LEGISLATIVE ASSEMBLY

Wednesday 13 August 2014

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

The Speaker read the Prayer and acknowledgement of country.

ROAD TRANSPORT AMENDMENT (ALCOHOL AND DRUG TESTING) 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.

CHILD PROTECTION (OFFENDERS REGISTRATION) AMENDMENT (STATUTORY REVIEW) BILL 2014

Second Reading

Debate resumed from 6 August 2014.

Mr MICHAEL DALEY (Maroubra) [10.02 a.m.]: I lead for the Opposition in debate on the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014. I state at the outset that the Opposition congratulates the NSW Police Force on its administration and execution of the Child Protection (Offenders Registration) Act, which was first promulgated in 2000, and its objects. The police are the best people to administer and supervise these high-risk offenders, and I will say more about that in a moment. The former New South Wales Labor Government created the current child protection offenders regime in this State in 2000 and New South Wales, pursuant to that initial legislation, became the first State to promulgate and introduce a child sex offender register. We did that initially by way of the creation of the register and orders that control and regulate the conduct of people on the register—those people who we said then, and we say now, continue to pose potential danger to young people and children. The relevant Acts are the Child Protection (Offenders Registration) Act 2000 and the Child Protection (Offenders Prohibition Orders) Act 2004.

Under the regime created by those Acts persons who are on the register—registrable persons—must register with the police and then provide certain information to the police. In addition, the regime enabled the Local Court to make orders that allow restrictions on the conduct and movement of registrable persons. We must be alive to the fact that neither the Acts nor the regime provides for public access to information about sex offenders. I am aware of the discussions in the United States, the proposal of a law a few years ago called Megan's Law and of the calls in New South Wales for the register to be publicly available. In fact, I know that in the other place a private member's bill was introduced some time ago to allow access to the public register. It is my view as a former Minister for Police and as the current shadow Minister that that would be a retrograde step.

The police are best placed to deal with these offenders and nothing will be gained from allowing public access to the register or publishing the locations of these paedophiles and registrable persons. I recall in 2010 the situation where a paedophile from Queensland named Dennis Ferguson showed up in a public housing estate in New South Wales—from memory, I think it was in Rozelle. The circus, frenzy and attendant vigilante behaviour surrounding his discovery did nothing to protect children in New South Wales. The police are very good at handling these types of offenders. They are alive to the risks that attend their presence in any given community and this regime, with its in-built monitoring and review system, properly provides for that supervision. I do not have the statistics before me and I cannot recall them from the time when I was Minister. Perhaps the Minister in reply may elucidate to the House the offence rate for registrable persons. I recall that it was minuscule to zero, but those statistics might assist in our deliberations today.

The Child Protection (Offenders Registration) Act 2000 provides for two classes of offences. Class 1 offences include the murder of a child and sexual intercourse with a child. Class 2 offences include acts of indecency, kidnapping of a child, filming a child for indecent purposes, grooming offences and possession of child pornography. This bill will add to these offences. Initially a registrable person was required to give

information to the police that included all their names, their date of birth, principal address, details of employment, details of their motor vehicles, details of their registrable offences, details of any community organisations or clubs that had child participation or membership where they had certain involvement, the names, identities and ages of children with whom they ordinarily reside or had unsupervised contact, and details of distinguishing marks such as tattoos.

They were required to report absences interstate that exceeded 14 days. They had to provide the police with details of telephone services, internet service providers, the types of internet connections—whether it was ADSL, broadband or wireless—details of email addresses, internet user names, instant messaging user names, chat room user names and any other names or identities used or intended to be used on the internet. DNA profiles, fingerprints and photographs were also to be recorded on the register. A person who was on the register always had to have the approval of the Commissioner of Police to change his or her name—I think that was misreported in the Sunday newspapers. It is important because I think it was reported on the weekend that from the promulgation of this bill into law paedophiles will now be required to get permission to change their names from the Commissioner of Police. That is not true; it was always the case.

Reporting obligations commenced when a person was sentenced or, if sentenced to jail, when they were released. For a single class 2 offence, a person was required to report for eight years; for a single class 1 offence or class 2 offence, the reporting period is 15 years. For a class 1 and a class 2 offence or more than two registrable offences, the reporting period was for the remainder of the person's life. That was a good regime, but it is right to review it from time to time, and that is what this bill is about. A number of changes are proposed by this bill. The changes include insertion of objects in the Act. The first is to protect children from serious harm, including physical and psychological harm caused by physical or sexual assault, to ensure the early detection of offences by recidivist child sex offenders, to monitor persons who are registrable persons, and to ensure that registrable persons comply with this Act. We have no issue with any of those propositions.

