study and comment on the environmental impact statement.

Secondly, it is my understanding that currently air monitoring is being undertaken at a number of points adjacent or near to the proposed project route. That apparently includes a monitor at Hornsby-Ku-ring-gai Hospital. While I appreciate the need for such a monitor at so significant a health centre, what surprises me is that there is currently no monitor nearer or adjacent to the location of the proposed northern outlet. This makes no sense to me. Residents deserve to know about current air quality and be in a position to consider whether it would be worse, or indeed better, under the proposal being presented. I have raised again with the Minister for Roads and Freight the need for such a monitor and I am hopeful we will see action—hopeful in part because the Minister has already agreed to a request for an air quality summit to be held in Hornsby on 4 June. The decision to have the air quality summit locally clearly indicates that the Minister for Roads and Freight understands the community concerns about air quality issues and is prepared to ensure these issues are addressed openly and effectively before the project commences.

Finally, residents have also raised with me the issue of shifting the outlet location further north along the M1 or the F3. Obviously I have made the point that such a change would increase the cost of the project—and extra costs of projects like this result in higher tolls and can impact tunnel usage. For those of us keen to see fewer cars or trucks on Pennant Hills Road, we want as many motorists as possible to use the tunnel. Nevertheless, I have made representations to the Minister for Roads and Freight seeking official advice on moving the outlet. I have also requested details on what other locations were considered and why they were rejected. I finish where I started. NorthConnex is an important project. It is supported by the community, who want to see some relief to the traffic congestion on the M1-F3 and Pennant Hills Road but we need to ensure the community is involved in the decision-making process. That is what an environmental impact statement is all about and when we are considering issues as serious as the health effects of tunnel emissions, it is even more important.

HARRY KEWELL

Mr GUY ZANGARI (Fairfield) [6.48 p.m.]: It was with much sadness that on 26 March 2014 the football and wider sports community around the world learnt of the retirement of Harry Kewell. After 19 professional seasons Harry finally hung up his boots. For 16 of these years he represented Australia in the Socceroos jersey. Harry Kewell was a true ambassador for our nation. Harry was born 22 September 1978. He grew up in Smithfield and is claimed to be one of the suburb's favourite sons.

Harry grew up next to another favourite son of Smithfield, Chris Bowen, the Federal member for McMahon. Chris often recalls in speeches the days when he was studying for exams as a student only to be interrupted by the thunder of a soccer ball being pelted against the garage roller door. The culprit was Harry Kewell, of course. Harry always had the ball at his feet. The football was his tool of trade and hallowed turf was his office. From a young age Harry was destined for greatness. He was educated at Westfields Sports High School, Fairfield West, and is one of the many Socceroos to have gone through the school's world-renowned football program. His early playing days began in southern districts at the Smithfield Hotspurs followed by the Marconi Stallions before he set sail for the shores of England at a tender an age of 16.

Harry's final professional game was with the Melbourne Heart against the Western Sydney Wanderers at AAMI Park Melbourne on 12 April 2014. The Wanderers supporters gave Harry the biggest cheer as he left the field at the conclusion of the game. Western Sydney never forgot Harry and never will. Our nation has been watching Harry's professional career development from afar, but very closely. It is widely acknowledged that Harry is probably one of the greatest football exports Australia has ever produced. I personally met Harry on a

number of occasions and always found him to be gracious and engaging. During my own coaching days at Patrician Brothers College Fairfield it was common to see players during training sessions wearing Harry Kewell replica Socceroos shirts and proudly emblazoned across the shirt was the name Kewell.

Harry will long be remembered for his performances at Galatasaray, Liverpool and especially Leeds United. Harry's club record states: Leeds United 1996-2003, 45 goals; Liverpool 2003-2008, 12 goals; Galatasaray 2008-2011, 22 goals; Melbourne Victory 2011-2012, eight goals; AI-Gharafa 2013, one goal; and Melbourne Heart 2013-2014, two goals. That is a total of 386 soccer games and 82 goals. Harry first debuted for the Socceroos in a friendly game against Chile at Antofagasta on 24 April 1996. Harry's final game for the Socceroos was a FIFA World Cup qualifier played against Oman in Muscat on 8 June 2012. He has 56 caps for the Socceroos and scored 17 goals. Harry Kewell will be remembered for his flamboyant skills, energy and pace on the pitch. His legacy will be long lasting.

I personally cannot forget some of Harry's magic. During the Liverpool versus Spurs game in 2006, his left-footed volley seemed to scream into the goal. It was his first goal in more than two years. It was an amazing goal and is always replayed on the Foxtel highlights reel. Then there is the goal that sent Croatia out of the World Cup in 2006 and secured Australia's first ever round of 16 game. What a memorable goal and memorable time for the Socceroos. Harry's magic will long be remembered. On behalf of the New South Wales Parliament I wish Harry and his family all the best in his retirement. I hope he continues to contribute to football in other capacities because there is still much Harry magic to see.

