

ALBURY WODONGA CHRONIC PAIN SUPPORT GROUP	29784
BALKAN FLOODS APPEAL	29783
BUSINESS OF THE HOUSE	29752, 29790, 29803
CLUB MARCONI ITALIAN REPUBLIC ANNIVERSARY CELEBRATION	29787
COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION	29802
COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION.....	29787
COMMUNITY RECOGNITION STATEMENTS	29782
CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY	29804
CORPUS CHRISTI CATHOLIC PRIMARY SCHOOL ST IVES DIAMOND JUBILEE	29786
COURTS LEGISLATION AMENDMENT (BROADCASTING JUDGMENTS) BILL 2014	29766
CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT (INFORMATION SHARING) BILL 2014.....	29752
DR GABRIEL SHANNON ORDER OF AUSTRALIA MEDAL	29784
DRUG COURT LEGISLATION AMENDMENT BILL 2014.....	29768
EDUCATION AMENDMENT (GOVERNMENT SCHOOLS) BILL 2014.....	29789
ELECTORAL AND LOBBYING LEGISLATION AMENDMENT (ELECTORAL COMMISSION) BILL 2014.....	29752, 29762, 29765, 29825
HASTINGS CANCER TRUST TENTH ANNIVERSARY	29782
HEALTH SERVICES AMENDMENT (AMBULANCE FEES) BILL 2014.....	29812, 29826
HOWARTH DRILLING AND DOYLES CREEK EXPLORATION LICENCE	29835
INFORMATION AND PRIVACY COMMISSION	29789
JOHN TERRY CATHOLIC HIGH SCHOOL DRAMA AND PERFORMING ARTS	29783
JOHN WILDE ACT OF BRAVERY	29783
KENSINGTON PUBLIC SCHOOL AND SPORTS FIELD FEES.....	29834
LAO NEW YEAR FESTIVAL	29784
LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT BILL 2014	29789
MAITLAND ELECTORATE QUEEN'S BIRTHDAY HONOURS	29785
MASCOT RSL SUB-BRANCH MEMORIAL PLINTH.....	29785
MEMBER FOR SHELLHARBOUR	29819
MOORE PARK INN, ARMIDALE, CERTIFICATE OF EXCELLENCE	29785
MR DOUG SAXON, HISTORIAN AND AUTHOR	29785
MR PHILLIP BOULTEN, SC, PRESIDENT OF NEW SOUTH WALES BAR ASSOCIATION.....	29783
NATIONAL RUGBY LEAGUE STATE OF ORIGIN	29786
OAKHILL COLLEGE ANNUAL GALA DAY	29786
PAL INTERNATIONAL SCHOOL FUNDRAISER FRIDAY	29785
PARLIAMENTARY ETHICS ADVISER	29787
PASSENGER TRANSPORT BILL 2014	29808
PETITIONS.....	29802
PORT MACQUARIE ELECTORATE QUEEN'S BIRTHDAY HONOURS	29833
PRINTING OF PAPERS.....	29803
PRIVATE MEMBERS' STATEMENTS	29832
QUESTION TIME	29790
QUESTION TIME: SUPPLEMENTARY ANSWERS	29825
ROTARY CLUB OF TERRIGAL	29837
RURAL FIRES AMENDMENT (VEGETATION CLEARING) BILL 2014	29839
STATE BUDGET AND BATHURST ELECTORATE	29838
STATE BUDGET AND CLARENCE ELECTORATE	29836
STATE BUDGET AND EDUCATION.....	29801
STATE BUDGET AND HEALTH	29799
STATE BUDGET AND REGIONAL INFRASTRUCTURE.....	29794
STATE BUDGET AND TAFE NSW	29790, 29795
STATE BUDGET.....	29791, 29797, 29806
STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014	29808, 29832
TAFE NSW AND PEOPLE WITH DISABILITY	29793, 29825
THE GROVE COMMUNITY AND CULTURAL HUB.....	29838
THE SCOTS SCHOOL ALBURY PIPE BAND	29784
TRIBUTE TO GARY FIZZELL	29787
TRIBUTE TO GEOFFREY AND ANNE MCINTYRE	29832
TRIBUTE TO MAZIE TURNER.....	29786

TRIBUTE TO SENATOR LOUISE PRATT	29784
TRIBUTE TO SENATOR SUE BOYCE.....	29784
UNCLE GREG SIMMS COMMUNITY SERVICE AWARD.....	29782
UNITED INDIAN ASSOCIATION AND MINISTER'S ELEVEN CRICKET MATCH.....	29783
VISITORS	29762, 29764, 29789
WATER INDUSTRY COMPETITION AMENDMENT (REVIEW) BILL 2014	29819
WOMEN'S REFUGE FUNDING	29798, 29800

LEGISLATIVE ASSEMBLY

Wednesday 18 June 2014

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

The Speaker read the Prayer and acknowledgement of country.

CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT (INFORMATION SHARING) 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.

Amended General Business Notice of Motion (General Notice) No. 2855 submitted by Mr Alex Greenwich by leave.

Pursuant to sessional order Government business proceeded with.

ELECTORAL AND LOBBYING LEGISLATION AMENDMENT (ELECTORAL COMMISSION) BILL 2014

Second Reading

Debate resumed from 17 June 2014.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [10.10 a.m.]: I lead for the Opposition on the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014. This bill was rushed into the House yesterday afternoon with no consultation with the Opposition and a pathetic attempt at a briefing at 9.40 this morning, which went for all of five minutes. That is a reflection upon the approach adopted by this Government to significant reforms, which are about giving people confidence in the political processes in this State. We have a Premier who says he wants to work in a bipartisan fashion and who goes out of his way to make that point time and time again, yet with every opportunity that is given to him to do just that we see this mad rush with limited or no consultation whatsoever.

The bill has two key components. Firstly, it will establish new institutional arrangements for the oversight of elections and election funding matters, in particular by establishing a new Electoral Commission for New South Wales. Secondly, it will strengthen the regulation of third party and other lobbyists and confer functions in relation to the regulation of lobbyists on the independent Electoral Commission. In line with the 2013 recommendation of the parliamentary Joint Standing Committee on Electoral Matters this bill will abolish the Election Funding Authority and create a new Electoral Commission. The reconstituted commission will combine the functions of the current Electoral Commission and the Election Funding Authority. The new Electoral Commission will undertake the existing functions of the Election Funding Authority. The new commission also will have a new mandate to institute criminal and civil proceedings for breaches of electoral laws as well as the same investigative functions as the Election Funding Authority has currently under the Election Funding, Expenditure and Disclosures Act 1981.

The establishment of the new Electoral Commission to replace the existing Electoral Commission and the Election Funding Authority will help to streamline the regulation of the electoral process, including the conduct of State elections and the regulation of campaign finance and expenditure. Schedule 2 to the bill also will insert new objects into the Election Funding, Expenditure and Disclosures Act 1981, which will include objects relating to transparency and reducing undue influence in the political system. The amendments to the

Lobbying of Government Officials Act 2011 take the form of amendments in schedule 3 and form part of a package of reforms the Premier announced on Tuesday 13 May 2014. The bill establishes the Electoral Commission as an independent regulator of lobbyists. It applies a set of ethical standards to all third party lobbyists and other individuals and organisations that lobby government and it enables the independent regulator to investigate alleged breaches and impose sanctions, which could result in lobbying firms being removed from the Register of Lobbyists and other organisations being placed on a watch list.

Those amendments respond to recommendations made by the Independent Commission Against Corruption [ICAC] in its 2013 report entitled "Reducing the opportunities and incentives for corruption in the state's management of coal resources". Amendments in this bill will strengthen the regulation of lobbying firstly by imposing a new code of conduct on all organisations that seek to influence government policy decision-making and, secondly, by conferring power on the Electoral Commission to monitor and enforce compliance by lobbyists with the code and legislation. The amendments to the Lobbying of Government Officials Act 2011 proposed in this bill will provide legislative underpinning for a prescribed new code of conduct for lobbyists that will apply ethical standards to all organisations seeking to influence government policy or decision-making. It will apply to board members, executives and other employees of companies and their professional advisers, including legal advisers. It will also apply to people who work for peak bodies, special interest groups, charities, trade unions, developers and community groups.

The new code will not apply to constituents who are meeting with members of Parliament in their capacity as elected representatives. Similarly, the code will not apply to government officials acting in their official capacity. This exemption will apply, for example, to a member of Parliament who is making representation to a Government Minister on behalf of their constituent and to public servants who need to negotiate government policy with other government officials. The new code will require all lobbyists who seek to influence government policy or decision-making to disclose to the Government the person or body on behalf of whom the meeting is sought, the nature of the matter proposed to be discussed and whether any registered lobbyists will be present, any interest in the matter proposed to be discussed at a meeting with a government official prior to the meeting commencing, and to not engage to any conduct that is misleading, deceptive, corrupt, or otherwise unlawful and use all reasonable endeavours to satisfy themselves of the truth and accuracy of all material information provided in a meeting with a government official.

The Electoral Commission will have responsibility for administering, monitoring and enforcing compliance with the new code of conduct. The primary sanction for a breach by a registered third party lobbyist will be deregistration, which effectively amounts to a suspension or a ban on lobbying. Third party lobbyists also may be placed on a new watch list as an interim sanction. The primary sanction for a breach by other lobbyists who are subject to the code of conduct will be their inclusion on the new public watch list. The Premier says that this bill is about cleaning up politics. Mike Baird has been Premier for two months and still has taken no action on implementing a total ban on political donations and a regime of public funding, which he said on a number of occasions he supports. Instead he has set up a committee with terms of reference that allow 2008 laws to be wound back so that we go back in time.

The Premier has talked himself up and has talked big about his commitment to public funding of elections. He also talks about the fact that in his inaugural speech he made a point of arguing for public funding. He then talks about the fact that he made an individual submission to an inquiry into electoral funding set up by this Parliament. But after two months, we are still waiting for action. The obvious question is: If the Premier of New South Wales is as serious and passionate as he says he is about these matters and is committed to reform, why are we waiting seven months for action?

Why will it take seven months? There is one reason and one reason only: There is no real or genuine commitment to this issue. Just like he has done with every infrastructure project, we get scoping studies but no real action from this Government. The people of New South Wales are sick and tired of the scandals coming out of the Independent Commission Against Corruption. They are sick and tired of inaction and the culture of donations for decisions. They have had enough. They have seen what happened with the slush funds that the Premier has refused to shut down. Two slush funds that were identified by the ICAC—the Millennium Forum and the Free Enterprise Foundation—are still operational and, unsurprisingly, they are still taking money from donors, despite the Premier's supposed commitment.

Time and time again the Premier has been given the opportunity to say he will shut them down but to date, in this Chamber and elsewhere, he has squibbed it on every occasion. One can only draw the conclusion that we have a Premier who is all talk and no action on this issue. The Premier's approach to all the issues that

undermine public confidence in politics is a piecemeal approach. Yesterday's introduction of this bill is another demonstration of a Premier who still has training wheels and is still attempting to find a way to wobble his way through the issues without coming to this place with a detailed solution.

It is worth noting that yesterday's budget did not allocate additional funding for the Electoral Commission to support its new role of regulating lobbyists. Despite expanding the roles and functions of that organisation there is no money allocated in the budget to actually conduct these additional responsibilities. One can only conclude that as with the commitment to shut down slush funds, which is zero, it is a tokenistic approach of handing over responsibility without any additional funding being made available. What we see is a Premier yet again trying to distract people from his inaction and inability to properly address this issue in a way that the public would expect.

The Premier does not address this issue in a way that everybody in this State, including those on this side of the Chamber, wants to see it dealt with: that is, comprehensively and in a manner that returns confidence in government to the people of New South Wales. My major concern is that despite the rhetoric, carping and carry on about integrity from those opposite what happened in 2011 in the lead up to the last election was allowed to occur. The former Premier was out there saying, "We will be whiter than white, we will end the scandal and set a new standard": the only one of those three promises that the Government has demonstrated is a new standard in double talk, double standards, and lying to the people of New South Wales. The former Premier said his Government would be whiter than white but in the meantime—

Mr Jonathan O'Dea: Point of order: It is well established that there should not be accusations of lying made in this Parliament. There is other language that is more parliamentary. This is a serious subject and the Opposition Leader is attempting to inflame the matter in a purely political way by using inappropriate language.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Canterbury will come to order. The Leader of the Opposition should look at parliamentary practice: Accusing people of being liars is not something that is accepted in this Chamber. The member will return to the leave of the bill.

Mr JOHN ROBERTSON: The greatest mistruth in recent history was portrayed and played out by those opposite during the election campaign. Government members were out there telling the people of New South Wales that they would not be scandal ridden or found to have acted inappropriately and all the while they were telling the State that they were channelling money through different slush funds and laundering grubby money from developers or anyone who was a prohibited donor.

Mr Gareth Ward: Point of order: It is not often that I give advice to the Opposition—

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Opposition members will remain silent. I have not heard a word the member for Kiama has said, and that is unusual. The member for Kiama will repeat his point of order.

Mr Gareth Ward: It is not often that I give advice to the Opposition but this matter is currently subject to Independent Commission Against Corruption proceedings and it is unwise, I would have thought, to raise that matter in this forum until the commission has concluded its inquiry.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I take the point of order from the member for Kiama. I point out to the Leader of the Opposition that this matter is before ICAC and it is normal practice that matters before ICAC are not raised in Parliament. I ask that the member for Wallsend, who has complained bitterly on numerous occasions when someone interjects during her speeches, to extend the same courtesy to members opposite that she so craves on numerous occasions.

Mr JOHN ROBERTSON: One thing that is clear from the reaction of those opposite this morning is how sensitive they are to what has been playing out at the ICAC. The interjections and points of order are a demonstration of how sensitive they are. Perhaps what we see from those opposite is that they are very conscious of the fact that one of the greatest deceptions and mistruths that has ever been played out on the people of New South Wales was played out by those opposite in the lead up to the 2011 election and has subsequently been exposed. It has exposed Government members as hypocrites: saying one thing and doing the complete opposite.

If the Premier was serious in any way, shape or form about dealing with the issues undermining public confidence in the members of this Chamber and undermining public confidence in the motivations of those who

make decisions about the future of this State, then he would be doing more than implementing a piecemeal approach to what is, as the member for Kiama rightly points out, a very serious issue. If it is going to be dealt with and treated as a serious matter, as suggested by those opposite, then it should not be dealt with by the Premier as it has been dealt with today and over the last seven weeks. Despite protestations and speeches that say he is serious about this issue he is playing politics with it.

The issue does not require seven months of consideration. If the Premier was serious about dealing with this issue it could be dealt with in a short space of time and during this term of Parliament. What we see here today in the approach by the Premier is an approach to delay, delay, delay. The Premier says, "I am Mike Baird and I am serious", but all we have is a committee that will delay the process and not address this matter until sometime in the future. It is completely unacceptable for the Premier to come into this place, or go anywhere, and suggest he is serious about this when to this day, despite my writing to him on his second day in office to say I wanted to work with him, I have not received a letter of acknowledgment.

I do not mind that he does not acknowledge my correspondence; that is his choice, and I am not affronted or offended by that. What I find most offensive is an attempt by those opposite, led by the Premier, to make out that this is some bipartisan approach when nothing could be further from the truth. We have the same Liberal Government with the same approach to leading this State. The Premier has changed. We have seen eight Ministers and a Premier who were all associated with the issues playing out at the ICAC leave their positions. People in the community will draw their own conclusions about what they have seen. Let us be clear: this is a very small step forward from a Premier applying a piecemeal approach to a serious and important issue.

The issue should be dealt with in a three-month time frame and a bipartisan manner if anyone is to have confidence in the outcome. If the Premier is serious about dealing with it in a bipartisan way then my offer still stands—despite the lack of action to date to shut down the Millennium Forum and the Free Enterprise Foundation and the continuing acceptance of donations. Despite that I am happy to work with the Premier on this issue. The people of New South Wales deserve to have members in this place who are serious about addressing this matter. Whilst this bill is supported by the Opposition it falls well short of what is required and what the people of New South Wales expect.

Mr GARETH WARD (Kiama) [10.29 a.m.]: I support the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014. I am chairman of the electoral matters committee of the Parliament and I am very pleased to be so. I agree with the Leader of the Opposition that this is a very serious issue indeed and the people of New South Wales deserve to have a system of electoral donations and lobbying that is transparent and clear in relation to all matters. I believe that we need a bipartisan debate, but what we just saw from the Leader of the Opposition was tragically anything but bipartisan—it was actually quite a partisan speech which I do not believe raised the tenor of public discourse in this place.

It seems that my friends opposite sometimes contract an acute case of convenient political amnesia when it comes to their own history in relation to election donations. I remember the 1991 Political Broadcasting Act introduced by the former Keating Government, which sought to ban paid commercial advertising and to limit it to the pre-elected Parliament based on those who were there—5 per cent reserved for lobby groups outside the Parliament and 5 per cent reserved for those who wished to stand but were not in that Parliament. It was an attempt to try to limit political discussion and discourse in the community, and with great deference to the Independents—and I acknowledge the member for Sydney in the Chamber at this time.

Mr Greg Piper: And Lake Macquarie.

Mr GARETH WARD: And Lake Macquarie—I do apologise. That was an attempt to shut out those who wanted to make a contribution. Labor was quite happy to do that as a tactic. The machine thought that it had a winner, but of course the High Court disagreed, throwing out that case and building on the free speech cases—Theophanous, Stephens, Lange—and making it quite clear that political communication and discussion based on those principles in the constitution of an election for a Senate and a House of Representatives were things that must be preserved. One need only look at what Labor did prior to the last election in relation to election donation reforms to see that it is not serious about reform. Whilst Labor was quite happy to target donors to the Liberal Party and prevent them from donating, it allowed the union movement to make enormous contributions. Whoever pays the piper well calls the tune and, in the case of those opposite, that is the trade union movement. One need only look at what is happening in relation to the electricity industry at present to see the Opposition dancing to the tune of the union movement.

ACTING-SPEAKER (Ms Noreen Hay): Order! The member for Parramatta will come to order.

Mr GARETH WARD: In spite of the fact that we saw former Premiers Carr and Iemma and Paul Keating and Michael Costa support this reform, the former boss of the Electrical Trades Union [ETU] is doing exactly as he is instructed. The greatest political donations for deals result from the relationship that the union movement has with those opposite, funding their election campaigns and getting exactly what they want from them on the floor of this Parliament. Whilst I am delighted that anyone wants to come to the table and have a debate on this issue, I would argue that Labor's claim to being whiter than white is far from the truth, but I do believe that all of us in this place owe it to the community to have a considered and informed discussion about what sort of standards we expect from our members of Parliament and the type of representative model we have in that regard. I believe that what we are doing is evidence of that.

If the Opposition has amendments to make to the bill, it should bring them forward. I was astonished at the argument from the Leader of the Opposition that in some way the Government is doing nothing. The reason we are having a debate in this Chamber on this legislation is that we want to do something, and I need and want to defend the Premier of New South Wales who is genuinely committed to this issue, as was the former Premier. I have mentioned the union movement. We need only look at what those opposite did, with the union movement, to our legislation that limited donors who were corporates or unions, seeking to remove them from the political process, to see that they are not serious.

Dr Geoff Lee: Tell us.

Mr GARETH WARD: The member for Parramatta says "Tell us". I will. We introduced legislation. The former Premier and member for Ku-ring-gai, who I know has a passion in relation to this, said that if you are not on the electoral roll, if you do not have a vote, why would you want to contribute? Clearly you are looking for something in return. When we sought to remove that, what happened? The union movement went to the High Court and had that legislation overturned. I really do believe that that legislation strengthened transparency and accountability in State politics, and I was devastated by what I thought was a short-sighted judgement from the High Court because I believed it was the right thing to do, but it was opposed by those opposite because the unions instructed them to do so. One really needs to ask what is their answer.

Ms Sonia Hornery: Point of order—

ACTING-SPEAKER (Ms Noreen Hay): Order! The member for Drummoyne will remain silent.

Ms Sonia Hornery: The member for Kiama is making suppositions about what members of the Opposition do and do not do with regard to unions. That is not true and I ask him to strike that from the record.

Mr GARETH WARD: You cannot strike things from the record—it is called free speech. I am sorry that you object to free speech.

ACTING-SPEAKER (Ms Noreen Hay): Order! I remind the member for Kiama that this is not an opportunity to have an argument across the table.

Ms Sonia Hornery: I ask the member to withdraw his last comment about the union movement.

Mr GARETH WARD: The truth cannot be withdrawn.

ACTING-SPEAKER (Ms Noreen Hay): Order! A member has requested that the member for Kiama withdraw those comments. Is the member for Kiama prepared to withdraw those comments?

Mr GARETH WARD: The truth cannot be withdrawn, and I will not. It just goes to show—the fact that the Opposition just tried to shut me down—that they do not like what I am saying. I am disappointed.

Ms Sonia Hornery: Point of order—

Mr GARETH WARD: She is trying to shut me down again.

ACTING-SPEAKER (Ms Noreen Hay): Order! The member for Kiama will resume his seat.

Ms Sonia Hornery: I ask the member to address his comments through the Chair, not to other members.

ACTING-SPEAKER (Ms Noreen Hay): Order! I uphold the point of order and ask the member for Kiama to address his comments through the Chair.

Mr GARETH WARD: My apologies, Madam Acting-Speaker; I am apprised of the standing orders. I will continue in relation to my argument and discussion because this is something that I believe in and I hope that the Parliament has a serious discussion about this. It is just a shame that members opposite are seeking to limit my arguments and conversation and let others judge what they think of them. I make one more point about the Opposition's record, and it relates to part 3A, which was a section of the Planning Act which allowed unprecedented powers to go to the planning Minister. In my own electorate there was a project called Calderwood. It was rejected out of hand by the planning department, but because of a donation from the developer of \$40,000—

Dr Geoff Lee: How much?

Mr GARETH WARD: It was \$40,000 and, because of that, we saw a change in position. We saw the planning Minister of the day, Kristina Keneally, approve a concept plan. Tony Kelly was about to sign off on the development application when I exposed the fact that there had been a donation and this matter should have been before the Planning and Assessment Commission. An embarrassing public back-down followed as a result of that donations-for-deals culture. I do not believe the Opposition has much credibility, but what I am prepared to do is start talking about how we can make the system better, which is what we should be doing in this place. That is why I support the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014, which will enhance the regulation of election funding and lobbying in New South Wales by constituting the Electoral Commission and by amending the Lobbying of Government Officials Act 2011 to strengthen the regulation of third parties and other lobbyists to confer functions in relation to the regulation of lobbyists on the reconstituted Electoral Commission.

This bill responds to the recommendations of the Joint Standing Committee on Electoral Matters that a new commission be established combining the functions of the current Electoral Commission and the Election Funding Authority. I commend the chairman of the day, Mr Jai Rowell, now the Minister for Mental Health, who put together that report. I also take the opportunity to commend all the hardworking staff of the Electoral Commission, particularly its commissioner, Colin Barry, who came to us from Victoria and is doing a fantastic job in what is a very difficult role. I am always impressed by how independent and impartial Mr Barry is; he does an outstanding job in this regard. He has always been very helpful to my committee, and I publicly thank him and all the staff of the commission. The bill will also strengthen lobbying regulation in response to recommendations made by the Independent Commission Against Corruption. This bill forms part of the package of reforms announced by the Premier on Tuesday 13 May 2014 to increase transparency and enhance the regulation of lobbying.

The bill also includes amendments to the Parliamentary Electorates and Elections Act 1912, the Election Funding, Expenditure and Disclosures Act 1981 and the Lobbying of Government Officials Act to: First, abolish the Election Funding Authority [EFA] and create a new Electoral Commission constituted by the Electoral Commissioner and two independent members; secondly, confer on the newly reconstituted Electoral Commission the EFA's existing functions, a research and public awareness function, and a function of providing assistance for the conduct of elections by the Electoral Commissioner; thirdly, provide the new commission with a clear mandate to bring proceedings for breaches of electoral laws as well as the same investigative functions that the Election Funding Authority currently has under the Election Funding, Expenditure and Disclosures Act. [*Extension of time agreed to.*]

Fourthly, the bill inserts policy objects into the Electoral Funding, Expenditure and Disclosures Act; fifthly, it provides a legislative basis for the Register of Third Party Lobbyists and the Lobbyist Code of Conduct, which will impose ethical conduct requirements on all third-party lobbyists and other individuals and organisations that lobby government; sixthly, it transfers responsibility for maintaining the register and enforcing compliance with the code from the Department of Premier and Cabinet to the independent Electoral Commission; and, seventhly, it establishes a lobbyist watch list as a public document with the names of lobbyists who have contravened the Lobbyist Code of Conduct or the Lobbying of Government Organisations Act.

I am delighted that the Cabinet considered this matter because it is important to raise public standards. I am determined to restore public trust in the political system, which should be the goal of all members. The

Coalition is nailing shut the back door to government. This is an important step that puts on notice any lobbyist or business thinking about breaking the rules or expecting favourable treatment. The decisions made by this Government or any future government should not be based on the depths of anyone's pockets; they should be made for the good of the State. I hear the chortling from members opposite, despite the fact that Eddie Obeid and Joe Tripodi—

Ms Sonia Hornery: Point of order: I again ask that the member for Kiama address his comments through the Chair.

ACTING-SPEAKER (Ms Noreen Hay): Order! I uphold the point of order and ask the member for Kiama to direct his comments through the Chair.

Mr GARETH WARD: Members opposite were members of the former Government and I find it extraordinary that the member for Cessnock would behave in that way in this Chamber given his party's history. This package will increase transparency and enhance regulation of lobbying by establishing the Electoral Commission as an independent regulator of lobbyists; by applying a set of ethical standards to all third-party lobbyists and other organisations that lobby government; by empowering the independent regulator to investigate alleged breaches and impose sanctions, which could result in lobbying firms being removed from the lobbyist register and other organisations placed on a watch list and their access to government restricted; and by requiring Ministers to publish quarterly diary summaries of scheduled meetings with external organisations on portfolio-related activities.

I note that members of the shadow ministry are calling for that but not offering to do it themselves. If anyone wants an example of what Labor members will do in the future they need only look at what they did in the past and what they are now failing to do. Members opposite might offer to do that if they were serious. Of course, they are not serious; this is a stunt and they are not treating this debate with the dignity and respect it deserves. The package also provides for the approval of a recommendation from the Independent Commission Against Corruption that the Code of Conduct for Ministers of the Crown become applicable under the Independent Commission Against Corruption Act, giving the watchdog the power to investigate and to make findings on a Minister's compliance with the code.

The public has a right to know who is gaining access to government. By proactively disclosing this information we are shedding light on politics in this State and who is meeting with whom and in what circumstances. The public can then judge for itself what influence lobbyists have had over government decisions. We have already made progress since coming to office by banning lobbyist success fees and restricting lobbying by former Ministers and Parliamentary Secretaries. These reforms go even further and as Chairman of the Joint Standing Committee on Electoral Matters I will do whatever is necessary to stamp out the backdoor, decisions-for-favours culture that was allowed to flourish under the Labor Party. Under the changes, the existing Register of Third Party Lobbyists and a new watch list will be independently maintained and enforced by a registrar of lobbyists, who will be an officer of the Electoral Commission. The Electoral Commission's existing powers to compel information will be extended to its lobbying regulatory functions.

A minimum set of ethical standards currently contained in the code of conduct applicable to registered third party lobbyists will be applied to a broader range of individuals and organisations seeking to influence government policy and decision-making. Sanctions for breaches of the code for third party lobbyists include removal from the register, in effect banning them from lobbying in New South Wales. Individuals or organisations that breach the code can be placed on the watch list and have their lobbying activities severely restricted. The code will be enforced in full. The Code of Conduct for Ministers of the Crown will also be amended to reflect this change. By applying these standards to all persons lobbying government, the Government believes it is not necessary to place in-house lobbyists and peak industry bodies on the register. When I was a councillor I led a debate about this issue and our council was the first in the nation to place all pecuniary interests and election expenses online. I deeply believe in transparency in government and the public demands it. I call on all members—Liberal, Labor, Nationals, Greens and Independents—to work together to achieve that. We owe nothing less to the people of New South Wales, who want the bar raised, not dropped.

Mr ALEX GREENWICH (Sydney) [10.44 a.m.]: I support the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill, which establishes the register of lobbyists and the lobbyist code of conduct. Under the bill the code of conduct will also apply to any organisation that lobbies the Government. The Election Funding Authority [EFA] will be abolished and its powers and functions conferred on the New South Wales Electoral Commission. The new commission will comprise the commissioner and two independent

members and will take over management of the lobbyist register from the Department of Premier and Cabinet and impose penalties for noncompliance with the code. While I support the bill, it is yet another example of this Government's tendency to rush important legislation through the House without providing adequate time for members to assess properly and to consult on its impacts.

All legislation should sit on the table for five days and there is no reason for the rush. We will probably be sitting next week and we could deal with it then. While I support the bill, I have concerns that the EFA will be abolished. I have no philosophical objection to the Electoral Commission taking on the EFA's powers and functions, but I have not had the opportunity to determine how this will work or to assess whether any vital functions could be lost. I have worked well with the EFA. It does a great job in ensuring that members use their funds, accept donations and make disclosures in accordance with the law. I ask the Premier in his reply to assure the House that the knowledge and expertise within the EFA will not be lost. The lobbyist register and Lobbyist Code of Conduct were important reforms introduced by the Rees Government to improve transparency with regard to contact between decision-makers and those who will gain from those decisions.

The code created mandatory ethical standards for those who lobby and it makes sense that these important practices be given legislative support. I have not had the opportunity to consult with community organisations that advocate to government, such as environment, lesbian, gay, bisexual, transgender and intersex, animal welfare and local community organisations. However, I understand why these groups should comply with code of conduct standards. I request the Government to run a targeted education campaign to ensure that these groups know their responsibilities and are not penalised for inadvertent breaches. The Electoral Commission is the appropriate body to manage the lobbyist register and to ensure compliance with the code as an independent body that is at arm's length from government.

The O'Farrell Government's ban on lobbyist success fees reduced risks by removing an incentive for lobbyists to exercise undue influence on decision-makers. I welcome the commitment to ensure that Ministers publish their diaries. This will increase transparency and public confidence and is in line with my questions in Parliament calling for New South Wales to adopt the Queensland model. Recent Independent Commission Against Corruption inquiries reveal the importance of ensuring that contact between decision-makers and those with vested interests is open and accountable. The community's desire to be informed about such meetings is clear.

The Queensland code of conduct also extends to the Leader of the Opposition and the Deputy Leader of the Opposition, and I believe that should be the case in New South Wales, and shadow Ministers should also be included. Lobbyists often target Opposition members if they think they will be future decision-makers, especially as an election approaches and there is talk of a change in government. This can also be said of crossbenchers who hold the balance of power—they can have considerable influence on decisions and their contact with lobbyists is in the public interest. I support the bill as a step towards further reform to improving transparency of contact with lobbyists.

Mr CLAYTON BARR (Cessnock) [10.48 a.m.]: The objects of the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014 are:

- (a) to reconstitute the New South Wales Electoral Commission (so that it is constituted by the Electoral Commissioner, a former Judge as Chairperson of the Commission and a member with financial or audit skills, instead of it being constituted only by the Electoral Commissioner),
- (b) to abolish the Election Funding Authority of New South Wales and to confer its functions on the reconstituted New South Wales Electoral Commission,
- (c) to provide for a Register of Third-Party Lobbyists, a Lobbyists Watch List and a Code of Conduct for third-party and other lobbyists ...

Of course, the watch list and the code of conduct are of interest to everyone. There has been significant hysteria and mayhem in the community and the term "lobbyist" now suggests something sour and rotten. The reality is that as members of Parliament we often meet with people who advocate and agitate for different positions and issues. That has been part of this debate. One point made earlier today was about the genuine intent or outcomes that will be realised through this particular piece of legislation. We can move as much legislation as we want in this Chamber but, unfortunately, people always will seek to go outside or around legislation.

Mr Christopher Gulaptis: Crooks. They're called crooks.

Mr CLAYTON BARR: If the member for Clarence wants to call the Millennium Forum crooks, that is up to him, but I was not doing that.

Mr Christopher Gulaptis: No. I am talking about Eddie Obeid and Ian Macdonald.

ACTING-SPEAKER (Ms Noreen Hay): Order! The member for Clarence will come to order.

Mr CLAYTON BARR: I acknowledge the comments of the member for Clarence because he makes a few important points, which I will go through step by step. The comments of the member for Clarence certainly refer to people such as Eddie Obeid, Joe Tripodi, Ian Macdonald and Tony Kelly. Their progress and, I guess, faults have been debated in this place at length and ad nauseam. Interestingly, though, while their cases are before the Independent Commission Against Corruption apparently, according to the Government, it is entirely appropriate to talk about those proceedings in this Chamber. However, in contrast, for Liberal Party members who have appeared before ICAC, according to the Government, we are not allowed to talk about those ICAC proceedings in this Chamber or name the members.

ACTING-SPEAKER (Ms Noreen Hay): Order! I call the member for Clarence to order for the first time.

Mr CLAYTON BARR: That approach reflects the glass jaw on that side of the Chamber. We on this side of the Chamber are mature enough and able to acknowledge what is happening. Those on the other side of the Chamber, as exemplified by the member for Clarence, are completely unable to do the same. That brings me back to the other point the member for Clarence made about crook behaviour of certain people. When Premier Nathan Rees introduced a bill that would ban donations from developers, everyone in this Chamber, including the now Premier, Mike Baird, was well aware of its intent, purpose and desired outcome. The moral responsibility of members of Parliament at that time was to implement that legislation in their daily behaviour. Indeed, if a political party had a certain structure contrary to that piece of legislation, those members needed to address that within their party.

However, the crook behaviour is that one half of the now Government, the Liberal Party, deliberately set up a process and regime to go around that piece of legislation. Liberal Party members knew the legislation's intent but morally chose to explore an avenue to get around it. That is the crook behaviour to which the member for Clarence refers and which we continue to see. Indeed, in the six months leading up to former Premier Barry O'Farrell's determination to introduce legislation banning donations from corporations and unions—again, I am mature and happy enough to acknowledge that—Liberal Party members continued to explore and maximise the benefit from those very sources they intended banning under legislation.

They were crooks, to use the words of the member for Clarence, and continue to be crooks because the moral integrity and fibre of their behaviour compared to the intent, reason and background behind the legislation introduced in this Chamber, of which everyone in the Chamber was aware—if not, they should read the second reading speech to become familiar with it quickly—was clear. Crook behaviour is what one does to get around legislation. This piece of legislation is supposed to deal with crook behaviour but is actually all about smoke and mirrors: "We want to be able to stand in front of the public at election time next year and be able to say that we enacted certain pieces of legislation in Parliament to clean it up." Unfortunately, we cannot enact a piece of legislation that will clean up crook behaviour that continues. The Millennium Forum and the Free Enterprise Foundation are all about crook behaviour that goes around an intention of a piece of legislation. The unfortunate reality of this piece of legislation is that it is a short-term headline.

It has been a broad-ranging debate. Those opposite will seek to hang their caps on this legislative headline. The Leader of the Opposition recognised that the budget does not provide additional funding for the lobbyist register under this legislation. One presumes that would have been costed as an expense, but the budget has no money for it. This legislation is nothing but a weak, limp and lame up-front suggestion that we are seeking to do something. If the Premier were serious, he would enact the findings of the group investigating donation reform. Some clarity could be obtained about this matter in the lead-up to the next election, instead of dragging it out to well beyond. We on this side of the Chamber support this piece of legislation because it is a step in the right direction. It is a step towards what the Labor Party asked the Government to do. We will not accept that it goes far enough, nor that it is everything it could and should be, and we do not accept that it will address the concerns of ICAC, which the former Labor Government tried to address and those on that side of the Chamber have tried to get around. We support this legislation.

Mr RON HOENIG (Heffron) [10.56 a.m.]: I contribute to the debate on the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014 and in so doing endorse the comments of the Leader of the Opposition. The Opposition suggested a bipartisan approach to the Premier to restore public trust in the political process in New South Wales regarding public funding and disclosures, including lobbyists. The Government has chosen not to take up that offer and not to discuss lobbyists with the Opposition. Instead, the Government has chosen to implement this legislation and put off any public funding decision by referring it to a committee for a decision at the end of the year, thereby ensuring that it will not apply at the next election. Of course, that is extremely disappointing because this legislation or, alternatively, the previous legislation and decision of the Premier is all just a stunt to get the media off the Government's back and for the Government to not face up to the very problems that infect the political fabric of this State.

There is something fundamentally wrong when the payment of money, whether through donations or otherwise, gains access to a political party or lobbyists. The only way to ensure scrutiny of donations or, alternatively, influence on government or politicians is through public disclosure. At times, public disclosure can be uncomfortable because sometimes it is picked up and stories are written containing imputations that are not necessarily accurate. I was subjected to that only this week. In my former occupation as mayor I defended people within my city of Botany Bay from the ravages of the Department of Planning, which, for my 30 years as mayor, always tried to zone the entire city of Botany Bay for industrial airport or port-related use. My battle with the New South Wales Government's Department of Planning was to try to remove industrial zonings away from residential areas. All those battles over 30 years were always public and subject to scrutiny. This week I was criticised for a two-year battle of persuading the Government not to extend a port State environmental planning policy.

Mr Brad Hazzard: Is this a personal explanation? I will not take a point of order, but this is a personal explanation.

Mr RON HOENIG: It relates to the bill because it goes to scrutiny. All actions I took in respect of that were public. They were published on the blog and in the newsletter that went to every resident of the city of Botany Bay. The position I took was that I never spoke to anyone who made a development application and I never spoke to anyone who made a rezoning application or to objectors because determinations in respect of those applications require public scrutiny. I did not meet lobbyists in respect of development applications for that reason. I thought by ensuring all actions were public they would be subjected to public scrutiny, and there needs to be public scrutiny.

All elected representatives in any field are subject to lobbying and approaches by stakeholders in a variety of circumstances. It is important that lobbying is subjected to public scrutiny. There is no point in the member for Kiama, in his contribution to debate in this House, attacking the former Labor Government over the part 3A provisions and saying that the former Government was motivated by donations. Firstly, the Labor Party conceded that part 3A was wrong when it debated the Government's failed planning legislation. Secondly, that is not the only part 3A application that has been subjected to criticism by me. I have been very vocal in my criticism of the development application under part 3A for the Eastlakes Shopping Centre. Indeed, I spent a lot of time as a member of this House trying to get that application investigated. I did not know why the Government would not investigate it until I found out a few weeks ago that people associated with the developer had contributed to Liberal Party slush funds.

The question of the scrutiny of and transparency in the political process raises its head in respect of every issue to do with government. We were challenged by the member for Kiama as to whether or not we will disclose our diaries. I am happy to disclose my diary to anyone. It might involve criticism, but I am happy to disclose my diary because effectively there is nothing secret about my movements. In our capacity as members of Parliament people tell us things or complain about wrongdoings of the Executive Government and want us as members of Parliament to take certain action. In those circumstances, those persons might be concerned about the disclosure of those meetings.

One problem in trying to rush through a piece of legislation—which is nothing more than an effort to get the media off their back—is that it can have unintended consequences. If the Government was serious it could sit down with the Opposition over the next two or three months and formulate legislation that will not have unintended consequences but will deal specifically with public trust, campaign donations and public funding of campaign donations, thereby restoring public trust in the political processes of New South Wales. That would be better than simply implementing another rushed piece of legislation that is designed to have a political benefit but no long-term benefit to the people of New South Wales.

[*Business interrupted.*]

VISITORS

ACTING-SPEAKER (Ms Noreen Hay): I acknowledge in the gallery student leaders from high schools in New South Wales who are attending the Secondary School Leadership Program for school captains. I acknowledge from Walcha Central School Alice Burwell, Sam Mackaway and Sam Fortescue, who are guests of the member for Northern Tablelands. I particularly acknowledge and congratulate students from Illawarra Grammar School, which is in my electorate, Kate Martin and Alex Marzano. I congratulate these students on participating in this course.

ELECTORAL AND LOBBYING LEGISLATION AMENDMENT (ELECTORAL COMMISSION) BILL 2014

Second Reading

[*Business resumed.*]

Mr GREG PIPER (Lake Macquarie) [11.04 a.m.]: The Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014 sets out a number of steps to address the issues of lobbying within the New South Wales political system. These issues have been well covered by other members, so I will not repeat all of the matters to which the legislation pertains. I find this legislation can be supported as a step in the right direction. It is, however, only part of the reform that is needed and therefore it is only one step.