The second change is to expand the classes of registrable offences to include manslaughter of a child, except as a result of a motor vehicle accident, which will make it consistent with the Child Protection (Working with Children) Act 2012, wounding or grievous bodily harm of a child under 10 years of age, which will not apply when the person committing the offence is a child, and the abduction of a child when the person committing the offence has never had parental responsibility for the child. I understand that in his second reading speech the Minister said that the inclusion of these offences will ensure that offenders who may continue to pose significant risk to children are not omitted from ongoing monitoring, and that an offender who was originally charged with the murder of a child, a registrable offence, but is ultimately found guilty of the lesser offence of manslaughter will now be captured by the reporting obligations of the child protection register. We agree with those propositions.

The third change extends the time in which child protection registration orders can be made by police from 21 to 60 days after the conclusion of the criminal proceedings. We note that police would not ask for that change if it were not needed, and we agree with that proposition. The fourth change specifies matters that a court must take into account before making an order, such as the seriousness of each offence, the age of the perpetrator, the age of each victim, the seriousness of other offences committed, and the impact upon the person compared with the likelihood that the person may commit a registrable offence. We note that the bill therefore gives the court the discretion, based on the circumstances of the crime, to make important decisions itself. That is as it should be.

The fifth change requires the Commissioner of Police to be notified when a registrable person who is a forensic patient is given regular unsupervised leave from detention. We strongly support that proposition. The sixth change updates the personal information that must be reported by a registrable person, such as the name and date of birth of each child who lives in the same household as the registered person, and details of children with whom they have unsupervised contact. Change seven clarifies the types of contact with children that a registrable person must report. The eighth change standardises the period in which reports must be made. Change nine extends reporting obligations if a registrable person fails to comply with the obligations. Change 10 increases the penalty and provides a defence in respect of offences relating to attempting to change a registrable person's name without the approval of the Commissioner of Police.

The media should note that distinction. The new penalty is now five years imprisonment or $55,000, or both. Change 11 updates the list of scheduled agencies to account for changes to the government sector, and change 12 collates provisions that deal exclusively with corresponding registrable persons. In summary, the child protection regime in New South Wales is a Labor initiative. We are proud of that. That initiative had the

support of both sides of the House, both when it was introduced and ever since, and that is as it should be. The regime is strict but it is a very reasonable regime to monitor the most serious child sex offenders in New South Wales. The amendments proposed by this bill are entirely consistent with the regime that has operated since it was introduced, and the amendments have the support of the Opposition.

Mr GREG APLIN (Albury) [10.14 a.m.]: I speak in support of the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014, which implements the findings of the statutory review of the Child Protection (Offenders Registration) Act 2000. The amendments contained in this bill will improve the operation of the Act, and will strengthen the framework for monitoring child sex offenders living in the community. Last June an Albury Local Court magistrate sentenced a man to two months imprisonment for failing to tell authorities he had moved home. The man, Jaden Mitchell Mills, aged 30, is a convicted sex offender. He is on a register under the Child Protection Act for life, having been convicted in 2007 of sexual assault with violence. Under the terms of his registration, Mills must report to police every 12 months. According to the *Border Mail*, Mills, stunned by the penalty, said, "What? Jail?" As two officers escorted him from court, Mills added, "Are you fair dinkum?"

It is fair to say that Mills did not expect to go to jail. Somehow he had lost connection with the seriousness of his situation on the Child Protection Register. Mills, who moved to Albury in 2012, had duly fulfilled his obligation to report to police that year. However, he failed to comply in late 2013. Then he disappeared. The Mills case highlights the difficulties faced by authorities when an offender moves location. Mills left Albury, moved to Wodonga and then on to Melbourne, failing to notify police of his whereabouts. His phone numbers were called but they were disconnected or left unanswered. His Albury address was found to be vacant. In applying a custodial sentence, the Albury magistrate noted:

> This is not a simple non-compliance. The police had to go to some lengths to find him.

This is just an indication of why we need the provisions of this bill. Child protection remains a work in progress as we, as a society, come to terms with the reality that it is difficult, time consuming and costly to maintain effective management of those who have harmed children and those who are deemed to be of future risk to children. An offender might start to fulfil their registration obligations with appropriate compliance but lose focus over time. In the case of Mills, his obligations are "for life"; he simply ceased to comply with them. Child protection regimes no longer wait until a child is hurt or exploited. In July a soldier, aged 27, was jailed by an Albury magistrate for 16 months, with a minimum of seven months to be served, for grooming three teenage girls for sexual activity. His employment with the Army was terminated. He spent time with the girls—aged from 13 to 15 years—in a park, playing on swings and playing hide-and-seek. And he sent them text messages, some of which were explicitly sexual in nature. In fact, the man bombarded the children with messages.