WORLD'S GREATEST SHAVE

Mr JOHN BARILARO (Monaro—Parliamentary Secretary) [6.53 p.m.]: I congratulate the member for Swansea on his appointment as Acting-Speaker in this House. Every year people are sponsored to shave, colour or wax their hair in order to raise funds to help people with blood cancer. It is the Leukaemia Foundation's novel fundraiser, the World's Greatest Shave. Today 31 Australians will be given the devastating news that they have leukaemia or lymphoma or a related blood disorder. That is more than 11,500 people in 2014. Although survival rates are improving, blood cancers like these are the second biggest cause of cancer death in Australia. Blood cancers can affect anyone of any age at any time. They cannot be prevented and because treatment usually lasts longer than for other cancers there is a greater impact on emotional, physical and financial aspects of life.

The Leukaemia Foundation receives no ongoing Government funding, so supporting events such as the World's Greatest Shave makes their vision to cure and mission to care possible. The money raised will go towards research needed to find a cure for leukaemia and other blood disorders. Sponsorship funds will always go to families through better treatment or assistance such as providing patients with a free home away from home near the hospital during treatment. It will mean the provision of transport to appointments and as much practical assistance and emotional support as possible—free of charge. When you sponsor someone to shave or colour their hair you will help to reduce the impact of blood cancer, investing in research to find cures and supporting families through emotional support and practical services.

Everyone can be involved, just like St Gregory's School student Ryan Sanderson. Ryan lives in the Monaro electorate and asked me to sponsor his shave, which I was more than happy to do. I was heartened that we have so many conscientious young people today prepared to lend a hand. They show enormous courage and, most importantly, display a level of generosity that is the essence of community spirit. Ryan was captain of the St Gregory's Catholic School team that raised a colossal amount of money: $6,906 to be exact. Ryan had set himself a target of $500, which he blew out of the water. He personally raised $1,664 through the generosity of his friends and family. His efforts were matched by his teammates, who worked hard to raise a lot of money. His team consisted of Candice Rech, Ewan Bagnara, Joshua Barnes, James Taloni, Matthew Jackson, Matthew Maloney, Ryan Matchett, Justin Caldwell, Ben Mockler and Jai Gleeson. Let us not forget, these are primary school kids showing remarkable generosity. Author Carol Ryrie Brink once wrote:

> The most truly generous persons are those who give silently without hope of praise or reward.

What these boys and girls have done is give hope and support to many. Whether it is a little or a lot, every dollar raised helps to make life a little easier for people with blood cancer. The statistics show the funding is very important to the families. As little as $160 can provide one regional family with a free fully furnished home away from home for two nights near a major hospital; $350 can provide 13 people with free emotional support to help overcome the initial shock of diagnosis; $650 can fund the laboratory costs of a PhD student blood cancer researcher for three weeks; and $2,000 supports a major blood cancer research project for one week.

St Gregory's should be proud of these students as shining examples of their school spirit. At St Gregory's the teachers guide the children in the Catholic tradition reinforcing Christian values with the expectation that they will leave the school community in year six with a huge sense of hope and confidence. A child's sense of hope will nourish their will to make a difference to their world and to develop positive relationships with local and wider communities. I believe these children have displayed exactly that. Let me finish with a quote from political activist and writer Emma Goldman:

> No one has yet realised the wealth of sympathy, the kindness, and generosity hidden in the soul of a child. The effort of every true education should be to unlock that treasure.

There may be no truer reflection of that message than in the efforts of these young individuals of St Gregory's Catholic School.

Mr DARYL MAGUIRE (Wagga Wagga—Parliamentary Secretary) [6.58 p.m.]: I extend to the Leukaemia Foundation the best wishes of the Government and thanks for its outstanding work. I note the member for Monaro's involvement and support. I acknowledge the effort by Ryan Sanderson and his team at St Gregory's Catholic School to raise funds for the Leukaemia Foundation. It is true that every dollar raised makes a difference. I thank the students, led by Ryan Sanderson, and acknowledge the involvement and support that the member for Monaro gives to his community. The member actively supports the Leukaemia Foundation and many other organisations.

TRIBUTE TO KODJO ETONAM ADJASSOU

Ms TANIA MIHAILUK (Bankstown) [6.59 p.m.]: I draw the attention of the House to an event that has caused great sadness in the Bankstown football community—the passing of Kodjo Etonam Adjassou. Kodjo collapsed in the tenth minute of Bankstown City's National Premier League men's first grade fixture against Spirit Football Club on Saturday 3 May at Jensen Park, Sefton. Kodjo was rushed to Bankstown-Lidcombe Hospital, where he sadly passed that same evening. He was 12 days away from celebrating his twenty-fifth birthday and is remembered by his loving partner, Rosie, and their six-month-old daughter Eva, the apple of Kodjo's eye.