These issues need to be advanced in a timely way, but not without proper consultation and consideration. On that note, I am concerned that this bill has been brought to this House without consultation across the board. Yet, we hear the constant call for bipartisan support for reform in this space. I note bipartisan support is being referred to by both sides of the House and not non-partisan support. I guess that reflects the nature of what is perceived as a two-party system, but it is broader than the Coalition and the Opposition, being the Labor Party. I would like the Government to broaden the way in which it thinks about this matter and how it consults with members of Parliament.

The need for transparency around lobbying activities is undeniable. This is a position the community held long before successive governments arrived at this position. We are catching up with community expectations, not leading in this regard. Community expectations in other areas of electoral matters are also ahead of our current position. Expectations around donations and declarations have not been met. This, of course, has been painfully played out and revealed in recent Independent Commission Against Corruption [ICAC] investigations. I note once again the interplay between the two sides of the House. It is a little rich for Opposition members to throw barbs at Government members and vice versa. There is no great honour in either side taking that position. The history of members of the former Government is well known, nobody can deny that, but nobody can deny that a great shadow has been cast over politics in general by issues now being revealed within ICAC.

Changes are necessary, and this legislation is part of that process. The most significant changes that could restore public confidence should come from the inquiry that is being carried out at the Premier's request. I note the calls for the findings of the Schott inquiry—the members of that committee being Kerry Schott, John Watkins and Andrew Tink—to be expedited. I suggest it would be right to hasten slowly in this space. We want consultation, we want the right answers and we want to get it right. All the wisdom and knowledge on this matter does not reside within this small group of members of Parliament. Other people have a very strong position on this, and they should be heard. We need to get it right so that the community has confidence in the final decision. I acknowledge that the Premier has taken the step of establishing an inquiry. It is a good step, but only if there is an opportunity for every one of us and the community to have meaningful input in the process. I sincerely hope that members of Parliament and the community get that opportunity.

It is unfortunate that this legislation was introduced by the Premier just yesterday, and it was the expectation of the Government that the legislation would pass through all stages of the House. It was an appalling decision. At least we have had some reprieve in that the bill has been brought back to be finalised today. To rush the bill through Parliament is wrong and unnecessary. It does not give confidence that this legislation is being dealt with in a non-partisan manner. I do not believe anybody could claim that the legislation is being dealt with in a non-partisan manner when this bill has been formulated and discussed in places of which

the Parliament is unaware, such as, the department, and with a select number of people. Having said that, it is a small part of the issues that we are addressing and I believe that it is a supportable component. On that basis I will support the legislation.

Mr JAMIE PARKER (Balmain) [11.10 a.m.]: On behalf of The Greens I speak in debate on the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014. As we have heard from other members, this bill was introduced to enact certain reforms to regulate lobbying in New South Wales. There are many positive things to be said about the bill. Today I will outline some of those positives and also highlight some areas where improvements can be made to the legislation.

Mr Brad Hazzard: Thank heavens. I've been hanging out for that.

Mr JAMIE PARKER: The Minister says that he has been hanging out to get feedback from The Greens. I can assure the Minister that I am here to give that to him and I look forward to him taking all these matters on board. The Greens have been addressing this issue for some time, particularly in relation to the management of lobbying. The 2010 report of the Independent Commission Against Corruption was submitted to the former Government but zero action was taken. The legislation has been a long time coming under this Coalition Government, but I am glad to say that there are many positives in the bill, which I will now outline.

The bill beefs up the Lobbying of Government Officials Act, or LOGO, which was created in 2011. Currently, the Act has only two real features: the ban on success fees; and a cooling-off period of 18 months for former Ministers and parliamentary secretaries who wish to engage in the lobbying of a government official on any official matter that was dealt with by the former Minister or parliamentary secretary in the course of carrying out portfolio responsibilities. The bill introduces several new sections to the Act, including a section dealing with a lobbyists' register, a code of conduct—which will be introduced by regulation—a watch list for lobbyists who breach the code, and a significantly beefed-up definitions section to define "lobbying" and "lobbyist".

The Election Funding Authority will be abolished and replaced with a new NSW Electoral Commission which will have oversight of elections and the relevant Acts, that is, the Election Funding, Expenditure and Disclosures Act and the Lobbying of Government Officials Act. The elements of the bill relating to the dissolution are supportable, particularly the membership of the commission, the independent nature of the new body and the powers of the commission to enforce compliance with both Acts. These are important steps forward and they deserve acknowledgement because they provide a foundation that can be built upon.

Handing over the power to monitor the lobbyists' register to an independent body was a recommendation of the Independent Commission Against Corruption [ICAC] in 2010 that had not been acted upon. This is another important step forward. Previously in question time I have asked the Premier questions about these issues. This particular issue is one of the points in The Greens five-point clean-up politics charter. The charter promotes ways to improve transparency and confidence in government and to restore integrity and public confidence in the system of government.

We would all agree that our system of government has been subject to some serious questioning in the community as a result of the revelations of ICAC and the behaviour of some members in this place. The definition of "lobbying" and "lobbyist" is a critical issue. The bill vastly improves the definition provisions. The Register of Lobbyists covers only third party lobbyists and not in-house lobbyists. However, third party lobbyists and all other lobbyists can be put on a watch list. The definitions of "lobbying" and "lobbyist" needed improvement, and this bill goes a significant way towards doing that.

The bill under-emphasises and neglects some issues. The provisions in the bill relating to the regulation of lobbying do not apply to local government. The Government should address the way lobbying is managed in local government. Having served as mayor on Leichhardt Municipal Council from 1999 to 2011, I know that lobbying is a significant issue in local government and it should be regulated. The bill contains no further provisions relating to prosecutions or funding for compliance measures, education campaigns and so on. It is all very well for the Premier to talk about education campaigns, but when departments ask for funding to run a campaign they are told to make do, to work with other agencies, or to set up an interagency group, which means that very little happens.

Another issue is that although the bill refers to the Lobbyists Code of Conduct, it does not enshrine the code in the legislation. The code will be introduced as a regulation, which is still being drafted by the

Government. We must be cautious because we do not know the wording of the regulation. The Government has adopted a "trust me" approach: it will develop a code of conduct which has not been written yet and will be introduced as a regulation. That is not good enough. The code of conduct should be legislated and it should be part of the bill before us. That would assist us to determine whether the Lobbyists Code of Conduct is adequate.

The requirement for Ministers' diaries to be published quarterly is also not part of the bill, and it is not even to be put in a regulation. The Premier has said that Ministers' diaries will be published quarterly, but there is no legislative or regulatory requirement for that to happen. It will be set out in a Department of Premier and Cabinet memorandum. Considering the interest the public has in these matters, one would think the Government would have put it in legislation or in a regulation to ensure the process is observed. The Greens consider that the oversight of the requirement for Ministers to publish their diaries should lie with the Electoral Commission, as applies to the Lobbyists Register and the Lobbyists Code of Conduct. This will ensure compliance and improved transparency.

The Greens believe that the cooling-off periods in the bill should apply also to staff of former Ministers and parliamentary secretaries. Further, lobbying activities in relation to government contracts are not captured in the definitions in the bill. I understand The Greens will move amendments in the other place to seek to address that issue. I refer to the major issues that need to be addressed by the Government. The cooling-off period that is contained in the Lobbying of Government Officials Act should be extended to former staff of Ministers and parliamentary secretaries but for 12 months only, not for the 18 months that apply to Ministers and parliamentary secretaries. The definition of "lobbying" should be expanded by adding: "the awarding of a government contract or tender or any other instrument that confers financial gain, including a public-private partnership". That is clearly a lobbying activity. This is an oversight in the bill and I hope that the Government will consider amending the bill in this regard when it is being dealt with in the other place.

It should be mandatory to publish lobbying meetings with government officials. Further, meetings with lobbyists should occur in an official location, they should be attended by at least three public officials and they should be minuted, with the minutes recording those present, any matters discussed and the outcomes. In this way we will corruption-proof the role of politicians and senior public sector staff. As members know, meetings are already minuted, a record of attendees is kept and actions arising out of those minutes are maintained. Why not publish them? Commercial-in-confidence issues do not need to be included, but the minutes will show who is meeting with whom, when they are meeting and what they are talking about. In this way we throw open the doors of decision-making and remove any stains with the best disinfectant: sunlight. The casting of light on the process will help protect us as members and also help protect the bureaucracy and public service.

Another issue that needs to be addressed relates to the time limit that the commission can prosecute for breaches of the Election Funding, Expenditure and Disclosures Act. It should be extended from three years to six years after the offence took place and it should be made retrospective so that an offence committed six years prior to the commencement of this legislation would be captured. This legislation allows for the commission to be able to prosecute for breaches within a three-year period. That is not enough time. I believe six years is an appropriate timeframe. I encourage the Government to consider that amendment.

The lobbying and influencing of politicians and government before elections is a hugely contentious issue as a result of the former Labor Government's disastrous term in office and this Government's exposure by the Independent Commission Against Corruption of members' illegal and questionable behaviour. It is important—I say this forcefully—for the Government to continue the momentum. The Greens members in the Parliament have been pushing for clean politics and electoral reform for many years. We have opposed developer donations. We have opposed the corrosive influence of donations, lobbying and influence peddling on this State. It is time to clean up politics. The Greens will support the Government when it comes to introducing legislation that helps to improve the political integrity of New South Wales. I look forward to the Government taking this issue even further and looking at The Greens' proposals in relation to this matter.

[Business interrupted.]

VISITORS

ACTING-SPEAKER (Ms Noreen Hay): I welcome to the Parliament student leaders from high schools in New South Wales who are attending the Secondary Schools Leadership Program conducted by the Parliamentary Education Unit.

**ELECTORAL AND LOBBYING LEGISLATION AMENDMENT (ELECTORAL COMMISSION)
BILL 2014**

Second Reading

[Business resumed.]

Mr JOHN SIDOTI (Drummoyne) [11.20 a.m.]: I thank the Leader of the Opposition, the member for Sydney, the member for Kiama, the member for Cessnock, the member for Lake Macquarie, the member for Heffron and the member for Balmain for their contributions to the debate. The Government is pleased with the support of members for the proposals in the bill. I note for the benefit of the Leader of the Opposition and the member for Cessnock that the Electoral Commission has been given supplementary funding to perform its additional functions as lobbying regulator. The Leader of the Opposition talked about the limited consultation. He is simply not correct. He talks the talk but when it comes to action he does not walk the walk. This complex legislation cannot be done overnight; there are constitutional legalities. In the past three years we learned from Labor that we will not adopt policy on the run or kneejerk reactions to policy.

What did the Labor Party do in terms of reforms during its 16-year tenure in this Parliament? We all know the answer: absolutely nothing. Members opposite talk about bipartisanship but the reality is far from it. Unions NSW tore down the High Court challenge. Members opposite are hypocrites. When the Leader of the Opposition comes into this place and gives a commitment not to accept money from the unions or the corporate sector, then perhaps he may be seen as having remotely some credibility. In response to the member for Sydney, the bill will confer all the functions of the Election Funding Authority on the Electoral Commission on the recommendation of the Joint Standing Committee on Electoral Matters. It will not remove or reduce the Election Funding Authority's existing functions; those functions will be exercised by the reconstituted Electoral Commission.

The member for Sydney called for a targeted education campaign in relation to lobbying reforms. Information about the new regulatory regime for lobbyists will be provided at the point of contact with New South Wales government officials. The Department of Premier and Cabinet is working with the staff of ministerial offices to ensure that they are familiar with the new requirements. I note for the benefit of the Leader of the Opposition and the member for Balmain that the Electoral Commission has been given supplementary funding to perform its additional functions. I add for the benefit of the member for Balmain that The Greens were the beneficiary of the largest single donation in this country's history. We must tell things the way they are. The member also spoke about lobbying in local government, which I thought was a good point.

The member for Cessnock brought to the table some valuable points about representation and how it is an integral part of our democracy. It is vital that an efficient, ethical and honest approach is at the heart of everything we do as members of Parliament and that we perform our functions with openness and transparency. That is of paramount importance to us all. The member for Lake Macquarie said that the legislation is a step in the right direction. He also spoke about community expectations, which is extremely important. The member for Heffron spoke about unintended consequences. Frankly, I do not believe there will be any unintended consequences. The bill will enhance the regulation of electoral matters by establishing new institutional arrangements for the oversight of elections and election funding in New South Wales. I draw attention to what the Premier promised. I quote:

We are nailing shut the back door to Government—this is an important step that puts on notice any lobbyist or business thinking about breaking the rules or expecting favourable treatment.

Mr Richard Amery: Point of order: On a point of clarification, it appears that the member for Drummoyne is speaking in reply to the second reading debate as he is responding to points made by other members in this debate. Can he indicate to the House whether he is the Parliamentary Secretary speaking in reply on behalf of the Minister? If not, I hope the Minister will reply to the debate when the member for Drummoyne has concluded his contribution.

Mr Brad Hazzard: To the point of order: It is wonderful to have such established members as the member for Mount Druitt here always to remind us of the forms and procedures of the House. His infinite wisdom lifts this place to another level. The member for Drummoyne is addressing issues that would be addressed in reply. As the Attorney General, I will be formally noting that in reply after he has concluded his contribution.

Mr Richard Amery: I withdraw the point of order based on the information provided by the Minister. I commend the Minister: During the contribution of the member for Drummoyne, the wrap-up speech, the Minister's mouth did not even move.

ACTING-SPEAKER (Ms Noreen Hay): Order! The member for Drummoyne has the call.

Mr JOHN SIDOTI: It is envisaged that the bill will strengthen lobbying regulation in response to the recommendations made by the Independent Commission Against Corruption. It also will bolster the regulation of lobbying activities in this State by imposing a new code of conduct on all organisations that seek to influence government policy and decision-making, and by conferring power on the Electoral Commission to monitor and enforce compliance by lobbyists with the code and legislation. The bill will be supplemented by administrative measures to enhance the regulation of lobbying, including a requirement for all Ministers to disclose details of external meetings held from 1 July. I commend the bill to the House.

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [11.28 a.m.], on behalf of Mr Mike Baird, in reply: As Attorney General I indicate that the words used by the member for Drummoyne are the words I would have used in my reply. Therefore, I adopt everything the member for Drummoyne said, and 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, on behalf of Mr Mike Baird, 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.

COURTS LEGISLATION AMENDMENT (BROADCASTING JUDGMENTS) BILL 2014

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

Second Reading

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [11.30 a.m.]:
I move:

That this bill be now read a second time.

This bill amends the District Court Act 1973 and Supreme Court Act 1970 to create a presumption in favour of permitting the recording and broadcasting of certain judgments given by those courts in open court, unless satisfied that one of a limited number of exclusionary grounds is present. The presumption also will apply to proceedings in the Court of Criminal Appeal. In announcing the Government's court broadcasting policy, my predecessor, the former Attorney General, the Hon. Greg Smith, SC, MP, said:

Justice should be seen to be done and be accessible to all. Allowing more people to watch court decisions will help to show the considerations that go into the decisions judges make.

I thoroughly endorse that view. While proceedings are generally heard in open court and the public are able to attend in person, with more than 170,000 criminal matters dealt with by our courts each year, the great majority of people rely upon electronic media for information about court cases. New South Wales courts have allowed sentencing remarks to be broadcast previously, with four high-profile sentences filmed since 2009 and three documentaries made inside New South Wales courts since 2004. However, there are currently no guidelines promoting consistency in deciding whether to allow cameras into the courts. This bill seeks to bring greater transparency and consistency to the process. I will now turn to the substantive provisions of the

bill. As I explained earlier, the bill creates a presumption in favour of granting applications by the media to record and broadcast certain "judgment remarks" given in open court. The bill defines "judgment remarks" to mean:

- (a) in relation to a criminal trial—the delivery of the verdict, and any remarks made by the Court when sentencing the accused person, that are delivered or made in open court, and
- (b) in relation to any civil proceedings—remarks made by the Court in open court when announcing the judgment determining the proceedings.

For the avoidance of doubt, I emphasise that the bill does not apply to trials or civil hearings. It applies only to verdicts, sentencing remarks and civil judgments. The chief risk associated with filming court proceedings is the defendant's right to a fair trial. This risk is most acute during the criminal trial process. Therefore, the bill does not apply to the trial itself. In further recognition that certain details contained in the courts' judgments may pose a risk to participants, related criminal trials or ongoing investigations, the bill also provides a limited number of "exclusionary grounds" upon which an application may be refused. They are:

- (a) that the broadcast of the judgment remarks would be likely to reveal the identity of a person in circumstances where the disclosure, publication or broadcast of the person's identity is prohibited by a suppression or non-publication order ... or by law,
- (b) that the judgment remarks will contain material:
 - (i) that is subject to a suppression or non-publication order ... or the disclosure, publication or broadcast of which is otherwise prohibited by law, or
 - (ii) that is likely to be prejudicial to other criminal proceedings (including proceedings for the same or a related criminal offence) or a current criminal investigation, or
 - (iii) that is likely to reveal the existence of a covert operation carried out by law enforcement officials.
- (c) that the broadcast of the judgment remarks would pose a significant risk to the safety and security of any person in the courtroom or who has participated, or has otherwise been involved, in the proceedings, or
- (d) that the Chief Judge [of the District Court or the Chief Justice] has directed that the judgment remarks not be recorded or broadcast because, in ... [their] opinion, the broadcast ... would be detrimental to the orderly administration of ... the Court.

The presence of exclusionary grounds (a), (b) or (c) will not be sufficient justification to refuse permission unless the court is also satisfied that it is not reasonably practicable to implement measures to prevent the broadcast of anything that would otherwise give rise to the exclusionary ground. To ensure the orderly process of recording and broadcasting court proceedings, the courts will be able to make rules about the manner in which recordings of judgment remarks are to be made, including limiting the number and kinds of persons who may be involved in making such recordings in the courtroom; providing for measures to prevent the recording or broadcast of anything that may give rise to an exclusionary ground or prevent a contravention of the requirement for images of certain persons not to be recorded; and providing for the shared use of recordings among broadcasters.

However, such rules cannot operate in a manner that is inconsistent with the presumption in favour of broadcasting. The Government's policy at this time is that broadcasting should be limited to verdicts, sentencing remarks and civil judgments. For the avoidance of doubt, proceedings under the Bail Act 2013, the Children (Criminal Proceedings) Act 1987, the Children and Young Persons (Care and Protection) Act 1998, the Crimes (Forensic Procedures) Act 2000 and the Supreme Court's inherent jurisdiction over the care and protection of children are expressly excluded by this bill. Proceedings that are held in closed court are also excluded. The bill was subject to thorough consultation with the Chief Justice and the media to ensure that the legislation would operate to the mutual benefit of each.

I am advised that the Chief Justice is comfortable that the current drafting accommodates the courts' operational requirements. The Media, Entertainment and Arts Alliance, the Australian Broadcasting Commission and FreeTV Australia, representing commercial television stations, were very welcoming of the initiative. The provisions of this bill will apply across a range of media channels including television, radio and the internet, including webcasting. The principle of open justice is fundamental to our court system. This bill enhances that principle and recognises the demands of the modern technology-driven age in which we live. I commend the bill to the House.

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

DRUG COURT LEGISLATION AMENDMENT BILL 2014**Second Reading****Debate resumed from 26 March 2014.**

Mr PAUL LYNCH (Liverpool) [11.38 a.m.]: I lead for the Opposition on the Drug Court Legislation Amendment Bill 2014. The Opposition does not oppose the bill. The object of the bill is to amend the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999. The intent of these amendments is to implement legislative recommendations of a review that was carried out into the Compulsory Drug Treatment Correctional Centre [CDTCC] and the Compulsory Drug Treatment Program [CDTP]. The bill before the House seems to largely implement the nine legislative recommendations made by the review. The review recorded unanimous support in submissions for the CDTP operating at the CDTCC.

The CDTCC has operated since its inception within Parklea Correctional Centre. Its participants are supervised by the Drug Court whose Chief Judge is Judge Roger Dive. In his second reading speech, the then Attorney said the program and centre are key components of the Government's ongoing strategy to tackle the use of illicit drugs and reoffending. I am glad about that. These are unabashedly Labor initiatives. Indeed, granted the Attorney and the Government's enthusiasm for the centre and the program, I am surprised it has taken as long as it has for these amendments to come forward to this Chamber. I note the fairly dilatory approach to and the disinterest the Government has shown in this bill. It was second read on 26 March 2014 and many months later it is coming on for debate.

As the review makes clear, a compulsory drug treatment program was first proposed by Labor in 2003. It was a more comprehensive version of a proposal coming from the Drug Summit of 1999. The centre was established at a capital cost of \$3.5 million. Corrective Services is responsible for the management, security and rehabilitation services at the centre. The justice and forensic mental health network has responsibility for the health and care of inmate participants. The primary legislation commenced on 21 July 2006 and the centre opened on 23 August 2006.

The review giving rise to this bill was carried out pursuant to section 106Z of the Crimes (Administration of Sentences) Act by Corrective Services NSW. It was completed in May last year and eventually tabled in this place in October last year. More than 12 months after the review was completed we are finally debating the amendments arising from it. The review received 20 submissions and I should note particularly those from His Honour Judge Dive, Senior Judge of the Drug Court of New South Wales; Dr Astrid Birgden, Director of the CDTCC; and Nicholas Cowdery, the then Director of Public Prosecutions.

There seemed to me to be two broad overarching issues around the program and the review. The first is the compulsory nature of the program. In practical terms, as I read the review, the majority of those making submissions did not see this as a live issue. The review summarises Judge Dive's view that it is a non-issue. Dr Birgden suggested an amendment based on section 7A (2) (e) of the Drug Court Act providing participants with a choice between receiving a compulsory drug treatment order, which is known as a CDTO, and it thereafter being compulsory. Corrective Services in this review did not propose that and I note Dr Birgden points out that the compulsory nature of the treatment is balanced by the incentive of accelerated release. I make no criticism of the review's recommendations on this point. I simply note the debate and the issue.

The second broad issue is utilisation of the program and the centre. As at July 2010, 247 referrals had been made and 43 per cent of offenders were found ineligible or unsuitable. In four years the centre had never been at 100 per cent capacity. Further utilisation of the program and centre through sensible alteration of the relevant criteria would thus seem to be entirely appropriate. This is especially so because of the overwhelmingly favourable assessment of the program, including particularly by the Bureau of Crime Statistics and Research [BOCSAR]. Accordingly, a number of amendments are made to the definition of eligible offenders in section 5A of the principal Act. Currently, to be eligible a participant's unexpired non-parole period must be at least 18 months at the time the sentence was imposed and no more than three years at the time the Drug Court makes a CDTO. The three-year period is increased here to six years.

The current requirement for an eligible convicted offender to have been convicted of two offences is removed. Instead, the assessment of the offender will consider the offender's history of committing offences and associated lifestyle. Currently, a person is not eligible if they have been convicted at any time of an offence involving the use of a firearm. This is to be replaced by a requirement that they are not eligible if the offence for

which they have been convicted involved the use of a firearm or they have been convicted at any time of any offence involving the violent use of a weapon. This entirely sensible proposition was supported in the review and in the Attorney's second reading speech by reference to circumstances of the case of Paton [2007] NSWDRGC 2 where, if the offender had been an adult and an earlier conviction recorded, they would have been ineligible for the scheme. Examples justifying the position also emerge from the review. Page 51 of the review states:

Judge Dive also advised the review of an applicant who was convicted and fined for trespassing and shooting a rifle at a tree stump and some ducks in a pond in 1990, and is thereby ineligible. By contrast, offenders who have committed armed robberies whilst armed with weapons other than firearms (eg knives, syringes, baseball bats etc) have been found eligible.

Mrs Kay Valder, Official Visitor to the CDTCC as well as an Official Visitor to Parklea Correctional Centre, in a letter to the review subsequent to her submission, advised the review of a long-term offender who " ... had spent much of the past 18 years coming in and out of prison due to his drug addiction, (who) had never worked and had no skills to support himself whenever he was released, so he reverted to crime. The offender is now 39 years old and ... when he was aged 18 he was charged with using a firearm shooting at tin cans off a log. This offence has caused him to be denied acceptance as a participant in the program." Mrs Valder points to the unintended and unfortunate consequences of a rigid interpretation of S5A (2) (c).

In light of that evidence, the case for this particular amendment becomes quite powerful. However, I note that there is a divergence between the amendment contained in this bill and recommendation 10 in the review. I ask the Attorney to explain in reply why his bill departs from the recommendation in the review conducted by his department. I note in particular whether new section 5A (2) (b) (iii) is redundant in light of new section 18E (2) (c1). I am not critical of the bill, but I would like an explanation of the discrepancy.

Changes also are made in connection with the State Parole Authority, which involves a less restrictive definition of eligibility. An eligible convicted offender includes a person whose parole order has been revoked if they can be referred to the Drug Court by the State Parole Authority. The authority must refer someone to the Drug Court if their parole has been revoked in respect of a sentence that previously has been the subject of a CDTO that has expired. The Drug Court can determine whether to impose a new CDTO. The amendments also extend to the impact of a CDTO to include suspension of an eligible convicted offender to be considered for parole.

Section 29 of the Drug Court Act is amended to make the functions of the registrar similar to those exercised by other registrars and not restricted to administrative functions. This arose from concerns of Judge Dive and was canvassed in the review. There are also amendments to the Crimes (Administration of Sentences) Act. The Director of the CDTCC is given power to direct an offender to regress one stage. A CDTO may be revoked if the court thinks the offender is unlikely to make further progress. Provision is made for reference to the Drug Court if an offender is sentenced to a new term of imprisonment. The State Parole Authority may consider an offender's case less than 60 days before the offender's parole eligibility date where the Drug Court has revoked the relevant CDTO. This flows from the other changes to parole.

Finally, the Crimes (Administration of Sentences) Regulation is amended in relation to circumstances constituting manifest injustice. The alternative would be that offenders would have to wait 12 months for their parole eligibility date before parole can be considered. Recommendations 8, 11 and 12 of the review were non-legislative and thus self-evidently not part of this bill. I seek advice from the Attorney in his reply as to the Government's response to the non-legislative recommendations of the review.

The Drug Court must be regarded as, without doubt, a success. That is very clear from the plethora of BOCSAR reviews that have been carried out on it. Late last year I had the opportunity to observe several hours of the court in operation and to discuss its operations with the various professionals involved. I thank Judge Dive for the invitation that he kindly extended to me at the Wollongong Drug Court forum. My personal observations confirmed my favourable view of the effectiveness and efficiency of the court. The problem-solving model of the Drug Court is traditionally rare in Australian judicial structures, but in this instance it has all pluses and very few minuses. The only real issue is about the court's expansion.

Both the Government and the Opposition promised to establish a second metropolitan Drug Court prior to the last election. In substance, the Government has not done that. It has merely put up the facade of a second metropolitan court at the Downing Centre. Referrals to the Sydney Drug Court can be made only for people who live in the City of Sydney local government area. It is really a Clayton's court dealing with only a very small number of referrals. If the Government's rhetoric about the Drug Court were something it actually believed in, it would fund the Sydney Drug Court properly and expand it properly. I note there are already calls for it to be

expanded to Tamworth and Dubbo and above all, in my view, it should be expanded to Wollongong. I note that as at May 2013 there have been 501 referrals to the Parramatta Drug Court and as at May 2013 there have been 320 referrals to the court sitting at Toronto.

The sitting at the Downing Centre is based only on people living in the City of Sydney local government area; that is, it is not extended to the rest of the inner western and eastern suburbs, despite the Government's media releases at the time it was commenced. The number of participants is restricted to 40, which is an entirely inadequate number for the Drug Court sitting at the Downing Centre and is, as I say, an indication that it is a Clayton's court rather than a serious attempt to replicate the Drug Court. I note calls from the Law Society of New South Wales, the Public Defenders, the Shopfront Youth Legal Centre, the New South Wales Bar Association and the Children's Court for the expansion of the Drug Court program, especially the one at the Sydney Drug Court. Having said that, the Drug Court is undoubtedly successful as it exists and the Opposition has pleasure in supporting the bill.

Mr STEPHEN BROMHEAD (Myall Lakes) [11.48 a.m.]: I speak in support of the Drug Court Legislation Amendment Bill 2014. The bill implements reforms recommended by a recent statutory review of the legislation governing the Compulsory Drug Treatment Correctional Centre. The centre was established in 2006 specifically to target long-term drug-dependent offenders who have failed treatment in voluntary drug and alcohol programs in either correctional centres or the community, or who have never accessed treatment.

The overwhelming response from stakeholders indicated support for the continued operation of the program and the statutory review concluded that the policy objectives of the program and the associated legislation remain valid. The review made 12 recommendations to clarify aspects of the legislation and to make the program available to a greater number of participants. Nine of those recommendations related to amending legislation. I recall when this legislation was first contemplated. Prior to its introduction I had a conversation with a barrister by the name of Ross Goodridge, who had visited the United States where he had seen drug courts working and the good work that they were doing. He returned to New South Wales and spoke to anyone who would listen about how good a drug court would be. Ultimately drug courts were introduced. They are doing a fantastic job of reducing recidivism. They play a vital role in our communities.

I am a member of the Legal Affairs Committee that recently conducted an inquiry into synthetic drugs. As part of that inquiry the committee travelled to the Hunter Valley where we spoke to a number of stakeholders. One of the stakeholders we visited was the Drug Court at Toronto. We spoke to the staff, social workers, drug counsellors, police and the magistrate, all of whom spoke highly of it and said how much it was helping the community. We spoke to drug addicts who had been referred to that court and they also spoke highly of the process. Sergeant Steven Rae, the police prosecutor at the Toronto Drug Court, is an outstanding police officer and officer of the court, who does a fantastic job. Steven Rae not only is a fantastic police officer but also is a wonderful person and a real gentleman—they are few and far between.

Steven Rae is the son-in-law of Jack and Thora Ireland of Bulahdelah, which is in my electorate. Recently I had the pleasure of attending Jack and Thora Ireland's seventieth wedding anniversary and the celebration of Thora's ninetieth birthday. Steven Rae and his family were present. I spoke to Steven Rae about the Drug Court and the important role it plays. Often police officers become hardened and cynical in their view of offenders, particularly people with drug addictions, but Steven Rae spoke highly of the Drug Court. He could see that it was helping people. The review of legislation made a number of recommendations. It is performing its job and the Government is implementing some of the recommendations. The objects of the bill state:

- (a) to amend the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999 to give effect to certain recommendations made by the Minister for Justice in the review entitled Review of the Compulsory Drug Treatment Program and the Compulsory Drug Treatment Correctional Centre pursuant to the Crimes (Administration of Sentences) Act 1999, and
- (b) to make a related amendment to the Crimes (Administration of Sentences) Regulation 2008.

I will now speak to some details of the bill, which state:

Schedule 1 [1] provides that an eligible convicted offender must be a person who has been sentenced to a term of imprisonment for the relevant offence to be served by way of full-time detention where, at the time the sentence was imposed:

- (a) the unexpired non-parole period of the sentence was a period of at least 18 months, and
- (b) the unexpired total sentence was a period of not more than 6 years.

Currently, the unexpired non-parole period must be at least 18 months at the time the sentence was imposed and no more than 3 years at the time the Drug Court determines whether to make a compulsory drug treatment order.

Schedule 1 [2] removes the requirement that an eligible convicted offender must be a person who has been convicted of at least 2 offences resulting in a sentence of imprisonment, community service order or good behaviour bond within the 5-year period immediately before the offender's current conviction.

Schedule 1 [3] provides that an eligible convicted offender includes a person whose parole order has been revoked if the person can be referred to the Drug Court by the State Parole Authority under the provision to be inserted by Schedule 1 [5].

Schedule 1 [4] provides that a person may not be an eligible convicted offender if the offence for which the person has been convicted involved the use of a firearm, or if the person has been convicted at any time of any offence involving the violent use of a firearm. Currently, a person may not be an eligible convicted offender if the person has been convicted at any time of any offence involving the use of a firearm.

Schedule 1 [5] requires the State Parole Authority to refer a person, whose parole has been revoked in respect of a sentence that has previously been the subject of a compulsory drug treatment order which has expired, to the Drug Court to determine whether the person should be the subject of a compulsory drug treatment order.

Schedule 1 [6] provides that for an eligible convicted offender referred to the Drug Court by the State Parole Authority whose parole order has been revoked, the Drug Court may make a new compulsory drug treatment order having regard to the circumstances of the revocation.

Further:

Schedule 2.1 [2] provides that if the Director of the Compulsory Drug Treatment Correctional Centre is satisfied that an offender has failed to comply in a serious respect with any condition of the offender's compulsory drug treatment personal plan, the Director may direct that an offender regress from one stage of compulsory drug treatment detention to a lower stage for a specified period not exceeding 3 months. It also provides that the Director must notify the Drug Court of any such direction within 7 days of issuing the direction and that the offender may apply to the Drug Court for a review of the direction within 14 days of the direction.

If we consider that addiction treatment, whether it be for alcohol or drugs, is a process of three steps forward and two back, it is a particularly common-sense amendment. Rather than having a person removed from the program completely or thrown out, it gives them another opportunity to remain in the program and, hopefully, successfully complete the program. The Legislation Review Committee looked at the bill and made several comments, some of which I will share with the House:

The Bill expands the pool of offenders who could be ordered to complete the Compulsory Drug Treatment Program.

That is more people gaining the benefit of using the program. Further:

However, the Bill will require the Drug Court to consider an offender's history of prior criminal offending related to long-term drug dependency and lifestyle when assessing their suitability for such an order, to ensure that recidivist offenders remain the target of the program. The Committee also notes the objects of the program include reducing drug dependency of eligible offenders; promoting their re-integration into the community; and reducing their need to resort to criminal activity to support dependencies. The Committee therefore makes no further comment.

In summary, this is a good bill that accepts the recommendations of the committee that inquired into the legislation. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [11.58 a.m.]: The aim of the Drug Court Legislation Amendment Bill 2014 is to implement recommendations made in the statutory review of the compulsory drug treatment program and the Compulsory Drug Treatment Correctional Centre. The compulsory drug treatment program was established under Labor and is an interagency endeavour. The program primarily operates between the Department of Corrective Services, Justice Health and the Attorney General's Department. The program aims to provide rehabilitation, treatment and reintegration of male participants who have repeatedly offended in order to support their drug dependence.

The Compulsory Drug Treatment Correctional Centre reported that as of July 2010, of the 247 referrals that had been made only 43 per cent of offenders were eligible for treatment. This has resulted in the centre never being at 100 per cent capacity. Given that, recommendations were made to increase slightly the eligibility rates of offenders who could benefit from such programs and to allow them to participate in the program. These recommendations stem largely from a submission from the director of the Compulsory Drug Treatment Correctional Centre and from a senior judge of the Drug Court. Offenders who previously failed to meet the requirements to receive help through this program would now be eligible should they meet the following criteria: their unexpired total sentence is six years, not three years; they are assessed on the basis of their history

of committing offences and lifestyle and not only the number of convictions; and they have not come before the court because of an offence that involves firearms or they have not committed a violent weapons offence—this is not limited to firearms.

Under the proposed changes, the director of the Compulsory Drug Treatment Centre also will have the power to regress an offender. Additionally, the courts must refer to the Drug Court an offender on a compulsory drug treatment order who has a new sentence imposed. Once the compulsory drug treatment order is imposed, it automatically suspends any entitlement for the offender to be eligible for parole. Should the Drug Court believe the offender is unlikely to gain further from the program then the treatment order may be revoked. A number of sensible recommendations will be implemented through this legislation, and we can only hope it will give drug-dependent offenders the best opportunity to get clean, to straighten up and to leave behind their life of crime. I do not oppose this bill.

Mr TONY ISSA (Granville) [12.02 p.m.]: There is no doubt that it is this Government's responsibility to meet the challenges we face today with illicit drugs in the community by introducing or amending legislation that meets the community's expectations. Drugs are the major contributor to the increase in crime in the community and the Minister has introduced much-needed reforms to the Drug Court legislation to meet the expectations of the people of New South Wales. According to the New South Wales Bureau of Crime Statistics and Research over the past five years drug offences in my electorate of Granville are up by 26.6 per cent a year.

The Drug Court Legislation Amendment Bill 2014 implements reforms to the Compulsory Drug Treatment Correctional Centre. The centre is the only correctional centre of its kind and is designed to target long-term drug dependent offenders who have not been successful at or who have never undertaken voluntary drug and alcohol programs. The aim of the programs is to provide comprehensive treatment and effective rehabilitation programs addressing drug dependency and to reduce the likelihood of relapse on release. This aims to cut crime by reducing the need for offenders to resort to criminal activity to support their drug habits.

I am pleased to be able to support this bill and to speak on behalf of the thousands of people in my electorate who like many across the State have been impacted by family or friends who are drug dependent. I acknowledge the many community organisations, churches and individuals who work so hard in their bid to solve this devastating problem. On a personal level, I am pleased to highlight my role within the community in the 1980s when I formed a youth forum with the aim of holding seminars for young people to highlight the dangers of drugs and alcohol and the impact they have on their lives. I am pleased to say that the seminars were well attended and we worked hard to encourage awareness of the devastating effects on not only themselves but also the community as a whole.

The Compulsory Drug Treatment Program and the Compulsory Drug Treatment Correctional Centre are major components of this Government's ongoing work to tackle the problem of illicit drugs in the community and to reduce the level of reoffending. A statutory review of the program was tabled in Parliament in October 2013 and the overwhelming response from stakeholders was support for the continuation of the Compulsory Drug Treatment Program. This bill implements the legislative recommendations of the review.

Through the Lebanese Maronite Church, Sister Rose Therese Tannous formed an organisation called the Whitestone Organisation, which has provided the first addiction recovery centre for eastern communities in Australia. The aim of Whitestone is to provide a long-term residential addiction recovery centre that accommodates and treats victims of addiction, which provides them with the core services and which caters for all forms of addiction: alcohol, drugs and gambling. The centre will focus on rehabilitation, education, prevention and reintegration and primarily caters for the needs of victims of addiction from eastern cultures and non-English speaking backgrounds. However, the centre is open to all. Whitestone is committed to reconciling individuals with themselves and their history and reuniting families and re-engaging communities. Fundraising is ongoing to achieve their aim to acquire land and to construct an addiction recovery centre.

I am pleased that the member for Parramatta, Dr Geoff Lee, and I are involved with Whitestone in its fundraising efforts to achieve its goals to assist people affected by drugs. The work of organisations such as Whitestone and this Government demonstrates that drug treatment programs are seen as a valuable tool in the battle to break addictions, particularly long-term drug dependency that ultimately leads to reoffending. Giving offenders the opportunity to gain skills to reintegrate successfully into the community is a win-win situation that will have long-term and lasting benefits for the offenders, the community and our State. This Government is aware that improvements can still be made, but the provisions in this bill will ensure that a greater number of eligible offenders can be part of the program and that they will benefit from the process. I commend the bill to the House.

Mr RON HOENIG (Heffron) [12.07 p.m.]: I endorse the comments made by the shadow Attorney General about the Drug Court Legislation Amendment Bill 2014. Drug addiction has affected and will affect every section and corner of the community not only in this State and country but also throughout the world. Those of us, like me, who have been part of the criminal justice system and people throughout the community have witnessed the tragedy of drug addiction. I am referring not only to drug addicts but also to their families, the victims of their crimes and their neighbours. Drug addiction is a sickness and those who are addicted will do anything to obtain drugs.

It is not necessarily confined to the poor, but affects the rich and the families of the rich. No country has successfully managed to deal with it. Some countries execute drug offenders and others have tried myriad programs. One of the difficulties that courts and law enforcement officers, probation and parole officers and health officers have in dealing with drug addicts and drug-addicted offenders was observed by the member for Myall Lakes in his experience as a police officer. The difficulty is that people become cynical because there are so many drug addicts and they are so difficult to deal with as they constantly reoffend and reuse drugs because of the sickness of addiction.

In 1998 the New South Wales Parliament enacted legislation to create the first drug court in Australia. It was located at Parramatta and, from memory, commenced in February 1999. It was an inferior court of record presided over by a District Court judge. It was an attempt to deal with long-term drug offenders by providing a mechanism outside the criminal justice system. Since I was a young solicitor I have seen thousands of drug-affected clients dealt with by the courts. The local courts in the 1980s were de facto drug courts because the stipendiary magistrates, as they were called in those days, were regarded as being quite tough. But they often gave drug offenders chance after chance on some serious offences, like break, enter and steal and things of that nature, in an effort to enable probation and parole officers and Department of Health officials to endeavour to rehabilitate these offenders. Sometimes they were successful.