The court was told the soldier, who pleaded not guilty to the grooming charges, sent 191 text messages to one girl in a 14-day period, 406 to another girl in seven days and 82 in a 24-hour period to the third girl. The magistrate noted that a psychologist's report indicated the man was a medium to high risk of reoffending and directed he accept counselling. The Director of Public Prosecutions representative said it was paramount that children be protected from sexual abuse. He believed the accused had shown "no indication of remorse or contrition". This report reminds us just how determined a person can be when they are attracted to children or young adolescents, and how much of their contact will not be apparent to parents. This predatory behaviour calls for unusual levels of care and management.

The Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014 inserts, through new section 2A, new objects that establish key purposes of the Act. These are: to protect children from serious harm, including physical and psychological harm caused by physical or sexual assault; to ensure the early detection of offenders by recidivist child sex offenders; to monitor persons who are registrable persons; and to ensure that the registrable persons comply with this Act. A broader range of offences now come within the registration protocol, effectively ensuring that not just murder but also manslaughter of a child, as well as wounding or "causing grievous bodily harm with intent" to a child under 10 years of age, are covered. Police will be given more time to apply for a registration order after the conclusion of criminal proceedings, with an extension of the relevant period from 21 days to 60 days.

Division 3 of the Act incorporates amendments requiring a registrable person to report to police any changes to his or her relevant personal information within seven days of that change taking place. The intention to change residence must be reported 14 days prior to the change. Concepts such as risk are hard to define in general terms. For example, before a court can make child protection registration orders in respect of a person it

is required to determine whether a person poses a risk to the lives or sexual safety of one or more children, or children generally. Schedule 1 [19] sets out matters that a court is to take into account when making that determination. New section 3H (2) states:

> (3) A court is to take the following into account in determining whether a person poses a risk to the lives or sexual safety of one or more children, or of children generally:
>
> (a) the seriousness of each registrable offence committed by the person,
>
> (b) the age of the person at the time each of those offences was committed,
>
> (c) the age of each victim of each of those offences at the time that the offence was committed,
>
> (d) the seriousness of any other offences committed by the person,
>
> (e) the impact on the person if the order being sought is made compared with the likelihood that the person may commit a registrable offence,
>
> (f) any other matter that the court considers to be relevant.

Elsewhere we find more helpful guidance. New section 9 (lB) considers the meaning of contact with a child. It states:

> (1B) For the purposes of subsection (1A), contact with a child, includes the registrable person having:
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> (a) physical contact with the child (including by touching the child or being in very close physical proximity to the child), or
>
> (b) oral communication with the child (including communication that takes place in person, by telephone or by electronic means such as via the internet), or
>
> (c) written communication with the child (including communication that takes place by mail, by telephone or by electronic means such as email).

Once again, there is a tightening of meaning, which should be of assistance to magistrates, legal practitioners and prosecutors. In essence, the bill strengthens our framework for monitoring child sex offenders living in the community, while recognising that in some cases registrable persons continue to pose a risk to children even after their sentence has been completed. Each year Albury participates in White Balloon Day, where people gather to release white balloons as part of a national campaign to raise awareness of child abuse. A few years ago at this event an Albury Sexual Assault Service worker noted that child abuse was still under-reported. She said:

> Often children don't know they're going to be believed, they may be trying to protect other adults around them, they may be afraid of the consequences and they may have no way to actually make sense of what's happening to them. It is really important that kids are listened to.

As we read reports from the Royal Commission into Institutional Responses to Child Sexual Abuse and follow local media, we are left shocked and appalled at the extent to which so many organisations have failed to listen to children who were abused. As a society we are starting to understand the lifelong trauma caused by both the assaults and the cover-ups. It is a huge cost, in every sense of the word, to our communities. This bill is another positive step in managing the scourge of child abuse. I am pleased that this Government is seeking advice and community input, then turning the information into practical legislation for the better protection of all. This year, White Balloon Day takes place on Friday 12 September, and I encourage you to find out about events in your suburb, town or region. I support the bill.

Mr NICK LALICH (Cabramatta) [10.22 a.m.]: I will make a brief contribution to debate on the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014. The bill proposes a raft of changes to the Child Protection (Offenders Registration) Act 2000 and the Child Protection (Offenders Prohibition Orders) Act 2004 in order to protect children from serious harm, including physical and psychological harm caused by physical or sexual assault; to ensure the early detection of offenders by recidivist child sex offenders; to monitor persons who are registrable persons; and to ensure that the registrable persons comply with this Act.