Although it did not begin here, Kodjo's story is one that personifies the Australian spirit and the virtues of selfless ambition, courage, determination, respect, compassion and humility. Kodjo was born on 15 May 1989 in Lome, Togo, as the fifth child and first son of Komi and Yawovi. When Kodjo was three years old civil war broke out in Togo, forcing the Adjassou family to flee to Ghana, where they spent the next 15 years living in a refugee camp. At the age of 18, Kodjo and his family were resettled in Australia and began rebuilding their lives in Coffs Harbour.

Kodjo's greatest passion, aside from his family, was football. He dreamt of one day playing professionally and following in the footsteps of his idol, Ivorian Didier Drogba, not only because of Didier's footballing talent but also because of his extensive charity work. Kodjo's determination to succeed in football was unshakable. He began his career with the Coffs Coast Tigers Football Club, and after winning the Northern NSW Football player of the year award for two years running, Kodjo made the tough decision to move away from his family to Sydney, where he signed with Bankstown Berries Football Club. Kodjo spent the next three years playing for the Berries and his performances were consistently impressive.

More importantly, members of the Berries coaching staff described Kodjo as an extremely humble and committed player who was a fine example for younger players to emulate. Last year Kodjo's performances earned him a place on the roster of Bankstown City Lions, whom he always represented with pride and distinction. Away from the football pitch, Kodjo sought to become a social worker, focusing on the resettlement of refugees in Australia. He took immediate steps to realise his ambition by enrolling and excelling in the courses that would give him the requisite skills and qualifications required to achieve this aspiration. Having spent most of his life as a refugee, Kodjo had an intimate knowledge of the issues and struggles faced by refugees, and he wanted to help to the best of his abilities those who found themselves in the position he knew so well for so long.

Kodjo was a prominent and popular member of Western Sydney's African community, representing the Burkina Football Club at the annual Sydney African Cup of Nations tournament for three years running. Burkina Football Club captain Jesse Amankwatia described Kodjo as "a great human being who was a fine example of how we should interact with people" at a memorial service held in Kodjo's honour last Thursday 8 May 2014. The service was hosted by Bankstown City Lions and Football NSW and was attended by almost 1,000 members of the Bankstown football community—including members from Bankstown Berries and Bankstown District Football Association—Kodjo's family, current and former teammates, friends and fans from the wider football community. Stories were told of Kodjo's charisma and his uplifting presence in any circumstance or situation.

Humble, lovable, sincere and respectful were common themes throughout the service as friends from all walks of life paid tribute to a man who they said would always put others before himself and who lived his life with a smile on his face. Such was the impact he had on all those around him that Bankstown City Lions Football Club representative Zac Mircevski announced that the club had established the Kodjo Adjassou Youth Football Scholarship in his honour. The scholarship will provide a pathway for under-privileged children between the ages of 12 and 18 to play football at the elite level without being burdened by the associated costs. I take this opportunity to commend Bankstown City Lions Football Club secretary Mendo Petkovski and the entire committee and chief executive officer Eddie Moore and the staff of Football NSW for setting up a memorial fund to provide assistance to Kodjo's young family in their time of need. I also express my sincerest condolences to all of Kodjo's family and friends and to Jim Ronis and Theo Mitrothanasis from the Bankstown Berries on the loss of a former player who made a significant contribution to their club.

TAMWORTH GENERAL PRACTITIONERS

Mr KEVIN ANDERSON (Tamworth) [7.03 p.m.]: I draw the attention of the House to the ongoing battle to attract and retain general practitioners in the country and, in particular, in the electorate of Tamworth. Attracting general practitioners to regional areas has and will continue to be a challenge. However, an integral part of attracting medical professionals to regional New South Wales is being able to provide the very best in health facilities, and we are well and truly in the mix in that regard. It is about providing a state-of-the-art working environment, and there is plenty of evidence of strong investment in that regard from both the Federal and State governments.

Construction is continuing on the $220 million redevelopment of Tamworth Health Service. The redevelopment is funded jointly by the Federal and State governments. The Federal Government is providing $120 million and the New South Wales Government is contributing $100 million towards the project. The redevelopment not only will provide new and improved buildings but also presents an exciting opportunity to review the ways in which care is provided with the focus on delivering better patient care. The new state-of-the-art multi-level hospital building is on track to be finished by the end of this year, with the transition to begin early in 2015. The redevelopment will deliver modern facilities in a mix of new and refurbished buildings to house many of our inpatient units and outpatient services.