As can be seen in a review presented to Parliament late last year, our Drug Court program has been successful as has the Compulsory Drug Treatment Correctional Centre. However, that centre houses only some 70 inmates at a time. What is needed is access to drug courts and compulsory drug treatment centres in all parts of New South Wales. I urge that a cost-benefit analysis be undertaken. The costs to the community of drug addiction, law enforcement, courts and corrective services are horrendous. Prison is not a solution for drug offenders. I concede that there are a number of crimes for which people are imprisoned quite appropriately, whether or not they are drug offences. Unfortunately, the corrective services system does not operate effectively to rehabilitate prisoners because, as we know, somehow prisoners manage to obtain a supply of the drugs to which they are addicted.

Many people incarcerated for drug-related offences may have been eligible for drug treatment programs through the Drug Court or the Compulsory Drug Treatment Correctional Centre, but because of their location and the limitations on the program they do not have access to the court or the centre. These people end up in the prison system and manage to obtain drugs. When they are ultimately released they return to the communities that probably caused their drug addiction and their drug-related crimes often continue. I cannot understand why people in regional centres—such as Bega, Port Macquarie, Lismore and Broken Hill—do not have access to the same program. Drug-addicted offenders impact upon regional communities as they do upon any other communities throughout the State. I understand it is mooted that the program be extended to Dubbo and I commend the Government for that.

I know there is always a cost involved, but Treasury boffins need to do a cost-benefit exercise to find out how much the State has saved through the reduction of recidivism rates thanks to the Drug Court. Very impressive research has been presented to this Parliament in respect of the review that was undertaken. It is immensely pleasing to hear those on the other side of the House, the Conservatives, talk about rehabilitation and lowering recidivism rates, as both sides of this House do not usually agree on the philosophical positions. This successful trial program needs to be extended to other areas of the State. That might lead to a major reduction in the cost of law enforcement, courts, probation and parole and corrective services. The costs on the community are also enormous.

Those who suffer from the heinous effects of drug addiction are not necessarily from low socioeconomic backgrounds. They often suffer from a mental illness and are looking for easily available narcotics to self-medicate, or they are young people with psychological problems, perhaps victims of sexual abuse, looking to narcotics as a form of escape. We must view people who are drug addicted as a health issue and target reducing the effects of drugs. Since 1998, this program has had some success and everyone associated with it should be immensely proud of it.

Mr GARRY EDWARDS (Swansea) [12.18 p.m.]: I support the Drug Court Legislation Amendment Bill 2014, which implements reforms recommended by the statutory review of the legislation governing the Compulsory Drug Treatment Correctional Centre. I acknowledge and support comments of previous speakers. The member for Myall Lakes and the member for Heffron alluded to the scourge of drug addiction on our society. This scourge leads to the destruction of families, not to mention the undermining of communities in some cases. The bill proposes to amend the Drug Court Act 1998 and the Crimes Administration of Sentences Act 1999 to give effect to certain recommendations made by the statutory review of the compulsory drug treatment program and the Compulsory Drug Treatment Correctional Centre.

The Compulsory Drug Treatment Correctional Centre is a facility which targets long-term drug-dependent offenders who have failed past treatment in voluntary drug and alcohol programs or who have never accessed treatment. The centre is the first and only correctional centre of its kind in Australia. The Compulsory Drug Treatment Program offered at the Compulsory Drug Treatment Correctional Centre targets up to 100 recidivist male offenders with histories of long-term drug dependency. The facility offers a treatment and rehabilitation program of judicial care, case management, educational support, and rehabilitation and supervision intended to manage offender risk.

The Compulsory Drug Treatment Program has a number of statutory objectives, including providing drug-related offenders with comprehensive treatment and a rehabilitation program with judicial supervision to eliminate illicit drug use whilst in the program and to reduce the likelihood of relapse on release. The program also aims to give offenders the skills to reassimilate into the community and to eliminate their need to resort to criminal activity to support a dependency. Offenders on the Compulsory Drug Treatment Program are supervised by the Drug Court of New South Wales. Eligible offenders are referred by sentencing courts to the Drug Court so that it can consider whether to make a compulsory drug treatment order. Before making an order the Drug Court must refer the offender to its multidisciplinary team for assessment.

If found suitable, a compulsory drug treatment order can be made in relation to the offender, including a structured individual personal plan that will be closely monitored by Compulsory Drug Treatment Correctional Centre staff and the Drug Court. Depending on the offender's particular sentence, the program is divided into five stages, including three custodial stages, and is expected to take approximately 18 months to three years to complete.

The Drug Court Legislation Amendment Bill 2014 will amend the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999 by including the following provisions: allowing the Drug Court to revoke an offender's compulsory drug treatment order if the offender is unlikely to make further progress pursuant to the order; allowing the director of the Compulsory Drug Treatment Correctional Centre to direct that an offender revert to an earlier stage of compulsory drug detention for a period not exceeding three months; and suspending the requirement to reconsider an offender's release on parole whilst the offender is subject to a compulsory drug treatment order.

The Compulsory Drug Treatment Program and the Compulsory Drug Treatment Correctional Centre are key components of this Government's ongoing strategy to address the problem of illicit drugs in the community. The Drug Court Legislation Amendment Bill 2014 clarifies certain legislative provisions in relation to the Compulsory Drug Treatment Program and the Compulsory Drug Treatment Correctional Centre. The ultimate aim of the bill and the Compulsory Drug Treatment Program is to assist in breaking an offender's addictions by providing them with the skills to successfully reintegrate into the community and to take personal responsibility to lead productive, crime-free and drug-free lives. I commend the Minister for this bill and I commend the bill to the House.

Mr GREG PIPER (Lake Macquarie) [12.23 p.m.]: I too contribute to debate on the Drug Court Legislation Amendment Bill 2014. It is wonderful that we are working together in a non-partisan manner on such a serious matter. I use this opportunity to highlight some of the achievements of the Hunter Drug Court, which is based in Toronto, in my electorate. I note that many members who have spoken on this bill have alluded to the work of that Drug Court. The Hunter Drug Court was opened in 2011, following the success of the Parramatta Drug Court program in reducing recidivism and drug use among participants in a cost-effective manner. I pay tribute to the former Government and the then Attorney General, the Hon. John Hatzistergos, for making the decision to establish this process and this court.

The court takes a very hands-on approach, and judges have close and regular contact with offenders. It is not, however, a soft option. Offenders must submit to detoxification and follow a 12-month treatment plan,

and many offenders find the direct judicial involvement quite confronting. But the program does get results. A study by the NSW Bureau of Crime Statistics and Research showed that the Drug Court was more cost-effective than prison in reducing reoffending rates among people who have committed drug-related crime. Offenders who complete the drug court program are 37 per cent less likely to be convicted of any further offence and 58 per cent less likely to be convicted of another drug offence. That certainly supports the contention of the member for Heffron that the Treasury should look at the cost-effectiveness of these programs.

The Hunter Drug Court sits at Toronto and accepts referrals from courts in Newcastle, East Maitland, Maitland, Belmont, Kurri Kurri and Raymond Terrace. In its first two years it took in 131 participants, of whom 43 had completed the program by the end of 2012, which is the most up-to-date information publicly available from annual reviews. But statistics tell us only part of the story. Sometimes the real indicator of a program's worth is in the anecdotal evidence of those who are touched by it. The first graduation ceremony for the Hunter Drug Court was held on 14 August 2012 at Toronto Court House, recognising the achievements of a young man named Daniel. Daniel's father wrote a touching letter to mark the occasion, which was reprinted, with his permission, in the annual review of the Drug Courts. The letter speaks poignantly of the pain and anguish a parent feels watching their beloved child succumb to drug addiction and the hope the Drug Court has brought. Daniel's father states in the letter:

Is Drug Court the answer to a Maiden's prayer? I don't know, but I do know it has been the answer to a parent's prayer.

Daniel's father said hope was the greatest casualty in his family's battle with his son's addiction and subsequent struggles with the law. He said:

We reached a place where we managed things by feeling more content when our child was locked up because we had no way of protecting him and issues were beyond our ability to cope with.

We are starting to look with hope at the emerging person who resembles the son we lost. Hope, as I said was the greatest casualty but through this program I believe hope has lifted itself off the floor. We are now looking forward to being a part again of our son's future and I thank the Drug Court program and all the people in it for all they have done to support, correct and save my son.

As a postscript to that heartfelt letter the Drug Court reported that Daniel's life remained on track a year later. At the end of last year he was working full-time, he had been drug-free for almost two years, he was financially independent and he was the happiest he had been in years. Not all participants of the Drug Court will have the same inspiring story to tell, but the experience of this man shows that it can work when the offender wants to change and is prepared to work for it, and for many of those people it works where other programs have failed. The reforms in this bill will expand the eligibility criteria of the program and make this opportunity for personal reform available to more drug offenders. The provisions arise largely from recommendations made by a statutory review of the program and its enabling legislation.

Stakeholders' response to this review was overwhelmingly positive about its value as an effective drug treatment program, but the review also highlighted areas where the program could be strengthened and made more accessible, as noted by members in this debate today. By easing qualification criteria relating to the length of sentence and the number of prior convictions in a fixed period the program will be opened to a wider range of offenders, but with safeguards to ensure potentially dangerous offenders serving sentences for serious crimes are still excluded. The bill also makes some changes to streamline the administration of the program, such as giving the centre director the authority to regress an offender to an earlier stage of the program if they have breached rules, without having to get an order from a Drug Court, as is currently the case. Importantly, the offender will have the opportunity to appeal the decision.

A third Drug Court for New South Wales was opened early last year at Downing Centre in Sydney and the then Attorney General, the member for Epping, expressed his support for opening others in major regional centres such as Dubbo and Tamworth. I hope this comes to pass as I am sure there are plenty of offenders in those centres who would benefit from the program. Drug abuse and its dark consequences are pervasive throughout the community and corrosive to individuals, families and loved ones. We need to be progressive but not soft in addressing this issue. There is no doubt we can do more, but the efforts of the former Coalition Government Attorney General, the member for Epping, and the Government in this legislation should be acknowledged. I am therefore very happy to support this bill and the good work done by the Drug Courts.

Mr BRUCE NOTLEY-SMITH (Coogee) [12.29 p.m.]: I speak in support of the Drug Court Legislation Amendment Bill 2014. The purpose of the bill is to make a number of changes relating to drug treatment for

convicted criminals and to clarify issues surrounding eligibility, access and functionality of the Compulsory Drug Treatment Correctional Centre [CDTCC], which is located in Parklea. The bill legislates recommendations made by the former Minister for Justice contained in the May 2013 review of the Compulsory Drug Treatment Program centre pursuant to the Crimes (Administration of Sentences) Act 1999. To implement those recommendations, the bill amends the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999. The review and culminating legislation reaffirm the value of the original policy and the value of the centre in providing compulsory treatment to people who are addicted to drugs, which has led to their criminal activities and conviction.

The bill clarifies some of the processes and procedures described in the original legislation. It aims to increase access to the CDTCC by expanding the legislative provisions surrounding the eligibility and suitability of participants to the centre. The Compulsory Drug Treatment Program was established through the Compulsory Drug Treatment Correctional Centre Act 2004, which laid the groundwork for proclamation of the facility as a formal correction centre two years later, in 2006. It is adjacent to the privately operated Parklea Correctional Centre and is the only centre of its kind in Australia providing a dedicated program for rehabilitation of criminals under the heavy long-term influence of drugs. The centre houses up to 100 recidivist male offenders who have a long history of drug addiction associated with repeated criminal convictions and those whose incarceration in another facility would not benefit their long-term prospects for rehabilitation.

For those who have cultivated long criminal histories associated with drug addiction, incarceration in other facilities can often exacerbate their condition. Often their criminal histories are directly related to drugs based on actions that they have taken in desperation to secure drugs. If a prisoner is heavily dependent on drugs then they are unlikely to benefit from their punishment in a standard correctional facility and often emerge from prison ready to reoffend. This is obviously not in anyone's interests. Therefore, the centre offers treatment with the aim of ending the cycle of drug addiction that is fuelling or complementing criminal acts. Presently, to be eligible for consideration to participate in the program an offender must, first, have been sentenced to a prison term of between 18 months and three years; second, have been convicted of at least two other crimes in the preceding five years; third, have not been convicted of the same specific offences; fourth, reside in metropolitan Sydney; and, fifth and finally, be over 18 years of age.

If these criteria are met the offender can be referred to the Drug Court. The Drug Court then assesses, first, whether the offender has long-term drug dependence; second, whether the facts and antecedents of the offence indicate long-term drug dependence and associated lifestyle; and, third, whether the offender suffers from a serious mental condition that may lead to violence or restrict active participation in the program. Once the criteria are met the Drug Court can impose a compulsory drug treatment order. This program has been independently evaluated by the Bureau of Crime Statistics and Research, which concluded that the program has been successful in the treatment of offenders with long-term drug dependency and preparing them to reintegrate into society with a lower chance of reoffending. This is good news for the individuals and, most importantly, it is good news for the wider community.

I will address some of the specific amendments in this legislation. First, eligibility to the program is extended on the basis of the length of the prison term to include offenders sentenced to a prison term of between 18 months and six years, rather than three years. Also, the provision that an offender must have committed at least two prior offences in a five-year period resulting in imprisonment, a good behaviour bond or community service is removed. As per the recommendations, eligible convicted offenders now include a person whose bail has been revoked and who is subsequently referred to the Drug Court, rather than only offenders who have just been convicted of their crime. Under the legislation, an offender may not be referred to the Drug Court if they have been convicted of a crime involving a firearm but they are not discounted if they have committed previous offences relating to firearms. This is a change from the current disqualification of anyone previously convicted of an offence related to firearms.

A requirement is introduced that the State Parole Authority refer an offender whose parole has been revoked and whose sentence was previously subject to a compulsory drug treatment order to the Drug Court with a new provision to determine whether they should be subject to another order. In turn, the legislation also extends the effect of an order to include suspension of an offender's potential eligibility to be considered for parole for the duration of that order. The legislation clarifies that a multidisciplinary team treating an offender must have regard to the offender's history of crime involving weapons and long-term drug dependency when assessing their suitability to serve a sentence by way of a compulsory drug treatment order.

The legislation also enables savings and transitional regulations to be made as a result of amendments to the Act. At the compulsory drug treatment centre there are three treatment stages: periods of closed detention,

leading to semi-open detention and eventually community custody at an approved accommodation. The bill makes provision for the director of the centre to regress an offender from one stage of treatment in the facility to a previous stage, where required, for a period not exceeding three months and when the offender has failed to demonstrate serious respect in complying with their treatment plan. The director will be required to notify the Drug Court of such a decision within seven days of issuing it. Furthermore, the bill provides that a compulsory drug treatment order be terminated when the Drug Court is of the opinion that an offender's progress in the program is insufficient and they are unlikely to make any progress.

In these instances the court must consider the advice of the director of the centre. When an offender is sentenced to a term of imprisonment to be served in a standard correctional facility concurrently with a compulsory drug treatment order, the offender must be referred to the Drug Court to determine whether that order should be varied or revoked. In situations when a drug treatment order has been revoked the State Parole Authority may consider the offender for parole less than 60 days before the offender's parole eligibility date. In addition, when a drug treatment order is revoked the authority may consider an offender's case at any time after the parole eligibility date without the need for an application.

In light of the success of the program, already it is clear that long-term drug dependence and associated criminal behaviour can be eliminated or at least contained. The bill enables these functions to continue and at earlier stages than previously provided for in the current eligibility criteria. The legislation therefore makes it possible for offenders to participate in the program before they have had the chance to reoffend. This could help break the cycle of drug dependency and associated criminal behaviour. I commend the former Attorney General, the member for Epping, and the current Attorney General, the member for Wakehurst, for continuing to strengthen this important piece of social policy in this State. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [12.38 p.m.]: I speak to the Drug Court Legislation Amendment Bill 2014.

Mr Tim Owen: This will be riveting.

Mr CHRIS PATTERSON: I am sure my contribution will be riveting, as per custom and the norm. I thank the member for Newcastle for that endorsement. The purpose of the Drug Court Legislation Amendment Bill 2014 is to amend the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999 to give effect to certain recommendations made by the statutory review of the Compulsory Drug Treatment Program and the Compulsory Drug Treatment Correctional Centre. In 2006 when the Compulsory Drug Treatment Correctional Centre was established it was the first, and so far the only, correctional centre of its kind in Australia. The correctional centre was designed specifically to target long-term, drug-dependent offenders who have failed past treatment in voluntary drug and alcohol programs in either a correctional centre or in the community, or who have never accessed treatment.

The Compulsory Drug Treatment Program offered at the Compulsory Drug Treatment Correctional Centre targets up to 100 male offenders with long-term drug dependency and an associated life of crime and imprisonment. Eligible offenders are referred by sentencing courts to the Drug Court so that it can consider whether to make a compulsory drug treatment order. A statutory review that was conducted found that the objectives of the compulsory drug treatment are valid and made recommendations to clarify the operation of certain legislative provisions and to make the Compulsory Drug Treatment Program available to a greater number of eligible and suitable participants.

This bill will enable amendments to the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999 allowing the Drug Court to revoke an offender's compulsory drug treatment order [CDTO] if, on advice from the Director of the Compulsory Drug Treatment Correctional Centre, the offender is unlikely to make further progress on the order. The Director of the Compulsory Drug Treatment Correctional Centre can also direct that an offender regress to an earlier stage of compulsory drug treatment detention for a period not exceeding three months. Suspension of the requirement to consider an offender's release on parole whilst the offender is subject to a compulsory drug treatment order will also be allowed.

The bill amends the maximum length of sentence of an offender who can be referred to the Compulsory Drug Treatment Correctional Centre to an unexpired total sentence of six years. The definition of "eligible convicted offender" will be amended to remove the recidivism criteria and instead require that the multidisciplinary team consider the offender's prior history of offending when assessing suitability for the program. An amendment to the criteria relating to prior offences involving the use of firearms will see offenders

who are serving a sentence for an offence involving a firearm and offenders who have a prior conviction for an offence involving the violent use of a firearm will remain ineligible for the Compulsory Drug Treatment Correctional Centre.

The multidisciplinary team will be required to consider prior offences involving weapons or violence when assessing an offender's suitability for the Compulsory Drug Treatment Correctional Centre. This bill will also provide that a court must refer to the Drug Court any sentence that will be served concurrently with a sentence in relation to which a compulsory drug treatment order is already in place, so that the Drug Court can assess whether a compulsory drug treatment order should be made in relation to the other sentence. This bill also expands and amends some of the functions of the State Parole Authority in respect of offenders subject to a compulsory drug treatment order.

I take this opportunity to thank my local area commander, Ward Hanson, and his extremely hardworking officers. Our local area command covers a very large area from Narellan to the Southern Highlands and does an outstanding job. The police often deal with drug-affected offenders, to whom this legislation applies. I commend Ward and his outstanding officers at the Narellan Local Area Command for their great work and contribution to our community. I also commend the former Attorney General, the Hon. Greg Smith, who is in the Chamber, for all his work. He worked tirelessly with his team to help bring this legislation before the House. The bill reflects his social conscience. The current Attorney General has picked up the ball and run with it and the House is now dealing with the legislation House. I thank everyone for their efforts and for this common-sense approach to a very serious problem which impacts on the safety of our communities. I commend the bill to the House.

Mr TIM OWEN (Newcastle) [12.46 p.m.]: I support the Drug Court Legislation Amendment Bill 2014, which makes amendments to the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999. The bill was introduced by the Attorney General to implement changes that were recommended in the statutory review of the Compulsory Drug Treatment Program. The Compulsory Drug Treatment Correctional Centre [CDTCC] was established in 2006, and is the first of its kind in Australia. The Compulsory Drug Treatment Correctional Centre is a correctional centre that provides treatment for long-term, drug-dependent offenders who have had no success with past voluntary drug and alcohol programs in either correctional centres or in the community, or for people who have not accessed any treatment previously.

The objective of the Compulsory Drug Treatment Program is to provide an all-inclusive program under judicial supervision for drug-dependent people. The program seeks to successfully treat offenders for their drug dependency and drug use and, more importantly, to eradicate potential relapse once released. The program further promotes the importance of giving drug-dependent people the tools and skills to help them to effectively reintegrate back into community life and into life generally, without the need to partake in criminal activity to support their dependency. Each participant has a customised plan which is monitored by centre staff and the Drug Court. These individual plans are altered along the way to meet the needs of the participant, when required. The improvements in this bill will ensure that the CDTCC is able to effectively meet the statutory objectives of the program, by providing an operational program that actually works.

As outlined by the Attorney General, the passing of this bill will allow the Drug Court to revoke an offender's compulsory drug treatment order [CDTO] if, on advice from the director of the CDTCC, the offender is unlikely to make further progress on the order; allow the director of the CDTCC to direct that an offender regress to an earlier stage of compulsory drug treatment detention for a period not exceeding three months; suspend the requirement to consider an offender's release on parole whilst the offender is subject to a CDTO; amend the maximum length of sentence that can be referred to the CDTCC to an unexpired total sentence of six years; amend the definition of "eligible convicted offender"; remove the recidivism criteria and instead require that the multidisciplinary team consider the offender's prior history of offending when assessing suitability for the program; and amend the criteria relating to prior offences involving the use of firearms.

Offenders who are serving a sentence for an offence involving a firearm, and offenders who have a prior conviction for an offence involving the violent use of a firearm, will remain ineligible for the CDTCC. The multidisciplinary team will be required to consider prior offences involving weapons or violence when assessing an offender's suitability for the CDTCC. The New South Wales Government made a commitment prior to the 2011 election that it would advocate for the rehabilitation of drug-affected offenders, and the Government is doing just that by establishing the Intensive Drug and Alcohol Treatment Program at the John Moroney Correctional Centre, as well as expanding the New South Wales Drug Court.

Leading Newcastle alcohol researcher Professor Kypros Kypri says young women are increasingly drinking like young men. This observation is borne out by ambulance officers and emergency medicos who deal with the aftermath on a nightly basis. A Bureau of Crime Statistics and Research report released in January this year identified a 15 per cent increase in the number of women charged with assault while under the influence of drugs or alcohol. The Compulsory Drug Treatment Correctional Centre will initially focus on male offenders but there is no reason its brief could not be widened to combat ongoing problems with drug and alcohol offences committed by women.

Newcastle has taken a tough stance on antisocial behaviour involving drugs and alcohol in recent years by introducing a mandatory, precinct-wide 3.00 a.m. closure, a 1.00 a.m. curfew lockdown and a package of other drink-supply preventative measures against all 14 late-trading licensed premises, the majority of which were trading to 5.00 a.m. Assault rates have improved dramatically as a result. However, amendments to the Compulsory Drug Treatment Correctional Centre criteria will provide another option for courts constantly dealing with repeat offenders who are involved in drug and alcohol-related crime and struggling to kick their addiction.

The need for a Compulsory Drug Treatment Correctional Centre was reinforced earlier this year in a *Newcastle Herald* investigation into synthetic drugs. Despite widespread bans by State and Federal governments on the manufacture and sale of synthetic drugs in 2013, the *Newcastle Herald* discovered that many suppliers had gone underground and now supplied dangerous synthetic drugs from their homes, cars and workplaces. They sell large quantities of synthetic substances, designed to mimic illicit drugs, which are sourced from Sydney and other States. Central Hunter Police Crime Manager Detective Inspector John Zdrilic has stated publicly that synthetic drug use was almost an epidemic within the Central Hunter Local Area Command before the ban came into place. While usage has decreased following the ban, the use of the drugs is still a concern.

Synthetic drugs have been linked to at least five deaths in Australia and dozens of violent and criminal episodes in the Hunter. They are known to be highly addictive, and if they continue to be used in the community more and more people will find themselves in need of the kind of support provided by the Compulsory Drug Treatment Correctional Centre. Breaking a person's addiction to drugs or alcohol is vital to minimising crime in the community and keeping our prisons from overflowing with people who want to be rehabilitated but have been unable to kick their drug dependency on their own.

This bill will build on the ongoing success of the Hunter Drug Court, which opened in 2011, to establish a better way of assisting those who see themselves as addicts as opposed to criminals who only break the law to buy drugs. The court provides them with rules to live by, including rehabilitation and regular drug testing, in order to give them the best chance of beating their addiction. There have been many offender success stories since the Hunter Drug Court opened. This bill, by relaxing the eligibility criteria for the Compulsory Drug Treatment Correctional Centre, will lead to less crime, addiction and social disharmony. I commend the bill to the House.

Mr JOHN FLOWERS (Rockdale) [12.52 p.m.]: I make a contribution to the Drug Court Legislation Amendment Bill 2014. The bill proposes to amend the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999 to give effect to certain recommendations made by the Minister for Justice in the review of May 2013 entitled, "Review of the Compulsory Drug Treatment Program and the Compulsory Drug Treatment Correctional Centre", pursuant to the Crimes (Administration of Sentences) Act 1999, and to make a related amendment to the Crimes (Administration of Sentences) Regulation 2008.

By way of background, the bill implements reforms recommended by a recent statutory review of the legislation governing the Compulsory Drug Treatment Correctional Centre [CDTCC]. The centre was established in 2006 to specifically target long-term, drug-dependent offenders who have failed past treatment in voluntary drug and alcohol programs in either correctional centres or the community or who have never accessed treatment. The overwhelming response from stakeholders indicated support for the continued operation of the program and the statutory review concluded that the policy objectives of the program and the associated legislation remain valid.

The bill implements reforms recommended by the statutory review of the legislation governing the Compulsory Drug Treatment Correctional Centre, which is the first correctional centre of its kind in Australia. Established in 2006, the CDTCC is a correctional centre designed specifically to target long-term, drug-dependent offenders who have previously failed treatment in voluntary drug and alcohol programs in either correctional centres or in the community, or who have never accessed treatment, as I mentioned. The

Compulsory Drug Treatment Program offered at the CDTCC targets up to 100 recidivist male offenders with long-term drug dependency and an associated life of crime and imprisonment. It is a treatment and rehabilitation program of judicial care, stabilisation, case management and educational and vocational support, with rehabilitation and supervision intended to manage offender risk and meet offender need.

The statutory objectives of the Compulsory Drug Treatment Program include providing drug-related offenders with a comprehensive treatment and rehabilitation program, with judicial supervision. Also provided is effective treatment for their drug dependency to eliminate illicit drug use while in the program and reduce the likelihood of relapse on release. Further, the program is intended to promote the reintegration of offenders into the community and to prevent and reduce crime by reducing their need to resort to criminal activity to support their dependency. Offenders on the Compulsory Drug Treatment Program are supervised by the Drug Court of New South Wales.

Eligible offenders are referred by sentencing courts to the Drug Court so that it can consider whether to make a compulsory drug treatment order. Before making an order, the Drug Court must refer the offender to its multidisciplinary team for assessment as to the offender's eligibility and suitability for compulsory drug treatment detention. If suitable, a compulsory drug treatment order can be individually structured and closely monitored by Compulsory Drug Treatment Correctional Centre staff and the Drug Court and revised where necessary. The program is divided into five stages, including three custodial stages. The program is expected to take approximately 18 months to three years to complete, depending on the offender's individual sentence.

The Compulsory Drug Treatment Program and the Compulsory Drug Treatment Correctional Centre are key components of the Government's ongoing strategy to tackle the problem of illicit drugs in the community and to reduce the level of reoffending. By breaking offenders' addictions and providing them with the skills to successfully reintegrate into the community, the program helps the State's most desperately entrenched criminal addicts take personal responsibility and give them a chance to lead productive, crime-free and drug-free lives.

The program has been independently evaluated by the Bureau of Crime Statistics and Research. The Bureau of Crime Statistics and Research review made positive findings regarding the Compulsory Drug Treatment Correctional Centre meeting its aim of effectively treating drug dependency and promoting the reintegration of participants into the community. The bill amends the criteria relating to prior offences involving the use of firearms. Offenders who are serving a sentence for an offence involving a firearm and offenders who have a prior conviction for an offence involving the use of a firearm will remain ineligible for the program. The multidisciplinary team will be required to consider prior offences involving weapons or violence when assessing an offender's suitability.

Particular concern was expressed about the ground of failing to comply with the program, which requires that the failure be serious in nature and that the Drug Court be satisfied that the offender is unlikely to make further progress. It was considered that the limited scope of this ground for revocation may lead offenders to think they need to deliberately breach a condition to effect termination. The bill will allow the Drug Court to revoke an offender's compulsory drug treatment order if, on advice from the director of the CDTCC, the offender is unlikely to make further progress on the order; amend the maximum length of sentence that can be referred to the CDTCC to an unexpired total sentence of six years; and remove the recidivism criteria and require instead that the multidisciplinary team consider the offender's prior history of offending when assessing suitability for the program.

The Government considers the compulsory drug treatment program to be a valuable tool in the battle to break long-term drug dependency that leads to recidivist offending by not only addressing addiction issues but also arming offenders with skills to reintegrate successfully into the community. The program is a holistic sentencing option that is future oriented and aims to achieve long-term and lasting benefits for the offenders, the community and the State of New South Wales. The provisions in the bill will not only improve the processes of the Compulsory Drug Treatment Correctional Centre but also allow a greater number of eligible offenders to enter the program and benefit from its tried and tested processes. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [1.02 p.m.]: The purpose of the Drug Court Legislation Amendment Bill 2014 is to amend the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999 to give effect to certain recommendations made by the statutory review of the Compulsory Drug Treatment Program and the Compulsory Drug Treatment Correctional Centre [CDTCC]. The statutory review of both programs was conducted in accordance with section 106Z of the Crimes (Administration of Sentences) Act

1999. The review found that the objectives of compulsory drug treatment are valid. It made nine recommendations to clarify the operation of legislative provisions and to make the CDTCC available to a greater number of eligible and suitable participants.

I note that the Attorney General, the Hon. Brad Hazzard, is in the Chamber. I commend both the previous Attorney General, Greg Smith, and the present Attorney General for providing these programs for offenders to try to get them back on the right track in terms of rehabilitation and being worthwhile citizens in our community. Recreational drugs are a scourge on any society and often innocent people can succumb and subsequently be derailed for a long period. These programs and opportunities to make an order to get people back on the right track in life amount to an excellent approach. I commend the bill to the House

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [1.04 p.m.]: I support the Drug Court Legislation Amendment Bill 2014. Other speakers have been through the detail of the bill and I do not intend to repeat what they have said. I place on the record my support for the Compulsory Drug Treatment Program. The Compulsory Drug Treatment Correctional Centre is the first correctional centre of its kind in Australia and targets long-term drug-dependent offenders who have failed past voluntary drug and alcohol programs in either correctional centres or the community, or who have never accessed treatment. The program targets up to 100 recidivist male offenders with long-term drug dependency and an associated life of crime and imprisonment. It has proved to be a valuable tool in battling long-term drug dependence that leads to recidivist offending. It addresses addiction issues but also arms offenders with skills to reintegrate successfully into the community. I support the aims of the program as a valuable tool. I note the previous speaker's comments on the detail of the amendments, and I commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [1.05 p.m.]: I support the Drug Court Legislation Amendment Bill 2014. The bill aims to amend the Drug Court Act 1998 to include some of the reforms recommended for the Compulsory Drug Treatment Correctional Centre [CDTCC] and the Compulsory Drug Treatment Program. The CDTCC is a correctional centre designed specifically to target long-term drug-dependent offenders who have failed past treatment in voluntary drug and alcohol programs in either the community or correctional centres, or who have never accessed treatment. The Compulsory Drug Treatment Program offered at the CDTCC targets up to 100 reoffending males with long-term drug dependence and an associated life of crime and imprisonment.

It is designed to offer treatment and rehabilitation, which is intended to manage the offender risk and meet offender needs by providing judicial care, stabilisation, case management, educational and vocational support, and rehabilitation and supervision on an individual level. The Government introduced the Compulsory Drug Treatment Program and the Compulsory Drug Treatment Correctional Centre as key components in the ongoing strategy to tackle the problem of illicit drug use in the community and to reduce the level of reoffending. The Liberal-Nationals Government considers the Compulsory Drug Treatment Program to be a valuable tool in the battle to break long-term dependency that leads to reoffending by arming offenders with skills that allow them to reintegrate successfully into the community rather than addressing addiction issues in isolation. The program provides a holistic sentencing option that is future orientated and aims to achieve long-term and lasting benefits for the offenders, the community and the State. I thank the Ministers involved, and the Attorney General in particular. I commend the bill to the House.

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [1.07 p.m.], on behalf of Mr Greg Smith, in reply: I thank members representing the electorates of Menai, Tamworth, Cronulla, Liverpool, Myall Lakes, Fairfield, Granville, Heffron, Swansea, Lake Macquarie, Coogee, Camden, Newcastle and Rockdale for their contributions to this debate. This bill amends the Drug Court Act 1998 and the Crimes (Administration of Sentences) Act 1999 to give effect to recommendations made by the statutory review of the Compulsory Drug Treatment Program and its enabling legislation. The amendments made by the bill enhance the program's effectiveness in meeting its policy objectives: notably, to provide effective treatment for persons with drug dependency, promote their reintegration into the community and thereby reduce criminal activity.

The member for Liverpool requested clarification on the disparity between recommendation 10 of the review and the relevant sections of the bill. The statutory review recommended the eligibility criteria be amended so that a person is not automatically excluded from the program because they had previously been convicted of an offence involving the use of a firearm. The bill implements that recommendation but retains appropriate restrictions on the admission of offenders who have been convicted of firearms offences. In particular, new section 5A (2) (a) retains a restriction so that a person cannot be an eligible convicted offender if the offence for which they were referred to the Drug Court involved the use of a firearm. New section 5A (2) (b) (iii) means that if a prior offence on the criminal record involved the violent use of a

firearm, the offender will continue to be ineligible for the program. The reform effectively means that a conviction for non-violent firearms offences on the offender's record will not automatically exclude them from the program.

However, such a conviction cannot be ignored and the bill requires that it be considered by the Compulsory Drug Treatment Correctional Centre's multidisciplinary team when determining the offender's eligibility or suitability for the program. All offenders must be assessed by the multidisciplinary team, which provides a report to the Drug Court regarding the offender's appropriateness to enter the program. I recently saw the Drug Court in operation. I commend the multidisciplinary team and His Honour Judge Roger Dive for the work they are doing. There is no question that that work is making a real difference not only to the legal system but also to the broader community as a result of the changes that are being made to people's lives. I thank the members of the multidisciplinary team and those who are so committed to the Drug Court and the work that it is doing. 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, on behalf of Mr Greg Smith, agreed to:

That this bill be now read a third time.

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

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

COMMUNITY RECOGNITION STATEMENTS

HASTINGS CANCER TRUST TENTH ANNIVERSARY

Mrs LESLIE WILLIAMS (Port Macquarie-Parliamentary Secretary) [1.12 p.m.]: The Hastings Cancer Trust has been operational in the Hastings-Macleay region for the past 10 years and recently celebrated its tenth anniversary at the annual Glimmer Ball on Saturday 14 June. In the past 10 years the trust has dedicated itself to helping cancer patients and carers from diagnosis through to rehabilitation by raising funds for diagnostic equipment, expansion of treatment options, the provision of counselling and rehabilitation, and research and training for local medical staff. Providing funding for local diagnostic and treatment equipment has meant that many cancer sufferers have been able to stay in the local community and receive support from their families rather than travel alone to metropolitan centres.

I congratulate and thank Betty Allman for her 10 years of outstanding service as the fundraising coordinator of the trust. In that time approximately \$1 million has been raised by the trust and this money has been essential in providing patients with a quicker response to cancer and better outcomes for patients. I thank the Hastings Cancer Trust for its past 10 years of dedication.

UNCLE GREG SIMMS COMMUNITY SERVICE AWARD

Mr RICHARD AMERY (Mount Druitt) [1.13 p.m.]: I would like the Parliament to recognise Uncle Greg Simms, who recently won a University of Western Sydney community service award. Uncle Greg was recognised for his work with the university's Heartbeat Program and the Rural Indigenous Student Visit and Pathways Dreaming Program. As the local member, I can attest to the constant work Uncle Greg does for the Mount Druitt community and for our local schools, where he is often called upon to offer welcome to country at many official events in the Mount Druitt area. Well done and congratulations, Uncle Greg Simms.

UNITED INDIAN ASSOCIATION AND MINISTER'S ELEVEN CRICKET MATCH

Mr VICTOR DOMINELLO (Ryde—Minister for Citizenship and Communities, Minister for Aboriginal Affairs, Minister for Veterans Affairs, and Assistant Minister for Education) [1.13 p.m.]: I congratulate the following magnificent players who participated in the United Indian Association versus the Minister's Eleven cricket match on 3 May at historic Eveleigh Park in South Granville: Ravi Shankar, Shivanand Mariguddi, Tarun Muthanna, Jai Shankar, Kiran Pradeeo, Harshal Shitoot, Saravanan Mohanasundaram, Surai Kapila, Ross Watts, Vinod Munalli, John Kennedy, Premkumar Badugu, Sam Almaliki, Rea Raahavan, Sivacharan Kodur, Shivanand Mariauddi, Prashaanth Udavaorakash, Anshul Kapila, Harikrishna Ramasamy, Inderpal Sinah, Sarabiit Sinah, Raahavendra Narla and Sunny Sinah.

BALKAN FLOODS APPEAL

Mr PAUL LYNCH (Liverpool) [1.14 p.m.]: I draw the attention of the House to an event held on Sunday 1 June in my electorate at the Serbian Cultural Club St Sava at Middleton Grange. The gathering was a fundraising appeal event for victims of the recent floods in Serbia. Various parts of the Balkans, including Serbia, were struck by extraordinarily heavy rain resulting in devastating floods. The rain was the heaviest in the 120 years during which records have been kept. More than 40 people lost their lives in the various countries in the Balkans. Hundreds of thousands were forced to leave their homes and there has been a catastrophic level of physical damage and a horrifying degree of personal loss. As well as raising funds, this event was an opportunity for local elected representatives such as me to affirm our solidarity with and sympathy for the victims of the floods and the Serbian community. Also present at the event was the Serbian Ambassador to Australia, Miroljub Petrovic, and the Serbian Consul-General, Branko Radosevic. The horrific rains and floods had a catastrophic impact and the Serbian community has responded with its characteristic generosity. Its efforts should be congratulated.

JOHN TERRY CATHOLIC HIGH SCHOOL DRAMA AND PERFORMING ARTS

Mr BRYAN DOYLE (Campbelltown) [1.15 p.m.]: The recent production of *Alice in Wonderland—Dare to Journey in the Looking Glass?* was presented by John Terry Catholic High School, Rosemeadow. The script was written by Mrs Angela Cascarino and Mrs Therese Barrington, and was wonderfully supported by the musical score arranged by Mrs Katrina Blunden. Joshua Leigh, a year 8 student, composed the closing song *Broken Pieces of a Heart*. The production involved staff, students and alumni in long hours of rehearsals and the creation of costumes and props. There were wonderful performances by Chloe Gray as Alice, Haylie Abela as the Queen of Hearts, Jessica Pracy as the White Rabbit, and twins Caitlan and Meaghan Hobbins, who jointly played the Cheshire Cat. John Terry Catholic High School is proud to offer a fantastic drama and performing arts program, and I commend it to the House.

MR PHILLIP BOULTEN, SC, PRESIDENT OF NEW SOUTH WALES BAR ASSOCIATION

Mr BARRY COLLIER (Miranda) [1.16 p.m.]: I draw the attention of the House to the work and contribution of Mr Phillip Boulten, SC, in his role as President of the New South Wales Bar Association. Few on either side of this House and in the other place would not have read, or at least been referred to, the Bar Association's detailed analysis of legislation introduced in this Parliament during Mr Boulten's time at the helm. Whether it be proposed changes to the criminal or civil law, changes to regulations affecting the administration of justice in this State or changes affecting the legal profession itself, Mr Boulten has consistently left members of this House in no doubt about the legal principles involved, the cases and the considered views of his learned members. Mr Boulten has brought his vast experience and his enormous energy to his presidency over the past 18 months. Having decided to step down from this very demanding role, I am sure that the House will join me in congratulating him on his outstanding leadership of the Bar Association and in thanking him for his valuable contribution to debate both here and in the other place.