The amendments include the widening of classes of registrable offenders to include: the manslaughter of a child, except as a result of a motor vehicle accident; wounding and grievous bodily harm of a child under 10 years of age—this will not apply if the person committing the offence is a child themselves—and the

abduction of a child when the person committing the offence has never had parental responsibility for the child. The addition of these offences will ensure that offenders who pose significant risk to children are not excluded from ongoing monitoring. An offender originally charged with murder of a child who is subsequently found guilty of manslaughter will now be captured by the reporting obligations of the Child Protection Register. This will improve protection for the most vulnerable in our society, our children.

The Child Protection Register was introduced by the New South Wales Labor Government in 2000. I am proud to say that we were the first State to establish a child sex offenders register. The register requires registrable persons to register with the police and provide certain information such as: all names, date of birth, address, employment details, details of motor vehicles, details of any child they live with or have unsupervised contact with, membership of clubs and organisations, interstate absences of more than 14 days and regular short absences, details of phones and internet services, email addresses, internet user name and profile, and DNA profile. These persons must report annually and report any change of personal circumstances.

Reporting obligations begin when a person is sentenced or when released from jail. Reporting periods range from eight years to the remainder of their lives, depending on the seriousness of the offence and the number of offences. This bill proposes to amend some of the personal information that a registrable person is required to report. In addition to the other details I have outlined, they must provide full details of hire cars used by the person and certify the circumstances involving contact with a child. They must report contact with a child if they are supervising or caring for the child, visiting or staying at a home where a child is present, exchanging contact details with a child, or attempting to befriend a child.

The bill will now give the court discretion around what constitutes contact where it is satisfied there is no increased risk to the child. It will also give the court the power to modify reporting obligations to help with a young registrable person's education or other needs. This means that a young registrable person going to school does not need to report the contact details of all their classmates. This bill outlines the factors that courts can now take into account when making a registrable order, such as the seriousness of the offence, the age of the offender, the age of each victim and the impact on the offender compared with the likelihood of that person committing a registrable offence.

This bill proposes to increase the time in which a child protection order can be made by police after criminal proceedings are completed from 21 days to 60 days. It seeks to standardise the period in which reporting must be made and extend reporting obligations if a registrable person fails to comply with their obligations. This bill proposes to increase penalties for an unauthorised change of name without reasonable excuse by a registrable person to five years imprisonment, a $55,000 fine, or both. It will require the Minister for Health to notify the Commissioner of Police when a registrable person who is a forensic patient is given regular unsupervised leave from a mental health facility, detention or other places.

I will support this bill as I believe it will help us protect the most vulnerable in our society, our children. I am proud that it was Labor that established the Child Protection Register and Labor that initiated the child protection regime we have in place in New South Wales today. Labor has always put children and families first because Labor cares and that is why this bill has my vote. I commend the bill to the House.

Mr LEE EVANS (Heathcote) [10.28 a.m.]: The Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014 implements the findings of the statutory review of the Child Protection (Offenders Registration) Act 2000. The amendments contained in this bill will improve the operation of the Act and will strengthen the framework for monitoring child sex offenders living in the community. The review found that the policy objectives of the Act remain valid and that its terms remain appropriate for securing those objectives. In summary, the objects of the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014 set out the key purposes of the proposed Act. The objects of this bill are:

(a) to protect children from serious harm (including physical and psychological harm caused by physical or sexual assault), and

(b) to ensure the early detection of offences by recidivist child sex offenders, and

(c) to monitor persons who are registrable persons, and

(d) to ensure that registrable persons comply with this Act.

The definition of "class 2 registrable offence" is expanded to include the following: manslaughter of a child, except as result of a motor vehicle accident, which will make it consistent with the Child Protection (Working

with Children) Act 2012; wounding or causing grievous bodily harm with intent to a child under 10 years of age—the offence will not apply when the person committing the offence is a child themselves—and child abduction, which offence will apply when the person committing it has never had parental responsibility for the child. Inclusion of these offences will ensure that offenders who may continue to pose a significant risk to children are not omitted from ongoing monitoring. An offender who is charged originally with murder of a child—a registrable offence—but who is ultimately found guilty of the lesser offence of manslaughter, will now be captured by the reporting obligations of the Child Protection Register.

Definitions of "sentence" and "government custody" will be amended to clarify the relationship with other Acts. The Act will now provide that an order under section 24 of the Mental Health (Forensic Provisions) Act 1990, which causes a person to be kept in custody, will be included in the definitions of "sentence" and "government custody". If a court finds a person guilty of an offence that is not registrable, the court may, on application by the police, make a Child Protection Registration order. These orders can be made only if the court is satisfied that the person poses a risk to the life or sexual safety of a child. There have been instances involving matters warranting an application for a registration order where compliance with the time frame has precluded police from making the application. In the interests of improving the ability of the police to apply for a registration order after the conclusion of criminal proceedings, the time frame will be extended from 21 to 60 days.