It was a pleasure to be at the opening of the University of Newcastle's new Tamworth Education Centre. This $19 million facility will provide undergraduate, postgraduate and professional training programs for medical students pursuing a career and undertaking research in the healthcare field. The university currently accommodates more than 100 students in Tamworth, who are on rural clinical placements in the hospital or with healthcare providers in the city. Rural clinical schools enable medical students to undertake extended blocks of their clinical training in regional areas. The benefit of providing students with a rural experience is that they get a feel for life in the country, and many choose to stay. We must continue to attract doctors to our area and this facility, along with its dedicated professional staff, will go a long way to lifting doctor numbers in the country.

The new $41.7 million North West Cancer Centre has been operating within the Tamworth hospital precinct for several months. Cancer patients in the north-west region are now able to receive treatment locally in a new state-of-the-art facility. It will make cancer treatment more comfortable and includes extra space for families, friends and carers to be with patients during treatment. The centre has increased the region's capacity to care for and to treat cancer patients closer to home and has eliminated the need to travel to metropolitan areas for treatment. Medical oncology, haematology, chemotherapy and radiation therapy are being offered to patients in the centre. The centre also has a day infusion unit with 12 chairs and two beds where chemotherapy and supportive treatment and therapies are delivered.

However, these facilities need good people, and this is just part of what we need to do to attract and retain health professionals in our region. We understand the importance of ongoing professional development. Professionals should be able to work with their peers and feel that they are part of a supported network, not left isolated and overworked. We must also understand and meet the needs of partners and families of medical professionals who are looking to relocate to regional New South Wales. We must take an holistic approach. We want people to work in an exciting and diverse environment that keeps challenging them but which also encourages downtime in a region that is welcoming and friendly. I believe Tamworth can offer those things to attract those people. With continued investment, I believe Tamworth can be a centre of medical excellence. We hope that we will attract and retain enough general practitioners to meet the growing needs of our community.

MOONEY MOONEY CLUB

Mr CHRIS HOLSTEIN (Gosford) [7.07 p.m.]: I congratulate one of the registered clubs in my electorate of Gosford, the Mooney Mooney Club, on being presented with a highly commended award for its ongoing achievements in the area of environment and sustainability at the Clubs and Community Awards on Friday 9 May 2014. The club received the award for its commitment to caring for the local environment and promoting sustainability. The club installed five rainwater tanks and solar panel systems and also has an organic vegetable garden and a chicken pen as part of its commitment. One of the 10,000-litre rainwater tanks has been dedicated to support the local community. It will be used in times of water shortage and can also be used by the Rural Fire Service in the event of a bushfire. The vegetable garden produces vegetables and herbs used in the club's restaurants. The chef's specials allow the club to provide fresh, organic food to its members and, of course, its uses the eggs from its chickens—known locally as "the girls" by the local community. The chickens are visited regularly by local schoolchildren, who are actively involved in tending the chickens and the garden. A real community asset is being provided by the club.

Anthony Ball, Chief Executive Officer of Clubs NSW, said that Mooney Mooney Club had shown a real commitment to supporting its local community, which is the reason it was identified and highly commended. The club's dedication to the environment and sustainability has benefited the club but also visitors and the local community. He said that while ultimately there was only one winner, the judging panel was blown away by the Mooney Mooney Club submission and felt compelled to make special mention of it by awarding it a "highly commended". Clubs like the Mooney Mooney Club go out of their way to accommodate everybody and to make sure that the local community remains viable and is within a club's focus. Of course, that is why they hold the Clubs and Community Awards, to showcase and appreciate the work they do in the community.

The judging panel this year included community stalwart Paula Duncan; former Minister for Gaming and Racing Kevin Greene; chairperson of the Centre for Volunteering, Valerie Hoogstad; and former Clubs NSW deputy chief executive officer Wayne Krelle. I again congratulate the Mooney Mooney Club on its award. I also congratulate the management and staff, who are fine examples of those in the clubs industry who interact with the community. I commend Clubs NSW for organising and running this annual event and for recognising the Mooney Mooney Club in my electorate and its participation in the community.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [7.11 p.m.]: The competition the member for Gosford referred to was extremely competitive. I was at the awards ceremony on Friday night, as a guest of Clubs NSW, along with the Minister for Hospitality, Gaming and Racing and the Minister for Communities. Mooney Mooney Club should be proud to be seen as such a competitive and compelling case. I congratulate the member for Gosford and the Mooney Mooney Club on putting together a wonderful contribution for such a new business. The club has taken to it like a duck to water.