JOHN WILDE ACT OF BRAVERY

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [1.17 p.m.]: I commend John Wilde of Wanda Surf Live Saving Club, who on his own and outside the volunteer lifesaving season at Wanda Beach rescued two women in rough surf on Sunday 1 June. Clothed from head to toe, the women were caught in the rough surf. Mr Wilde said that they were calling out for help and trying to tread water but were going under. He spotted them as he was taking his rescue board back to shore. He paddled out to them, got off the board and got them to grab each side. He then waited for the rip to carry them closer to shore and safety. The women told him

that they had been standing in waist-high water when a wave took them under and deposited them in a hole. They would almost certainly have drowned had Mr Wilde not come to their rescue. According to the club's office administrator, Lizzy Sargeant, Mr Wilde's quick thinking and expertise prevented a tragedy. I commend Mr Wilde. His is another example of the wonderful work that our surf life saving clubs do to ensure that no lives are lost on our wonderful Cronulla beaches.

LAO NEW YEAR FESTIVAL

Mr NICK LALICH (Cabramatta) [1.18 p.m.]: The Cabramatta electorate is lucky to have a big Lao community, which celebrated the Lao New Year in April. This year's festival was attended by thousands of people who enjoyed the delicious cuisine on offer, the dance performances in various traditional garments and the traditional Buddhist ceremonies. These ceremonies are about offering prayers for good luck in the coming year from the Lord Buddha. One thing I have always enjoyed at the festival is the water fights among the young people, with water being the symbol of renewal. I thank Mr Chanthanith Chittasy and Mr Bountham Vongsaya and congratulate them on organising this wonderful event.

THE SCOTS SCHOOL ALBURY PIPE BAND

ALBURY WODONGA CHRONIC PAIN SUPPORT GROUP

Mr GREG APLIN (Albury) [1.19 p.m.]: Congratulations to The Scots School Albury Pipe Band, which took out first place in the Southeast Asian Pipe Band Championships. They competed in Jakarta, Indonesia, against bands from Hong Kong, Singapore and Australia. The students comprised Declan Dempster, James Ring, Elizabeth Ferry, Kyle Blane-Brown and George Henderson. The pipe band will next compete in the World Pipe Band Championships in Glasgow in August.

The Albury Wodonga Chronic Pain Support Group will celebrate its twentieth anniversary with a luncheon today at the Commercial Club, Albury. It is the longest continually running chronic pain support group in Australia, having been founded by the late Helen Cheshire in 1994. The current President is Daphne Pollard and the group meets monthly, alternating guest speakers with social and information days. As Daphne says, "We're just a good little group that love to share with each other—a happy group." Congratulations to Daphne Pollard and the Albury Wodonga Chronic Pain Support Group on providing such a valuable community service.

TRIBUTE TO SENATOR SUE BOYCE

TRIBUTE TO SENATOR LOUISE PRATT

Mr ALEX GREENWICH (Sydney) [1.19 p.m.]: I thank senators Sue Boyce and Louise Pratt for their leadership and constant support of the lesbian, gay, bisexual, transgender and intersex [LGBTI] community during their time in the Federal Senate. In her valedictory speech last night Senator Boyce gave hope to marriage equality supporters across the country, saying that Coalition parties would allow a free vote by the end of the year and that marriage equality can pass with cross-party support. Senator Boyce will be remembered in the history books as the first Federal Coalition senator to cross the floor to support marriage equality.

Senator Louise Pratt also gave her valedictory speech last night. During her time in the Senate she was always a strong and effective advocate for LGBTI equality, and one of the first Federal members of the Australian Labor Party to express support for marriage equality. Along with her partner, Aram Hosie, Louise has been a vital and influential voice in the Federal Parliament for the transgender and intersex community. Senator Pratt's and Senator Boyce's passion for equality and human rights has had a meaningful and positive impact on many of my LGBTI constituents and their families. Our parliaments need more people like them.

DR GABRIEL SHANNON ORDER OF AUSTRALIA MEDAL

Mr ANDREW GEE (Orange) [1.20 p.m.]: I draw the attention of the House to Orange Base Hospital clinician Dr Gabriel Shannon, who was recently recognised in the Queen's Birthday Honours List when he received a Member of the Order of Australia for his significant service to medicine and clinical innovation. Although Dr Shannon may have been surprised by his award, those in the Orange community who know him and know of his great contribution in the field of medicine were not surprised at all. Dr Shannon not only works as a clinician and staff specialist at Orange hospital but also works at the University of Sydney's School of Rural

Health, where his role sees him training and encouraging young doctors in the community so that they can return to work in rural medicine. Dr Shannon has a long list of other outstanding achievements and this Order of Australia is certainly fitting recognition. Congratulations Dr Shannon.

MR DOUG SAXON, HISTORIAN AND AUTHOR

Mr GREG PIPER (Lake Macquarie) [1.21 p.m.]: I acknowledge Lake Macquarie historian Doug Saxon and the success of his latest book, *A History of Eraring and its School*, copies of which have been keenly snapped up by the local community. The book, which I had the honour of launching at the school's ninetieth anniversary celebrations on 29 March this year, has indeed been so popular and sought after that it has gone to a second print run. People such as Mr Saxon play an important role in documenting local history, stories and memories, and also preserving the leisurely practice of poring over words and pictures on glossy pages—a time-honoured tradition that is in danger of being lost in this fast-paced digital age.

Mr Saxon is a retired primary school principal with an excellent knowledge of the Lake Macquarie area. In 2012 he published a book chronicling the history of the Bonnells Bay Public School, the school from which he eventually retired as principal. His books are an important record of local history and always warmly embraced. I congratulate Doug Saxon on his latest achievement.

MAITLAND ELECTORATE QUEEN'S BIRTHDAY HONOURS

Ms ROBYN PARKER (Maitland) [1.22 p.m.]: Three outstanding Maitland residents have been acknowledged for their hard work and service to our community in the Queen's Birthday Honours List for 2014. Patricia Allen of Maitland has been honoured for her work with both Youth Off the Streets and as the co-founder of Friends of Palliative Care in Maitland in 1985. Myee Sivyer of East Maitland has been honoured for her more than 70 years service to music education in Maitland, having hosted Australian Music Examinations Board exams and conducted master classes for musicianship, music analysis and choral structure for electric organ arrangements. Maitland is culturally richer for this lengthy contribution. Ronald Welsh of Rutherford has been honoured for his service to the Meals on Wheels Association, Beresfield Community and District Care, and Rotary for more than 20 years. Congratulations, Patricia, Myee and Ronald. On behalf of our Maitland community, I thank you for all your service. These awards are well deserved.

PAL INTERNATIONAL SCHOOL FUNDRAISER FRIDAY

Mr GUY ZANGARI (Fairfield) [1.23 p.m.]: PAL International School, Canley Vale, held its inaugural Fundraiser Friday on 11 April 2014. PAL International is Australia's first Buddhist high school. The evening was attended by venerable Buddhist monks, Federal, State and local government representatives, students and parents. Entertainment during the event was provided by the Cambodian Cultural Dancers and the PAL International student choir. Congratulations go to the principal, Mr Panha Pal, staff, the parents and citizens association, and students on a truly memorable evening.

MOORE PARK INN, ARMIDALE, CERTIFICATE OF EXCELLENCE

Mr ADAM MARSHALL (Northern Tablelands) [1.24 p.m.]: I commend the owners and staff of Moore Park Inn, Armidale, for being the recipients of a certificate of excellence for their superior hospitality and service. The accolade is given only to establishments that consistently achieve outstanding traveller reviews on *TripAdvisor*. I congratulate business partners Lesley Mouton and Sylke Popp and their families; Conrad and Adrian Mouton; Hans, Annalien, Michelle and Natasha Willemse; Tomasz Kucio; and Will Castle; as well as their chef, Nisala Wickramathilake, and their assistant chefs, Matt Watson and Ron Drew. I also congratulate their housekeeping staff, Helen Watson, Susie May and Sandi Parara. Other staff members involved were Callan Schaefer and Jim Flack. All staff are to be applauded for the hard work involved in the renovation and transformation of the hotel into the popular venue it is today. Their recent success is a credit to their passion for hospitality and the tourism industry in the Northern Tablelands. I wish them all the very best for the continued success of Moore Park Inn.

MASCOT RSL SUB-BRANCH MEMORIAL PLINTH

Mr RON HOENIG (Heffron) [1.25 p.m.]: On Sunday I had the honour of attending the unveiling of Mascot RSL Sub-Branch's memorial plinth and of paying my respects to all diggers past and present. Attended

by veterans and members of our community, it was an opportunity to recognise all the men and women who have given their lives and paid the ultimate price for our freedom. Mascot RSL Sub-Branch President Paul Graham said at the service:

On this day, we recall those who, in the great tragedy of war gave their lives for Australia and for the freedom of mankind who will sleep amid the ridges of battlefields throughout the world in unknown resting places on every continent and every sea. We remember all who have given their lives in all wars in the air, sea and on land. May we and our successors, prove worthy of their sacrifice.

I can think of no better way for the Mascot RSL Sub-Branch to honour the memory and sacrifice of our fallen and surviving soldiers than by erecting this memorial plinth. I sincerely thank the past and present service men and women of our country and am pleased that Mascot RSL Sub-Branch has honoured them in this way. Lest we forget.

Community recognition statements, by consent, continued until 1.30 p.m.

CORPUS CHRISTI CATHOLIC PRIMARY SCHOOL ST IVES DIAMOND JUBILEE

Mr JONATHAN O'DEA (Davidson) [1.26 p.m.]: This year in my electorate of Davidson the Corpus Christi Catholic Primary School in St Ives celebrates its diamond jubilee. Founded in 1954 by the Brigidine Order, the family-oriented school has become a respected and valued part of the parish and local community. It enjoys substantial parental involvement. With almost 270 pupils enrolled in 11 classes from kindergarten to year 6, Corpus Christi provides both academic learning and pastoral care for its students. It does so consistent with its motto, "Strength and gentleness". Under the guidance of the principal, Barbara Vee, the whole staff team have created an environment of positive behaviour and excellence in education. They nurture and challenge students to develop life skills for spiritual, academic, social and physical growth. It was my great pleasure to attend the Corpus Christi school's diamond jubilee mass on 13 June, when I congratulated them on behalf of the local community, as I do again now.

TRIBUTE TO MAZIE TURNER

Ms SONIA HORNERY (Wallsend) [1.27 p.m.]: In June this year much loved Hunter artist and art teacher Mazie Turner tragically lost her battle with cancer. Mazie had a colourful career in the art world spanning more than 30 years. Her paintings and photographs appear in the Art Gallery of NSW, National Gallery of Victoria, the National Gallery of Australia and Artbank private collections. Mazie was an inspiration to her students at the University of Newcastle, where she lectured in fine arts, and at Hunter TAFE's Newcastle Art School, where she taught drawing and painting. Mazie's passing is a huge loss to the cultural landscape of the Hunter and to all the young people she taught and inspired. We offer our condolences to her three children, Kai, Jasper and Grace, and acknowledge her wonderful achievements as an artist and teacher.

OAKHILL COLLEGE ANNUAL GALA DAY

NATIONAL RUGBY LEAGUE STATE OF ORIGIN

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [1.28 p.m.]: The last day of autumn saw a buzz of colour, community and excitement as Oakhill College held its annual gala day. The gala day is always a magnificent event, full of stalls, rides and too much food. However, last Saturday was topped off by the victory of the mighty Oakhill College 1st XV by 24-19 over those interlopers from St Augustine's. I salute the magnificent Oakhill men: Andy Graham; James Kwok; James Partridge, captain; Will Brush; Liam Robson; Will Ryan; Lachlan Anderson, vice-captain; Ryan Chelvarajah; Harrison Goddard; James Day; Barton Picone; Zac Campton; Lachlan Burland; Connor Overton; Lachlan Croese, vice-captain; and Cian Furlong. I congratulate Oakhill College on a gala day to remember.

Some people cannot tell what day it is without help from a machine, and last night was no exception. Two men in white conspired to undermine an entire State. They say Parliament is a coward's castle, but there is nothing more cowardly than giving in because you get yelled at. Last night a man in white named Shane Hayne demonstrated his lack of fortitude. The knock-on that was not a knock-on in the seventy-eighth minute—what a joke—and the whole State of New South Wales was placed under extreme duress for decision-making worthy of the Leader of the Opposition. However, thankfully, due to the moral guidance provided by a church within the Baulkham Hills electorate, a hero in blue named Jarryd Hayne led our State to an historic victory in the 100th game of Origin. I trust there will be at least one more victory to come in this the year I hope New South Wales becomes number one in Origin again.

CLUB MARCONI ITALIAN REPUBLIC ANNIVERSARY CELEBRATION

Mrs TANYA DAVIES (Mulgoa) [1.29 p.m.]: On Sunday 1 June 2014 I attended Club Marconi to celebrate the sixty-eighth anniversary of the Italian vote to become a republic. Once again, Club Marconi hosted a magnificent and popular day of celebration. Although the grounds were damp due to the weather, nothing could dampen the spirit of celebration and joy. Festivities, market stalls, motor bike displays, costumes, ceremony, food and fun were enjoyed by all. Hosted by the director of Club Marconi, Mr Vince Foti, and the chief executive officer, Mr Tony Zappia, the celebration commenced with a mass. The official opening heard from many dignitaries including Senator Concetta Fierravanti-Wells; Mayor of Fairfield, Frank Carbone; sponsor Peter Warren; and member for Smithfield, Andrew Rohan. Also in attendance were Club Marconi director Frank Oliveri and Fairfield City Councillor Joe and Mrs Nella Molluso. Congratulations to all and happy Republic Day.

TRIBUTE TO GARY FIZZELL

Mr STUART AYRES (Penrith—Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney) [1.29 p.m.]: I note the recent passing of Mr Gary Fizzell. Gary gave outstanding service to this country. He enlisted with the Australian Regular Army in 1956. During his military career he served in two overseas theatres of war: Malaya from 1958 to 1961, and later in Vietnam from 1966 to 1967. Mr Fizzell was discharged in 1974 after a decorated career, having achieved the rank of Temporary Warrant Officer Class One. In civilian life, Gary Fizzell continued his community service.

Gary was President of the St Marys branch of the Vietnam Veterans Association of Australia between 2005 and 2010, and he held the position of assistant secretary at the time of his passing. Mr Fizzell was the President of the St Marys RSL sub-branch between 2011 and 2012, as well as being a director of the St Marys RSL Club. He was also passionate about ensuring that future generations understood the sacrifices that had been made by those who had gone before them. He was a long-time participant in the Schools Education Program, and regularly attended school Anzac Day and Memorial Day commemorations. I offer my sincere condolences to his family, friends and comrades.

Community recognition statements concluded.

COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION**Membership**

ACTING-SPEAKER (Mr Garry Edwards): I report the receipt of the following message from the Legislative Council:

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

That Dr Phelps be discharged from the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission and Mr Khan be appointed as a member of the committee.

Legislative Council
18 June 2014

DON HARWIN
President

PARLIAMENTARY ETHICS ADVISER

ACTING-SPEAKER (Mr Garry Edwards): I report the receipt of the following message from the Legislative Council:

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

That this House directs the President to join with the Speaker to make arrangements for the appointment of Mr John Evans PSM as Parliamentary Ethics Adviser, on a part-time basis, on such terms and conditions as may be agreed from the period beginning 1 July 2014.

The Parliamentary Ethics Adviser shall have the following functions:

Advice to Members of Parliament

- (1)
 - (a) the Parliamentary Ethics Adviser is to advise any member of Parliament, when asked to do so by that member, on ethical issues concerning the exercise of his or her role as a member of Parliament (including the use of entitlements and potential conflicts of interest);
 - (b) the Parliamentary Ethics Adviser is to be guided in giving this advice by any Code of Conduct or other guidelines adopted by the House (whether pursuant to the Independent Commission Against Corruption Act or otherwise); and
 - (c) the Parliamentary Ethics Adviser's role does not include the giving of legal advice.

Advice to Ministers on post-separation employment

- (2) The Parliamentary Ethics Adviser must on request by a Minister provide written advice to the Minister as to whether or not the Adviser is of the opinion that the Minister's:
 - (a) acceptance of an offer of post-separation employment or engagement which relates to the Minister's portfolio responsibilities (including portfolio responsibilities held during the previous two years of ministerial office); or
 - (b) decision to proceed, after the Minister leaves office, with a proposal to provide services to third parties (including a proposal to establish a business to provide such services) which relates to the Minister's portfolio responsibilities (including portfolio responsibilities held during the previous two years of ministerial office),
 would give rise to a reasonable concern that:
 - (c) the Minister's conduct while in office was influenced by the prospect of the employment or engagement or the proposal to provide services; or
 - (d) the Minister might make improper use of confidential information to which he or she has access while in office.
- (3) The Adviser must on request by a person who has ceased to hold ministerial office within the previous 18 months ("the former Minister") provide written advice to the former Minister as to whether or not the Adviser is of the opinion that the former Minister's:
 - (a) acceptance of an offer of employment or engagement which relates to the former Minister's former portfolio responsibilities during the last two years in which the Minister held ministerial office; or
 - (b) decision to proceed with a proposal to provide services to third parties (including a proposal to establish a business to provide such services) which relate to the former Minister's former portfolio responsibilities during the last two years in which the Minister held ministerial office,
 would give rise to a reasonable concern that:
 - (c) the former Minister's conduct while in office was influenced by the prospect of the employment or engagement or the proposal to provide services; or
 - (d) the former Minister might make improper use of confidential information to which he or she had access while in office.
- (4) If the Adviser is of the opinion that accepting the proposed employment or engagement or proceeding with the proposal to provide services might give rise to such a reasonable concern, but the concern would not arise if the employment or engagement or the provision of services were subject to certain conditions, then he or she must so advise and specify the necessary conditions.
- (5) The Adviser's advice must include:
 - (a) a general description of the position offered, including a description of the duties to be undertaken, or the services to be provided, based on material provided by the Minister or former Minister but excluding any information that the Minister or former Minister indicates is confidential; and
 - (b) the Adviser's opinion as to whether or not the position may be accepted, or the services may be provided, either with or without conditions.
- (6) Where the Adviser becomes aware that a Minister or former Minister has accepted a position, or has commenced to provide services, in respect of which the Adviser has provided advice, the Adviser must provide a copy of that advice to the Presiding Officer of the House to which the Minister belongs or to which the former Minister belonged.

Keeping of records

- (7) The Parliamentary Ethics Adviser shall be required to keep records of advice given and the factual information upon which it is based.

- (8) Subject to clause 6, the Parliamentary Ethics Adviser shall be under a duty to maintain the confidentiality of information provided to him in exercising his function and any advice given, but the Parliamentary Ethics Adviser may make advice public if the person who requested the advice gives permission for it to be made public.
- (9) This House shall only call for the production of records of the Parliamentary Ethics Adviser if the person to which the records relate has:
- (a) in the case of advice given under clause 1 (a), sought to rely on the advice of the Parliamentary Ethics Adviser; or
 - (b) given permission for the records to be produced to the House.

Annual meeting with committees

- (10) The Parliamentary Ethics Adviser is to meet annually with the Standing Committee of each House designated for the purposes of Part 7A of the Independent Commission Against Corruption Act.

Report to Parliament

- (11) (a) the Parliamentary Ethics Adviser shall be required to report to the Parliament annually on the number of ethical matters raised with him, the number of members who sought his advice, the amount of time spent in the course of his duties and the number of times advice was given; and
- (b) the Parliamentary Ethics Adviser may report to the Parliament from time to time on any problems arising from the determinations of the Parliamentary Remuneration Tribunal that have given rise to requests for ethics advice and proposals to address these problems.

Legislative Council
18 June 2014

DON HARWIN
President

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT BILL 2014

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

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

VISITORS

The SPEAKER: I welcome to the gallery today senior school leaders from St Pius X College, Chatswood High School, Mercy College and Willoughby Girls High School, who are in Parliament today to attend the member for Willoughby's annual school leaders luncheon and are guests of the Minister for Transport, Minister for the Hunter and member for Willoughby. I also welcome 13 year 9 geography and history students and their teachers from Moree Christian School, guests of the Minister for Natural Resources, Lands and Water, Minister for Western NSW and member for Barwon.

I also welcome to the gallery 50 year 11 legal studies students and their teachers from All Saints College, Maitland, guests of the member for Maitland. I also welcome members of the Illawarra Justice of the Peace Association, guests of the member for Wollongong, and Councillor Geoff Kettle, Mayor of Goulburn Mulwaree Council. Finally, I welcome my guests this afternoon, Nilda Griffin and Marcus Bosma from the South Coast electorate. My friend Jeremy Travers is sitting in the gallery also. I welcome Jeremy, as always, and wish him good luck in his exams.

EDUCATION AMENDMENT (GOVERNMENT SCHOOLS) 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 later hour.

INFORMATION AND PRIVACY COMMISSION

Report

The Speaker tabled, pursuant to section 39 of the Government Information (Information Commissioner) Act 2009, the report entitled "Report on the Operation of the Government Information (Public Access) Act 2009: 2010-2013".

Ordered to be printed.

BUSINESS OF THE HOUSE**Notices of Motions****Government Business Notices of Motions (for Bills) given.****QUESTION TIME**

[Question time commenced at 2.24 p.m.]

STATE BUDGET AND TAFE NSW

Mr JOHN ROBERTSON: My question is addressed to the Minister for Education. TAFE students and teachers are being punished, with 375 staff cut in the budget. After the Minister spoke out against electricity privatisation, will the Minister stand up against the TAFE cuts or will he roll over again?

The SPEAKER: Order! Government members will not comment on the question. The Minister can answer the question without assistance.

Mr ADRIAN PICCOLI: As the Treasurer and the Premier said yesterday, we are in control of the budget; the budget is not in control of us. We reached this point after three years of hard work and responsible fiscal management, which is ensuring that we spend every taxpayer dollar properly. That is what it is about. Yes, two years ago, in a press conference on level 8, I said that we were taking measures across education and TAFE, and that that included 800 positions in TAFE. The Government has never made a secret of what it has been trying to achieve in the three years it has been in office. As much as members opposite do not want to hear it, the budget yesterday showed that we are reaping the dividends.

Mr John Robertson: By sacking more staff?

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

Mr ADRIAN PICCOLI: The statistics that the Leader of the Opposition wants to hear are that unemployment is up and economic growth is down so he can talk down the New South Wales economy and say what a terrible job the New South Wales Government is doing. I am sorry—that is not what the data shows. The data shows that we have turned the budget around. We have turned around what would otherwise have been a deficit of almost \$2.5 billion to the point that this financial year we have a surplus of \$1 billion and next year we will have a \$238 million deficit—

Mr John Robertson: Point of order—

The SPEAKER: Order! I hope it is not Standing Order 129. The Minister is being relevant to the question.

Mr John Robertson: It is Standing Order 129. The question related to whether the Minister would stand up to the sacking of 375 TAFE teachers and staff.

The SPEAKER: Order! "Sacking" was the member's term. The Minister is being relevant to the question he was asked.

Mr ADRIAN PICCOLI: The answer is that I have never shied away from the fact that we are making TAFE an efficient organisation and that involves having fewer staff. I can assure members that no-one was sacked. It is about redundancies. It is about the proper processes through the public service—

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

Mr ADRIAN PICCOLI: All of those procedures have been followed. There have even been appeals made to the Industrial Relations Commission, as people are entitled to do. The Leader of the Opposition's suggestion is completely wrong. We made it clear that we would bring the budget into order so that it does not control the Government but the Government controls it. The alternative—I cannot remember the estimated deficit for next year; I think it was \$4.4 billion—is that, if we did not take those steps, the papers this morning would have reported a \$4 billion deficit.

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

Mr ADRIAN PICCOLI: That is what a Labor Government would have had. Yes, it is difficult and no-one likes to see anybody lose their job, but our job is to ensure that the money entrusted to the New South Wales Government by taxpayers is spent as efficiently and effectively as possible. And that is precisely what we are doing. To somehow suggest that I should stand up or whatever—I am standing up for proper fiscal management. Members opposite can read the newspaper reports—I am sure they will be reminded about them later in question time—on our budget yesterday. The reports have been absolutely glowing because we took the tough decisions. Labor was too weak, too hopeless, too beholden to the public sector unions—

Mr Ryan Park: Point of order: My point of order is Standing Order 129, relevance.

The SPEAKER: Order! The Minister has been relevant to the question. There is no point of order. The member for Keira will resume his seat.

Mr ADRIAN PICCOLI: I have visited a number of institutes and we had a roundtable discussion with senior executives—indeed, I was in Bathurst last Wednesday—and they were supportive of what the Government is doing.

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

Mr ADRIAN PICCOLI: They understand what we are doing with the Smart and Skilled reforms, restructuring TAFE and separating it, as the motion earlier talked about.

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

Mr ADRIAN PICCOLI: Those things should have been done years ago but the previous Government did not have any political courage.

The SPEAKER: Order! I warn members that they will be placed on calls to order if they continue to interject.

Mr ADRIAN PICCOLI: I make no apologies, nor do I need to make any apologies, for the reforms that we have introduced because they are good for students, which is the most important thing.

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

Mr ADRIAN PICCOLI: They are good for the people for whom we are delivering in New South Wales.

STATE BUDGET

Mr GLENN BROOKES: My question is addressed to the Premier. What has been the reaction to the New South Wales budget?

Mr MIKE BAIRD: I acknowledge the incredible work of the member for East Hills.

The SPEAKER: Order! There is too much audible conversation in the Chamber. I cannot hear the Premier.

Mr MIKE BAIRD: One thing I want to say is, "Go the Blues". Tonight we have a fantastic opportunity to win the State of Origin rugby league match, and I am sure that we will win it. Best of luck to Paul Gallen and the boys. Do us proud. We are right behind you. I note another big event this week: the State budget. We think it is a pretty good budget that is controlling expenses, bringing down debt, providing more infrastructure and services, protecting the vulnerable and is a whole package of things that we are doing across this State. It is responsible government delivering for the people of New South Wales, and we are very proud of it. But we are not the only people who are saying that.

It is worth pointing out a couple of quotes: "It is a remarkable turnaround in three years for a once proud State which had sunk to among the worst performing in the country after 16 shambolic years of Labor,

now New South Wales is growing at three times the rate of Queensland and Victoria." That is very pertinent. We are very proud that an economy that was a basket case is now moving under this Government. Everyone knows of the respected economic commentator Ross Gittins—

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

Mr MIKE BAIRD: He said, "If voters are looking for good managers of the state's finances, this lot is the best we've seen in a long time." I love that.

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

Mr MIKE BAIRD: If we get the budget back into a sustainable surplus, put record funds into infrastructure and spend the dollars wisely then those are the sorts of comments we get. The UBS market rating said: "For the State to regain its former rating it needs only to be re-elected"—that is a very good point because we know what happens if we do not—"and to continue with its plan to lease the minority share of the poles and wires." It seems that those on the other side are happy to risk the rating. Brendan Lyon, the chief executive officer of Infrastructure Partnerships Australia, said, "NSW has balanced the budget and sustained a record level of infrastructure investment. Today shows that if you are against leasing the grid then you are against new infrastructure projects." I am trying to understand why those opposite love congestion and cannot get enough of it. They want more congestion on our roads and more crowding on our trains. I note that the old bat phone on the desk has been ringing: "Union HQ. Hello, John, we have got a problem."

They are now getting their Federal colleagues in Canberra to try to block \$2 billion coming to the State of New South Wales. In relation to the \$2 billion in that recycling fund that we in New South Wales would earn and put into infrastructure to take away congestion, they have got on the phone and said, "Hello, hello. We don't like that transaction. We don't want the \$2 billion." I ask those opposite to get on the phone and say, "Hello, Bill, we have a problem. We want the \$2 billion because we desperately need it to go towards infrastructure to take away the congestion." I ask those opposite and their colleagues not to play games in the Federal Parliament but to say, "We need that \$2 billion."

The SPEAKER: Order! I again warn Opposition members that they will be placed on calls to order if they continue to interject.

Mr MIKE BAIRD: I also note the Property Council of Australia said—

The SPEAKER: Order! The member for Maroubra will come to order. Government members are not helping. There is too much audible conversation in the Chamber.

Mr MIKE BAIRD: They do not like Glenn Byers who used to work for Morris Iemma, a Premier you took down, I might add.

Mr John Robertson: You are next.

Mr MIKE BAIRD: I look forward to that battle, Robbo.

The SPEAKER: Order! I call the member for Maroubra to order for the first time. He will cease his interjecting. I call the Leader of the Opposition to order for the first time. I warn members that there is too much audible conversation in the Chamber. It is almost impossible to hear the Premier. Government members are making as much noise as Opposition members. The member for Shellharbour has interjected enough this afternoon. She does not need to interject when I am speaking. That is a sin. Obviously some members do not want to be here for the rest of the day.

Pursuant to standing order additional information provided.

Mr MIKE BAIRD: The Property Council said, "This is a budget that goes for growth". We are about growing New South Wales. I note an interesting headline from my friends at the *Sydney Morning Herald*, "The State gets its mojo back." It is very clear that this Government is delivering and driving the economy. We have jobs, investment and revenue coming in. The State is moving. We want to spend more on infrastructure.

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

Mr MIKE BAIRD: I note that, notwithstanding this week's budget and hopefully an Origin victory tonight, Thursday will also stop the nation. That is when the Leader of the Opposition will put out his plan to the people of New South Wales. It will be hard to sleep tonight, because what will it be? He is against congestion but he is not going to build roads. His plan is hoverboards for everyone or it might be hot water bottles for everyone, he loves them. We have had three policies come from them in three years: a Higher School Certificate advice line, a housing summit and a jobs commission. I look forward to what his plan will be.

I hope that they start ruling out their policy document which is about how they will manage the State: they want more tax, more debt, a broad-based land tax and they want to replace vehicle taxes with a Sydney congestion charge. No wonder they support congestion as that is how they will turn around the budget. They will increase congestion and raise the charge. Thank goodness this Government has brought down a responsible budget. We will continue to do so and look after the people of New South Wales.

TAFE NSW AND PEOPLE WITH DISABILITY

Mrs BARBARA PERRY: I direct my question to the Treasurer. The Treasurer's budget figures reveal that cuts to TAFE will mean 4,292 young people with a disability will lose access to skills training.

The SPEAKER: Order! The member for Auburn has the call and is entitled to be heard in silence.

Mrs BARBARA PERRY: Will the Treasurer reverse these cuts that are making it harder for young people with a disability to find work?

Mr ANDREW CONSTANCE: I will take some of this question on notice to find out whether the Opposition is playing politics with people with disabilities who attend TAFE.

The SPEAKER: Order! Opposition members will cease interjecting. I call the member for Marrickville to order for the first time.

Mr ANDREW CONSTANCE: I will come back to the House on this issue because we will not tolerate this.

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

Mr ANDREW CONSTANCE: Someone had a happy budget. I make that point.

The SPEAKER: Order! The member for Auburn has asked the question and she should give the Treasurer the opportunity to answer it. She will refrain from interjecting.

Mr ANDREW CONSTANCE: We have seen expenditure for the TAFE budget of \$1.862 billion in this year's budget, and \$2.3 billion for vocational education and training. As I alluded to yesterday, the Government is not shying away from ensuring that TAFE is set on a course that delivers world-class vocational education and training to our young people, which is why we are investing in the Smart and Skilled reforms.

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

Mr ANDREW CONSTANCE: It is a tremendous budget right across the board. I would also note that we are investing \$77 million in new capital facilities at TAFE around the State. TAFE now has to compete with registered training organisations [RTO]. There is no doubt that the work being done with the Smart and Skilled reforms is designed to ensure that TAFE has an incredible future.

Mr John Robertson: No future.

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

Mr ANDREW CONSTANCE: Read the bill. That naïve, stupid comment from the Leader of the Opposition is no surprise.

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

Mr ANDREW CONSTANCE: The bottom line is that this Government recognises the enormous benefits that TAFE is delivering in regional New South Wales. As a leading vocational educational and training provider in regional New South Wales it provides every opportunity, particularly for young people to get jobs. I also note that those opposite are happy to waste money through the TAFE system by supporting taxpayers subsidising by 100 per cent recreational courses through TAFE—TAFE courses that people undertake year in and year out for years on end, courses like ceramics.

Ms Linda Burney: Point of order: I am not clear whether the Treasurer is taking this question on notice or he is answering, but my point of order is under Standing Order 129.

The SPEAKER: Order! There is no point of order. The member for Canterbury will resume her seat. If she is not clear on something, she should listen more intently to the answer. The Treasurer has the call.

Mr ANDREW CONSTANCE: As I was saying, those opposite are happy to support taxpayer subsidies of recreational courses at TAFE to the tune of 100 per cent. We have made decisions to ensure that taxpayer subsidies are used in a way that drives employment opportunities for those who are benefiting from the TAFE system. Around the State \$77 million is going into new capital facilities, with places like Tamworth getting \$6.5 million and Cooma getting around \$5 million. But members opposite want to run scare campaigns through TAFE, as they are expert at doing, instead of supporting students. They should wake up to themselves.

STATE BUDGET AND REGIONAL INFRASTRUCTURE

Mr ANDREW GEE: My question is addressed to the Deputy Premier. How does the budget invest in infrastructure to boost regional economies and create jobs?

The SPEAKER: Order! Opposition members will cease moaning and groaning.

Mr ANDREW STONER: Opposition members do not want to hear about regional New South Wales because none of their number hails from regional New South Wales. I know that Government members want to hear the good news for regional New South Wales in the budget. Yesterday the Treasurer handed down a bumper budget for the State and for our regional communities, and every single part of regional New South Wales stands to benefit—the best part of the best country in the world, I say. I see in the gallery the Chief Executive Officer of the Foundation for Regional Development, Peter Bailey. I am sure he agrees as he launches CountryNSW for 2014.

Whether it is hospital upgrades in regional centres like Kempsey, Lismore, Port Macquarie and the new Central Byron hospital or highway upgrades in Bathurst, Tumut, Dubbo and Broken Hill, regional communities are the big winners in this budget. In the Orange electorate, we have set aside money to build the State's first inland dam in western New South Wales in almost 30 years. The proposed dam at Needles Gap on the Belubula River will secure water supplies for the local community and increase agricultural productivity in one of the foodbowl regions in the Central West of our State. The dam is part of \$361 million that the Government has reserved for water infrastructure to drought-proof our regional communities, which has been warmly received by the community and the media. That outstanding columnist Piers Akerman—love his work—will be delighted to read of the jeers and the catcalls in the *Hansard* from you lot. He notes this in today's *Daily Telegraph*:

Building a new dam over the objections of Labor and The Greens, and providing jobs while guaranteeing water for seven local government areas, sends just as powerful a message to those who believe in a prosperous future as securing a second airport or providing light rail links around Sydney.

NSW is on the move again.

Piers is right on the money. Those opposite should listen because in the 2011 election the Labor Party contested regional seats across the State and, as noted electoral analyst Antony Green says, "They failed to win one country seat." On the other hand, The Nationals won 19 of the 20 regional seats they contested—a 95 per cent success rate. Why did we do that? It is because we have good policies. The Labor Party should listen. Orange Mayor John Davis said the dam would mean the area could become "the prominent food basin of NSW because

there would be enough water to grow, cultivate and process harvests." That is another astute observation. Australian Industry Group's New South Wales Director Mark Goodsell has also welcomed this investment. He said:

Quality spending initiatives in regional infrastructure are particularly welcome, including the extra funding for health infrastructure, water security and road upgrades. These new investments will pave the way for a boost to productivity, employment and economic growth in regional NSW.

Mark is spot-on. New South Wales Business Chamber Chief Executive Officer Stephen Cartwright said:

Infrastructure spending in regional communities not only brings jobs to that region, many of which are battling high youth unemployment, but has the flow-on benefits to the businesses in that area, many of which are small businesses.

The
Stephen knows it. It is great to see that this Government's approach of putting regional New South Wales at the heart of government and investing in productive infrastructure for current and future generations is appreciated by commentators from industry, local government and the media. But no doubt Labor and its friends The Greens will oppose these measures because they are small-minded and they do not understand regional New South Wales.

Pursuant to standing order additional information provided.

Mr ANDREW STONER: We have our mojo back. I make an exception for my friend the member for Balmain because I know he is not ideologically driven like those in the upper House. They have always opposed dams. They want to turn on the tap and have water gush out, but they do not want any dams. They talk about climate change and they say, "We are going to get more serious floods and more severe droughts." I appeal to the common sense of The Greens. Oops, I am sorry, that is an oxymoron. If it is true that we are going to have more extreme weather events, floods and more severe droughts, would it not make sense to take the edge off some of those floods by providing water storage? Would it not make sense to be able to prolong the sustainability of regional communities and the environment by having that water in storage to get through droughts? The river systems would not dry out and the little turtles, crustaceans, fish and hoppity frogs will not die in the drought.

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

Mr ANDREW STONER: I ask The Greens to consider that the next time they turn on the tap, the light switch or the hi-fi. Thankfully with this Liberal-Nationals Government regional communities have a Government that understands them and their needs.

The SPEAKER: Order! Members will come to order. I call the member for Monaro to order for the first time. There is far too much audible conversation in the Chamber. I cannot hear the comments of the Deputy Premier, who is usually not difficult to hear. He has a voice that projects particularly well. Members who continue to interject will be removed from the Chamber. Members will be heard in silence.

STATE BUDGET AND TAFE NSW

Mr RYAN PARK: I direct my question to Treasurer, and Minister for Industrial Relations. Will the Minister guarantee that no TAFE campus will close due to the additional 375 staff and teachers being cut in this budget?

Mr ANDREW CONSTANCE: What intrigues me about Opposition strategy today is that the Leader of the Opposition and shadow Treasurer do not seem to have any questions. One day after the budget you might think that the Leader of the Opposition and the shadow Treasurer would have a few questions. But there is silence.

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

Mr ANDREW CONSTANCE: I think this is the first time in history that the Leader of the Opposition has not had a quote in the *Daily Telegraph* the day after the budget.

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

Ms Linda Burney: Well, the *Daily Telegraph*.

Mr ANDREW CONSTANCE: What is the member for Canterbury saying about the *Daily Telegraph*?

Ms Linda Burney: Terrible.

Mr ANDREW CONSTANCE: Terrible. The member has just described the *Daily Telegraph* as "terrible".

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

Mr ANDREW CONSTANCE: It goes to show that the shadow Minister is struggling and attempting to increase his question count.

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

Mr ANDREW CONSTANCE: I will reinforce that the TAFE budget is designed to support Smart and Skilled and students right across the State, which it does. Whilst the member for Keira is asking about the Government closing TAFE's the Government is investing in 19 capital works projects for TAFE across New South Wales. That is \$77 million in capital expenditure around the State, yet the member for Keira is asking about TAFE closures. That does not add up.

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

Mr ANDREW CONSTANCE: The member for Keira needs to take his shoes and socks off, and learn how to count. There is no doubt that in terms of TAFE the Smart and Skilled reforms are smart reforms designed to ensure TAFE's future.

Mr John Robertson: Point of order: I know the Treasurer had to take the last question on notice, but this is a straightforward question: Can he guarantee no TAFE campus will close? Yes or no?

The SPEAKER: Order! There is no point of order. The Treasurer remains relevant to the question. The Leader of the Opposition will resume his seat. The Treasurer has the call.

Mr ANDREW CONSTANCE: There is no doubt in terms of TAFE—

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

Mr ANDREW CONSTANCE: I did observe some commentary in the *Illawarra Mercury* this morning about the member for Keira and his comments about the budget. He described it—

Mr Andrew Stoner: He loves it.

Mr ANDREW CONSTANCE: No, he does not. He described it as a—

Ms Anna Watson: Point of order—

The SPEAKER: Order! I have just ruled on a point of order regarding relevance. What is the member's point of order?

Ms Anna Watson: My point of order relates to relevance.

The SPEAKER: Order! The Treasurer remains relevant to the question. The member for Shellharbour will resume her seat.

Ms Anna Watson: I would like to know—

The SPEAKER: Order! The member for Shellharbour does not know what the Treasurer is going to say. I call the member for Shellharbour to order for the third time.

Ms Anna Watson: —if any TAFEs are going to close down.

The SPEAKER: Order! I remind the member for Shellharbour that she is on three calls to order. The Treasurer has the call. There is no point of order.

Mr ANDREW CONSTANCE: The member for Keira was asking a question about yesterday's budget. The member for Keira was reported in the *Illawarra Mercury* this morning as stating, "It was a kick in the bum." I then compared how the Keira electorate fared under Labor compared to how it has fared under the Liberal-Nationals Government. I inform the member for Keira that over the last four years that Labor was in office the Keira electorate received \$241 million in total while in the past four budgets the Keira electorate has received \$253 million. Opposition members say one thing to their local papers but the bottom line is that the member for Keira has fared better under the Liberals and Nationals than he did under Labor and he should be grateful and stop asking stupid questions in the Chamber.