Section 3F will be amended to provide that police may apply for a registration order for a person who was previously sentenced for any of the additional registrable offences, unless they were a child at the time. The review accepted the merit in including a framework to more effectively enable the courts to consider relevant factors when making a registration order. The Act will be amended to include the following criteria for the court to take into account when determining whether a person poses a risk to children and to make a registration order: the seriousness of each registrable offence committed by the person, the age of the person at the time each offence was committed, the age of each victim of each offence at the time the offence was committed, the seriousness of any other offences committed by the person, the impact on the person if the order is made compared with the likelihood that the person may commit a registrable offence, and any other matter the court considers relevant.

The review accepted submissions that legislative reform was required for forensic patients—those persons found not guilty by reason of mental illness of committing a crime as well as those found to be unfit to stand trial. During treatment a forensic patient can be granted different types of leave. Currently, the Act provides that when a person ceases to be in custody, written notice must be given to police and the person must be given information on their reporting obligations and consequences. The Act will be amended to require the Ministry of Health to notify the Commissioner of Police under section 6 on each occasion that a forensic patient is subject to an order that allows the person to be absent from a mental health facility, correctional centre or other place on a regular and unsupervised basis, and clarifies that notice to the person of their obligations is not required to be given in those circumstances.

These changes will mean that police will know when registrable persons who are also forensic patients are on unsupervised leave in the community, but the person will not be subject to formal reporting requirements until actually released. Section 9 of the Act will be amended so that the term "contact" will be taken to include both the modes and circumstances in which the contact occurs—that is, supervising, caring for or forming a relationship with a child. However, it will exclude any one-off contact the offender may have with a child, such as when the registrable person is on public transport. As a result, the definition of "regular unsupervised contact" in section 9 (2) (c) of the Act is repealed.

Section 9 will also be amended to clarify the personal information that a registrable person must provide to police to include the full details of any hire car used by the person and the details of any mobile phone or landline numbers used, or intended to be used, by them. Additional personal information will be included under new section 9 (1A) to clarify the circumstances involving contact with a child by the registrable person. A registrable person must report contact with a child if that person is supervising or caring for the child, visiting or staying at a household where the child is present, exchanging contact details with the child or attempting to befriend the child. A further amendment gives the courts discretion, when satisfied there is no increased risk to children, in balancing the needs of a young offender—for example, when attending school. An amendment to section 9 provides that the sentencing court, a court imposing a registration order, or the Local Court or Children's Court, on application by the police, may modify the reporting obligations to assist with a young registrable person's educational or other needs.

The review accepted that a number of provisions relating to corresponding registrable persons—those from other jurisdictions or overseas—woven throughout the Act may be confusing. To simplify the Act's administration and to ensure that the full suite of requirements are clearly identifiable by police and registrable persons alike, the requirements relating to corresponding registrable persons are being placed in a single division. The current varying time frames in the Act were raised by stakeholders as being complex and potentially confusing. Division 3 of the Act will be amended to provide that a registrable person must report any changes to his or her relevant personal information to police within seven days of that change occurring. Schedule 2 provides for savings, transitional and other provisions comprising matters of a machinery nature to provide consistency with other Acts. I am advised that the NSW Police Force will take steps to ensure that current registrable persons are aware of these pending amendments. I commend the bill to the House.

Mr BARRY COLLIER (Miranda) [10.37 a.m.]: I am pleased, along with other Opposition members, to support the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014. This bill results from a required review by the Minister and is part of an ongoing process. I also understand from the Legislation Review Committee that wide consultation took place to formulate these amendments. Of course, that is commendable and no doubt has added to the efficacy of the legislative changes. It is important to outline some of the bill's background. The New South Wales Labor Government created the Child Protection (Offenders Registration) Act in 2000, thereby making New South Wales the first State to introduce the Child Sex Offender Register. Two Acts initially established the Child Protection Register and created the orders that control the conduct of people on the register who allegedly continue to pose a danger to children: the Child Protection (Offenders Registration) Act 2000 and the Child Protection (Offenders Prohibition Orders) Act 2004.