ARMIDALE CITY BOWLING CLUB

Mr ADAM MARSHALL (Northern Tablelands) [7.12 p.m.]: It is with great pleasure that I share with the House the recent—or, more accurately, the continued—success of the team at the Armidale City Bowling Club. This small club has accumulated a virtual pool room of industry awards and community plaudits over past decades. However, the latest award is certainly worthy of special note in this House. Led very ably by president Terry Ogilvie, vice president David Cuskelly and chief executive officer Patrick Crick, well supported by his deputy, senior executive Phil Wheaton, staff and club members, the Armidale City Bowling Club was named outright winner in the youth category at the Clubs NSW Clubs and Community Awards last Friday night. This category is hotly contested and considered one of the more prestigious industry awards. It is a terrific achievement by the club's staff and members.

This award recognised the club's contribution to the outstanding successes being achieved by the Clontarf Program at the Armidale High School—one of 54 such programs reaching 2,800 young Aboriginal men across Australia. The Northern Tablelands is fortunate to host two of those programs, with the other at Inverell High School, where almost 60 young men are enrolled. Both programs are kicking major goals, thanks in part to the support of their communities and services provided by clubs such as the Armidale City Bowling Club. The Armidale High School program is delivered by operations officer Bruce Denison and director James Russell. At the moment there are 44 young men from years 7 to 12 taking part in the academy's curriculum, which includes rugby league, cricket, cycling, leadership programs and job experience opportunities. Other opportunities are undertaken in addition to their normal schooling program.

The Armidale City Bowling Club has stepped in to develop a program that would reward Clontarf Academy students who achieved 80 per cent or higher attendance over a school term. Those individuals who achieve this level of attendance get to visit the club twice a term to enjoy lunch and undertake activities developed by the club's senior management, Patrick Crick and Phil Wheaton. These activities include: a tour of the club facilities and a presentation on the work that clubs do for the community; drug and alcohol education; tree planting on the club's tree plot in the local community; etiquette training in dining out; lawn bowls lessons and competitions; introduction to cooking and kitchen operations; club vegetable garden education and nutritional information; and cultivating existing tree planting areas of the club with local environmental bodies, club staff and members. The Clubs NSW award recognises this support and activities.

The Armidale City Bowling Club is a magnificent institution in the community. The Clontarf Foundation relies on a mix of Federal, State and private sector funding to achieve the kinds of results being recorded. In the past year the Armidale High School program has achieved increased rates of school attendance for participants, with the bulk of attendees attending school for 81 per cent of the time or greater. Last Friday night the Armidale City Bowling Club award was accepted by a Clontarf Academy student, Tyrone Blair, who, as a year 12 student at Armidale High School last year, recorded an attendance rate of 95 per cent. I commend the Armidale City Bowling Club for the support it provides to this important program and, thanks to support such as this, the academy continues to grow, to help more young men and to achieve results that are truly changing lives for the better.

It gives me great pleasure to share with the House the achievements that are being made each day by Clontarf Academy students through support from community partners such as the Armidale City Bowling Club. The academy is having a positive impact on young men in my electorate and the Armidale City Bowling Club offers generous support to this program. There is not a sporting organisation or sporting group that does not benefit from the generous support of the Armidale City Bowling Club, both financially and in kind. I commend the board of directors of the Armidale City Bowling Club. Patrick Crick and Phil Wheaton lead a magnificent team. Nothing is too much trouble for the staff. It is little wonder that this club has won the latest Clubs NSW youth award on the back of winning a number of small clubs awards over the past few years. Well done, Armidale City Bowling Club.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [7.17 p.m.]: The member for Northern Tablelands and the member for Gosford made compelling cases for the accolades received by various clubs. In the case of the member for Northern Tablelands, they are the Armidale City Bowling Club and the Clontarf Academy. I was at the ceremony to see the Armidale City Bowling Club and the Clontarf Academy receive their accolade at Fox Studios. The youth category of the awards was popular. Armidale is a "gown town" and needs to appeal to a young clientele so it needs a progressive approach to business. That is evident at the Armidale City Bowling Club and in the club movement in general. Patrick and Phil are very well known in Armidale, and I look forward to meeting with them next time I am there. Their work in the community, thanks to support from the board of the Armidale City Bowling Club, is appreciated. I do not know why the Labor Party hates the clubs movement when one looks at the assistance given by these clubs.

CAMPBELLTOWN CATHOLIC CLUB SAFE CELEBRATIONS PROJECT

Mr BRYAN DOYLE (Campbelltown) [7.18 p.m.]: It gives me great pleasure to congratulate the Campbelltown Catholic Club on winning the Clubs NSW award category in health. It has been five years since Youth Solutions and the Campbelltown Catholic Club decided to create a series of campaigns in an effort to minimise alcohol-related harm amongst young people in the Macarthur region. After expressing their dedication to ensuring their patrons are safe, the club consulted with Youth Solutions to develop the Safe Celebrations project. This project now implements a yearly campaign, run from November to February that focuses principally on young people, the issue of risky drinking and tips on how to celebrate safely during the festive season. The project has received positive feedback from the community ever since, and especially after the 2013-14 campaign "What's the cost to you?", when resources were distributed throughout the community over summer.