STATE BUDGET

Mr DARYL MAGUIRE: My question is directed to the Treasurer and Minister for Industrial Relations. What has been the community's response to yesterday's budget?

The SPEAKER: Order! Opposition members will cease interjecting. I remind Opposition members that many of them are on at least two calls to order. The member for Cabramatta will cease interjecting. I call the member for Cabramatta to order for the second time.

Mr ANDREW CONSTANCE: I thank the member for Wagga Wagga for his sensible question, which is a clear demonstration of his focus and attention on his wonderful electorate in the Riverina. There is no doubt that this budget was an incredibly powerful budget.

Mr John Robertson: Are you the class clown?

Mr ANDREW CONSTANCE: Do you want to talk about clowns?

The SPEAKER: Order! I remind members that interjections are disorderly at all times.

Mr ANDREW CONSTANCE: What time are you on tomorrow?

Mr John Robertson: Seriously mate.

Mr ANDREW CONSTANCE: Twelve o'clock tomorrow.

The SPEAKER: Order! I remind members to direct their comments through the Chair.

Mr ANDREW CONSTANCE: The State budget has been well received across the community. It has been well received in the community care sector and by economists, and via editorials across the State. The announcement of Parramatta's light rail prompted a comment from the Tourism and Transport Forum, "The New South Wales budget will help cement Parramatta's role as Sydney's second CBD and boost public transport in Western Sydney."

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

Mr ANDREW CONSTANCE: "The Government is right to invest in a balanced program of road and public transport projects"—all opposed by those opposite. A prospective first home buyer in the *Daily Telegraph* stated that raising the threshold for the first home owner grant will save him a lot of money. The Council of Social Service of New South Wales stated in relation to the Family and Communities Services budget, "We are pleased to see that they have made some investments in building up the capacity of casework." The Restaurant and Catering Industry Association of Australia stated, "Reduced WorkCover premiums, abolition of business taxes and \$124.8 million for tourism marketing and events announced in today's New South Wales budget demonstrates the Government's commitment to grow the State's \$28.4 billion tourism and hospitality industry."

The Sydney Business Chamber stated, "The Sydney Business Chamber has applauded the New South Wales Government for its massive investment in new transport and infrastructure projects that will enable

Sydney to improve business efficiency." UBS Investment Bank strategist Andrew Lilley stated, "We expect that New South Wales will return to triple-A stable rating from Standard and Poor's within the next 12 months." Infrastructure Partnerships Australia said, "This is a good budget, but it shows why the New South Wales Government's plans to reform and lease the electricity grid is the only viable circuit breaker for infrastructure funding in this State." The *Daily Telegraph* editorial states, "The danger to New South Wales is no longer weak finances or a Government that could not focus, the danger is an anti-electricity lease scare campaign run by the Labor opposition and its union mates." Coincidentally, the Leader of the Opposition in this State is a union organiser.

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

Mr ANDREW CONSTANCE: The Leader of the Opposition is a union organiser who spent his years doing deals with Labor Ministers to secure generous conditions for his union mates, driving up costs for household consumers, and now he is running the mother of all scare campaigns in relation to electricity. As we heard earlier, according to the *Sydney Morning Herald* the State has its mojo back. The Premier alluded to the Ross Gittins quote and it is worth hearing again:

If voters are looking for good managers of the state's finances, this lot is the best we've seen in a long time.

This Government is on track. It has delivered a powerful budget that is designed to put downward pressure on government expenses while halving debt. Of course, we have also maintained the triple-A credit rating. Having done that, we can invest in infrastructure and services across the State. That infrastructure will deliver outcomes and meet community aspirations. It will deliver world-class motorways and rail systems that will allow commuters to avoid spending 185 hours a year—a full week of their lives—enduring congestion. If members opposite were in government they would be handing down a budget deficit of \$4.2 billion. The Leader of the Opposition will cobble together a very poor speech in reply to the budget that will feature his usual union tactic of running scare campaigns across New South Wales.

WOMEN'S REFUGE FUNDING

Ms LINDA BURNEY: I direct my question to the Premier. Given the rising level of domestic violence in New South Wales, why is the Government cutting funding for scores of specialist women's refuges, which is forcing the closure of Erin's Place in Marsfield, Detour House in Glebe and Young People's Refuge in Leichhardt at the end of the month? In fact, those involved in Erin's Place are packing boxes now.

Mr MIKE BAIRD: I thank the shadow Minister for that question. It will not surprise anyone that what she said is untrue. More funding has been allocated—

Ms Linda Burney: No, it has not.

Mr MIKE BAIRD: There is more funding. This Government has allocated a record amount to address homelessness, and it is proud to do so. Members opposite fail to understand that handing down responsible budgets for three years in a row has enabled this Government to improve services, to build more infrastructure and to look after the vulnerable. Members opposite pretend that they can keep spending and that somehow that will provide the capacity to look after those who need it most. That approach only makes the situation worse, and that is evident from what happens when governments around the world do not hand down responsible budgets. Members on this side of the House are proud of what we have done with this budget, including looking after those who need it most, and the recent reforms announced by the Minister that will enable the Government to increase its capacity to provide enhanced services.

Ms Linda Burney: Point of order: I would like some clarification.

The SPEAKER: Order! This is not the opportunity to ask for clarification. The Premier is answering the question and the member will resume her seat. There is no point of order relating to clarification.

Mr MIKE BAIRD: The Minister can provide the details about those services. Given the reforms that have been implemented there is capacity for existing services to apply for additional complementary work under the transition funding that has been announced. The member for Canterbury always wants to politicise these issues. I do not mind if the member raises her concerns, and on this occasion her concerns seem genuine. Those who missed out with the tenders can apply for additional services. I have heard the member's comments about the Family and Community Services budget and caseworkers.

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

The SPEAKER: Order! The Leader of the Opposition does not have a point of order. The Premier could not be any more relevant to the question he was asked. The Leader of the Opposition will be removed from the Chamber if he continues with his disorderly behaviour.

Mr MIKE BAIRD: I have answered the question: There is the capacity for those groups to apply for additional funding for complementary services. I can proudly refer to the Government's capacity to support caseworkers, which is critical. It is not only a matter of saying that we want to support the vulnerable in our State; we must also have the capacity to do so. I have spent time with caseworkers and have seen the work that they do, and I am inspired by them. Members probably do not know the circumstances facing caseworkers every day and the burdens that they endure. The budget provides a huge capacity for them to continue to do their work and to spend more time with the families and children who most need help. The Government is proud of that.

The current and former Minister for Family and Community Services have done an amazing job in providing capacity to look after those who most need help. The budget provides the possibility to access additional funding and services. The Government is proud to make that provision in respect of both the homeless and caseworkers who provide services to families. Not only has this Government delivered a budget that improves services and builds on infrastructure but, most importantly, it has also provided capacity to look after the vulnerable, and we are very proud of that.

STATE BUDGET AND HEALTH

Mr JOHN FLOWERS: I address my question to the Minister for Health. How will the increased health funding announced in yesterday's budget provide better health care for the people of New South Wales?

Mrs JILLIAN SKINNER: I thank the member for Rockdale for his ongoing support of his constituents, particularly in relation to health care. I am very proud of the fact that this year's budget provided a record \$19.9 billion—nearly \$20 billion—for health services in this State. That is \$929 million more than was provided last year. When compared like for like with the recurrent budget—that is, removing the need to pay for patients treated interstate, as we did last year—it is \$18.8 billion. That includes almost \$1.3 billion for capital works.

Hospital emergency department performance was in decline under the Labor Government, but the Liberal-Nationals Government has turned that around across all the measures. This year \$300 million has been allocated to meet increased patient demand for emergency department services compared with the extra \$220 million provided last year. That will provide for an estimated 1.29 million acute inpatient separations—that is, 1.29 million people will be treated in hospital beds. That is a 3.2 per cent increase on last year and represents 40,000 extra patients. Last year we provided for 34,000 extra operations, and that represents a substantial increase in demand. That includes an additional 3,000 elective surgeries. The Government will provide for an estimated 2.77 million emergency department attendances. That is more than the population of Western Australia. The budget also provides a 3 per cent increase to allow for 8,000 more patients, and that is being done while we are improving performance.

Bureau of Health Information statistics indicate dramatic improvements across all elective surgery categories, including emergency department performance. In fact, we are improving more than any other State. I know that the shadow Minister agrees with me and rejoices in that. The budget also allocates \$220 million to retain patient services previously funded under the National Partnership Agreement that was ended by the Federal Labor Government. Members should get it right: It was the Federal Labor Government that scrapped that program and this Government is picking up the \$220 million shortfall. It is also providing \$30 million for integrated care as part of the \$120 million four-year package.

This is about providing seamless care in community and in primary health care, including with GPs and the like. We are providing \$15 million to employ 115 new clinical nurse educators, midwife educators and specialists, completing our election commitment of 275 new positions. I am very proud of that achievement. Overall we are providing 4,100 extra nurses, reaching a record number of 47,500 nurses employed in New South Wales. We are providing \$10 million as part of the Government's palliative care plan, something I am also very proud of and very committed to. We are providing additional money to extend Hospital in the Home services and \$18 million for preventative health.

This money is for things such as anti-smoking campaigns, skin cancer prevention and other initiatives. We are providing \$6.8 million to improve pain management services across the State. I am thrilled that these services are being implemented across country New South Wales as well. We are providing \$5 million for EnableNSW, which provides equipment for rehabilitation and to keep people out of hospital, bringing funding to \$46 million in this financial year. We are providing \$2 million to increase capacity for caring for young people with a brain injury in inappropriate settings. How often have we as members of Parliament gone to a nursing home and found young people with brain injury inappropriately occupying aged-care facilities? We are providing this money to increase the capacity.

Pursuant to standing order additional information provided.

Mrs JILLIAN SKINNER: We are also providing \$800,000 in this year's budget to provide an additional 22 cochlear implants for children and adults in response to patient demand. That is a personal commitment of mine. We have committed \$1.3 billion for investment in capital works this year. There are many continuing projects and we know them all—Wagga Wagga, Tamworth, Blacktown, Campbelltown, Dubbo, Hornsby, Bega, Lismore, Kempsey, Port Macquarie. We are kick-starting major hospital developments at Westmead, with stage one anticipated to cost more than \$400 million. For St George and Sutherland hospitals we have committed to more than \$300 million with work to start this year. I expect this work to be finished within the next term of the Coalition Government. For Gosford we have committed \$350-plus million and it will be kick-started this year, as will more than \$80 million for work on the Byron Bay facility. The member for Ballina and I have worked on this project since 1996.

We will put more money into continued major upgrades at Blacktown, Campbelltown, Hornsby, Wagga Wagga, Tamworth and many more sites. We are providing \$24.5 million for the \$150 million five-year metropolitan ambulance strategy that I was very proud to announce with the member for Penrith. We will build superstations at Penrith, Blacktown, Liverpool, Bankstown and Kogarah. Finally, there is \$83 million from the capital works program for eHealth and improving information and communication technology support for patient care. This is particularly important for rural patients, because it enables those patients to get access to first-class expert care from city hospitals. It is a fantastic budget. I thank everyone for their interest.

The SPEAKER: Order! I am surprised by the level of inattention from members on both sides of the Chamber for a question of some importance, and that includes the shadow Minister for Health. I express my surprise and disappointment at members on both sides. The member for Shellharbour will remove herself from the Chamber for one hour. Members who continue to interject and behave in a disorderly fashion will leave the Chamber one after the other. Members will remain silent while the member for Sydney asks his question.

[Pursuant to sessional order the member for Shellharbour left the Chamber at 3.12 p.m.]

WOMEN'S REFUGE FUNDING

Mr ALEX GREENWICH: My question is to the Minister for Family and Community Services. Given the new service support fund gives women's refuges no guarantees of continued operation, is only short term and requires refuges to move out of their existing premises, how will the Government ensure these specialist refuges continue to provide care to homeless women with mental health issues or substance issues and those who are victims of sexual assault?

The SPEAKER: Order! Members will listen to the Minister's answer in silence.

Ms GABRIELLE UPTON: I thank the member for Sydney for his question and his genuine interest in the vulnerable in New South Wales. He has a genuine concern for them, as do I. Let me be clear about the reality of homelessness services in New South Wales and their funding: The status quo is simply not working. Those opposite spent hundreds of millions of dollars on funding homelessness services, and guess what happened? The level of homelessness went up. Between 2007 and 2011 the number of homeless grew by 27 per cent. There was a 20 per cent increase in people sleeping rough, and a 17 per cent increase in the number of Aboriginal people who became homeless in that time. That is shameful, especially when the Government is throwing money at it. For years and under successive governments we have not spent that money at all well. We have funded the areas of crisis instead of investing in early intervention. We need to spend the money and help people when they are at risk of homelessness. If we are able to address needs when they are at risk of homelessness they will not become homeless. That is what this side of the House is determined to do.

Last week I announced the Going Home Staying Home reforms, which the member for Sydney referred to. Those reforms put more money into early intervention services. We want to catch people before they are homeless. Under the reforms, and for the first time in New South Wales, funding for specialist homelessness services is going to be based on evidence—is that not a novel concept? Funding will not be based on history or decisions made about where that spending will go, but on evidence. Based on that evidence, the greatest need is in our suburbs and in the regional areas of New South Wales. I believe it is my responsibility as Minister to provide the funding where the need exists, and that is what we will do through these reforms. I think it is also my responsibility to ensure that taxpayer dollars are spent to get the best value from those services. That money should be targeted to help the people who most need it.

For the first time—again, a novel concept for homelessness services—we had a competitive tender for those services. I do not back away from that, because what will a competitive tender do? It will provide better services and it will ensure that those who are better service providers will offer their services. It will provide better value for our taxpayers, and that is a good thing for New South Wales. As I have said many times, the public expects us to work together to help the vulnerable in our community. This is why I have been rather disappointed when those opposite have engaged in some cheap political point-scoring. The service providers who were successful in the tenders will take over the management of the refugees through a planned transition over the next three months. It was a really sad day when those opposite tried to muddy the waters and created unnecessary distress for the vulnerable in our community, when through these reforms we have record amounts of funding, better service providers, better services and better value for our taxpayer dollars. I will not apologise for that approach.

Since becoming the Minister for this portfolio I have made a point of listening to members in this Chamber and to those in the sector. I have met with many stakeholders in framing the reforms that were announced last week. I restored the level of funding to inner-city special services for the homeless. I tripled the funding to specialist women's services. Crucially, the three peak stakeholders who worked through this reform process with former Minister Goward and me—Homeless NSW, Domestic Violence NSW and the Yfoundations—are strong supporters of these reforms and on the record as supporting them. We need to get the transition right. The Premier referred to a State services fund.

Pursuant to standing order additional information provided.

Ms GABRIELLE UPTON: I am as concerned as the Premier is to get our transition to this new system right; it is the right reform at the right time. Therefore, I created a safety net: a fund to allow small to medium non-government organisation providers who were unsuccessful to apply for 18 months of funding. I hasten to add that to be eligible for this service fund applicants need to demonstrate, through a project plan, that they can provide specialist services that will not duplicate these new services that have been won by good providers with good services at better value to the taxpayer. All of us on this side of the House know that reform can be hard, but we should not shy away from reform to help those who are vulnerable. The Liberals and Nationals know how to reform and we know how to do it right. We want to do it right because it will help the vulnerable across the community that all of us in this Chamber want to assist.

STATE BUDGET AND EDUCATION

Mrs TANYA DAVIES: My question is addressed to the Minister for Education. How is the Government delivering the education services and infrastructure that New South Wales deserves?

Mr ADRIAN PICCOLI: I want to pick up on a question asked earlier about 375 fewer positions in TAFE, as disclosed in this year's budget. It is 375 positions out of a total staffing pool of about 14,500 and I can assure the House that the level of staffing does not have any relationship to the campuses that TAFE uses; it is about managing dollars properly. Therefore, the answer to that question is no. But I remind members that the former Government closed two TAFE campuses: Dover Heights and the very well-known Seaforth TAFE. To suggest that there is some link between staff numbers and campuses is completely wrong.

This morning I campaigned in a marginal electorate in Western Sydney, the electorate of Blacktown, in Doonside after going to Glenmore Park in the electorate of Mulgoa to talk about the kinds of things we are investing in in education. At Glenmore Park we announced the construction of a new school for specific purposes for kids with disabilities. It is a greenfield site and the school will accommodate about 100 kids. It is a great big tick for the New South Wales Government for the way we support students with disabilities. On Monday this week we were at Lucas Gardens School for Specific Purposes [SSP] in Canada Bay—another school for students with disabilities. More than \$10 million has been invested there as part of this budget.

Since this Government came to office we have rebuilt 20 schools for students with disabilities and we added another two in this year's budget. That is an absolutely great outcome and something that every member of this Government can be very proud of. I remind the Leader of the Opposition that tomorrow when he gives his budget-in-reply speech and when his parliamentary colleagues in the Labor Party clap at the end of his speech—it is customary that they clap—they will not be clapping because they liked his speech, they will be clapping because it has finished. He should not get the wrong idea that his colleagues like what he is doing.

This year the education budget is a record \$14.44 billion—a far cry from what the former Government offered a few years ago. It is an increase of \$2 billion since we came into government. The Opposition said that the Education budget was going to go down and the Health budget was going to go down. We need to get the reports out from three years ago and have a look at how wrong the Opposition was. Most importantly, in this year's budget we commit to the fifth and sixth years of Gonski—a great outcome for all students across New South Wales in government and non-government schools.

Dr Andrew McDonald: Did Tony Abbott commit to that as well?

Mr ADRIAN PICCOLI: No, he did not, but I do not think anyone could suggest that there has not been a stronger advocate for the fifth and sixth years, arguing the case against the Commonwealth, including at the National Party conference last week, than our Federal colleagues. The budget also includes \$480 million for capital works. I visited Bourke Street Public School yesterday and I visited Point Clare Public School with the member for Gosford. The principal at Point Clare spoke very highly of the performance of the member for Gosford. We both received a rousing round of applause from the staff because they like what we are doing—they liked the announcement. We visited Hunter Sports High School where we have invested \$20 million. We can do all of those things because we have managed this budget properly and we can be very proud of that. Had we listened to those opposite none of this would have happened. I acknowledge that all this was started by the member for Ku-ring-gai. We can do this because of the tough decisions we have made in this Government.

Question time concluded at 3.26 p.m.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report

Mr Donald Page, as Chair, tabled the report entitled "Review of the 2012-2013 Annual Report of the Health Care Complaints Commission", dated June 2014.

Ordered to be printed on motion by Mr Donald Page.

PETITIONS

The Speaker announced that the following petition signed by more than 10,000 persons was lodged for presentation:

Playmates Cottage Childcare Centre

Petition opposing the closure of the Playmates Cottage Childcare Centre and calling on the Government to create a Dubbo Base Hospital master plan that does not include the centre's demolition, received from **Mr Troy Grant**.

Discussion on petition set down as an order of the day for a future day.

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

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**.

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:

Family Day Care

Petition calling on the Government to extend the transition date for new educator-to-child ratios in family day care in New South Wales to permit independent research to assess the educational and social benefits of the change, received from **Mr Alex Greenwich**.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Mr Anthony Roberts agreed to:

That standing and sessional orders be suspended at this sitting to provide for the following routine of business after the motion accorded priority:

- (1) at 4.00 p.m. government business;
- (2) private members' statements;
- (3) matter of public importance; and
- (4) the House to adjourn without motion moved at the conclusion of the matter of public importance.

PRINTING OF PAPERS

Motion by Mr Anthony Roberts agreed to:

That the following papers be printed:

Report of the NSW Ombudsman entitled "Report under section 49 (1) of the Surveillance Devices Act 2007 for the period ending 30 June 2013", dated December 2013
WorkCover Independent Review Office for the period 1 October 2012 to 30 June 2013
Report of the Public Interest Disclosures Steering Committee for 2012-13, dated January 2014
Report of the New South Wales Electoral Commission entitled "Report on the Conduct of the Election, Miranda State By-election"
Report of the Community Relations Commission entitled "Community Relations Report 2013"

Reports for the year ended 30 June 2013:
State Records Authority of New South Wales
Coal Innovation NSW Fund
NSW Climate Change Fund
Animal Research Review Panel
Murray-Darling Basin Authority
Professional Standards Department of the Law Society of New South Wales
Law and Justice Foundation of New South Wales
Public Defenders
National Environment Protection Council
Nature Conservation Trust of New South Wales
Assumed Identities Report of the Australian Crime Commission
New South Wales State Emergency Management Committee
State Rescue Board of New South Wales
Law Society of New South Wales
Legal Practitioners Fidelity Fund
Public Purpose Fund

Chairperson's Report of the Victims Compensation Tribunal of New South Wales
Independent Liquor and Gaming Authority
Responsible Gambling Fund
Official Community Visitors

Half Yearly Reports for the period ended 31 December 2013:

Ausgrid
Delta Electricity
Endeavour Energy
Essential Energy
Forestry Corporation
Hunter Water Corporation
Landcom (trading as Urban Growth NSW)
Macquarie Generation
Newcastle Port Corporation
Port Kembla Port Corporation
State Water Corporation
Superannuation Administration Corporation (trading as Pillar Administration)
Sydney Ports Corporation
Sydney Water Corporation
TransGrid

Reports for 2013:

NSW Youth Advisory Council
Department of Education and Communities
Charles Sturt University
Macquarie University (Volumes One and Two)
Southern Cross University
University of Newcastle
University of New England
University of New South Wales (Volumes One and Two)
University of Sydney
University of Technology, Sydney (Volumes One and Two)
University of Western Sydney (Volumes One and Two)
University of Wollongong (Volumes One and Two)

Report of the NSW Institute of Teachers for the period 1 July 2013 to 1 January 2014

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

State Budget

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.29 p.m.]: My motion notes that the New South Wales Government is rebuilding New South Wales by delivering a budget with a record \$61.5 billion for infrastructure over four years; that the Government has a clear plan to unlock \$20 billion for infrastructure funding, including \$6 billion for regional New South Wales; and, further, that New South Wales has certainly got its mojo back. The budget will perhaps go down in history as one of the most successful budgets ever delivered by a New South Wales government. I pay credit to the Premier, the Treasurer and all Government members. I take this opportunity to pay tribute to the former Premier, the honourable member for Ku-ring-gai.

It is no secret that the former Premier led the Liberal-Nationals from Opposition and into Government by stating a firm mantra: to make New South Wales number one. History will remember him kindly and his legacy lives on in the budget handed down yesterday. The Government will deliver no less than \$61.5 billion over this term through sound financial management. Included in that \$61.5 billion, next year we will spend a record \$20 billion on health and \$14.5 billion on education and training, as the Minister for Education clearly pointed out. Also, next year more than \$1.8 billion will be directed to TAFE services and a record amount of almost \$3 billion will support ageing, people with a disability, their families and their carers.

As has often been pointed out, a government will be judged by the way it treats the frail, the weak and the elderly in society. The budget allocation of \$3 billion next year to support ageing, people with a disability, their families and their carers should not go unnoticed. I particularly mention that \$500 million will be spent over four years to strengthen child protection. The most vulnerable people in our society will receive an additional \$500 million next year through the budget. That is good news for the people of New South Wales. It is no wonder that we woke up to see in the press this morning leading economists from around the country hailing the budget as being one of the most successful in this country. To say that New South Wales has got its mojo back is an understatement. We are excited, and we will be even more excited when we win State of Origin tonight. For the moment, I am proud to request that all Government members support this motion being accorded priority as we sing the praises of the New South Wales budget.

State Budget and TAFE NSW

Mr RYAN PARK (Keira) [3.32 p.m.]: What we have seen in the past couple of days in terms of the TAFE budget has been disappointing. These are the facts. Since this Government came to office 1,000 TAFE teachers have lost their jobs. In addition, we have seen massive increases in course fees. On top of that, the Treasurer announced a 29 per cent reduction in the TAFE capital works budget. This is happening at the same time as we are seeing massive increases in youth unemployment and big shifts in economic conditions, particularly in regions such as the Illawarra, which I represent. My motion is important because TAFE is important to the people of New South Wales. It is important because outside the city TAFEs are important to the regional economies of communities across New South Wales. It is also important because the Government announced a commitment to provide 1,000 extra apprenticeships at the same time as it is cutting the number of TAFE teachers. The Government is making it more difficult for people to access training, and it is making it more and more challenging for people to retrain and reskill themselves.

The Government does one thing with the left hand and another thing with the right hand. It does not understand TAFE or the importance of TAFE, particularly to regional New South Wales. I know that the Minister for Education is a big fan of spelling and closely examines spelling across the department. TAFE teachers help people with literacy and numeracy. That is why recently I found it astonishing that the New South Wales Minister for Education tabled the annual report of the Department of Education and Communities which had the word "education" spelt wrongly. [*Time expired.*]

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

The House divided.

Ayes, 64

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 Spence
Mr Conolly	Mr Maguire	Mr Stokes
Mr Constance	Mr Marshall	Mr Toole
Mr Coure	Mr Notley-Smith	Ms Upton
Mrs Davies	Mr O'Dea	Mr Ward
Mr Dominello	Mr O'Farrell	Mr Webber
Mr Doyle	Mr Owen	Mr R. C. Williams
Mr Edwards	Mr Page	Mrs Williams
Mr Elliott	Ms Parker	
Mr Evans	Mr Patterson	<i>Tellers,</i>
Mr Flowers	Mr Perrottet	Mr Cornwell
Mr Gee	Mr Piccoli	Mr J. D. Williams

Noes, 22

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

Question resolved in the affirmative.

STATE BUDGET**Motion Accorded Priority**

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.44 p.m.]: I move:

- (1) Notes the Government is rebuilding New South Wales by:
 - (a) delivering a budget with a record \$61.5 billion for infrastructure over four years; and
 - (b) having a clear plan to unlock \$20 billion for infrastructure funding, including \$6 billion for regional New South Wales.
- (2) Further notes that New South Wales has its mojo back.

I thank my 63 colleagues in the House who have endorsed my motion being accorded priority. I have no doubt the budget will be endorsed by the vast majority of people across New South Wales and in the electorates of Western Sydney, such as Mount Druitt, which have been deprived for so many years of important road, public transport, health and education infrastructure and support for vulnerable families. My motion not only refers to \$61.5 billion that this Government is spending in its current term of government, it also refers to the mandate that the Government will seek at the next election to lease the electricity network, the poles and wires, in order to gain \$20 billion-plus in funding to rebuild infrastructure on behalf of our communities today and in the future.

The \$20 billion, on top of this Government's current expenditure, will go towards building road, rail, health and educational services which governments must provide. Our charter is to deliver services and infrastructure for the people of New South Wales. In the 2014-15 budget, \$19.9 billion of the \$61.5 billion will be spent in Health—an increase next year of almost \$1 billion in health services alone. The Government will use those funds to rebuild and refurbish hospitals across the State so that we can provide the very best health care to our communities.

As the Parliamentary Secretary to the Minister for Transport and to the Minister for Roads and Freight, I have an important message. In 2007, when I was elected to this illustrious New South Wales Parliament the then Leader of the Opposition asked me, and the 10 other new Coalition members, to tell the party room meeting what I wanted on behalf of the people of my electorate from the Government. I said that I believed the most important piece of infrastructure for my electorate and Western Sydney was the North West Rail Link. In 2007 the then Leader of the Opposition, Barry O'Farrell, came to my office and said, "Ray, if we are elected in 2011 we will be the government that will build the North West Rail Link." Not only did the member for Ku-ring-gai stand by his words but this Government has fulfilled that promise to the people of Western Sydney.

Today I had the greatest pleasure to attend the sod-turning ceremony for the construction of the skytrain, a very important aspect of the North West Rail Link. I attended with the Premier, the very good Minister for Transport, the Treasurer, various parliamentary secretaries and members representing the electorates of Baulkham Hills, Hornsby, Riverstone, Londonderry—a cast of thousands. As we speak, the people of Western Sydney are dancing in the streets, popping champagne corks and celebrating because this Government is punching way above its weight. The headline in the paper that New South Wales has its mojo back is an understatement: we have gone beyond mojo and are at a level never seen before on the streets of New South Wales. This Government is delivering for every person in New South Wales.

Mr MICHAEL DALEY (Maroubra) [3.48 p.m.]: We have heard quite a bit of talk today about mojo, which appeared on the front page of a daily paper. After question time I searched the Oxford online dictionary for the meaning of "mojo". It states that "mojo" is "influence, especially magic". As to the Treasurer, the Premier, the member for Hawkesbury and others on that side of the House, magic is the only word one could use for the rubbish they have been spouting over the past two days. Yesterday, the Treasurer came in here and, as the member for Hawkesbury has just done, said that the Government was delivering a budget with a record \$61.5 billion for infrastructure over four years. I repeat: a record \$61.5 billion for infrastructure over four years. I thought, "That cannot be true", and it is not. Why is it not true? I will read a little passage from an earlier budget paper:

Over the four years to 2014-15 New South Wales will undertake a record infrastructure investment program worth \$62.6 billion.

Is that a Labor Party budget? No, it is not our budget paper. That is the infrastructure statement from 2011-12. That is the infrastructure statement from Mike Baird and Barry O'Farrell's first budget. Let me repeat:

Over the four years to 2014-15 New South Wales will undertake a record infrastructure investment program worth \$62.6 billion.

Yet we heard from the Treasurer yesterday that his \$61.5 billion is a record. Who is wrong? Is it Mike Baird in 2011 or is it Andrew Constance in 2014? They cannot both be right. I had a look at the actual infrastructure spends. In the 2011-12 budget then Treasurer Mike Baird promised to spend in the total State sector \$15.3 billion. He spent just over \$13 billion, a shortfall of over \$2 billion actual spend. In the 2012-13 budget he promised to spend \$15.063 billion and he spent about \$14 billion: a shortfall in spend, on his own figures, of \$914 million.

Mr Matt Kean: He doesn't spend for the sake of it, not like you guys.

Mr MICHAEL DALEY: "He doesn't spend for the sake of it", says the member for Hornsby. It is not for the sake of it, it is for the sake of the people in this State who have been promised an infrastructure spend. In the 2013-14 budget he promised to spend \$15.5 billion and he spent \$14.1 billion, a shortfall of \$1.5 billion. The promise to spend \$15 billion in this budget should be taken in the context of all the previous offerings of the first four years. Mike Baird's numbers and promises mean nothing. This \$61.5 billion is not a record infrastructure promise. The Government's first budget was a record infrastructure promise. Not only can he not keep up with what he has promised, he cannot spend what the Labor Party spent in its last two years in office—they were not just promises, they were actual spends.

He cannot fulfil his own promises, he cannot match the Labor Party spend and he has underspent on his own capital budget—a \$1.5 billion underspend in capital expenditure last year. When one adds the \$4.5 billion in underspend in capital expenditure in infrastructure over four years to the \$1.3 billion in budget surpluses the Government inherited when Labor left office, this Government could have built the North West Rail Link by now, but it has not even started in its fourth year. It could have been halfway through WestConnex by now, but it has not even started. This budget is a lie and Mike Baird's numbers mean nothing. This is a record lie, not a record promise.

Mr CHRISTOPHER GULAPTIS (Clarence) [3.53 p.m.]: New South Wales has been languishing at the bottom of the table. Why? It is because Doctor Evil over there stole New South Wales's mojo, and it took the Coalition and Austin Powers to get it back. The State has got its mojo back as a result of this huge budget for New South Wales. It is a huge budget for the regions, a huge budget for the Northern Rivers and a huge budget for the Clarence. This is a Darrell Eastlake overdrive budget. The headline on the front page of my local paper, the *Daily Examiner*, states: "Bridge and highway ready to go—\$185m for second Grafton bridge, \$220m to start Pacific Hwy upgrade". It is a vote of confidence in the Clarence Valley and a vote of confidence in the State Government. The State has got its mojo back.

The member for Maroubra spoke about record Labor budgets. Did Labor build the Grafton Bridge? The answer is no. Bob Carr came up to Grafton and gave an ironclad guarantee that he would build Grafton Bridge, but he did not honour that promise. The Coalition Government is building the bridge. Did Labor upgrade the Pacific Highway? No. This Government is upgrading it. We have got the mojo back and we are doing it. The former Labor Government did not upgrade Lismore Base Hospital. This Government is doing it. Did Labor provide funding for Lismore Base Hospital? No. This Government is upgrading that hospital. Who is funding the Byron Bay hospital? Labor could not care less about Byron Bay but this side of the House is funding that hospital.

Did Labor fund Kempsey hospital, the police station at Tweed Heads, the police station and courthouse at Coffs Harbour or Bridges for the Bush? No. What did Labor fund? Labor needed a record budget of \$62.6 billion so it could waste money on the CBD Metro. It spent \$500 million with nothing to show for it. The money was wasted. Labor is good at talking and doing nothing. The difference between Labor and the Coalition is that Labor makes hollow promises and does nothing while we are builders and our mojo is in overdrive. Labor's forte is overspend and underbuild—indeed it is in Labor's DNA. The Federal Labor Government left a huge debt; it spent all the money and did nothing. This Government has handed down a huge budget that will deliver jobs and provide much-needed investment for all the regions, particularly the electorate of Clarence. I thank the Deputy Speaker in particular for promising the Grafton Bridge and delivering it.

Ms TANIA MIHAILUK (Bankstown) [3.56 p.m.]: Members should be clear about who benefits from the budget because it is not the 50,000 families waiting for social housing in New South Wales. They certainly are not benefiting. It is certainly not the 80,000 students in the public education system languishing in 5,000 outdated demountables across the State who will not receive \$50 million worth of capital works infrastructure funding. It is not the TAFE students who will see the TAFE system completely decimated over the next five years. All members know that to be true. Over 1,000 jobs will be lost in TAFE thanks to the

Government. They may say they are proud but each and every one of them has students in their electorate who rely on education. Those students may need to obtain qualifications from TAFE but the Government is decimating the TAFE and education systems.

In addition, thousands of people are waiting for elective surgery but the State has been short-changed by \$500 million, as has been clearly stated by the Australian Medical Association. The Government knows that the budget does not benefit the people of New South Wales. In addition, \$20 million has been cut from Fair Trading but we have not heard a word from the Minister for Fair Trading. That will mean thousands more con men, dodgy products and faulty goods will flood the market, but we have heard nothing from Government members about that. Let us consider who really benefits from the budget. The Premier referred to congestion, but whose congestion is he referring to? It is all about a second Sydney Harbour crossing tunnel and unclogging congestion in Manly and the northern beaches. That is what it is all about. They are the true beneficiaries of this budget, not the people of Western Sydney.

Nothing has occurred on the M5 East duplication—there has not been a concrete pour—and nothing has occurred on the M4 East. There are lots of glossy brochures, pamphlets and photo opportunities. Last week the Premier dragged out the member for East Hills, dusted him off and took him to Bankstown railway station where he said to him, "Let's promote the Sydney rapid transit rail network in Bankstown." The member for East Hills had no idea what he was talking about. That project is another hollow promise, a pipe dream of this Government. It is ironic that members in this Chamber are proud about having their mojo back. I can tell you, they have no mojo. [*Time expired.*]

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.59 p.m.], in reply: It is remarkable that the Opposition has the audacity to debate a record spend of \$61.5 billion during this Government's term in office. If the Opposition wants to draw a comparison, I am more than happy to refer to the Government's record over the past three years and the infrastructure build. I note that the Minister for Transport is in the Chamber. I will briefly refer to a couple of the projects that the Opposition spent money on during its last term in office.

The member for Maroubra spoke of the previous Government's investment and funding, but I point out to him that spending on yourself does not count. It is not about spending on behalf of members of the Australian Labor Party. It is not about the latter years of the Government and funding for Eddie Obeid's coalmines or the custodians of the retail trading space at Circular Quay, the Obeid family. It is not about the funding that Ian McDonald expended to achieve certain outcomes for particular members.

Pursuant to sessional order business interrupted and motion lapsed.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014

Message received from the Legislative Council returning the bill with amendments.

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

PASSENGER TRANSPORT BILL 2014

Bill introduced on motion by Ms Gladys Berejiklian, read a first time and printed.

Second Reading

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport, and Minister for the Hunter) [4.03 p.m.]: I move:

That this bill be now read a second time.

The Passenger Transport Bill 2014 is the outcome of the first comprehensive review of passenger transport legislation since the Passenger Transport Act was enacted in 1990. In 24 years much has changed in the delivery of public transport. Transport legislation needs to enable the outcomes we want to achieve in a modern, flexible and integrated public transport network driven by the needs of our customers. In September 2012, Transport for NSW released a discussion paper calling for public submissions and feedback on how the Act could be improved. Since that time it has undertaken extensive consultation with industry and community organisations to ensure that all views were given careful consideration.

Approximately 50 submissions were received in response to the discussion paper. Transport for NSW then undertook further targeted consultations. This important piece of new legislation sets out the Government's response to the review of the 1990 Act, including the outcome of the feedback that was received. The bill makes a number of important policy changes to improve the regulation of services in order to deliver better outcomes for customers. At the end of the day it is about our customers. The key changes in the bill to the regulation of public passenger services include changes to the regulation of taxi networks and booking services. This will allow for the safe use of new app technologies so that customers have safer options to book a taxi. There will be caps on taxi fare surcharges that will initially see the surcharge halved and capped at 5 per cent, saving taxi customers money when they pay by credit card.

The bill seeks to improve the administration of operator accreditation. The bill introduces the concept of "close associates". This gives Roads and Maritime Services [RMS] the power to refuse an application for operator accreditation, or cancel an existing accreditation, where a close associate of the applicant previously held operator accreditation which had been cancelled because they were no longer a "fit and proper person". This is designed to prevent an operator whose own accreditation has been cancelled from continuing to run their business using a front person.

The bill appropriately recognises community transport for the first time. It acknowledges the crucial role community transport providers play in providing much-needed transport to the most vulnerable in the community. Every single member would appreciate the great work done by community transport and yet until now community transport was not recognised in the Passenger Transport Act. The bill introduces and makes changes to service procurement to facilitate better overall service outcomes for customers rather than concentrating on mode-specific regulation for buses, trains and ferries. It allows for contracts with light rail and other new service modes. This reflects the need for us to think about transport in an integrated way and shows the old Act, which did not even mention light rail, to be completely outdated.

In addition, the bill strengthens the existing regulatory frameworks for air transport services and the safety and competency regimes for the delivery of public passenger services generally. It also simplifies and streamlines the Act and removes outdated restrictions and red tape, which have hampered the ability of government and transport providers for so long to provide delivery of an integrated network and promote innovative ways to improve the customer experience. There is no doubt that the new legislation is more customer focused. In place of the narrowly focused mode-specific approach of the 1990 Passenger Transport Act, this bill seeks to match the Government's new vision for transport by placing the customer at the centre of policy and decision-making.

The objects in the bill aim to facilitate the delivery of safe, reliable, efficient and integrated services that respond to customer needs. The bill is not structured around individual transport modes. It creates flexibility to accommodate new service models that emerge in response to customer demands and that will encourage greater innovation. The Government's Long Term Transport Master Plan, released in 2012 following extensive community consultation, highlighted the need to look at public transport not in terms of modes but in terms of an integrated network where all modes work together. The bill formalises this approach, which is industry best practice around the world.

As I have stated, the bill ensures changes to taxi network and booking services and supports fare surcharge regulation. There is no doubt taxis play an important role in the transport network. In April the Government announced a number of initiatives to make taxi services safer, more accessible and more affordable. This bill allows us to implement key policy announcements, including halving the typical surcharge on taxi fares paid by credit and debit cards from 10 per cent to 5 per cent, which will save customers \$2.50 on a \$50 fare. This is a real win for customers. For the first time, the bill provides for the use of innovative new smartphone taxi booking apps to improve customer choice and convenience.

Taxi customers have told us that they want more reliable taxis, particularly in peak periods, and part of increasing reliability means giving customers more power in the booking process. Taxi apps are a convenient way for customers to connect directly with a driver, but are not currently acknowledged by outdated transport laws. The bill modernises the Act by bringing these services into the regulatory framework. Under the bill taxi booking services, whether provided by the current network booking apps or other new market entrants, will be able to provide booking and related services to taxi customers.