Of course, like all members in this place, I welcome any legislation that improves the protection of the most vulnerable in our community. Far too often we see terrible stories in the newspapers and on television of those who abuse the trust that young children place in them—whatever their background, whether they are family members or strangers. Under the current legislation quite a lot of information is required to be provided by the offender, but I will not go into that now. However, it is significant to emphasise that internet connections, wireless broadband, ADSL, dial-ups, email addresses and so on are required to be provided by offenders and those convicted of serious offences against children. DNA profiles as well as fingerprints and photographs are also recorded on the register. A convicted offender must have the approval of police—it is in the legislation already—to change his or her name. The bill proposes a number of changes. Time does not permit me to go through them all now, but I will outline those that I consider to be among the most significant. The bill lists the objects of the Act, as follows:

(a) to protect children from serious harm (including physical and psychological harm caused by physical or sexual assault), and

(b) to ensure the early detection of offences by recidivist child sex offenders, and

(c) to monitor persons who are registrable persons, and

(d) to ensure that registrable persons comply with this Act.

In my view, as a lawyer, it is vital—and a matter of progress in the field of legislation—to set out the objectives of the Act. Why is it so important? It is because there will come a time when the courts will have to interpret the legislation and one of their first ports of call will be the objects of the Act—what it seeks to do as far as protecting children. I commend that change in particular because, as I said, interpreting legislation is a most important part of the legal process. The legislation may well be considered by the High Court some day, so I commend the Minister for the amendment. The current Child Protection Register provides for two classes of offences. Class 1 offences include the murder of a child or sexual intercourse with a child.

Class 2 offences include acts of indecency, possession of child pornography, kidnapping of a child, filming a child for indecent purposes and grooming offences. The bill adds to these offences. For example, it includes the offence of manslaughter except as a result of a motor vehicle accident where the victim is a child, the offence of wounding or causing grievous bodily harm with intent where the victim is a child under 10 years of age and the person committing the offence was not a child, and the offence of child abduction where the person committing the offence has never had any parental responsibility for the abducted child. In fact, schedule 1 [18] permits child protection registration orders to be made in respect of the three new class 2 offences even if a person was found guilty of the offence before the offence became a class 2 offence, unless that person was a child at the time.

So the bill gathers some past offences that were not previously included in legislation. Some would say that is retrospective and unfair, but I am sure most members will agree that in the area of child protection

nothing is unfair if it further protects children. The Minister said that the inclusion of these offences will ensure that offenders who continue to pose significant risk to children are not omitted from ongoing monitoring. An offender who is originally charged with the murder of a child—a registrable offence—but who is ultimately found guilty only of a lesser offence, including manslaughter, will now be captured by the reporting obligations of the Child Protection Register. I sincerely welcome that provision.

The bill also updates the relevant personal information that must be reported by a registrable person, such as the name and date of birth of each child who lives in the same household as the registered person and the details of children with whom that person has unsupervised contact. It also clarifies the types of contact with children that must be reported by a registrable person as relevant personal information. This includes contact such as supervising or caring for a child, visiting or staying at a household where a child is present, and exchanging contact details with a child or attempting to befriend a child. These are important provisions, given the opportunities that such contact may present to paedophiles and others who would injure or otherwise abuse children. A court that is sentencing a person for a registrable offence or imposing a child protection registration order upon him or her may modify the person's reporting obligations in respect of contacts occurring before the person is 18 if the person is under 18 years of age and the court is of the view that the modification is appropriate, taking into account the person's educational and other needs. [*Extension of time agreed to.*]

The court that made the modification, the Local Court or the Children's Court, may at a later date, and on application from the Commissioner of Police, make further modifications to the person's reporting conditions to require information to be reported. Again, these are sensible and welcome changes. The Legislation Review Committee's reporting of corresponding registrable persons provisions is interesting. These are contained in the bill from new section 19BB onwards. For the benefit of members, a corresponding registrable person is one who:

(a) has at any time been in a foreign jurisdiction and at that time was required to report to the corresponding registrar, and

(b) would, if the person were currently in that jurisdiction, still be required to report to that corresponding registrar.

In other words, the new section deals with a person who has been convicted of an offence—either a class 1 or a class 2 offence, including the new offences—and is required to report in another jurisdiction. I am advised by the Minister's staff that that applies not simply to persons convicted of offences interstate but also to persons convicted in foreign jurisdictions. If a person who has been convicted overseas or interstate enters this jurisdiction he or she is required to report to the police. As I understand it, they are also required to continue reporting along the lines of the order made by a court of competent jurisdiction in another State or overseas. To my way of thinking, that makes eminent sense. Such people should not be allowed to avoid reporting simply because they move jurisdictions. That is what paedophiles and those who abuse children do; it is quite common. They move to another place in an attempt to distance themselves from their crime, change their address and so on. Unfortunately, many engage in the same sort of misbehaviour. They may be subject to the same urges and commit similar offences in the new jurisdiction.