The Safe Celebrations project has reached out to Macarthur locals to help spread tips and information to young people and the community. The project has connected with schools, bottle shops, retailers and local media as well as with local councils to help spread these messages about how to make safer choices during the festive season. Since the partnership began in 2009 more than 40,000 resources have been developed and distributed in this joint project between Youth Solutions and the Campbelltown Catholic Club. Youth participation has always been a major aspect of this project.

The Youth Solutions Youth Advisory Group, which comprises 15 young people between the ages of 15 and 25 from the Campbelltown—that great opal of the south-west—Camden and Wollondilly local government areas, has developed skills in areas such as project management, design, public speaking and working with others. These committed young people have greatly developed their confidence as leaders and peer representatives in our community and are excited to be involved in the project. To educate and involve our young people in a campaign for young people is a positive outcome for the Macarthur community, which has ensured its success. On Friday 9 May the Campbelltown Catholic Club took out this prestigious award in the health category. Geraldine Dean, chief executive officer of Youth Solutions, was proud that the partnership had been recognised in this way and said:

> I just want to take this opportunity to congratulate and thank our partners Campbelltown Catholic Club for their dedication to keeping their patrons safe, and for this recent award win.
>
> Our safe celebrations campaigns just would not happen without the Campbelltown Catholic Club's commitment and support of young people in our community.

Ms Dean also noted the contribution of media partners C91.3FM and the Campbelltown-Macarthur, Camden-Narellan and Wollondilly *Advertiser* for getting the message out. She also noted the contribution of their creative team—Bella Arts, Snap Printing Campbelltown and Shannon Pope—for helping to make this campaign come to life. I acknowledge the board of directors of the Campbelltown Catholic Club: chief executive officer Michael Lavorato, Graeme West, Megan Clarke and the team.

The south-west region clubs took out a swag of awards that night. The Campbelltown Catholic Club is no stranger to winning these awards and has always been at the top of its game; in fact, it is known as the "king of clubs". The club started out as a fundraiser for the local Catholic school, St John's, and it has now gone on to become one of the greatest licensed premises and clubs in Sydney. It is marvellous to see the club working in conjunction with Youth Solutions to help young people avoid risky drinking and those sorts of behaviours. To see them recognised in this way is truly a tribute not only to the board of directors but also to Youth Solutions and the Youth Advisory Group. I commend them to the House.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [7.23 p.m.]: Again we have seen one of the State's wonderful clubs receive accolades. I congratulate the member for Campbelltown on the community interest displayed by the Campbelltown Catholic Club and Youth Solutions. Clearly, to the club movement, patron safety is paramount and this has been confirmed by the Campbelltown Catholic Club, which considers that alcohol is a drug and should be treated as such but that it should not be banished from the community. That is a good approach and I congratulate the member for Campbelltown on his interest.

Private members' statements concluded.

STATE REVENUE LEGISLATION AMENDMENT BILL 2014

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

NATIONAL VOLUNTEER WEEK

Matter of Public Importance

Ms TANIA MIHAILUK (Bankstown) [7.24 p.m.]: I am delighted to speak in my capacity as the shadow Minister for Volunteering on the significant matter of National Volunteer Week. The 2014 National Volunteer Week is an opportunity to celebrate the power of volunteering and acknowledge the vast and varied contributions that volunteers make in New South Wales. Volunteering in New South Wales is promoted and supported by the Centre for Volunteering, which operates as the peak body connecting people and organisations in order to help people become more involved in their communities. I commend the valuable work undertaken by the chief executive officer, Gemma Rygate, and all the board members and staff at the Centre for Volunteering for continuing to sustain and grow volunteering in New South Wales.

Volunteering is one of the pillars of Australian society, with almost 40 per cent of people in Australia over the age of 18 donating their time, labour and skills as individuals towards the betterment of our community. The variety of volunteer work undertaken by Australians is immense and encompasses organisations operating in the areas of the arts, heritage, sport and physical recreation, religious groups, school canteens, parents and

citizens associations and in organisations involving welfare and community, education and training, parenting, children and youth services, and emergency services such as the State Emergency Service and St John Ambulance—whose work in assisting people affected by natural disasters in their hour of need is priceless.

The legacy of volunteering is felt not only by the wider community but also by the volunteers themselves. Recent statistics from the Australian Bureau of Statistics on the subject of volunteering show that volunteers are far more likely to be involved in community activities and events and that those who provide informal assistance to friends, neighbours, work colleagues or strangers generally feel a greater level of satisfaction in their lives than non-volunteers. In addition to individual volunteering, we have seen extensive growth in corporate volunteering as businesses of all sizes roll up their sleeves and lend their expertise and the skills of their staff to not-for-profit groups. Many businesses consider volunteering to be a pivotal part of any corporate social responsibility policy. In its most recent annual report Valerie Hoogstad, chairperson of the Centre for Volunteering, noted that businesses understand that staff gain satisfaction from being involved, which in turn results in improved staff retention rates and generally a more contented workforce.