To safeguard customers, taxi booking services will need to be accredited and meet the full range of customer service, privacy and safety standards that apply to existing booking services provided by taxi

networks. They will also need to ensure that a taxi used to provide a service is licensed and that the driver is authorised. Consistent with current practice, the bill makes it clear that Roads and Maritime Services may provide information about the currency of a taxi licence or a driver authority to booking service providers so that they can perform this important function. This puts beyond doubt the ability of RMS to provide this information, consistent with the requirements of privacy laws.

Taxi networks will continue to require accreditation, or "authorisation" as it is currently known, and networks will no longer be required to offer a booking service, but will be free to do so if they choose. Taxi operators will still need to be linked to a network, ensuring that important customer and driver safety services continue to be provided. However, there is no requirement for an operator to be part of a booking service nor are there limitations on the number of booking services to which an operator may belong. However, for wheelchair-accessible taxis, regulations can be made making it a condition of a taxi licence or operator accreditation for the taxi to be linked to any centralised booking service that has coverage of the taxi's licensed area of operation. These changes to the regulation of taxi networks and booking services will support innovation and competition in both markets.

Bringing new booking services into the regulatory framework provides regulatory certainty for taxi booking service providers and a level playing field for all industry participants. It will also mean that when using new, convenient booking technologies that are rising in popularity, customers can be sure that they are booking a licensed taxi, with an authorised driver who has been through the appropriate background checks and training. This will benefit customers and, at the same time, promote a taxi industry that is focused on better ways of providing services, helping to ensure its ongoing viability and sustainability in an increasingly competitive environment. Developments in recent years have shown that where an industry is not delivering what customers want, others will innovate to meet unmet demand. The taxi industry has been working with the Government to ensure that it provides feedback on this important process and the additional flexibility that this bill provides will assist it.

While the bill establishes the necessary framework for regulating networks and booking services, the detailed requirements that give the Act practical effect are established by the regulations. All the existing performance obligations and safety requirements will be maintained, with accountabilities assigned, as appropriate, to networks and booking services. There will be extensive ongoing consultation with industry and other stakeholders in making the new regulations that will support the new Act. As the bill means that new standards for taxi services, including networks and booking services, will be made under regulation, the outcome of this process will be subject to parliamentary oversight, providing an appropriate level of assurance to both industry and the community that the new regulations get the balance right and are in the public interest. The Government encourages innovation and competition, and the bill provides for new taxi booking services to be recognised and to operate services subject to meeting safety standards.

Other new services are emerging in the market, such as ride-sharing services. Transport for NSW is currently considering how these new services could be addressed. The bill will allow the Government to respond to the current investigations through regulation, although it does not deal with that specific issue. The level of regulation Government considers appropriate for ride-share services and whether third parties should be captured under the Act are substantial issues that the Government believes need to be worked through, including in consultation with industry and the community.

As mentioned, the bill will impose caps on taxi fare surcharges. The Government will halve the typical surcharge on taxi fares paid by credit and debit cards, from 10 per cent to 5 per cent, as I said, saving customers \$2.50 on a \$50 fare. That is a real win for customers. Under the Passenger Transport Act, and reflected in the bill, Transport for NSW may regulate remuneration in connection with taxi services. This provides Transport for NSW with the necessary power to regulate taxi surcharges into the future. The bill strengthens these powers, including by making it an offence to charge more than the regulated maximum taxi fare surcharge set by Transport for NSW.

As I said, to improve the administration of operator accreditation, the bill introduces the concept of "close associates" and gives Roads and Maritime Services the power to refuse an application for operator accreditation where a close associate of the applicant previously held operator accreditation that was cancelled because he or she was no longer a fit and proper person. RMS can also cancel an accreditation on the grounds of the operator's close associates. The aim is to prevent an operator whose own accreditation has been cancelled from being able to continue to run a business behind another person. Many examples of this were brought to my attention by members.

As I said, I am very pleased that for the first time community transport will receive the recognition that it deserves. This bill proposes a major and important change to recognise the important role that community transport plays in this State. The Liberal and Nationals Government has increased funding for the Community Transport Program by \$12 million over four years, demonstrating its commitment to these valuable services. As all members would be aware, community transport provides vital access to essential services, such as getting to the shops or attending doctor's appointments, for transport-disadvantaged members of our community. The demand for these services is likely to grow as the proportion of the population aged 65 and over continues to grow. This shift in demographics means the community transport sector needs to be supported so that it can respond to future increases in demand.

Changes as a result of reforms at the Federal level also mean that community transport needs to be able to position itself for the future. By defining community transport services that operate under a transport agreement with Transport for NSW as a public passenger service, the bill brings community transport into the operator accreditation framework. This will ensure that there are consistent and appropriate safety standards for services used by some of the most vulnerable members of our community. Having operator accreditation will also allow these services to diversify and grow their businesses. I thank the community transport organisations and the peak body in particular for the feedback that they have offered the Government in this process. Drivers of community transport buses will also need driver authorisation under the new Act, although drivers for community transport services that use cars will continue to be covered by the Community Transport Driver Safety Framework, which is administered through the agreements between community transport operators and Transport for NSW.

While the bill covers only community transport services that operate under an agreement with Transport for NSW, we recognise that the Australian Government is considering changes to funding arrangements. The regulations will be able to accommodate any such changes. The proposal has broad support from the community transport sector. I again thank those involved for their ongoing feedback and consultation, and we will continue that dialogue. The Government has also set aside funds to assist smaller organisations with transition costs. Regulations will need to be made to give effect to arrangements for community transport operator accreditation and authorisation for community transport bus drivers will be the subject of consultation prior to commencement of the relevant provisions. The Government recognises that community transport operators will need time to get ready for the changes. Therefore, the timing for commencement will also be a matter for consideration.

As I foreshadowed, the bill will also ensure changes to service procurement to facilitate better service standards for our customers. The Passenger Transport Act contract provisions are overly complex and prescriptive. At the same time, they focus on individual modes of delivery such as buses, trains and ferries, rather than on achieving service outcomes for customers. Some services, like light rail, are not even covered because the bill has not been reviewed since 1990. The bill introduces a streamlined service contracting framework and replaces 31 provisions dealing with bus, ferry and rail contracts in the 1990 Act with just five for all types of public passenger services.

The bill establishes the necessary authority for Transport for NSW to enter into contracts for public passenger services regardless of the mode of delivery or the service model. As now, this will allow Transport for NSW to procure traditional services such as bus, train and ferry services, but it will also allow it to contract for light rail as well as new service models as they emerge. By removing the narrow focus on transport modes and models of service delivery, the bill creates the flexibility required to provide more customer-focused services. This will allow the Government to contract for the mix of services that best meet customer needs and improve service integration.

The bill also confirms that a contract may give an operator of timetabled bus, ferry or train services exclusive rights to provide the services. As well as dealing with service contracts, the new service procurement provisions in the bill bring the air transport licensing regime from the 1964 Air Transport Act into the Passenger Transport Act. It provides for Transport for NSW to issue commercial air transport operators with licences on routes declared by the Minister to be regulated and establishes a power for Transport for NSW to issue a temporary licence for a regulated route, where there has been a service failure—regrettably, this happened in recent months. This means a temporary licence can be more easily issued to communities left isolated due to unforeseen issues related to the airline that holds the licence.

The bill also abolishes the defunct State Aviation Working Group—which last met around six years ago, I understand. As has been the practice since then, there will continue to be direct consultation with industry

and local government on intrastate aviation issues. Many local councils have indicated that they prefer direct consultation on regional aviation issues affecting their communities—in recent months Transport for NSW has been dealing directly with regional communities through councils. The bill makes a number of changes aimed at reducing red tape and improving the administration of the regulatory regime for passenger services. The legislation that regulates passenger transport is overly complex. Governing provisions are set out in four Acts—the Passenger Transport Act, the Air Transport Act, the Transport Administration Act and the Independent Pricing and Regulatory Tribunal Act.

This bill brings together provisions relevant to the regulation of public passenger services—including fares and concessions and the air licensing regime—into a single instrument. As well as cutting down on the volume of the legislation, the bill is structurally simpler, making it easier to navigate. For example, provisions relating to the regulation of fares, concessions, subsidised travel schemes, and terms and conditions of travel have been located in a single part of the bill. Like the Independent Pricing and Regulatory Tribunal Act—under which the Premier may give the Independent Pricing and Regulatory Tribunal [IPART] powers to regulate prices by declaring a service to be a "Government monopoly service", the bill allows the Minister for Transport to make referrals to IPART, giving it the task of determining or recommending maximum fares. These referrals must be made with the Premier's approval, as Minister responsible for the Independent Pricing and Regulatory Tribunal Act.

As is the case now, the Government intends for IPART to continue to determine maximum fares for buses, trains and ferries. In addition, the bill includes a number of measures aimed directly at making it easier for industry to do business, as well as to improve administrative efficiency. The Passenger Transport Bill 2014 represents an important step forward in achieving improvements in the delivery of public transport in New South Wales and reflects the framework for a modern, integrated transport network. One reason we can deliver the services we deliver is that we recognised the need for reform when we came to government. This bill reflects reform initiatives we have taken and brings legislation in line with community attitudes to and customer needs for public transport.

This bill reflects the need for a simpler framework, which recognises innovations through technology whilst safeguarding and maintaining the interests of our customers. I know that every member of this place has an interest in issues raised in this bill as every member has an interest in ensuring that his or her constituents receive adequate customer service through improved public transport services as well as recognition of transport such as community transport, which to date has not received recognition. Based on extensive consultation and important changes brought forward by this legislation, I commend the bill to the House.

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

HEALTH SERVICES AMENDMENT (AMBULANCE FEES) BILL 2014

Second Reading

Debate resumed from 28 May 2014.

Dr ANDREW McDONALD (Macquarie Fields) [4.23 p.m.]: I lead for the Opposition in debate on the Health Services Amendment (Ambulance Fees) Bill 2014. I listened to the Minister's introductory speech with interest. Until that day the issue of unpaid ambulance bills had never been raised by anyone in this place or in the wider health system. Around 4,000 ambulance clinicians are employed in New South Wales. There are four control centres—one in Sydney, Newcastle, Wollongong and Dubbo—which receive 000 and non-emergency telephone requests. These centres then coordinate road ambulance services within their geographic region. There are 267 New South Wales ambulance stations, of which 226 are permanently staffed. There are also several volunteer-run services.

The 2013-14 budget contains \$678.9 million for ambulance services, an increase of \$15 million or 2.2 per cent from 2012-13, even though the demand for ambulance services increases by about 3 to 4 per cent each year. The actual ambulance budget for 2014-15 has been impossible to find in the budget papers. The first thing I wish the Minister to do in her speech in reply is to share with the House the actual budget for the Ambulance Service of NSW. Since 2006-07 the median ambulance response time has increased by more than 10 per cent, from 9.6 to more than 11 minutes, and well over 12 minutes in the Hunter, Central Coast and

Illawarra. Tellingly, the expected ambulance response time has now been removed from the 2014-15 budget papers, even though it was included previously. I request that in her speech in reply the Minister tell the House the estimate of the median ambulance response time for 2014-15.

It is important because about 26 per cent of patients who now arrive in hospitals do so by ambulance. The response time to calls is increasing due to a number of factors including increasing demand and longer "off-stretcher time", that is, the time that the paramedics wait in the emergency department with the patient on the stretcher until a spare space can be found for them to offload the waiting patient and return the crew to on-road duties. Currently, about one ambulance in three has to wait more than 30 minutes to offload its patient. That is because off-stretcher time is a direct function of how many acute beds are available in hospitals, and the number of acute beds available for admission from emergency departments has barely increased in the past three years. In fact, the increased off-stretcher time is the major driver for the excessive wait for many patients who call for an ambulance. This off-stretcher time increases at times of epidemics, such as the current epidemics of influenza A and respiratory syncytial virus epidemic in Sydney.

One would have to ask what the real motivation for this bill is. There has been no enormous rise in the rate of fee defaulters. One likely reason that the ambulance system has had difficulty in collecting fees for the past few years is an inadequate billing system. This has meant that only now is the system able to reliably track who owes money and who does not. A reform plan for the ambulance service, which was released in December 2012, had five major recommendations. The first recommendation was that non-emergency patient transport be separated from the emergency service. I feel this is a prelude to privatisation and I request that the Minister place on the public record that the Government has no intention to privatise non-emergency patient transport.

The reform plan also recognises some non-emergency calls to be triaged to healthdirect, and that has occurred with sometimes fairly disastrous consequences such as happened to a patient in Maitland last year. Low triage patients, triage categories 4 and 5, are sent on a low-acuity protocol to the waiting room after triage. There will be the potential expansion of single-crew paramedics to transfer patients to the emergency department in standard vehicles. There will also be the expansion of the first responder program to the fire service. There is also a plan to examine nursing home to hospital transport options. Tellingly, at no stage in this extensive report was the issue of unpaid ambulance bills discussed.

This bill changes the way ambulance fees are charged. What was once a bill is now, in effect, a fine. Ambulance fees are not covered by Medicare. The State Government currently charges patients 51 per cent of the actual cost of an ambulance up to a maximum of \$5,584—that is, a call-out fee of \$341 plus a variable per kilometre rate of \$3.07 or \$1.66 for emergency or non-emergency transport respectively. The person liable for the fee is the person who receives the service. If the ambulance is called by someone else because the person needing the ambulance is unable to do so, the person who receives the service is liable for the fee.

Most individuals with health insurance have ambulance fees covered by their insurer, although the degree of coverage may vary. Holders of health care cards and pensioners are, and will remain, exempt from fees, but that leaves a large number of low-income families—the so-called working poor—who may incur significant fees due to the need to call an ambulance in an emergency. That is why about 7 per cent of ambulance fees go unpaid, and that equates to about \$26 million annually from an ambulance budget of \$675 million per annum. The usual outstanding fee is around \$400. Unpaid fees are sent to a debt collection agency, which I understand is Australian Receivables Limited, but only about 3 per cent of these fees are eventually paid. That means that for the past three years about \$75 million in unpaid fees could be targeted by the legislation under the Limitation Act 1969. With an average bill of \$400, \$75 million equates to about 60,000 unpaid bills per year from 1.2 million calls.

Page 4-17 of Budget Paper No. 3 in this year's budget indicates that NSW Health can expect a surplus of \$470,891,000 for 2014-15. The \$25 million of unpaid debt per annum that is carried by the ambulance service alone is dwarfed by this figure. In appendix C to Budget Paper No. 2 it is reported that the Ministry of Health underbudgeted and had \$66 million returned to it because it had budgeted for a certain number of debt write-offs, and that number was fewer than expected. The Government is already \$66 million in the black from last year, yet it continues to embark on this bill. Hardship provisions currently in place are not legislated and are reliant on the discretion of the Government. That discretion—as all members know because it is not uncommon for members of Parliament to become involved—is not always given.

Under the proposed amendments Ambulance NSW, through the Health Secretary, will still issue an invoice. If the bill remains outstanding seven days after the due date, the Ambulance Service of NSW will send

out a debt notice. The debt notice will notify the client that recovery action will be taken if payment is not received within 21 days of issue. A fee may be incurred if recovery action is initiated. After the two notices are issued the Health Secretary will refer the fee to the Commissioner for Fines Administration, and the commissioner will have powers similar to those outlined in the Fines Act 1996, which include property seizure, garnishee orders and charges on land owned by the debtor.

Requests can be made by debtors to have the fee waived at any point. We were informed by the Minister's staff in the briefing that a hardship review would be conducted by the Ambulance Service of NSW. However, on my reading of the bill, any review of fees will be conducted by the Hardship Review Board within the State Debt Recovery Office [SDRO]. I request that in her speech in reply the Minister confirm that all hardship reviews have the oversight of the Ambulance Service of NSW. It would also be appropriate for those whose appeals are refused by the Ambulance Service of NSW to have some form of independent review, because my experience with the Ambulance Service of NSW is that at times the necessary discretion is not given. Neither the SDRO nor the Ministry of Health could provide my office with an estimate of the amount of money they will try to recover or expect to recover using this new system.

Apparently there has been no economic modelling of the effects of this measure on the New South Wales budget which, as I said, is \$66 million in the black because the Government underbudgeted for the number of bad debts, and there has been no study of the potential for significant hardship for a large number of the State's citizens if they are pursued by the SDRO. There has been no pressure from any of the paramedic organisations to undertake these draconian measures. The families most affected—the so-called working poor—will often have other reasons for being unable to pay, such as poverty or family breakdown, as well as the rising cost of living due to high rents and energy costs. They will be living hand to mouth and they are well known to all members in this place. For them, the production of documentation such as bank accounts often proves difficult, especially in the context of a family breakdown, and the experience of most members of Parliament is that these bills are rarely waived.

This means that if a child living in a family in crisis has a febrile seizure and needs to be transported to hospital and the family cannot pay the ambulance fee, the SDRO not only can come and take their fridge but also can charge them for coming to take their fridge. This legislation is draconian and never should have been introduced without any prior notification of any of the stakeholders involved. I have consulted the various health professional associations. The Australian Medical Association has expressed some concern about the bill, although it acknowledges that to some degree ambulance services are being abused by a very small minority and that most of these inappropriate calls come from currently exempt clients rather than from those who will be forced to pay. In an email to me the Secretary of the Health Services Union, Gerard Hayes, says:

The current process and the proposed process for recouping Ambulance charges are both distressing and unfair to the underprivileged.

This reflects his experience that both the current and the proposed process are at times draconian. He goes on to say:

I and the union would support a levy similar to the fire levy that is built into council rates and that is already in practice in Queensland.

Either the SDRO or a debt collector attempting to source funds out of an individual or family who needed to call an ambulance in an emergency situation is only going to add further anxiety to a situation that may already be difficult to deal with.

Brett Holmes from the NSW Nurses and Midwives Association said:

We are not directly involved in the collection service but we do cover Air Ambulance Flight Nurses. It would be a real tragedy if people caught between private health insurance and health care benefit card holders are struck down by massive bills for air transport from crash sites or other situations where they are picked up in emergencies with no choice about the fees they will face. No sane person would refuse emergency assistance but that raises the issue about the mentally ill or the unconscious being taken without consent and then facing a bill they may not be able to pay. They may not be capable of negotiating the exemptions process either.

If there is to be such a harsh approach taken then the State Government will have to spend millions on advertising to the community that there is a penalty for using the ambulance services. This will not deliver better health outcomes for the people of NSW just add more to the already high out of pocket expenses of those that can't afford private health insurance.

He went on to say:

We could call for the Bill to be abandoned and instead a public education campaign be undertaken around the need for insurance, or even better a call to have ambulance prehospital care recognised as a very important component of public health care delivery and therefore paid for just like ED care.

In this time that the NSW government is employing so-called "nudge economics" to encourage people who can do so to pay their bills, the introduction of such a Draconian bill without any notice or prior discussion is a cause for concern.

The Labor Party will oppose this bill because the harmful consequences to vulnerable families had not been taken into account when it was drafted and because there has been no economic modelling as to the possible effects on those involved or how much money will be raised, and how the State will benefit, both financially and non-financially. There are options, some of which I have outlined previously. The Minister should have discussed these options with the rest of the people of the State so that a decision could be made before embarking on such a draconian scheme. As I said, this year's budget already has a \$66 million surplus because of an underestimate of the number of debts that needed to be written off.

The Government did not need to take this action now and it certainly should not have done it without even the courtesy of discussing it with the people of New South Wales. The bill is a draconian measure. I urge the Minister to withdraw the bill and to consult the stakeholders—that means the people of New South Wales—and listen to them before embarking on such draconian legislation which has little regard for the harmful effects on the community and on people whose only crime has been to call an ambulance for help in an emergency. The Opposition will oppose the bill.

Mr KEVIN CONOLLY (Riverstone) [4.40 p.m.]: Listening to the member for Macquarie Fields, I wondered whether we were looking at the same bill because clearly there is nothing draconian in it. The fees charged for ambulance services do not change. The process for calling an ambulance or allocating an ambulance does not change. All that changes is that for the small proportion of people who do not pay the bill when it comes—and it is a relatively small proportion—there will be a more efficient follow-up service to collect the debt. For the vast majority of people who ring an ambulance—no-one is suggesting that they should not ring an ambulance or that there is anything improper about the call—the bill will have no effect whatsoever.

For the small proportion of people who call an ambulance, and rightly so if it is necessary, and incur a charge because the service costs something, there is a follow-up process that will be more efficient than that which the Ambulance Service of NSW has been able to put in place to date. The Government could have invested in a new debt collection regime for the Ambulance Service or it could have set up a new, separate bureaucracy to do it in-house. However, it seemed much more sensible to use the government debt collection service that already exists. The shadow Minister outlined a number of safeguards in the Act that should alleviate his concerns. Hardship provisions exist. There is capacity for the debtor to approach the commissioner on the basis of hardship or for the commissioner to determine that hardship exists.

There is provision for the Health Secretary to set up rules around exemptions from payment—waiver or reduction of ambulance fees, extension of time to pay, payment by instalments, fee reviews or any other matters permitted by the Act. No doubt the Health Secretary will be aware of the range of circumstances which the Ambulance Service encounters over a year and the sorts of circumstances that may give rise to genuine cases of hardship and a genuine need to waive, reduce or delay payment. The bill allows that to happen. If we know anything about human nature, it suggests that people who feel they do not have to pay will not pay. People will happily use the service knowing that it is costing someone significant sums of money, but if they are not forced to pay they will simply opt out. That is not fair to everyone else; it is not fair to the community and taxpayers.

That simply works against the interests of the Ambulance Service in providing the best and most capable service to everyone. If the money is recouped the Ambulance Service has that funding stream to feed back into the service. There is nothing draconian about this legislation. For the member for Macquarie Fields to use that word repeatedly is simply a case of a boy crying wolf and exaggerating the situation. A sensible administrative change is being made to ensure that the collection of unpaid fees is achieved at a higher rate than currently. That \$26 million or so per year—I think the numbers I have agree with those quoted by the shadow Minister, amounting to about \$75 million over three years, which potentially could be collected—is not an inconsiderable sum of money, and taxpayers would like to see the government of the day recoup it if it is reasonable and fair to do so.

There must be hardship provisions and a common-sense regime for assessing appeals. But in the end if the money is owed and the person can afford to pay he or she should do so, so the next taxpayer who needs a service can be provided with one. That is what this bill is about. It is not about anything draconian or anything radically new. We have these rules in place. We will simply change the manner in which the follow-up of collection is processed to make it more efficient, with the ideal of collecting more of that unpaid pool of money that the taxpayers deserve to have put back into the service. Shifting the collection mechanism from within the Ambulance Service to the Office of State Revenue will move it from a body which is not specialised in that field—it is not a fee or debt collection service—to a body that has the facilities, the experience and the scale to do this effectively and efficiently.

With all the protections that the bill places in the system, we can be assured that where there are genuine cases of concern and need the mechanism exists for them to be assessed, for the commissioner to take that into account and where necessary or appropriate to discount, waive, reduce or delay a fee that is applicable. That is a sensible measure. It deserves to be tried, and if the Opposition has any sensible suggestions for the Minister about tweaking it or improving it, the Government is always willing to listen. The shadow Minister for Health is simply crying wolf and using terms such as "draconian" about a fairly modest administrative measure that is designed to improve a service that the taxpayer funds at the moment, and which other taxpayers expect to be available to them when the time comes. The way to maximise that service is by recouping these fees when they are applicable and when people can afford to pay.

It is the person who can afford to pay but who is choosing not to do so who is the real target of this bill. It is not the genuinely disadvantaged person who cannot afford to pay, because the mechanism exists to protect that person. It is not the person who calls the ambulance, unsure perhaps whether he or she needed to. We do not want to stop people from calling ambulances. We are not trying to discourage people from seeking help when they should. It is not designed to target people like that at all. It is designed to target the person who has the means to pay and who has simply chosen not to do so. In the interests of good governance and looking after taxpayers' funds and providing good services to the community in the future, I commend the bill to the House.

Mr RON HOENIG (Heffron) [4.47 p.m.]: My view is that it is a draconian provision, as the shadow Minister for Health said, and it equates fees owing to the Ambulance Service of NSW to a fine. People can be liable for ambulance fees up to a maximum of \$5,584. However, that does not apply to concessional cardholders and those who have private health insurance. It applies to the people in between. The proposal in the bill is to hand over to the State Debt Recovery Office the same power effectively that it has to collect unpaid fines, without the power to cancel licences, registrations and things of that nature. It is equating ambulance fees to a fine. Apart from the fact that it is unfair, it is also such a convoluted expensive provision it will cost the Government, the Ambulance Service and the State Debt Recovery Office much more than the \$25 million that members opposite are bleating about and it will create a massive bureaucracy in the process, with absolutely no return.

I will explain that in a moment when I refer to the number of tests that must be applied for the commissioner to proceed down the path proposed by the Government. First, imagine someone who is not a concession cardholder or who does not have private health insurance being liable for a huge ambulance bill and not being able to pay. For example, a person may be behind in his mortgage. Eventually he cobbles together some money or an agreement to pay the bank, but when he goes to the bank to pay his mortgage he finds that his wages have been garnisheed. Alternatively, a mother comes home to find that the sheriff has seized her fridge.

Mrs Leslie Williams: Oh, you are so dramatic.

Mr RON HOENIG: The Government is giving the State power over small amounts of money not to take proceedings as judgement debtors as is currently available but to seize assets, and to garnishee bank accounts and wages. I ask the House to give some thought to the power the Executive Government is giving itself by this legislation. The Parliament is being asked to give the Executive Government through the Ambulance Service the power to take money out of people's bank accounts and wages. I imagine the genesis is that the Auditor-General or somebody else has looked at the outstanding debts of the Ambulance Service and said, "Outstanding debts in 2011-12 were \$26 million, the average is only about \$400 and it is not economically in our interests to recover it."

Why has the Government not sought to recover the money as it has a right to do by taking proceedings against those persons? The Ambulance Service has made a commercial decision not to take any action or proceedings because it is not worth it for \$400 and it will write it off. The Government has a right to recover money owed to it but it has decided not to. The Government does not want to exercise its civil powers to recover its fees but it asks this House to give it powers to bypass the judicial process so that it can seize people's goods or take money out of their wages or bank accounts.

I draw the attention of the House to some provisions in the bill which are referred to in the second reading speech. The process in this bill to be able to seize people's bank accounts is so convoluted that it will cost the Government far more than \$25 million a year. An even bigger health bureaucracy will be created than currently exists. In order to ensure appropriate procedural protections for persons who are liable for ambulance fees, there will be two distinct steps to take to seek payment of a fee before it is referred to the Commissioner of Fines Administration for fee recovery. At present if fees are outstanding they are sent to an outsourced debt recovery agent and if the money cannot be recovered the Ambulance Service just writes it off.

First, the secretary must issue an invoice, called a fee invoice. Under new section 67P a fee invoice must contain certain required information about the ambulance service provided. Second, if a fee invoice is not paid at least 28 days after that date the secretary may issue a debt notice. A debt notice must also contain certain required information. A debt notice must include information about the consequences of non-payment. Under new section 67V, if a debt notice is not paid within 28 days, the secretary may refer the fee to the commissioner to make a fee recovery order. When referring an unpaid fee to the commissioner, section 67W (1) permits the secretary to disclose only limited categories of information about the ambulance service so someone has to make an assessment as to what is disclosed.

Then the Ambulance Service has to advise the commissioner of the purpose of the outstanding fee which does not permit the disclosure of any health information of a clinical nature. A determination has to be made about the categories of information that can be provided so that it complies with the New South Wales Privacy Act. There are additional categories that have to be prescribed by regulations. The bill also inserts a new part 6 into chapter 5A to provide that persons who are charged an ambulance fee have a right to request review of the fee by the secretary. The secretary may take a range of actions following a fee review, including revoking the decision. The bill contains transitional provisions permitting the recovery of ambulance fees incurred before commencement of the bill. Where it is intended to refer a pre-existing ambulance fee debt for recovery action by the commissioner, the Health Secretary has to first issue a debt notice to the person who incurred the debt in accordance with the provisions in the bill. The bill provides that the capacity to recover pre-existing debts using the powers under the bill is subject to the Limitation Act 1969.

The bill inserts a new schedule 9 into the Health Services Act, which confers powers on the Commissioner of Fines Administration to take action to recover ambulance fees. And that commissioner has to go through a series of steps. Outsourcing an outstanding fee to a debt recovery service and then deciding whether to take legal action to recover the fee or waive it appears to be a commercial decision made by the Ambulance Service. The convoluted procedure in this bill and the powers provided for the recovery of fees by draconian mechanisms will cost the Government far more than it costs the Ambulance Service at the moment. I suggest that somebody, even a Treasury boffin, look at the provisions in this bill to see what is being embarked upon and to do a cost-benefit analysis to decide whether this draconian power will be of some net benefit to the taxpayers of this State.

Mr JONATHAN O'DEA (Davidson) [4.55 p.m.]: I speak in debate on the Health Services Amendment (Ambulance Fees) Bill 2014. Between 2011-12 and 2012-13 the number of emergency ambulance responses per day increased from 2,365 to 2,461. About 25 per cent of all patients at emergency departments arrive by ambulance. This is an important service but it is also important that New South Wales ambulances are not treated as free taxis. The NSW Health Reform Plan for NSW Ambulance 2012 highlighted the cost of ambulance transport and the public perception that the service is free. Because of this, it indicated that the service operates with a significant amount of debt. To ensure the service remains financially sustainable this debt issue needs to be addressed. This includes a public information campaign highlighting the cost of the ambulance service.

Ambulances are an important emergency service provided by the Government, particularly to assist sick people who cannot be transported to hospital in other ways. This is necessary in the case of serious illness or debilitating accidents or falls. Ambulances should only be called in an emergency and a payment should generally be expected for most services, although I understand that up to 49 per cent of the cost is subsidised by government. In 2011-12, 68,000 patients who had the capacity to pay for their ambulance journey did not. This amounted to \$26 million of unpaid debts which could have been channelled back into providing better ambulance or health services. If people want to use an ambulance for no charge they are able to purchase private health insurance or private ambulance cover, which costs as little as \$45 a year.

Many people are exempt from paying for an ambulance. Pensioners and concession cardholders do not have to pay. However, 7 per cent of people who are not exempt are not paying their ambulance bills of approximately \$400 even though they have the capacity to pay. People should appreciate that when an ambulance is called it is a service that costs taxpayers real money. If they do not want to pay for an ambulance, and they are not exempt or covered by insurance, they have to pay a bill of approximately \$400. Public information campaigns definitely help with misconceptions about ambulances offering free transport. The Ambulance Service is an emergency service, not a transport service.

New South Wales health services are under constant financial pressure. With recent Federal budget announcements there will be less money flowing to the States for health care. New South Wales and other States

need to find ways to help meet increasing costs. By improving ways to recover unpaid debts we are better ensuring that money owing to the health system is paid. The Ambulance Service electronic billing system has a capacity to efficiently invoice ambulance users. There should be an organised and systematic follow-up to ensure that bills are paid. Better ensuring that people do pay should result in less misuse of the service. Perhaps if people know they will be pursued for the payment they will think twice about contacting this emergency service when they could be privately driven to hospital, catch a taxi or even drive themselves if the problem is not urgent.

The Ambulance Service reports on its website that it had 1,219,262 emergency and non-emergency responses in 2012-13 compared to 1,183,795 in 2011-12. This is a response every 25.9 seconds. All of this needs to be paid for. Regardless of who is paying and whether they paid, the Ambulance Service is heavily subsidised to meet the needs of a necessary emergency service and should not be overused or misused. The New South Wales Auditor-General released a report last year entitled "Reducing ambulance turnaround time at hospitals." The New South Wales Public Accounts Committee, which I chair, will soon review responses to the report's recommendations, with the assistance of the member for Murray-Darling.

One problem addressed is the reason for the steep increase in ambulance arrivals at emergency departments. Emergency department presentations have increased at three times the population rate, with arrival by ambulance increasing at over four times the population rate. The Auditor-General's report mentions that paramedics believe inappropriate calls are a key issue for the service. They believe some people have unrealistic expectations of the role of the Ambulance Service, including the following, and I quote some of these expectations as detailed in the report for reducing ambulance turnaround times at hospitals:

- There is an unlimited supply of ambulances
- Taking an ambulance will fast-track people into hospital
- Some cultures expect to be transferred to hospital regardless of their condition
- People on welfare from lower socio economic groups are [always] entitled to an ambulance
- Ambulances can be called for minor ailments

These misconceptions are placing unwarranted financial and operational pressure on the service. NSW Health should discourage people from calling ambulances except in an emergency. There is currently a six-month trial on the Central Coast by the Ambulance Service and Central Coast NSW Medicare Local whereby paramedics are given the option to transfer patients to their local general practitioner rather than the local hospital emergency department. This decision is only made if it is clear that a hospital visit is not needed. The introduction of this trial has come out of recommendations from the Auditor-General's report and is designed to take pressure off emergency departments and discourage unnecessary ambulance calls.

We could go even further to better address situations where pensioners or concession cardholders habitually abuse the Ambulance Service as a taxi service. While I will not canvass this matter further in the context of this bill, any such action obviously should only be taken after a public information campaign so that people are aware of the consequences of abusing the Ambulance Service. The New South Wales Government should ensure that the emergency services that are provided are properly available for authentic emergencies. By ensuring the service is not misused and is fairly paid for, the Government can ensure these services remain available, efficient and properly funded. It is important that the actions of some do not adversely affect the health of others through delayed ambulance times or vehicles not being available.

The Health Services Amendment (Ambulance Fees) Bill 2014 will transfer the responsibility for debt recovery from the Ambulance Service of New South Wales to the Office of State Revenue. The bill proposes providing the Commissioner of Fines Administration with similar powers to those the commissioner has under the Fines Act 1996. By transferring this responsibility there will be definitive ways to recover the debt, including garnishing wages, seizing property or placing a charge on land. As the shadow Minister himself acknowledged, there are hardship case protections. The proposals are a far more cost-effective method of debt recovery than pursuing debtors through the courts, where the court and legal costs are often more than the debt itself. Debt recovery is, in itself, a difficult task. Parliament's Legal Affairs Committee, of which I am currently a member, is now investigating debt recovery processes in New South Wales. While I will not speak about the current inquiry, I note that it is easier to recover debt in the public arena than it is for the private sector.

In closing, I commend the Ambulance Service, as it does a wonderful job. The community has a high regard for its officers and paramedics. I am proud that one of my sisters is one of them. I know that she and her

colleagues do a magnificent job on behalf of our community. We need to ensure that the service retains appropriate resources to perform that job at its currently very high standard. Recovering already due debt is integral to that outcome. This sensible bill will assist us all to make the service more sustainable, better funded and a service that we can continue to rely on, now and in the future.

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

MEMBER FOR SHELLHARBOUR

Personal Explanation

Ms ANNA WATSON, by leave: Earlier today during question time the Speaker ejected me from the House and made the following comment:

I question what you've been doing before you came in here.

I believe that the statement reflects upon my integrity and so does one of the Speaker's colleagues who has published a statement alleging that I was drinking during lunchtime. For the record, I lay upon the table my receipt from the Parliamentary Dining Room this morning.

Mr Gareth Ward: Leave is withdrawn.

ACTING-SPEAKER (Mr Adam Marshall): Order! Leave is granted by the Chair, not by the House.

Mr Gareth Ward: Point of order: These statements have to come after question time, not now.

ACTING-SPEAKER (Mr Adam Marshall): Order! The member for Kiama will resume his seat. Standing Order 62 states that a member is entitled to make a personal explanation at any time when there is not a question before the Chair. Leave is granted by the Chair, not by the House. The member for Shellharbour has the call.

Ms ANNA WATSON: Thank you, Mr Acting-Speaker. I appreciate that. I was not drinking during lunchtime and I lay upon the table my receipt from the Parliamentary Dining Room outlining that I actually had a Coke. I do take offence at that statement made by the Speaker. I believe the Speaker owes me an apology. Maybe I had too much sugar and I had a sugar rush from the sugar that I had at lunchtime.

WATER INDUSTRY COMPETITION AMENDMENT (REVIEW) BILL 2014

Bill introduced on motion by Mr Kevin Humphries, read a first time and printed.

Second Reading

Mr KEVIN HUMPHRIES (Barwon—Minister for Natural Resources, Lands and Water, and Minister for Western NSW) [5.08 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Water Industry Competition Amendment (Review) Bill 2014. The Water Industry Competition Act 2006, or WIC Act, was introduced to enable new market entrants to access existing water industry infrastructure and to create a licensing regime to ensure that new entrants operate in a manner that protects public health, consumers and the environment. The aim of the Act is to harness the innovation and investment potential of the private sector and to put the responsibilities and powers of private sector providers on a similar footing to public water utilities.

The Act commenced in 2008 and currently 10 schemes are licensed under the Act. Two of these are providing non-potable recycled water and sewerage services to residential developments on the outskirts of Sydney. A large scheme at Rosehill provides recycled water to industrial and irrigation customers, while another at Botany also involves industrial recycling. Three sewer mining schemes are providing non-potable water to commercial buildings in Sydney, while a further two sewer mining schemes are providing non-potable recycled water to high-rise residential developments at Central Park and Discovery Point. Licences have been granted in relation to the Sydney Desalination Plant.

The introduction of this bill represents an important milestone for the Urban Water Regulation Review, the impetus for which was the statutory five-year review of the Water Industry Competition Act. As required under section 104 of the Water Industry Competition Act, the five-year review report was tabled in Parliament in November 2012. The report found that the Water Industry Competition Act framework differs in key ways from requirements under the Local Government Act 1993. These differences create an uneven playing field in which public and private entities undertaking similar activities are subject to different standards. This can create distortionary effects. In regional New South Wales, for example, one private proponent sought to have the local council take responsibility for complex water infrastructure so that the private entity would not need to obtain a Water Industry Competition Act licence.

The risk of such outcomes is even greater in metropolitan areas, where local councils are not subject to any regulatory requirements, unlike their regional counterparts. To address these and other issues, the report recommended further consultation about the wider regulatory framework. A discussion paper followed in late 2012 covering the Water Industry Competition Act and key provisions of the Local Government Act. Feedback on that paper informed the development of a package of reforms, which were outlined in a position paper released in February this year. That position paper also recommended changes to the last resort provisions in the Water Industry Competition Act, following earlier public consultation on these arrangements.

In all, the Urban Water Regulation review has been informed by three separate public consultation processes. More than 240 stakeholders have participated in seven public workshops, 97 written submissions have been provided, and innumerable meetings and discussions have been held with stakeholders. Input from stakeholders has been central to shaping the bill before us today, which seeks to address gaps in the current regulatory framework, improve customer protection, streamline requirements, cut unnecessary red tape and remove barriers for new entrants. Importantly, this bill ensures improved customer protection by providing a last-resort framework that will ensure continuity of customer services in the event of either a retailer or operator failure. I will now detail the reforms.

The bill addresses the lack of an objects clause in the current Act. Building on the licensing principles now set out in section 7 of the Act, the new clause includes as objectives the facilitation of competition with a view to encouraging innovation and improved efficiency, and the provision of efficient, reliable and sustainable water and sewerage services, having regard to financial, environmental and social considerations. Another important objective is better protection of public health and safety, the environment and the interests of consumers, including in the longer term.

A key change made by the bill is to narrow the scope of the Act's licensing regime. Under the current regime, a licence is required to construct, operate or maintain "any water industry infrastructure" unless one of the limited exemptions applies. A licence is also required to provide water or sewerage services by means of any water industry infrastructure—again, unless an exemption applies. The result is a licensing regime which, while robust, is too far reaching. It entails costly requirements, including for small-scale, low-risk schemes. Such schemes are often governed by other frameworks, such as the Work Health and Safety Act 2011, and do not warrant additional oversight under the Water Industry Competition Act.

This far-reaching regime is not what was originally envisaged. When the Act was first conceived during the millennium drought the intention, as stated in policy documents, was to regulate private companies providing reticulated water and sewerage networks. The idea was to put private utilities on a similar footing to public water utilities. While some utility-like schemes have been licensed under the Act, the Act's terms are so wide that other schemes are also being caught in its net. The current Act even requires licences to be obtained for schemes that have already been approved by local councils under section 68 of the Local Government Act. This is unnecessary red tape imposing unwarranted costs on business and government. The bill removes this duplication by creating an exemption for such schemes.

As well as removing this significant duplication, the bill narrows the current licensing regime by clearly articulating the kinds of schemes that are to be regulated under the Act, rather than casting a wide net and relying on exemptions to narrow its reach. Section 5 sets out three kinds of schemes that will require approvals and licences under the Act. The first category is integrated schemes providing water or sewerage services to 30 or more individually metered small retail customer premises, by which we mean residential premises and small businesses.