The esteemed Legislation Review Committee refers to provisions that may require individuals from a foreign jurisdiction to be registrable persons and be subject to reporting requirements and notes that those conditions are not required of individuals who have committed similar offences in New South Wales. In other words, those who are convicted of an offence in another place are required to report but under New South Wales law the offences may be different and the same conditions perhaps would not apply. This raises the prospect of inconsistent sentencing. With the greatest respect to members of the Legislation Review Committee—who I am 100 per cent sure are committed to supporting this legislation—paedophiles and child abusers can easily cross jurisdictions and bring with them their inappropriate behaviours and urges, but they also bring their convictions and the reporting conditions imposed on them previously. Allowing them to escape reporting simply because the offences were committed elsewhere and do not match those in New South Wales law defeats the purpose of the bill.

I am sure that that was not in the minds of members of the Legislation Review Committee when it made that comment. Offences in other jurisdictions may not correspond to offences in New South Wales. As a matter of interest, Australia is a common law country and many offences in New South Wales will correspond to offences, and elements of offences, involving children in other jurisdictions. The elements of the offence might not be exactly identical, but that is not the point. If a person has been convicted elsewhere of offences involving children and has reporting conditions attached to those offences, and those orders were made by a court of competent jurisdiction and fall within class 1 or class 2, there is no reason to prevent that person from reporting simply because his or her sentencing or the offences may be different.

It is significant to note that the legislation enables regulations to be made that may exclude any person or class of persons from being a corresponding registrable person. In other words, as time goes by and things change, the Minister can adapt the regulation to reflect the relevant changes. I do not criticise the Legislation Review Committee for making that comment but simply note that it may be taken the wrong way and attract some criticism. At the end of the day, this is good legislation. As I have said, I am sure that everybody in this House, without exception, is committed to improving the legislation that protects children. I, together with other Opposition members, support the bill—and take pleasure in doing so.

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

BAIL AMENDMENT BILL 2014

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

Second Reading

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [10.52 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Bail Amendment Bill 2014. The purpose of the bill is to make amendments to the Bail Act 2013 to give effect to the recommendations made by former Attorney General John Hatzistergos in his review of the Act. The new Bail Act commenced operation on 20 May 2014. It introduced a new risk-based model for determining bail in New South Wales. A number of bail decisions made under the new Act have caused concerns in the community. These concerns prompted the Government to request the Hatzistergos review. In conducting the review, Mr Hatzistergos consulted with key stakeholders from across the justice system and carefully considered a number of bail decisions made under the new Act. The review also drew on the work of law reform commissions around Australia in relation to bail.

The review made a number of recommendations to strengthen provisions in the Act. The Government has accepted all the recommendations resulting from the review. These are common-sense changes. The potential risk to the community posed by an accused offender is placed front and centre when bail decisions are made. The key feature of the bill is the increased stringency it applies to bail decisions for those charged with offences that pose significant risks to the community or the administration of justice. It requires people charged with these offences to show cause why their detention is not justified. The new show cause requirement will operate in addition to the existing unacceptable risk test. The unacceptable risk test will also be consolidated from a two-stage test to a simpler one-stage test.

I turn to the main details of the bill. Schedule 1 to the bill contains the substantive amendments to the Bail Act 2013. Items [1] and [2] remove the existing reference to the presumption of innocence and the general right to be at liberty from section 3 of the Act, and insert instead a preamble in the Act to clarify the key principles underpinning it. The review noted that the presumption of innocence and general right to liberty are more appropriately reflected as principles in a preamble rather than as a purpose of the Act. The preamble also includes the need to ensure the safety of victims of crime, individuals and the community, and the need to ensure the integrity of the justice system as principles of the Act.

Item [3] amends section 4 to insert necessary definitions. Item [5] amends section 16 to outline two flowcharts to guide bail authorities in the decision-making process. Flow Chart 1 shows the key features of a bail decision for a show cause offence. Flow Chart 2 shows the key features of the unacceptable risk test as amended by the bill. The unacceptable risk test must be applied to any consideration of release on bail, including for show cause offences. Division 1A introduces a "show cause" requirement for certain offences. New section 16A provides that for show cause offences bail must be refused unless the accused shows cause where his or her detention is not justified. This shift of onus is an important change.

Victoria and Queensland have show cause requirements in their bail legislation. Courts in those States have noted circumstances that may be relevant to determining "show cause", including the strength of the prosecution case, preventable delays and urgent personal situations such as the need for medical treatment. Bail authorities in New South Wales will be informed by the approach taken in these other jurisdictions when

applying the show cause provisions. Pursuant to new section 16A (3), juveniles will be excluded from the show cause requirement. This reflects the vulnerable position of young people and is consistent with the approach in Queensland. Young people charged with these offences will still, however, be subject to the unacceptable risk test.