As this year marks a landmark 25 years of National Volunteer Week, Volunteering Australia has called for landmark action by initiating a national review that will update the very definition of volunteering in Australia. The key motivation for the review is to keep pace with a dynamic societal and cultural landscape that has seen an explosion in the number and scope of volunteering opportunities across the nation, while providing a clear and current framework for the management of volunteers and volunteer programs. The review is expected to be completed by December 2014. During the announcement of the review, the chief executive officer of Volunteering Australia, Mr Brett Williamson, said:

> The definition of volunteering is a critical reference for the volunteering sector. It has a bearing on decision making by Governments, volunteer resource centres and volunteer involving organisations. Not only does it enhance workforce planning, it underpins the integrity of volunteering and volunteers, ensuring a common understanding of what volunteering is. It will also influence how companies manage employee volunteering programs, how organisations manage insurance needs for volunteers, how we measure volunteering and how we implement best practice standards across the sector.

I commend Volunteering Australia for its efforts and for providing services and infrastructure that are vital in supporting the volunteer sector. There is always a need for more volunteers in New South Wales and I am delighted to see organisations such as the Centre for Volunteering continuing to take steps to engage with our youth and promote the benefits of volunteering to them. Ms Hoogstad stated:

> Many educational facilities such as schools and universities are becoming increasingly involved and are offering formal recognition to young people who participate in volunteering. Such involvement can help young people to develop the soft skills, and job seekers in particular can clearly benefit. Research indicates that employers are positively influenced by a young person's involvement in a volunteering program.

National Volunteer Week not only provides us with an opportunity to pay tribute to the significant contributions of volunteers but also encourages people to seek out opportunities to become a volunteer. Through their websites, Volunteering Australia and the Centre for Volunteering advertise volunteer roles as well as conduct training workshops for prospective volunteers. I applaud the work of all volunteers and volunteer organisations in our great State and across the nation.

Mr JOHN FLOWERS (Rockdale) [7.29 p.m.]: I am pleased to speak on the matter of public importance—National Volunteer Week. National Volunteer Week runs from 12 to 18 May and is an opportunity to celebrate our volunteers and the outstanding contribution they make to our community. Whilst most people do not volunteer for the purpose of recognition, National Volunteer Week is an opportunity for everyone to say thank you. Volunteers come from all walks of life and strengthen communities across the State. This year marks the 25th anniversary of National Volunteer Week in Australia. More than two million volunteers give 240 million hours of support in New South Wales each year, worth around $5 billion. In May 2012 the first New South Wales volunteering strategy was launched during National Volunteer Week by the Minister for Citizenship and Communities, Mr Victor Dominello. It is an opportune time to reflect on the achievements of the New South Wales volunteering strategy to date. While much volunteering traditionally takes place without the involvement of government, the strategy reflects the role that government can play by supporting and developing networks, highlighting good ideas and providing leadership, tools and resources.

The challenges and opportunities that arose from the extensive consultation process were consolidated into five strategic directions and provided a framework for the strategy: making it easier to volunteer, broadening the volunteering base, volunteering as a pathway to employment and improving recognition and support for workplace volunteering, valuing volunteers and celebrating their contribution. Through the strategy,

the Government is investing $4.5 million for volunteering because it recognises the vital role that volunteers play in sustaining our communities. The NSW Volunteering website has been established, which provides a single point of access and resources for volunteers, organisations and business. More than 2,000 people have benefited from a reduction from $52 to $15 in the cost of police checks for volunteers in aged care. Not all volunteers need checks, but this step removes a barrier to a key group of volunteers offering support and personal contact to some of our older and more vulnerable people. A risk-management resource kit for the volunteering sector was developed, which is available to download for free from the NSW Volunteering website.

About 18 months ago I was privileged to visit the Rockdale State Emergency Service unit at its premises in Bexley and to meet with the dedicated volunteers who give so much of their time to protect the St George community in times of dangerous storms and natural disasters. The State Emergency Service unit at Rockdale is highly regarded in our local community and, in particular, State Emergency Service local controller, Sam Zorbas, who has been the local controller for more than three decades. I also recently attended one of Rockdale City State Emergency Service unit meetings. Prior to the meeting, I toured the facility and was able to see their equipment—rescue vessel trailers and the two emergency response trucks. I also got to meet the volunteers—ordinary people who do extraordinary things. They are all friends. I strongly encourage Rockdale residents to get involved in their local State Emergency Service unit. There is no such thing as too many volunteers.