The focus of this category is on the identity of the customer base and the essential nature of the services provided to those customers. Our objective is to protect the interests of small customers and to ensure that

services that are vital to public health meet appropriate standards. This is particularly important, given that water and sewerage infrastructure has strong natural monopoly characteristics: for example, only one set of sewerage pipes connects each home to the sewerage network and one cannot switch provider if one is not satisfied with the physical service provided.

Such schemes will need to be operated by a licensed operator and those billing customers for services will need a retailer licence. Operator licensing is intended to ensure that operators are competent and that public health and safety are protected. Retailer licensing is intended to ensure that customer interests are protected. This first category is the only one that will trigger the requirement for a licensed retailer. The Government considers that commercial and industrial customers are able to protect their own interests and there is no need to prescribe the terms on which services are provided to them.

The threshold of 30 or more small retail customer premises has been chosen with a view to balancing the costs and benefits of being regulated under the Water Industry Competition Act. We can reasonably expect the costs of regulation to be passed on to customers, so we need to ensure that those costs are warranted having regard to the resulting benefits. Requiring licences for all such schemes, regardless of size, would impose unjustifiable costs on customers and make the regulatory task unmanageable. A balance has to be struck and stakeholders have been supportive of the approach adopted in the bill.

The bill provides that in determining whether or not a scheme is to be regulated under the Water Industry Competition Act regard will be had for initial and planned future stages of development. Smaller schemes that do not trigger the threshold will not fall into a regulatory void. Sewerage systems will be regulated under section 68 of the Local Government Act and the requirements of the Public Health Act will apply in relation to reticulated drinking water systems and drinking water suppliers. The second category of scheme that will be regulated under the Act is large drinking water facilities, such as a water filtration or desalination plant, with a capacity to produce more than 500 kilolitres per day. This second category is designed as a fallback to catch any drinking water facilities that do not form part of a scheme directly providing services to 30 or more small retail customer premises. Such schemes will be subject to design and operational approval—as with the first category—and will need to be operated by a licensed operator.

These requirements are designed to ensure that the infrastructure complies with the Australian Drinking Water Guidelines and that the operator is competent to operate it. However, no retail licence will be required as there will be no direct relationship with small customers. If there are direct relationships with 30 or more small retail customers, the scheme will be regulated under the first category outlined earlier. Private drinking water facilities that fall below this threshold, as is currently the case, will be subject to regulation under the planning legislation and the requirements of the Public Health Act. However, such facilities are few and far between as most drinking water facilities are provided by public water utilities.

A notable exception is the Sydney Desalination Plant, which is licensed under the Water Industry Competition Act. It is an example of a private drinking water facility that does not involve the provision of services direct to small customers but nonetheless warrants regulation. The plant will continue to be regulated under the Act. The third category of scheme to be regulated under the Act is large sewerage facilities with a design capacity of more than 750 kilolitres per day. The intention is to catch any sewerage facilities that do not form part of a scheme directly providing services to 30 or more small retail customer premises.

As with drinking water facilities, such schemes will require design and operational approval and will need to be operated by a licensed operator. However no retail licence will be required as there will be no direct relationships with small retail customers. The 750 kilolitres per day threshold has been selected to align with the environment protection licence threshold in the Protection of the Environment Operations Act. As I mentioned earlier, the amendments made by this bill seek to complement rather than duplicate other regulatory frameworks. While environment protection licences focus on limiting pollution discharges, Water Industry Competition Act approvals and licences will ensure that infrastructure designs comply with appropriate industry and public health standards, that assets are maintained over time, that private operators are competent, and that a last resort framework is available if a licensee operating essential infrastructure fails.

Requirements in the bill will ensure that the Environment Protection Authority [EPA] is consulted regarding applications that also trigger requirements for environment protection licences, thereby facilitating a coordinated regulatory approach. Consistent with the approach under the Protection of the Environment Operations Act 1997, sewerage facilities that fall below the Water Industry Competition Act threshold will

continue to be regulated by councils under section 68 of the Local Government Act and councils will generally also be the regulatory authority for such systems under the Protection of the Environment Operations Act. This streamlined approach means that private sewerage facility operators will generally deal with only one regulator—the local council—where their facility does not trigger the Water Industry Competition Act threshold.

Where larger facilities trigger the threshold, they will deal with the Environment Protection Authority in relation to environmental matters and the Independent Pricing and Regulatory Tribunal [IPART] in relation to Water Industry Competition Act approvals. This is appropriate, given the size of such facilities and the different focus of each regulatory regime. I note that, as with drinking water facilities, large sewerage facilities are typically operated by public water utilities. Nonetheless, it is important that in the event a private party invests in facilities on this scale, and where such facilities do not form part of a scheme directly servicing small retail customers, there is a framework to ensure that appropriate infrastructure standards are met, that operators are competent and that continuity of essential services is assured. For schemes falling into the above categories, the bill requires IPART to grant two kinds of approvals: design and operational.

Design approvals will be granted prior to construction. This is a new step that aims to ensure that schemes are well conceived from the outset, and that proposed designs will achieve compliance with appropriate standards. It will help to prevent situations that have arisen under the Act where proponents have built schemes only to be told at the eleventh hour that the infrastructure is not adequate to meet water quality standards. This has caused costly reworking and delays. The new approach will significantly reduce this risk.

Operational approval is in practice and is already required under the Act. The purpose is to ensure before a scheme starts commercial operation that water and recycled water provided by the scheme meet nationally agreed public health standards. Like the design approval, this approval will be granted by IPART rather than the Minister, as is currently the case. The bill requires these approvals to be obtained by infrastructure owners, whereas the current licensing regime focuses exclusively on operators. This exclusive focus on operators is out of step with other Acts. It has proved problematic as there is no means to require owners to maintain infrastructure in accordance with appropriate standards under the Act.

Conditions of approval will ensure that infrastructure is both appropriately designed and constructed at the outset and maintained over its life. While owners will be required to obtain approvals, such approvals can subsequently be transferred to other parties, including licensed operators. This provides flexibility as well as a means to ensure appropriate asset maintenance over time. Licences will still be granted by the Minister, but in an important change from the current system they will now be granted on an entity-wide basis. That is, licences will apply statewide and for operators will specify the class of water industry infrastructure that the licensee is authorised to operate anywhere in New South Wales. This means that licensees will no longer need to apply for a new licence each time they wish to undertake a scheme, which will save time and money for both business and regulators. However, design and operational approval will still be required for new schemes so that IPART can ensure appropriate standards are met.

This approach separates out the licensing of entities—a process that focuses on the suitability and capacity of licence applicants—from the technical approval of schemes, which focuses on whether designs are appropriate and water quality is fit for purpose. Consistent with this move to entity-based licences that apply across New South Wales, authorised persons will no longer be listed on licences. This addresses concerns with the current system that such parties are not subject to the same level of scrutiny and accountability as licensees. This creates potential problems where the authorised person plays a key role in undertaking the activities authorised by the licence. Authorised persons who are currently listed on licences will be included in a consultative transitional process—which I will come to later—enabling them to be granted licences on appropriate terms.

The bill includes a new test as to the suitability of parties seeking to be granted a licence or approval. This brings the Act into line with similar legislation, such as the Protection of the Environment Operations Act, and will ensure that approvals and licences are granted only to appropriate entities. In addition to considerations as to good character and solvency, the bill also requires, consistent with the Act, that applicants have the technical, financial and organisational capacity to undertake the activities for which authorisation is sought. This will help to decrease the likelihood that last-resort provisions will be required. In assessing an applicant's capacity, consideration must be given to the degree of reliance on contractors and subcontractors. This will enable regulators to consider whether proposed business models pose any risks in relation to the effective and efficient administration and enforcement of the Act.

As with the Act, public water utilities will continue to be exempt from the Water Industry Competition Act because they are governed under other frameworks. This includes the larger public water utilities like Sydney Water and Hunter Water, and local councils providing water and sewerage services in regional New South Wales. To date, metropolitan councils in greater Sydney and the lower Hunter have been excluded from the Water Industry Competition Act because they have fallen under the exemption relating to public water utilities. Such councils are also exempt from the usual approvals required of local councils by section 60 of the Local Government Act.

When the Local Government Act was developed, it was envisaged that services in metropolitan areas would be provided by the larger utilities rather than by councils. As a result, metropolitan councils were exempt from the usual requirement to obtain approval before undertaking certain water and sewerage works. This exemption even applies in the anomalous situation in which a metropolitan council, rather than Sydney Water, is providing sewerage and recycled water services to homes and businesses in Western Sydney. This regulatory gap creates risks to public health in addition to the distortionary effects mentioned earlier. The bill addresses this by changing the definition of public water utilities so that metropolitan councils are no longer included in the public water utilities exemption.

As a result, metropolitan council schemes and privately run schemes that trigger the new thresholds will now be on an equal footing. Where a council does not wish to obtain a licence itself, it can engage a private licensee to operate a scheme on its behalf. This approach has already been adopted by the City of Sydney which has engaged a private licensee to establish and operate a stormwater reuse scheme at Green Square. In addition to the three categories of infrastructure outlined earlier, the bill also enables other water industry infrastructure prescribed in the regulations to be brought into the Water Industry Competition Act framework. As outlined in the position paper released earlier this year, the Government intends to develop a supporting regulation that will bring into the Water Industry Competition Act higher-risk recycled water and stormwater harvesting schemes.

All such schemes are currently caught in the Act's wide net, unless an exemption applies. The Act's one-size-fits-all approach imposes high costs and stakeholders tell us these are acting as an unwarranted barrier to developing lower risk schemes. The Government wants to remove unwarranted barriers and has adopted a risk-based approach to refocus the scope of the Act. Consistent with this, the bill focuses on those schemes involving the greatest risks for public health and safety and leaves other more appropriate frameworks to regulate lower-risk schemes.

The supporting regulation will focus on water recycling and other schemes that warrant regulatory oversight to protect public health and safety. Duplication with other regulatory frameworks will be avoided. For example, the regulation will not deal with schemes involving only occupational risks because such schemes are already covered by work health and safety requirements. The Government is mindful of the need to keep regulatory costs down, particularly in relation to stormwater irrigation schemes that reduce pressure on rain-fed supplies and improve urban amenity. Such schemes represent the bulk of metropolitan council schemes that will be brought into the Water Industry Competition Act once the supporting regulation has been developed.

The Government acknowledges the concern expressed by some councils about regulatory costs arising from these reforms but is unapologetic about the need to protect public health. The urban water market has changed rapidly since the Local Government Act was introduced two decades ago, and the regulatory gap it created must now be addressed. The Government considers that bringing metropolitan councils into the Water Industry Competition Act is the best way to do this.

It will develop the supporting regulation in consultation with stakeholders, consistent with the Subordinate Legislation Act, and care will be taken to avoid unwarranted costs. For example, the Government envisages that stormwater irrigation schemes typically will require an operational approval to ensure that treatment and access controls are adequate, but because most schemes involve relatively straightforward technology they will not require a licensed operator. Costs associated with auditing schemes will also be kept as low as practicable, which was an issue of concern for some councils during the consultation period.

I turn now to another critical reform introduced by the bill. The current Water Industry Competition Act contains provisions enabling a "retailer of last resort" to take over in the event of a licensee failure. However, there are no provisions to enable an "operator of last resort" to step in and operate infrastructure if a licensed operator were to fail. The bill addresses this gap, creating a new and stronger framework that responds to the potential for both retailer and operator failure. The approach adopted builds on the lessons learnt in the energy sector, where two retailers have failed, triggering the last-resort arrangements under the National

Electricity Retail Law. Stakeholders unanimously agree about the need for such provisions but, as can be expected, there are a range of views about how best to implement them, particularly in relation to the issue of cost recovery in the event that a licensee fails.

The bill requires last-resort providers to be appointed for infrastructure that IPART determines is "essential". For example, last-resort providers will be appointed for peri-urban schemes providing sewerage services to homes so that service continuity can be assured. Last-resort providers may also be appointed where, although alternative infrastructure is available, a legal mechanism is needed to facilitate the transfer of small retail customers and associated contracts. Primary consideration will be given to appointing public water utilities as last-resort providers. However, private licensees who have indicated their willingness to be last-resort providers can also be considered.

As outlined in the position paper, development of the supporting regulation will provide an opportunity for further consultation with stakeholders, including on the detail of the last-resort arrangements. However, the underpinning framework for last-resort arrangements is, of necessity, set out in the bill since certain matters cannot be deferred in their entirety to regulations. The bill includes a number of provisions to ensure that last-resort providers will not be out of pocket in the event they incur costs associated with a last-resort event. They strike an appropriate balance between the interests of public water utilities, who would prefer to have all their costs covered upfront, and those of new entrants, for whom such an approach would likely present an insurmountable barrier to entry.

I now turn to other market barriers that this bill addresses. The current Act, developed in the midst of drought, includes a requirement that licensees source sufficient quantities of water other than from a public water utility. As stated in the second reading speech of 2006, the objective of this requirement was that new entrants contribute a "new commercial source of water". This in turn was to "ensure that existing water resources are not compromised through the introduction of competition". This requirement to source water other than from a public water utility is imposed only on Water Industry Competition Act licensees. As such, licensees incur costs that are not shared by public water utilities, creating an unlevel playing field and making it harder for new entrants to compete with incumbent utilities.

Such market barriers limit the potential for competition to deliver innovation and improved efficiency. The bill removes this requirement to create a more level playing field but does so in a way that honours the original policy intent of not compromising existing water resources. In particular, the bill requires that retailers provide services only in connection with a scheme approved under the Act and pursuant to an agreement with the owner of the infrastructure. Retailers will not be allowed simply to cherry-pick small retail customers from existing utilities, as occurs in the electricity market, and provide retail services to them without there being any investment in physical infrastructure.

In so doing, the bill seeks to avoid the adverse implications that can arise where markets introduce "full retail contestability". This market model can undermine efforts to promote efficient consumption and create an incentive for retailers to increase sales in order to increase profits. Such outcomes could impact water security and impose high costs on customers, particularly in the longer term—an outcome that would be contrary to the objects of the Act. While it has been considered, full retail contestability has not been introduced in any urban water market of which the Government is aware, locally or internationally.

The bill also makes other changes to put private utilities on a similar footing to public utilities. These include the introduction of provisions, similar to those in the Sydney Water Act and Hunter Water Act, whereby contracts are deemed to exist between a licensee and the owner of a property serviced by the licensee. To ensure customer interests are protected, the terms of these implied contracts will be prescribed in the regulations. However, licensees and customers will be free to vary the terms of these contracts if both parties agree.

The bill also amends the Environmental Planning and Assessment Regulation 2000 to ensure that parties are informed, before buying a property, that the property may not be serviced by a public water utility, and purchasers are advised to inform themselves as to who services the property and on what terms. This will be achieved by including additional information in the planning certificate that is required to be included in a contract of sale for land.

The bill implements tougher penalties where the prosecution establishes that non-compliance was intentional and resulted in potential or actual harm to health or safety. Higher penalties are considered appropriate having regard to the potential risks associated with the infrastructure being regulated under the Act's

more targeted licensing regime and the consequences for public health and safety if market participants do not comply with regulatory requirements. For example, if a licensee's intentional actions result in poor quality water being delivered to customers and illness results or could result, a maximum penalty of \$5 million can be imposed.

The bill provides for a transitional process to bring existing licensees into the new framework. Before the amendments commence, IPART will undertake a consultative process, involving infrastructure owners, licensees and authorised persons, to identify who will be licensed under the new framework. The transitional provisions also enable the regulations to establish a process for bringing metropolitan council schemes into the Water Industry Competition Act. This bill will streamline and strengthen the Water Industry Competition Act, address regulatory gaps and provide robust customer protection. I commend the bill to the House.

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

QUESTION TIME: SUPPLEMENTARY ANSWERS

TAFE NSW AND PEOPLE WITH DISABILITY

Mr ANDREW CONSTANCE: Earlier in question time the shadow Minister for Disability Services and member for Auburn asked me a question about TAFE enrolments and students with disability. I sought advice from the department concerned, as Treasury could not answer the question. I have sought advice through the Minister for Education's office and agency. The department has advised that for all students TAFE enrolments in 2014 are forecast for higher level qualifications, certificate III and above, at 321,883 students. This is an increase of 3.1 per cent. The department has also advised that TAFE enrolments for all students in diploma and above courses are forecast to increase to 99,201 students, an increase of 14 per cent.

Specifically in relation to students with disability, the department has advised that the trend has been shifting to longer and higher-level courses. I think this is important, and the shadow Minister would agree, that these students are being supported to achieve higher-quality outcomes. For certificate III and above courses, there were 21,842 students with disabilities, or a 6 per cent increase between 2012 and 2013. From 2009 to 2013 there was a 49 per cent increase in students with disabilities enrolled in certificate III level and above qualifications. In 2013, 4,215 students with disabilities were enrolled in diploma and above qualifications, an increase of 10 per cent from 2012. From 2009 to 2013 there has been a 56 per cent increase in students with disabilities studying at diploma level and above.

The department also advised that between 2012 and 2013 there has been a decrease in the number of students with disabilities enrolled in courses without qualification outcomes, that is, statements of attainment, short courses and other TAFE statements. The department advises that this reflects the positive outcomes of TAFE NSW's strategy for all students, including students with disabilities, to move into higher qualifications. We see a fluctuation in TAFE enrolments from year to year—they go up and they go down. This is the nature of enrolments in TAFE, schools and universities and reflects funding arrangements, student choice and commercial priorities.

In the 2014 calendar year for TAFE, it is forecast that there will be a slight decrease of 3.9 per cent of overall enrolments for all students. This is in line with the trend for enrolments in TAFE for students with disabilities for 2014 as well. It is forecast that there will be a 3.7 per cent fall in enrolments of students with disabilities compared with last year. It is suggested this is in line with overall TAFE enrolments. So any implication that it is specifically targeting students with disability is not correct. When overall TAFE enrolments decline by 3.9 per cent, there is a corresponding reduction in enrolments of students with disability. As I indicated, this reflects the deliberate strategy of the Government in shifting people from lower-level entry qualifications to higher-level qualifications to better equip students, including students with disabilities, with higher job pathway outcomes in the twenty-first century. That is the advice that the Department of Education has given to me to provide to the shadow Minister.

ELECTORAL AND LOBBYING LEGISLATION AMENDMENT (ELECTORAL COMMISSION) BILL 2014

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

HEALTH SERVICES AMENDMENT (AMBULANCE FEES) BILL 2014**Second Reading****Debate resumed from an earlier hour.**

Mr NICK LALICH (Cabramatta) [5.40 p.m.]: I make a brief contribution to debate on the Health Services Amendment (Ambulance Fees) Bill 2014. The bill amends the Health Services Act 1997 to allow for the recovery of unpaid debts to the Ambulance Service of NSW. Under the proposed changes the Ambulance Service will continue issuing an initial invoice to a client. If the client does not pay the invoice within seven days of the due date, the Ambulance Service will send out a debt notice. If the client does not pay the debt notice within 21 days of issue the Health Secretary will refer the fee to the Commissioner of Fines Administration. This bill will allow the Commissioner of Fines Administration to seize property that belongs to the clients, to make wage garnishee orders and to charge the ambulance fee to land owned by the client. At any point the client can make requests to have the fee waived. According to this bill, the hardship review will be conducted by the Hardship Review Board. It is important to note that this bill does not give the Commissioner of Fines Administration the power to impose community service orders or to imprison individuals.

I fully support the work of the Ambulance Service of NSW and its dedicated paramedics. These wonderful men and women are at the front line every day saving countless lives. In the last financial year the Ambulance Service of NSW responded to about 1.2 million emergency and non-emergency call-outs. Our paramedics are doing a great job. I fully support ensuring that the Ambulance Service of NSW has the staffing and resources it needs to do its job of saving lives. But I am not at all convinced this bill will ensure that happens. In New South Wales it has always been the case that ambulance services are not provided free of charge. Currently, ambulance clients or patients are charged 51 per cent of the cost of an ambulance call-out, capped at \$5,584.

Most people with health insurance have their fees covered by their insurer; those with health care cards and pensioners are exempt from fees. Just a very small 7 per cent of fees go unpaid. The usual outstanding debt is about \$400. Currently only about 3 per cent of these unpaid fees are eventually paid. I will not support the Government's bill for a number of important reasons. First, I am concerned about the anxiety this process will cause families who are already facing stressful situations. When you have to call an ambulance when your life or someone else's life is on the line it is one of the scariest experiences you can go through. To then have to deal with someone harassing you for payment when you are concentrating on getting yourself or someone else well can only add to the stress.

As the representative for the people of Cabramatta I will not support adding an extra burden and stress on families in my area or, indeed, on families across New South Wales. I will also not support this bill because the Government has not done enough homework before introducing it. It did not even have an estimate for how much it expects to recover in unpaid fees as a result of implementing this regime. As I said, only 3 per cent of unpaid fees are recovered currently. Clients who cannot pay their ambulance fees may have very good reasons for not paying. This new regime would add an administrative burden that will cost more than what the Government is likely to recover. What is the administrative cost of getting back \$400 from a family who is doing it tough? The Government does not know.

The final reason I will not support this bill is that this Government has again failed to consult widely with the public, the health sector and other stakeholders before pushing this bill through. This Government has a real issue with speaking to the people and getting the views of the experts. I understand that the Australian Medical Association has some concerns about this bill and we are waiting to hear what the Council of Social Service of New South Wales has to say on the matter. I call on the Government to go back to the people, talk to the health and social services peak bodies, and then return with a bill that will not hurt vulnerable families.

Mr TONY ISSA (Granville) [5.44 p.m.]: I was surprised to hear that the member for Cabramatta is not supporting people doing the right thing. That is why the State went backwards under the leadership of the former Labor Government. I am pleased to support the Health Services Amendment (Ambulance Fees) Bill 2014. This bill will amend the Health Services Act 1997 to facilitate the more effective recovery of unpaid debts to the Ambulance Service of NSW. It will recover debts for the services it provides to thousands of people in New South Wales. The Ambulance Service provides life-saving help to those in need in New South Wales. I am certain that families in New South Wales will need to use the Ambulance Service at least once in their lifetime. I take this opportunity to thank the men and women for their dedication and hard work in providing this service to the people of New South Wales.

The New South Wales Government subsidises the cost of ambulance transport; the most that any New South Wales resident will have to pay is 51 per cent of the cost. Furthermore, any New South Wales resident with private health insurance is exempt from payment as they have made a contribution already through their health fund under the Health Insurance Levies Act 1982. Pensioners and concession card holders are exempt from any payments for services provided by the Ambulance Service. It is unfortunate that it is some people's belief that the Ambulance Service can sometimes be treated as a taxi service because it is free, and sadly I have to raise this issue publicly in the House. It is not a taxi service; it is a service needed by the community for emergencies. Some people take advantage of the service. I know people who call an ambulance so that they do not have to pay a taxi fare to go back and forth to the hospital or even to the doctor.

In 2011-12 the average debt owed by individuals to the Ambulance Service of NSW was around \$400. Unfortunately, this debt escalated and in the 2011-12 financial year alone it reached a total of \$26 million. This was an increase from \$21 million in 2008-09 and \$22 million in 2009-10. We are talking about the budget this week and members on the other side of the House want to waive \$26 million that belongs to the Ambulance Service. Obviously this is an ongoing issue. The unpaid amounts have an enormous impact on the Ambulance Service being able to continue to provide its world-class services to the people of New South Wales.

This bill proposes to provide the Commissioner of Fines Administration with similar powers to those the commissioner has under the Fines Act. It is important to note that any recovery of ambulance fees by the commissioner will not result in a conviction being recorded and will not have any impact on the credit profile of the individual. I must reinforce that this bill does not involve any increase in Ambulance Service costs and most certainly no changes to services for patients. It means that the Ambulance Service can get on with delivering world-class healthcare services.

Schedule 1 to the bill proposes amendments to chapter 5A of the Health Services Act to make changes that will allow the Ambulance Service of NSW to recover fees for its services. Under new section 67M the person who is liable to pay the ambulance fee is the person who received the service. However, there are exceptions to this principle, which include children being personally liable to pay for an ambulance service provided to them. This bill will provide two distinct steps that must be taken to seek payment of a fee owed to the Ambulance Service before it is referred to the Commissioner of Fines Administration.

First, the invoice must contain certain information about the ambulance service provided; and, secondly, if the invoice is not paid at least 28 days after the date the invoice is served, the secretary may issue a debt notice. The bill inserts a new schedule 9 into the Health Services Act, which gives power for the Commissioner of Fines Administration to take action in recovering ambulance fees. Section 22 of part 4 of schedule 9 allows the commissioner to suspend any action for fee recovery and refer the matter back to the secretary if he is satisfied that the person may be exempt from paying any fees. The person not being aware of the debt notice being issued, illness, or an order made in error are some instances when the commissioner may withdraw a fee recovery order.

Under section 27, part 5 of schedule 9, the hardship board is given the same functions as those in the Fines Act, which will allow the commissioner to grant an individual extra time to pay. Section 32 of part 6 of schedule 9 places restrictions on the information supplied by the commissioner in relation to ambulance fee recovery. The commissioner will be prevented from sharing information with other government agencies or external bodies without the consent of the person to whom the information relates. This bill is part of the New South Wales Government's plan to change the way the NSW Ambulance Service operates. The NSW Ambulance Service provides vital and essential services to the people of New South Wales. In order for it to continue to deliver its services effectively and efficiently, it is essential that all users of the service who have the financial means to pay meet their obligation to contribute towards the cost of the service. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [5.51 p.m.]: On behalf of The Greens I address the Health Services Amendment (Ambulance Fees) Bill 2014. I have been following this debate closely because the bill has not only some positives but also some potential problems. Frankly, we are still listening to the debate, looking at the issues raised and looking forward to the Minister's response to inform the way we move forward on the bill.

Mr Geoff Provest: You can't sit on the fence.

Mr JAMIE PARKER: I thought the Government would be encouraged that we are listening to the debate and not making a decision before the debate has concluded.

Mr Geoff Provest: I'm impressed.

Mr JAMIE PARKER: That is good. Just because the Government proposes something does not mean that we oppose it. Sometimes the Government proposes useful measures. I have a few questions about the issue. Obviously the bill relates to the recovery of unpaid ambulance fees. The bill proposes a scheme to empower the Commissioner of Fines Administration to take up the recovery of those fees. The Greens are concerned that the bill is retrospective. In all instances the Government should not make legislation retrospective. My view is that retrospectivity is not optimal and should be avoided. People enter into certain agreements or arrangements, understanding the law at the time. The definitions relating to the powers for reclaiming debt seem to be weak, specifically the power to enter a premises "at any reasonable time of the day or night" to recover property for the debt. That is not defined.

Where did that definition come from? Was it simply made up for this bill? Is the definition provided in other legislation? We are looking at that matter at the moment. The question to ask normal people is: Do you think it is fair that at any reasonable time of the day or night someone can come into your house and seize property to cover a debt? I think the definitions need to be explained further in terms of perhaps strengthening the definitions to help protect people, as has been raised previously. I turn now to the commentary on the issues. I note that concern has been expressed about the bill providing for regulations to determine under what circumstances the Health Secretary must conduct a review of the charge. The Legislation Review Committee stated its preference for review rights to be set out in the primary legislation, but notes that the regulations are subject to disallowance, so I can understand that.

When the committee addressed the bill it expressed concern that the rules relating to the sharing of private information between the Ambulance Service and the commissioner were to be set in regulations. Obviously, regulations are disallowable, but it is optimal to include such approaches in legislation. Finally, the Legislation Review Committee noted that the ability to set out who would be exempt from the payment of fees would be set by the Health Secretary within the rules. Rules are not subject to disallowance by the House and as such the committee recommended that they be moved into the primary regulatory framework.

In the first instance, in response to those three issues, perhaps the Minister could provide more detail as to why the Government has not responded to the issues raised by the Legislation Review Committee, which looked at the bill—the concerns are quite mild. The Greens know that it is better financially for the State to undertake the proposed new approach to debt recovery. The question is: Is it better for the debtors? Avoiding the courts is always the best situation. We do not want debtors to be dragged through the courts constantly. It could be argued that the bill will release people from the court system by introducing a non-court process, which is beneficial for citizens. The question is: Does that benefit outweigh some of the impacts of debt recovery on people who cannot cover the costs and do not fit within the exemption categories, especially for multiple call-outs?

Obviously there is concern that the entities that are seeking the revenue will also be in charge of the appeals and review process. That is not always the best way to proceed. The overall approach is that ambulances should be part of the free public health care in our State—that is our view—and should be available without charge for all people. That is especially the case in rural and regional New South Wales, where we know costs are more significant. If an ambulance travels from the Royal Prince Alfred Hospital to Leichhardt, that is a short, relatively inexpensive trip. However, an ambulance in regional New South Wales must travel longer distances and therefore costs are increased, although we understand that there are caps.

We regard the bill favourably. However, we are concerned about the issues raised by the Legislation Review Committee. We also have some questions about the impact of debt recovery on people who cannot cover the costs and do not fit within the exemption categories; the fact that the entities seeking the revenue will be in charge of the appeals and review process; and the lower threshold to proceed against a debtor. Under this bill, a debt will be transferred to the commissioner after only 28 days. As we have heard, the powers to reclaim debts can be quite extreme—property seizures, garnishees and so on. The threshold for proceeding to recover a debt is set fairly low.

Finally, the Government claims that these measures will apply to about only 7 per cent of cases. Does that mean that only 7 per cent of current cases are not exempt from payment, 7 per cent of people do not have private health insurance or 7 per cent of people have not paid their bill? Is that what we are talking about? I am not sure. I ask the Minister to clarify that. It would be helpful if the Minister could indicate the quantity of people we are talking about. I look forward to receiving more information on that. It is important to recognise

that ambulance services are not free. Optimally, they would be free to ensure that there is no impediment to people calling ambulances. We have heard stories about recidivist ambulance callers who cannot be brought into line; they call ambulances on a frivolous basis. I do not think the solution is to charge more. In our view it is important that costs are recovered, but that it is done in the most appropriate way. I look forward to the Minister's answers on these issues.

Mr BRUCE NOTLEY-SMITH (Coogee) [5.58 p.m.]: I speak in support of the Health Services Amendment (Ambulance Fees) Bill 2014. It is important to note at the outset that this bill does not introduce any new fees or charges for services provided by the NSW Ambulance Service. The purpose of the bill is to provide for more efficient debt recovery. A debt relates to someone who has used a service but has not paid the fee or charge for that service although they are expected to do so. As was pointed out by the member for Balmain, ambulance services in New South Wales are not free; indeed, they are heavily subsidised. However, due to the average size of the debt owed by individuals for each ambulance trip—approximately \$400—as well as the number of debtors involved, the recovery of such debts using court-based procedures is simply not cost effective. That is why we are turning to the State Debt Recovery Office.

At present the Ambulance Service relies upon commercial debt recovery processes to recover unpaid debts to it. The Ambulance Service currently pays approximately \$1 million per annum to an external debt collection agency in an effort to recover unpaid fees. Discussions with the Office of State Revenue [OSR] indicate that the cost of recovery by OSR will not vary materially from the existing fee arrangement. However, by using the Office of State Revenue we are keeping debt collection for a government service in government, which makes more sense. I am surprised that Opposition members who continually oppose privatisation, including the member for Balmain, are happy to continue debt collection in the private sector. This legislation will bring it from the private sector and nationalise debt collection, which makes more sense.

Mr Jamie Parker: You socialist.

Mr BRUCE NOTLEY-SMITH: Socialist indeed. In 2011-12 the Ambulance Service referred approximately \$32.5 million of debt to an external debt collector for recovery. This debt collector recovered approximately 20 per cent of the debt, resulting in the write-off of approximately 80 per cent—millions of dollars that should have gone back into our ambulance services. However, the Office of State Revenue has demonstrated it has the ability to recover difficult and aged debt. Over the past two years, State debt recovery has increased the daily recovery rate of overdue debts from \$700,000 per day to more than \$1.2 million per day. It is reporting recovery rates of up to 90 per cent from all stages of the fine recovery process.

The Government anticipates that the significant experience and capability of the Office of State Revenue, combined with the powers it will have under this bill, will result in a significant increase in recovery rates of money owing to the Ambulance Service. This will in turn result in a reduction in the write-off that was \$26 million in 2011-12, which should have gone straight back into the Ambulance Service. The NSW Ambulance Service was deprived of that money even though it offers the finest ambulatory service in the world. It provides an outstanding service that costs an enormous amount of money to the State. The average ambulance service cost of \$400 is a very small amount of money.

New South Wales has a policy in place that allows any individual who is unable to pay for an ambulance service, or is suffering hardship, to apply for a waiver of payment or other agreed payment options such as time to pay. The NSW Ambulance Service processes a large number of such applications on a weekly basis. In the past three months alone, 170 cases of hardship have been considered including on compassionate grounds, good Samaritan acts, refugee advocacy and financial hardship. Pensioners and concession cardholders, who make up a significant proportion of ambulance service users, are exempt from any payment for services and will not be caught up in this legislation.

The member for Heffron and another speaker from the other side said that the OSR will knock down the door, come into people's kitchens and take their fridge in the middle of the night. Maybe the bar fridge of those members was taken away because the power to seize property will be subject to the same restrictions that currently apply under part 8 of the Civil Procedures Act 2005. Those restrictions include a prohibition on the seizure of bedroom and kitchen furniture, clothing and tools of trade. The current law provides that fridges cannot be seized. Once again, those on the other side have shown poor, sloppy financial management, which is why this State got so far into debt and was broke.

The member for Macquarie Fields said that last year the Health Service had a \$400 million surplus, so we should just write-off the Ambulance Service debt. This legislation will deal with people who have the

capacity to pay for the service but who abuse the Ambulance Service. They will be chased and the money will be recovered so that it can go back into the Ambulance Service. If people do not have the capacity to pay they will be given exemptions or time to pay. Typically the Opposition has shown poor financial management and is against bringing debt collection back into the public sector.

One member said that Gerard Hayes from the Health Services Union [HSU] was not happy. I do not know how much of the money squandered by Michael Williamson he has recovered on behalf of members of the HSU. He is obviously not a very good debt collector, as members of the HSU are out of pocket from the money diddled by Michael Williamson. I think quite a bit of that money went to the campaign for the member for Maroubra. If he can find some generosity in his heart maybe the member for Maroubra might like to pay back money to those poor struggling members of the HSU who were ripped off. There will also be additional statutory review rights, including review by the Fines Hardship Review Board, that do not currently apply to ambulance debts.

A lot of care has been taken in preparing the measures in the bill to ensure that it contains robust protections around procedural fairness and privacy protection. Unfortunately, some people have the financial capacity to pay for ambulance services, but decline to do so. In the short time I was in the NSW Ambulance Service, known at the time as the Central District Ambulance, I saw abusers of the service, which affected the morale of paramedics and ambulance officers because they knew who had the capacity to pay and who were using the service as a taxi service. The worst we could do is to make it even easier for those people to get away with ripping off the State. Every Health dollar should be put to the most effective purpose. It is not acceptable to write-off the \$26 million that is not collected. The Ambulance Services deserves that money to continue offering its outstanding service. I commend the bill to the House.

Mr CLAYTON BARR (Cessnock) [6.08 p.m.]: I will make a brief contribution to debate on the Health Services Amendment (Ambulance Fees) Bill 2014. The object of the bill is to amend the Health Services Act to establish a scheme for the charging and recovery of ambulance fees. I put on the record this important change in the psyche of our use of ambulances so that I can put it out to my community. Quite frankly, when we use a range of public services we are often in a position of choice: We can choose or not choose to use them. We can choose how many services, how far and how often we use them.

We do not usually have the luxury of choice when we call an ambulance. We are often completely unaware of it because we are unconscious and are unable to respond. Therefore, ambulance fees and charges should be treated differently. We know that 93 per cent of ambulance fees are paid so we have a pretty high strike rate. People who have had no choice but to call an ambulance have later received a bill and paid it in good faith. I think that 93 per cent is a pretty good score. However, what do we do about the other 7 per cent? It is important to consider the people who constitute that 7 per cent. The Government's approach in this debate has largely focused on the concept that the 7 per cent consists of a bunch of people sitting at home or driving their Porsches, choosing not to pay their ambulance fees. The reality is that most people who do not pay their ambulance fees have sound reasons for not paying, mainly due to low incomes and their inability to pay.

The point has been made that the average bill is around \$400 but ambulance fees can be as high as \$5,500. We know the call-out fee is \$341, the fee for an emergency is charged at the rate of \$3.07 per kilometre and the fee for non-emergency transport is charged at the rate of \$1.66 per kilometre. I represent a regional community where the major treating hospitals of Maitland and John Hunter are a minimum of 30 kilometres away so one can imagine the starting fees for a person requiring an ambulance who lives in Cessnock. It is almost certain that the minimum charge for my community will be well in excess of \$600 or \$700, a significant amount of money. Again, that emphasises the challenges of living in regional New South Wales; it is like the haves and the have-nots. People living in the city have access to hospitals around the corner and doctors on every street while people living in regional New South Wales do not have that luxury.

Under this bill if people do not pay their ambulance bill the State Debt Recovery Office will be able to seize their goods and there has been debate in the Chamber about what goods could be seized. It has been suggested that a refrigerator could not be seized because it is an essential item but a television, washing machine, iPad or computer may be seized. Any debt recovery attempted by somebody—for instance, a Sheriff's officer—will incur a fee of \$200 or more, something that should not be ignored. People who cannot pay ambulance fees are already facing financial hardship and struggling to pay their bills, yet they will be slugged an additional \$200 or more because they are unable to meet the terms required of them. Seizure of property is a significant change from reclaiming funds owed to the Ambulance Service for the original service provided. I return to where I started: Often people call an ambulance when they do not have a choice so we should treat the recoupment of those fees in a slightly different way.

Another point that has been raised is that some people are using ambulances as a taxi service. I have a number of friends who work in the Ambulance Service and they verify that claim. I spoke to them this afternoon and they informed me that the problem will remain because most people who misuse the Ambulance Service in this way are exempt from the fee. Generally they are pensioners and healthcare concession card holders so, while we paint this terrible misuse as being a scourge on the Ambulance Service, the bill will not improve the situation because the majority who misuse the service will be exempt from the fee. I highlight that point because sometimes the picture we paint during debate in this Chamber is quite different from what is happening in the community.

The Labor Opposition is opposed to the bill because it is a significant shift in the way the fees will be recouped. Essentially, it will target those who are the most vulnerable in the community. Although the member for Balmain has advocated a free service because The Greens want everything to be free, I do not seek to go down that path as I do not think it is reasonable or sensible to do so. However, some people, because of their economic circumstances, health and safety, need a service without a heavy debt burden. I am happy to contribute to the debate and proud that the Labor Party will stand opposed to the bill in its current form.

Mr ANDREW ROHAN (Smithfield) [6.16 p.m.]: I speak in support of the Health Services Amendment (Ambulance Fees) Bill 2014. The bill forms part of the reform plan for the Ambulance Service of New South Wales under this Government, which has included an investment of about \$24.5 million in inner western Sydney for the construction of new stations, including the construction of a super ambulance hub in Liverpool. This is the first station built in more than 16 years and is a transformative approach compared with the patchwork models of the previous Government.

The crux of the bill is to control and rein in the increasing public service debt related to unpaid fees for ambulance services, another thing ignored by the previous State Labor Government. It amends the Health Services Act 1997 and provides for a mechanism that effectively recovers unpaid fees. As the Minister for Health mentioned, the debt has crept up from \$21 million in 2008-2009 to \$26 million in 2011-2012. The average individual debt for use of the Ambulance Service of New South Wales comes to about \$400. This is under a subsidised scheme, whereby the New South Wales Government subsidises 49 per cent of the cost and the user is liable for the remainder.

It must be made clear that current New South Wales users exempt from payment will remain exempt, including those who hold private health insurance that contains an ambulance levy or ambulance-related cover, individuals who are members under family coverage and a range of concession card holders. Other insurance options available include insurance under the State Ambulance Insurance Plan and workers compensation or third party insurance. Certain low coverage, or capped ambulance cover, insurance policies have premiums starting at \$1 a week, or as low as \$34 per annum. The latter figure relates to cover for unlimited emergency ambulance trips. To put this into perspective, the fee schedule as of 1 July 2013, as determined by the Independent Pricing and Regulatory Tribunal, was \$341 for a road emergency call-out plus an additional charge of \$3.07 per kilometre travelled.

For individuals who are not exempt, the Ambulance Service of New South Wales has a patient hardship policy, which allows for a reduced rate of charge, waiver of fees, payment plan or deferral of payment. However, many individuals with the means to pay often find ways around paying, leading to our ambulance service having to write off these debts. This bill rectifies that issue by providing the Commissioner of Fines Administration with civil enforcement powers similar to those of the commissioner under the Fines Act 1996. These include power to issue a garnishee order, power to make orders for a property seizure and the power to register encumbrances over land such as a charge.

However, the powers are limited to civil enforcement powers not criminal convictions, and the credit rating of the individual is not affected. The new powers require a range of safeguards in the form of privacy measures and procedural protection. This includes an update of review processes as well as a transfer of responsibility of recovery operations to the Office of State Revenue. The expertise of that office can only lead to higher debt recovery rates. This transfer is primarily about restoring funds to the Ambulance Service of NSW in order to control service costs and maintain and improve services. It is not a revenue-making exercise.

The procedural protections put in place include a two-step process before referral of the fee to the commissioner. An invoice in prescribed form, including reasons for the fee, must be issued. If left unpaid for more than 28 days, a debt notice is issued, similar to a reminder notice issued by the State Debt Recovery Office. This notice must include information about the consequences of non-payment. The fee is referred to the

commissioner if left unpaid for 28 days after this period. Further, the bill provides for the review of a fee by the Health Secretary. The processes for review and the potential outcomes of the review are similar to other statutory agencies covered by the Fines Act 1996.

In terms of privacy measures, only information that is reasonably necessary for the purposes of recovery of the fee and any additional charges is provided to the commissioner. Any information held by the commissioner can only, with miscellaneous exceptions, be supplied or disclosed to other government agencies or external entities with the consent of the person to whom the information relates. Overall, the mechanisms put into place by this bill ensure the financial sustainability of the Ambulance Service of NSW. It is the baseline emergency service, the front-line unit in the healthcare system, and should be afforded fiscal certainty.

I commend the Minister for Health, the Hon. Jillian Skinner, for introducing this bill. Minister Skinner has been instrumental in the reduction in waiting times in hospitals, which has affected many lives in my constituency. This bill will further aid the reduction of ambulance response times. I also take this opportunity to congratulate Minister Skinner on her upcoming twentieth anniversary in the New South Wales Parliament. I look forward to attending those celebrations.

This Government is about transforming the infrastructure and services of this State as well as representing the interests of its vulnerable communities. Since coming to office this Government has increased funding to the Ambulance Service of NSW by more than \$26 million per year and employed more than 200 paramedics. This bill further replenishes the financial health of the Ambulance Service of NSW in order to secure its ongoing viability and increased service performance. I commend the bill to the House.

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

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014

Consideration in Detail

Consideration of the Legislative Council amendments.

Schedule of amendments referred to in message of 18 June

- No. 1 Pages 7 and 8, Schedule 1.9, line 20 on page 7 to line 2 on page 8. Omit all words on those lines.
- No. 2 Pages 8 and 9, Schedules 1.10 and 1.11, line 3 on page 8 to line 5 on page 9. Omit all words on those lines.
- No. 3 Pages 10 and 11, Schedule 1.16, line 7 on page 10 to line 33 on page 11. Omit all words on those lines.
- No. 4 Pages 15 and 16, Schedule 1.19, line 1 on page 15 to line 28 on page 16. Omit all words on those lines.
- No. 5 Pages 35–39, Schedule 3.9, line 21 on page 35 to line 30 on page 39. Omit all words on those lines.

Motion by Mr Anthony Roberts, on behalf of Mr Brad Hazzard, agreed to:

That the House agree to the Legislative Council amendments.

Legislative Council amendments agreed to.

Message sent to the Legislative Council advising it of the resolution.

Pursuant to resolution private members' statements proceeded with.

PRIVATE MEMBERS' STATEMENTS

TRIBUTE TO GEOFFREY AND ANNE MCINTYRE

Mr ANTHONY ROBERTS (Lane Cove—Minister for Resources and Energy, and Special Minister of State) [6.24 p.m.]: Today I pay tribute to two remarkable individuals within my electorate of Lane Cove. Geoffrey and Anne McIntyre have contributed to the Lane Cove community in a number of ways over the years,

in both a professional and a volunteer capacity. Today I express my congratulations and appreciation to Geoff and Anne's ongoing commitment to their local community and to each other. They have recently celebrated their fiftieth wedding anniversary.

Geoff's business career has spanned many years within the banking industry, having joined the Commercial Banking Company of Sydney in 1954. He held the position of chief manager international throughout the bank's merger with National Australia Bank. In 1983, after a period of 30 years of service to the Australian banking world, Geoff accepted the offer to establish in Australia the Overseas Union Bank Singapore. Upon his retirement as general manager, Geoff was requested to accept the appointment of honorary trade representative to Australia by the Singapore High Commissioner, General Winston Choo.

Further to this, in 2002 he was awarded the Public Service Medal by the President of Singapore for his services in promoting Australian-Singaporean relations. Shortly after, he was made a member in the General Division of the Order of Australia for his service to business and finance. However, Geoff's contributions are not exclusive to the banking sector. He is a former president of the Rotary Club of Sydney and was acknowledged as District President of the Year in 1998, as well as a Paul Harris Fellow in 2000. Geoff is also a former governor of the Sir David Martin Foundation, immediate past president of Alzheimer's Australia NSW, and is currently chairman of the Road Safety Education Foundation.

Geoff has served on the Haberfield Rowing Club's committee for more than 50 years in every position, as well as serving on the NSW Rowing Association's board. Geoff has become an integral part of the history of this local club and managed many national and international competitions. Geoff was at the forefront of the University of Technology, Sydney, acquisition of the Haberfield Rowing Club. Anne McIntyre has been a stalwart of support to Geoff throughout his life whilst contributing to her own projects in the community. In 2008 she received a certificate of appreciation from Hunters Hill Council for her involvement in the Bushland Management Workers Group. She is a well-known identity within the Lane Cove community.

On a wider level, Anne has also been a dedicated service volunteer with the Royal Botanic Gardens and Domain Trust for over 11 years. The McIntyres' experience in business and government, both locally and internationally, make them an exceptional asset to our local community. There can be no doubt of their commitment to the community, but it is their 50 year commitment to each other that I also wish to pay tribute to today. Lane Cove is home to some of New South Wales' most valued citizens and I am proud to stand here today and speak about the extraordinary contribution of Geoff and Anne McIntyre. They are dear friends, mentors and great supporters, and I wish them the very best good health and happiness in the years to come.

PORT MACQUARIE ELECTORATE QUEEN'S BIRTHDAY HONOURS

Mrs LESLIE WILLIAMS (Port Macquarie-Parliamentary Secretary) [6.27 p.m.]: I speak this evening about three outstanding people from the Port Macquarie electorate who were all recognised in the Queen's Birthday honours this year. All three gentlemen come from diverse backgrounds but share the same dedication to helping their community. Ken Fletcher is a Port Macquarie resident and Deputy Commander of Port Macquarie Marine Rescue. His extraordinary commitment to saving lives and serving his community was recognised in the Queen's Birthday Honours List, with Ken receiving an Emergency Services Medal.

Through his participation in rescue operations in dangerous conditions Ken has frequently placed the safety of others above his own in order to return people in peril safely to shore. Ken is a 69-year-old retired motor mechanic. He started doing volunteer work with the Tacking Point Surf Life Saving Club before joining Marine Rescue and over the years has been involved in hundreds of rescues. I congratulate Ken Fletcher on 30 years of saving lives, sharing his vast experience, training others in marine rescue and serving his community. Ken Fletcher is a well-deserved recipient of the Queen's Birthday honours Emergency Services Medal.

Phil Passmore joined the Port City Lions Club 35 years ago and volunteering has always been an integral part of his life. More than three decades of service later, Phil was awarded a Medal of the Order of Australia [OAM]. His long list of volunteer roles over the years includes working with Meals on Wheels, driving buses and coordinating rosters for Bethany Hostel, taking residents on outings at Garden Village and assisting with activities for the aged through CatholicCare. Phil is a spritely 84 years old and still drives the bus to take residents at his village to and from church, and plans to keep volunteering as long as he is able. Phil is also a member of the United Hospital Auxiliaries of NSW and drives patients in a buggy safely to and from the car park of Port Macquarie Base Hospital. He believes volunteering keeps him active. Phil Passmore's recognition is well deserved, as is his OAM.

Doctor Nat Subbiah was last week a very humble recipient of the Medal of the Order of Australia. A Port Macquarie resident since 1995, Dr Subbiah's work has touched more than 10,000 patients in three countries throughout his long and varied career. In his native India he was an associate professor of surgery; he also spent time in England in 1969 on a scholarship to the Great Ormond Street Children's Hospital London, specialising in paediatric surgery. After emigrating to Australia with his family in 1973, Dr Subbiah practised in Perth, Sydney and Darwin and also as medical superintendent at Katherine Hospital, where he was involved in the treatment of victims of Cyclone Tracy in December 1974.

During his 19-year term as visiting medical practitioner at Barraba Health Service, Dr Subbiah was involved in the establishment of the town's first diabetes clinic and the palliative care unit, which was named in his honour. Now retired and suffering from Parkinson's disease, Dr Nat Subbiah is a well-deserved recipient of the Order of Australia Medal after a career serving communities across the globe. These three extraordinary Australians have been highlighted as people who go above and beyond the call of duty, and for that as a community we are in their debt. We say thank you.

KENSINGTON PUBLIC SCHOOL AND SPORTS FIELD FEES

Mr RON HOENIG (Heffron) [6.31 p.m.]: I recently attended a meeting with the principal and assistant principals of Kensington Public School. The school is in the new redistributed part of my electorate and it was a great opportunity to tour the school, to meet some of the students and teachers and to get to know the new principal, who has a fantastic and exciting vision for the future of the school. Kensington Public School is a unique school in that it has 405 students who are accommodated on a 0.7 hectare site. Given the school's age and proximity to the city, there is no grassed land or playing fields for the students. For 405 active children, all under the age of 12, this obviously poses a problem. However, under the watchful eyes of the capable teaching staff the playground—as it is called, although it is more of a concrete jungle—remains relatively safe for the students. However, I am advised that, despite the supervision of the teachers, accidents do happen and, worryingly, a large number involve head injuries.

The Active Healthy Kids Australia Report Card on Physical Activity for Children and Young People, which was developed by researchers at leading Australian universities and research institutes, found that 80 per cent of five- to 17-year-olds are not meeting the Australian physical activity guideline of at least 60 minutes of exercise each day. The Australian Council for Health, Physical Education and Recreation states that sporting opportunities, environmental design and active transport opportunities all play a part in the physical activity levels of children and young people. Unfortunately, Kensington Public School students are not afforded the opportunity to run around freely on a grassed playground during recess and lunch like students at some other schools in my electorate. The teachers come up with alternative options to ensure that the students are active during the day.

The closest park is Centennial Park and every Friday students from Kensington Public School and 17 other schools visit the park for the Public Schools Sports Association [PSSA] interschool competition. To pay for usage of the park, the PSSA passes on minor fees to the participating schools. At Kensington Public School, this charge is passed on to the parents, who happily pay. Last semester the charge was \$3,640. However, when the PSSA received the invoice for semester two, it was shocked to see that the charge had quadrupled to \$15,040. What is most concerning about this development is that the school has no choice but to find the money in its already overstretched budget or to pass on the cost to the parents, who then must make sacrifices as they continue to struggle with the increasing cost of living.

Disturbingly, some schools may be forced to leave the PSSA competition because this extra charge places too much financial pressure on their community. This will affect not only the students at that school but also the remaining PSSA school students, who will lose opportunities to interact and compete with other students. As part of its commitment to tackling childhood obesity and to Board of Studies curriculum requirements, Kensington Public School must offer physical activity to its students. In an age when computer and television video games are prevalent and a sedentary lifestyle is sadly commonplace, it is vital that children are encouraged at every opportunity to be active. This is why I am particularly concerned. It seems that a government body, the Centennial Park and Moore Park Trust, is gouging money from government school students who have no grass or parkland of their own in which to play. This statutory government body has ranked profit over the benefit of the wider community, and the social implications of this are terrifying.

The 2010 Schools Physical Activity and Nutrition Survey found that 22.8 per cent of children in kindergarten and years 2, 4, 6, 8, and 10 were overweight or obese. These are staggering statistics and schools

like Kensington Public School do their best to reverse them. How can they though when their only real opportunity to play competition sport becomes unaffordable? This price increase imposed by the Centennial Park and Moore Park Trust is not a minor increase; it is so dramatic that Kensington Public School felt that it needed to notify the local member. This price rise may have occurred without consideration of the wider implications it would have on local schools and students. Given that I have now drawn this matter to the attention of the House, I hope it will be reversed. I call on the Minister for the Environment, the Hon. Dr Rob Stokes, to rectify this matter immediately. We cannot have money-grabbing tactics affecting the health of our children, especially when schools such as Kensington Public School do not have any other option but to use Centennial Park to fulfil important health and physical education requirements.

HOWARTH DRILLING AND DOYLES CREEK EXPLORATION LICENCE

Mr CLAYTON BARR (Cessnock) [6.36 p.m.]: I draw the attention of the House to a matter of great importance to a number of my constituents in the electorate of Cessnock. I speak of a bill that was introduced and passed through all stages with bipartisan support in January. Of course, I refer to the Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014. One of the greatest responsibilities of members of Parliament is to understand the consequences of the legislation that passes through this Parliament. There was a level of bipartisan negligence in January that is now costing people in the Cessnock electorate their homes, their businesses and their way of life.

The mining amendment bill was introduced in response to an Independent Commission Against Corruption [ICAC] investigation into the awarding of mining licences at Mount Penny and Doyles Creek. We were told at that time that the bill implemented Independent Commission Against Corruption recommendations. However, what was glossed over and ignored was the fact that ICAC also recommended that innocent parties who would be affected by any such withdrawal of the mining licences be compensated. This point is crucial.

I have met with Mr Warwick Howarth, a local constituent, on several occasions over recent months. Mr Howarth and his company, Howarth Drilling, were engaged by NuCoal to perform drilling and sampling work on the Doyles Creek site. At the time that Howarth Drilling agreed to work NuCoal, an ASX-listed company, had a valid exploration licence to conduct mining activities on the Doyles Creek site. The contract for drilling work on the site would provide the next phase of employment for Mr Howarth and his 20 employees. It gave him certainty to invest further in his business and equipment. Based on this certainty and the assurance of work in coming years, Mr Howarth took out loans in excess of \$1 million and put up his family home as a guarantee. Many members would appreciate the risk that small business owners face in establishing and expanding their businesses.

It is crucial to note that in this instance Mr Howarth assessed that the legally obtained lease held by NuCoal over the Doyles Creek mine and his legal and binding agreement to provide drilling services was anything but a risk. When he took on the debt he was certain about the future of his company. Nobody could have foreseen or predicted the unprecedented actions of this Parliament in January 2014. The then Premier's second reading speech on the Mining amendment bill referred to the risk involved in investing and portrayed mining investors as gamblers who might also flutter away their savings on a poker machine or a racehorse. That was a complete misrepresentation of the facts and was insulting to the mum and dad investors in NuCoal and to small family businesses engaged in honest work—businesses like Howarth Drilling.

It is a sad and tragic reality that as a result of the mining amendment bill that was passed through this House, Mr Howarth's life, family and business have been destroyed. This honest, hardworking man had his dreams destroyed and his employees had their financial security shattered, all for the sake of political grandstanding in this place—and I emphasise that we all fell into line. The recommendations of ICAC sought a far more just and fair outcome in seeking to protect the innocent. The Independent Commission Against Corruption must be terribly disappointed with what we have done. It is a testament to Mr Howarth that in our meetings he has shown consistent and ongoing concern for the welfare of his former employees. He wants justice for them just as much as he wants justice for himself.

I have met with two former workers of Howarth Drilling. Both of them were struggling to hold onto their homes as their mortgages consumed their savings. One of these former employees had a husband who was working three jobs, seven days a week, and being deprived of seeing his newborn baby grow and thrive, in a bid to save their family home. I was told of another former employee whose family had already lost their home to the bank. All these innocent and honest people are a world away from ICAC and this Parliament, and yet they bear the weight.

In my final note I offer this with regard to the Howarth Drilling business. The company would have been debt free in September 2013, four months prior to the mining amendment bill, had it continued drilling during the ICAC inquiry. It had every right and legal opportunity to do exactly that. But, in a gesture of goodwill and at the request of the Premier's office, via former Minister for Resources and Energy Chris Hartcher, it had temporarily stood down from drilling while ICAC progressed. At first, everyone assumed that this would be a short delay, but weeks soon became months and the months soon amounted to almost a year.

Keep in mind that this was all done with goodwill as there was absolutely no legal obstruction preventing NuCoal from continuing explorations as usual. It is clear now that the goodwill extended to the politicians has cost Mr Howarth and his employees everything. While it should simply be common sense, I recognise that it will take great courage and leadership for the Government to review the legislation and fulfil the wishes of ICAC in their entirety. I ask the Premier to consider this matter with great urgency.

STATE BUDGET AND CLARENCE ELECTORATE

Mr CHRISTOPHER GULAPTIS (Clarence) [6.41 p.m.]: I congratulate the Coalition Government, under the stewardship of Mike Baird and Andrew Stoner, on delivering one of the best budgets this State has seen for years. New South Wales was languishing behind the rest of Australia under the previous Labor Government, which was very good at making promises and reannouncing the same old promises every time the elections came around. But a breath of fresh air has come to New South Wales since the election of the Coalition Government in 2011. In just over three years the State has had a huge turnaround from being the worst-performing State to being the best-performing State. This has required prudent fiscal management and spending discipline. The Coalition was able to do this at the same time as increasing front-line services. This is also a Government that keeps its promises.

At the 2011 State election The Nationals leader, Andrew Stoner, came to Grafton and made a commitment to build the Grafton Bridge. Now, 3½ years later, the planning and approvals are near complete and all the funding has been included in the budget to complete the bridge—\$185 million, with Restart NSW providing \$177 million for building the bridge and \$8 million in the budget to complete the planning. This commitment made by Andrew Stoner to Grafton in 2011 has been delivered by Deputy Premier Andrew Stoner in 2014. This is in stark contrast to the ironclad guarantee that Bob Carr gave the Grafton community about building another bridge across the Clarence. We would still be waiting if the Coalition had not been elected in 2011.

There is more good news in the budget for Clarence, with \$220 million allocated to commence construction of the Pacific Highway between Woolgoolga and Ballina. This is a real shot in the arm for the Clarence electorate, and Grafton in particular. It will drive investment into the region, create jobs and bring prosperity. The Clarence electorate has been doing it tough over the past few years, with a downturn in the economy resulting in many businesses closing down and significant job losses. Every industry sector has been struggling for years, and I am thrilled that this budget is a vote of confidence for the Clarence electorate. It will significantly help to turn around our fortunes. Jobs, job security and cost-of-living pressures are the major concern in my electorate, and this budget is providing a real solution to the difficulties that my communities are experiencing. In an editorial in the local newspaper it is stated that the budget is welcomed. The editor of Grafton's *Daily Examiner*, David Moase, said in today's edition:

It is an investment the likes of which has not been seen in this area, and it provides the opportunity to start a recovery after the job losses and shutdowns of recent years. The Budget announced is the type of news the Valley has wanted and needed to hear.

The Clarence electorate is the last link of the Pacific Highway to be duplicated. The good news for Clarence is that the money will continue to roll into the electorate whilst the Liberals and The Nationals hold the purse strings. We have secured the funding from the Federal Government and we have the determination to ensure the duplication is completed by 2020. Communities across the breadth of the Clarence electorate will benefit from this massive infrastructure project. This will open up enormous opportunities for a range of businesses, small and large. There will be demand for accommodation, meals and entertainment, earthmoving contractors, trucking businesses, quarries, fencing contractors, subcontractors of all kinds and retail businesses in our towns. Jobs and prosperity will be brought to my electorate as a result of this significant public infrastructure project.

The New South Wales Nationals are delivering significant infrastructure projects to regional New South Wales. Together with the Liberals, we sensibly manage the budget and have been able to deliver much-needed infrastructure to regional New South Wales. These projects are creating jobs for country people and bring prosperity to our regions. This marks a huge turnaround in our fortunes, and I thank the Coalition Government for delivering for my electorate of Clarence.

ROTARY CLUB OF TERRIGAL

Mr CHRIS HARTCHER (Terrigal) [6.45 p.m.]: I bring to the attention of the House the celebration held recently marking the fortieth anniversary of the inauguration of the Rotary Club of Terrigal. Many members of this House would be aware of the contribution Rotary makes to local communities all around New South Wales, and Terrigal Rotary is no exception. By its very definition Terrigal Rotary:

... is a volunteer service organisation where members donate their time and resources to help others in the community and throughout the world.

A number of prominent charities and local organisations benefit from this volunteer work done by Terrigal Rotary, including the Terrigal Surf Life Saving Club and Terrigal Marine Rescue. In fact, in 2008 Terrigal Rotary helped launch the new vessel *TSR Mary George* for the Terrigal Marine Rescue. Having been a member of Parliament for the Terrigal area since 1988, I have encountered many local groups, and they too have spoken fondly of the support provided by Rotary, whether it has been financial or otherwise. A family focus and a caring nature are encouraged, with organisations such as Grandparents Raising Grandchildren and Aspect School for autistic children receiving assistance on multiple occasions from the Rotary Club of Terrigal.

Members will recall the bushfires experienced by Victoria in the 2008-09 summer, when many families were left devastated and homes were destroyed. In a show of cross-border support, Terrigal Rotary leapt to assist, with a fundraising stall being erected on the Terrigal Esplanade and members raising more than \$1,200 for the affected Victorian community. The Rotary Club of Terrigal assisted Victoria when bushfires ravaged many communities, and when similar circumstances came to New South Wales the club joined with other Central Coast Rotarians to raise a staggering \$12,000 for the bushfire appeal. With collection points at major shopping centres on the Central Coast, the number of volunteers involved all weekend led to this significant amount being collected.

A local club could not achieve what the Rotary Club of Terrigal has achieved in 40 years without successful leadership over this time. Of note, the immediate past president, Gina Growden, is to become Governor of the District in 2015-16 given her success as president of Terrigal Rotary on two occasions. Combining this with many other capacities in which she has served over her 16-year membership, it is clear that Gina will make an excellent president of the district, which stretches from Mosman on the North Shore to Toukley in the north. With 78 Rotary clubs in a widespread district, I take this opportunity to wish Gina all the best in this role.

It is not only a good executive team that makes the Rotary Club of Terrigal such an inspiring club but also the members who have been involved over the past 40 years. John Spath, my good friend, has recently rejoined Terrigal Rotary after a short venture in the E-Club of Sydney. John is a past president of the Rotary Club of Terrigal and was warmly welcomed back in January this year. John and Gina, as I mentioned, are two of many past presidents of Terrigal Rotary Club. However it is now up to the current president, David Waterhouse, an excellent man in his own right, to continue the great legacy left by his predecessors.

Uniquely, the Terrigal Rotary has its own hall, which it constructed with volunteer labour in 1980. David has some big shoes to fill. However, I look forward to seeing what he and the other energetic club members are able to achieve. One of their previously successful programs has been the funding of a water well in India, in a similar vein to the excellent work done by Gosford Rotary in its construction of a hospital at Kokoda. It is the number of members in clubs such as Terrigal—local men and women who have worked hard over many years—that has led to local, national and international projects being undertaken. Such assistance has been provided by Terrigal Rotary for the past 40 years and it shows no signs of slowing down.

As the local member for Terrigal I have the honour of being an honorary member of Terrigal Rotary Club and I have been invited to the club on many occasions, such as when district teams have visited from overseas and for Australia Day celebrations when I have had the honour to raise the flag and make the Australia Day address. Terrigal Rotary is a warm and welcoming club and it continues to grow and show success. It is important to note that there are more than 1.2 million Rotarians internationally and more than 30,000 in Australia who have contributed to the many great accomplishments of this organisation. But it is the fact that Terrigal Rotary Club has been doing this locally for 40 years, which leads me to commend this group of people. I wish them well in their continued endeavours. I acknowledge the great contribution they make to life in Terrigal and on the Central Coast, and I am sure they will continue to make that great contribution for many years to come.

THE GROVE COMMUNITY AND CULTURAL HUB

Mr DARREN WEBBER (Wyong) [6.50 p.m.]: This evening I inform the House about The Grove Community and Cultural Hub recently unveiled on the former Wyong Grove Public School site in my electorate. In 2012 I tasked the New South Wales Department of Education with investigating the status of the then Wyong Grove Public School. I considered that the yearly rumours of the school being closed were unfair to students and their families, teachers and support staff. I had no preferred option; I simply wanted a long-term decision made in the best interests of the students.

As I have said in this Chamber before, the decision was made to amalgamate Wyong Grove Public School and Wyong Public School. This was not a great surprise to most in the community, considering the declining enrolments and a high percentage of out-of-zone enrolments. What was a surprise for many was a politician willing to put student welfare ahead of the political implications of making a difficult decision to deactivate a school. I take this opportunity to thank the Department of Education staff who were involved in the process, particularly those who, like me, faced abuse from those unhappy with the outcome.

While a small number of parents fundamentally opposed the merging of the two schools, the vast majority of parents, teachers and even the Teachers Federation recognised that it was in the best interests of the students to merge the two schools, as it provided many increased opportunities and benefits for the students at the larger combined facility. Those benefits include greater flexibility in class organisation to better meet student needs, the potential for a non-teaching deputy principal in addition to a non-teaching principal, an enhanced opportunity for students to mix and develop rapport in the wider community, and the pooling of resources to consolidate and enhance staff professional development.

This action reunited the two schools after the students were placed on two sites in 1981 because student numbers at that time were greatly in excess of the current schools' combined enrolments. The two school sites are situated less than one kilometre from each other. I acknowledge and thank all the teachers and support staff who have given dedicated service at Wyong Grove during its proud history and stress that the decision to amalgamate had nothing to do with staff performance. Once the decision was made to amalgamate, my attention turned to the opportunity to utilise the Wyong Grove school grounds and buildings for the benefit of the whole community. A condition that I placed on my endorsement of the department's determination was that under no circumstances would the site be sold for development.

Over the past 12 months I have helped coordinate discussions with the Department of Education, numerous community groups and Wyong Shire Council. Because of the high demand for access to the facilities on the site I was keen for an effective management plan to be put in place. I am delighted to now advise the House that earlier this month a lease agreement was signed by Wyong Shire Council. The council has signed a two-year lease with the Department of Education to take over the former Wyong Grove Public School site and turn it into this exciting new community and cultural hub. I am confident that Wyong council is best suited to provide effective management of this site. The council already successfully runs a similar community hub in the centre of the Wyong township.

Last week the council invited community groups to a function at the site to register their interest in using some of the other facilities, and more than 100 people attended. Wyong council is inviting the community and cultural sector, government and non-government organisations, groups and individuals to submit expressions of interest to run programs and services or to host events at The Grove, and I encourage interested groups to consider submitting a proposal. I am aware that groups such as the Vietnam Veterans Association, the Wyong Historical Society and the Wyong Theatre Group have already expressed a keen interest in becoming part of this new facility and I support their plans.

The site is already delivering for the community with Grove Hall serving as the interim performing arts venue for local productions while the nearby Art House centre is being constructed in Anzac Avenue, Wyong. The Grove Community and Cultural Hub will quickly become an integral part of the Wyong community and I am proud to have driven its establishment. I congratulate Wyong Shire Council on its lease and I thank the local Department of Education staff for their tireless work. I will continue to work with Wyong Shire Council and Wyong RSL to see a war memorial cenotaph also built on the site.

STATE BUDGET AND BATHURST ELECTORATE

Mr PAUL TOOLE (Bathurst—Minister for Local Government) [6.55 p.m.]: It gives me great pleasure to speak about two very worthwhile projects that have been announced for my electorate. The New South Wales

budget announced \$117 million in total for sport and recreational facilities across this State. I am very proud to have announced in my electorate today that \$5 million has been allocated for the construction of a second circuit at Mount Panorama. Everyone knows that Mount Panorama is an iconic race track that is renowned not just in Bathurst and in the Central West but right across Australia and internationally. A number of events are held at Mount Panorama throughout the year, the most significant being the Supercheap Auto Bathurst 1000. More than 850,000 people overseas watch that race every year and the event generates more than \$50 million to the local economy and to the wider Central West.

The Bathurst 12 Hour event is also held at Mount Panorama. That event generates \$20 million to \$30 million every year. We continually see many visitors coming to the area to be a part of the racing events at Mount Panorama at Bathurst. I do not want to go into too much detail today but this announcement of a \$5 million investment is an important milestone for Bathurst. The \$5 million will go towards working with Bathurst Regional Council to ensure that alongside our renowned race track a standalone track is built, separate to Mount Panorama, which can be used all year round for cars, motorbikes, driver training and a light car club.

This is an incredible opportunity for creating more jobs in the Central West. It will bring new industry to the area and it will drive economic activity for the Central West. The announcement has been very well received by the council and by the community. There has been a lot of discussion about it but we are now seeing the Government putting it on the table. We want this project to happen because we can see the benefits it will bring to the area.

Members of Lithgow City Council—the mayor, Maree Statham, the deputy mayor, Councillor Ray Thompson, and the general manager, Roger Bailey—were invited to Parliament House yesterday where it was announced that \$3 million will go towards the construction and upgrade of the aquatic centre in Lithgow. Lithgow tends to get fairly cool very quickly and it has a lot of misty weather, so there is a need for an indoor aquatic facility to cater for the community. This facility has been discussed for probably three decades and it has been on and off the agenda. Yesterday's announcement is great news for the community because it will ensure that this very worthwhile and vital facility will be constructed.

I am fortunate to have been involved in building an indoor aquatic centre in Bathurst a number of years ago. I can see the benefits of such facilities because they help not only the younger people in our community but also the elderly. The facility will be accessible to everyone in the community. It is estimated that it will also create about 36 jobs during the construction phase. It has a multiplier effect of about \$17.4 million to the local economy. There is also an opportunity to bring major events to the area such as swimming carnivals. I congratulate the swimming club, the community and everyone who has ensured that the fight continued. I am pleased that the Government is delivering for this community.

Private members' statements concluded.

RURAL FIRES AMENDMENT (VEGETATION CLEARING) BILL 2014

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

DRUG ACTION WEEK

Matter of Public Importance

Dr ANDREW McDONALD (Macquarie Fields) [7.01 p.m.]: I am pleased to talk about Drug Action Week as a matter of public importance. Drug Action Week has operated for the past 13 years. In 2013 more than 1,000 events were held across Australia. These were community events to raise awareness of and to discuss drug issues. Drug Action Week was scheduled to run from 15 to 28 June 2014. Drug Action Week is important because 10 per cent of Australians over the age of 14 years have used ecstasy, 3 per cent of Australians over the age of 14 years have tried cannabis in the past 12 months, and 35 per cent of Australians over the age of 14 years have tried cannabis at some stage in the past. These figures come from the Australian Institute of Health and Welfare.

Drug Action Week was the initiative of the Alcohol and Other Drugs Council of Australia [ADCA]. The council relied on \$1.5 million in recurrent funding from the Federal Government to run these events. I am sad to report to the Parliament that this money has been cut, with no notice, by the Federal Liberal Government. The URL address of the Alcohol and Other Drugs Council of Australia has been suspended, and the

URL address for Drug Action Week, www.drugactionweek.org.au, no longer works. There is nothing to indicate that the organisation has been closed and there is no advice for people who wish to look for Drug Action Week as to where to go. The week was to culminate in the National Drug and Alcohol Awards. These awards are for those working in the sector for their hard work and dedication. Working as a drug and alcohol worker is extremely hard and taxing.

Many people with drug and alcohol problems have horrific stories of abuse and neglect in childhood. Tony Abbott will be the first Prime Minister since the establishment of the Alcohol and Other Drugs Council of Australia not to present this award. So abruptly was the cut made, and with so little warning, that in its submission to the Federal Government inquiry into the Commission of Audit the ADCA noted the case of a Government member ringing its offices to ask whether the dates for this year's Drug Action Week had been finalised. The report states:

ADCA was astounded to receive a call in early January from the office of a Liberal backbencher, asking whether the dates for Drug Action Week had been decided.

Despite the fact that the program has been cut, the dates for this year had been finalised. This House should take the opportunity to discuss the toll that drugs and alcohol take on the New South Wales community. In New South Wales in 2013, 2,077 adults were charged with drug offences, about 400 of whom were charged with a minor possession offence. In the New South Wales Local Court 13,500 people were charged with possession of drugs, and in the Children's Court an extra 428 charges of possession or use of an illicit substance were made. These numbers are for minor offences. Imagine the strain put on our courts by more than 14,000 charges. The financial strain is huge but the social cost, which is harder to measure, is extremely problematic.

There is an issue about the use of marijuana for people with a terminal illness. That is an important debate and one in which the Alcohol and Other Drugs Council of Australia would have played a vital role. The difficulty for Dan Haslam and his family in accessing adequate symptom relief for his terminal cancer has yet again raised the issue of what we are to do for people such as Dan. For Dan and those like him, we as a Parliament must be able to do better than the current situation. Professor Alex Wodak has pointed to a safe and cost-effective way of administering cannabis, which has a place as an important second-line drug for the relief of nausea and pain due to cancer and its treatment.

This would be by the use of marijuana leaf grown under controlled and monitored conditions, identical to the controls on the production of opiates from poppies in Tasmania. A contribution from the Alcohol and Other Drugs Council in this debate would have been vital as a voice of reason and evidence. I pay tribute to the Haslam family for their persistence in this issue, but also to various commentators, such as Justin Smith from 2UE, who have raised the need for this debate in the wider community and continue to prosecute a case for a better way of helping Dan and those who follow. This issue is important. I commend Drug Action Week and the need for greater debate on this issue in the House.

Ms MELANIE GIBBONS (Menai) [7.06 p.m.]: On behalf of the Government I speak on the Opposition's matter of public importance. I welcome the opportunity to speak about the great work the Government is doing to educate the community about drug and alcohol issues in our society. The New South Wales Government has directed significant investment into Health since coming to office. In fact, only yesterday the Treasurer announced a record Health spend of \$18.7 billion—an increase of \$900 million. That includes \$1.3 billion for hospital rebuilds across New South Wales, an additional \$300 million to meet increased demand for hospital and emergency department services, \$92 million for medical research, and \$70 million for person-centred initiatives.

In addition, the Government has a record \$1.6 billion Mental Health spend in this year's budget, including \$1.4 million to assist patients overcoming drug issues through the provision of eight new detoxification beds at Westmead Hospital. There are seldom simple reasons that people turn to drug and alcohol abuse, and there are certainly no easy or universal solutions. Diversity, evidence-based approaches and innovation are key to building effective responses to substance misuse and the range of complex social and health problems that individuals experience as a consequence. It is critical that interventions and support contribute to building resilience so that individuals are able to build a quality and contributing life by either avoiding substance abuse or moving to recovery.

It is vital to educate the community about the dangers of drug and alcohol abuse and to provide support and treatment to those suffering from drug- and alcohol-related issues. Since coming to office, the Government has committed \$13.9 million in core funding to opioid treatment, \$3.4 million in recurrent funding for the New

South Wales opioid treatment program, and \$10 million over four years for the non-government organisations to deliver drug and alcohol treatment and rehabilitation programs. The implementation of this is well underway, with 12 non-government organisations providing a range of services, including residential care, community-based day programs, after-care services and multidisciplinary case management and coordination.

The Government believes in choice and has actively encouraged non-government organisations to deliver front-line drug and alcohol services and interventions. The non-government sector has undergone much reform over the past decade in terms of professionalism in service delivery, in quality improvement and accreditation, and in the areas of data management and improved performance reporting. The sector had also made significant progress on increasing capacity to work more effectively with clients in mental health and drug- and alcohol-related issues. This includes working with clients from the criminal justice system and those from the formal court diversions programs and with specialist populations such as women and children, young people and Aboriginal clients.

Members on both sides of the House will agree that it is not only about treating people with drug and alcohol issues but also about focusing on prevention, education and early intervention to ensure that people in the community avoid drug and alcohol issues later in life. The Chief Health Officer is leading work across the New South Wales health system to integrate alcohol within healthy lifestyle programs, including the Get Healthy Information and Coaching Service and the Healthy Workers Initiative. Programs such as these are designed to provide early response and interventions. They are designed to minimise the development of addictions and the entrenching of negative behaviours. Once these behaviours are entrenched, the interventions are more specialist and, in the main, are more difficult to resolve. We have also established a new partnership with the Australian Drug Foundation for statewide coordination and support for community drug action teams.

We have 73 community drug action teams across New South Wales implementing programs to prevent and reduce harm associated with misuse of alcohol and other drugs. This Government is passionate about improving the health and wellbeing of the community, and reducing the dangerous and inappropriate use of drugs and alcohol. I thank the member for Macquarie Fields for bringing this matter to the attention of the House as it is an opportune time to talk about drug and alcohol misuse, and what we can do to help people who are suffering from their effects. I also note the Minister for Mental Health is also doing some great work.

Mrs BARBARA PERRY (Auburn) [7.11 p.m.]: I thank the member for Macquarie Fields who, as a physician, is well qualified to talk about this matter. As this is Drug Action Week it is also the perfect time to have this debate, but it is matter we should be talking about all the time. For about 13 years I was a lawyer in the Children's Court, and it opened up my eyes to the impact and tragedy of the use of alcohol and drugs. I saw the emotional and physical impact of their use on families and children. When I was the Minister for Juvenile Justice I saw their impact on our court system and on our juvenile or adult detention centres. We are very aware of these issues and the cost to individuals, their families and the community. We must recognise that causation is complex. The road that leads to people using drugs or drinking alcohol to excess are very complex and lie at the deepest point in our society, families and our environment. One of the biggest problems is that governments all over Australia have not put enough investment into early intervention and prevention programs.

It is shameful that, as I heard tonight, the national peak body that runs education programs has been defunded. We do not have enough rehabilitation facilities in this State. When I was a lawyer I saw parents who were trying to put their families back together. At that time the availability of places in rehabilitation facilities in this State was at crisis point. There were some places, but not enough facilities could take families, or mothers and children. Not one of my clients said to me they did not want to kick their habit, but it was just so hard to get them the support they needed. I thank the member for Macquarie Fields for bringing this matter to the attention of the House. Though we have come so far in our investments right across this country we have not gone far enough.

Dr ANDREW McDONALD (Macquarie Fields) [7.14 p.m.], in reply: I thank the member for Menai and the member for Auburn for their contributions to this discussion. Some years ago I attended a conference at which an experienced social worker said a memorable sentence: "Few of us understand the pain with which some people live". I think that underscored for me that we do not really know what has happened to many of the people in our society in childhood. The experience of most drug and alcohol workers is that abuse and neglect in childhood is the most common driver for illicit abuse of a drug in adulthood.

That is why Drug Action Week is so vital—it is never too late to help somebody who is affected by drugs and alcohol. But to help them one needs a service that is accessible and someone who can stay with them

during the hard times; to forgive them for their relapses, which occur only too frequently; and to be with them to deal with their health-related problems from their illicit drug use. It is a hard and difficult journey that often takes many years. That is why Drug Action Week is so important, not just for prevention. Every member of this House opposes the use of illicit drugs and recognises that prevention is by far the best treatment. The only disagreements that occur are about the best mode of prevention of the harmful effects of drugs and alcohol.

Drug Action Week was a vital evidence-based contributor to this discussion, which is not just about the morals and ethics or drug use: It is also a major problem for the State budget. The cost of illicit drugs to the Australian economy was about \$55 billion in 2005 compared with, for example, nearly \$70 billion announced this week in the State budget. This is a major driver of economic loss in Australia. It is not just the inevitable effects of crime, which is the most common effect of illicit drug use, and the need for incarceration but also the health-related effects.

It now costs nearly \$80,000 to successfully treat somebody with hepatitis C, but drugs have an impact on road accidents and domestic violence, and there are intergenerational effects of drugs on the community. The Alcohol and Drug Council of Australia was, and would have been, a most valuable contributor to the discussion about the effects that illegal drugs have on the community, and also to the Government response. Every person in Australia has lost something by the short-sighted funding reduction of the Abbot Government for this most vital work that facilitated Drug Action Week.

Discussion concluded.

**The House adjourned, pursuant to resolution, at 7.17 p.m. until
Thursday 19 June 2014 at 10.00 a.m.**