It was encouraging to see, on the night of my visit, a number of new volunteers attending for the first time. The NSW State Emergency Service is a registered training organisation. State Emergency Service volunteers are given the opportunity to undertake nationally accredited training. These skills can also lead to certificate, associate diploma and diploma level qualifications. Many describe the State Emergency Service as more like a large family than a group of volunteers. Can you blame them? They have regular social events and, having seen them on Tuesday evening, it is clear that they are all very close. Working together for the community certainly forges strong friendships.

Mr GUY ZANGARI (Fairfield) [7.34 p.m.]: I speak in support of National Volunteer Week, the matter of public importance brought forward by the member for Bankstown. I note that it is the twenty-fifth anniversary of National Volunteer Week and I am sure it has been said this evening—and I also put it on the record—that governments cannot do it alone. I do not think there would be a budget big enough to go hand in hand with the great work our volunteers do in so many organisations throughout the community. The National Volunteer website states:

> The volunteers have the power in today's society and the drive that enables them to make a true difference in the world. Can you imagine what it would be like without them?

Well, the answer is no, I cannot imagine what life would be like without our volunteers. This evening we say a big thank you to all the mums, dads, grandmas and grandpas and everyone else who does such a great job volunteering. Volunteers do amazing things—they provide assistance, guidance, care and help. They bring skills in coaching, managing, teaching, mentoring, nurturing, costume making, feeding people and driving others around from place to place—the list goes on. Their time is invaluable and often goes unnoticed. I am sure that on both sides of the Chamber this evening we stand united to say to all the volunteers across the country and particularly in this State, thank you for the great work that you do.

I pay tribute to Fairfield Meals on Wheels, which celebrates 50 years of service on Friday 23 May 2014. Volunteers work in religious congregations and in sporting organisations. In my electorate they can be found at the Southern Districts Soccer Football Association, the Liverpool Fairfield Cricket Association and the Fairfield Baseball Softball Association. Some can be found assisting the local dance academies and troupes or assisting in the Fairfield RSL, Smithfield RSL, Guildford Leagues Club, Intra sports clubs, the Scouts and the Guides. The member for Rockdale mentioned the State Emergency Service—our local angels. Volunteers work for the Rural Fire Service and for Surf Life Saving and do great work in the Men's Sheds at Bonnyrigg and Liverpool. I acknowledge the great volunteers in our area in Fairfield, particularly Sam Salemi, the Fairfield Citizen of the Year and Basim Shamaon, the Youth Citizen of the Year, who do great work. What would life be like without such people doing the hard yards and even, at times, putting their lives at risk for the benefit of others?

Ms TANIA MIHAILUK (Bankstown) [7.37 p.m.], in reply: I take this opportunity to thank members representing the electorates of Rockdale and Fairfield for their contributions. I note that the member for Fairfield acknowledged the Rockdale State Emergency Service. I must say that I also have a special relationship with

Bankstown State Emergency Service and, like the member for Rockdale, I am always delighted when I visit my local State Emergency Service. It is an organisation that has stood the test of time by keeping many people interested in continuing to volunteer. It attracts a large number of people from different backgrounds and ages, particularly women. I pay tribute to that organisation. The member for Rockdale noted that the volunteers become good friends and enjoy social occasions together. Many find their life partners and I know that that is the case in the Bankstown State Emergency Service. There are a few who have found their soulmates there. It is a great opportunity today to pay tribute to all our volunteers.

The member for Fairfield paid tribute to Fairfield Meals on Wheels. I congratulate Fairfield Meals on Wheels on celebrating its fiftieth anniversary next week. We are all proud of the Meals on Wheels organisations across the State. No doubt without those volunteers our ageing community would not have that support. It is tough to volunteer. Again, I congratulate not only organisations such as the Centre for Volunteering but also local community organisations. In Bankstown I am blessed to have groups such as the Bankstown Multicultural Youth Service and the Chinese Australian Services Society, which encourage volunteers in their own community to help support each other. I mention also the Older Women's Network in Bankstown and the Older Women's Grief Network—we have all these different organisations where people come together and volunteer to assist each other.

No-one in this House would not want to pay tribute to their local volunteer organisations and to all the volunteers who give so much of their time, tenacity, passion and drive to assist others in need. It is a great reminder, particularly for members of this House and others, to consider taking up volunteering. No doubt benefiting and assisting others in life helps one as a person, as an individual. We are all part of one big family. This week is a great reminder that we are proud of our volunteers and we want to support the volunteers in our great State of New South Wales.

Discussion concluded.

MARITIME AND TRANSPORT LICENSING LEGISLATION AMENDMENT BILL 2014

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

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

The House adjourned, pursuant to resolution, at 7.42 p.m. until Thursday 15 May 2014 at 10.00 a.m.