In recommending which offences the show cause requirement should apply to, the review considered the potential consequences for the community and criminal justice system if the risk posed by a person charged with that type of offence were to materialise. The show cause categories therefore apply to those offences that involve a significant risk to the community. These categories are set out in new section 16B and include offences with a maximum penalty of imprisonment for life, offences involving sexual intercourse or the infliction of actual bodily harm with the intent to have sexual intercourse with a child under the age of 16 years by an adult, serious personal violence offences or those involving the infliction of wounding or grievous bodily harm if the accused has a previous conviction for a serious personal violence offence. Serious personal violence offences are those in part 3 of the Crimes Act 1900, carrying a maximum penalty of at least 14 years imprisonment.

It is important to note that just because an offence falls outside the show cause list, this does not mean a person will automatically get bail. The unacceptable risk test will apply and if the accused poses an unacceptable risk, bail will be refused. The proposed list of show cause offences serves a different purpose to the old presumptions in relation to bail. Unlike presumptions, determining show cause will not be the end of the matter. If a person shows cause, he or she will still be subject to the unacceptable risk test. Clause 8 of the bill will remake division 2 of the Act setting out the provisions that contain the unacceptable risk test. The unacceptable risk test is central to the Bail Act 2013. The provisions in this bill consolidate and simplify the test by making it a one-stage test. This is more in line with the Queensland and Victorian bail regimes.

In applying the unacceptable risk test, new section 17 stipulates that a bail authority must assess whether there is a bail concern. A bail concern is a concern that the accused will fail to appear in proceedings for the offence, commit a serious offence, endanger the safety of victims, individuals or the community, or interfere with witnesses. These are the same concerns targeted by the existing unacceptable risk test so police and courts already have experience in assessing them. In assessing bail concerns, the bail authority will need to consider the factors set out in new section 18 to the Act. These mirror the factors currently set out in section 17 (3) of the Act with some alterations and additions. The existing factor related to previous compliance with conditional liberty will be amended to require the court to consider the accused's history of compliance or non-compliance rather than a pattern of non-compliance.

This will ensure bail authorities can consider serious non-compliance which may not constitute a pattern. New factors added to section 18 include a requirement to consider whether the accused has any criminal associations. An applicant's links to organised crime networks can have a direct impact on his or her level of risk. For example, it may give a person access to the means to flee the jurisdiction or the means to continue criminal activity. Bail authorities will also have to consider the conduct of the accused person towards the victim, or a family member of the victim, after the offence as this conduct may have a material bearing on his or her level of risk.

For serious offences, the views of the victim, or a family member of a victim, will also have to be considered to the extent that they are relevant to assessing the risk of the accused endangering the victim or the community if released. This is not intended to place a burden on victims and subject them to extra questioning. It simply allows police to put forward the information they have available from the victim at that time. Significantly, the bail authority will now have to consider any conditions that can reasonably be imposed to address bail concerns at the same time it assesses the bail concerns.

Previously conditions were considered after the bail authority determined whether or not there was an unacceptable risk. The review noted that a one-stage test, requiring consideration of conditions in assessing unacceptable risk, will allow the bail authority to more directly match a bail concern to a proposed bail condition. I note that the Victorian Bail Act requires that conditions be considered in assessing unacceptable risk. New section 19 provides that, having assessed bail concerns, a bail authority must refuse bail if satisfied that there is an unacceptable risk that the accused will fail to appear in any proceedings for the offence, commit a serious offence, endanger the safety of victims, individuals or the community, or interfere with witnesses or evidence. Where there are no unacceptable risks, pursuant to proposed section 20, the bail authority must either grant bail, release the accused person without bail or dispense with bail.

New section 20A remakes the existing rules for conditions of bail contained in section 24 of the Act. Subsection (1) provides that bail conditions can only be imposed if there are identified bail concerns. Subsection (2) incorporates the existing restrictions on conditions including that they be reasonable and proportionate to the offence charged and that compliance with the condition be reasonably practicable. The provision will also stipulate that a condition can only be imposed if the bail authority has reasonable grounds to believe it is likely to be complied with. This will ensure that bail authorities do not impose conditions without considering whether or not the accused will be likely to comply with them.

Division 2A contains a number of consequential and other miscellaneous amendments. Clause 10 will amend section 22 to make clear that if the applicant is required to demonstrate special or exceptional circumstances to get appeal bail under that provision, the show cause requirement does not apply. The proposed amendments to section 47 at clauses 16 to 18 relate to review of bail decisions by senior police officers. These reforms do not arise from the Hatzistergos review but have been agreed to by the Bail Monitoring Group, which includes representatives from across the justice system. The requirement for a senior officer to conduct a review of conditional bail was introduced by the new Bail Act.

The NSW Police Force has raised concerns that these reviews are creating a significant operational burden for police. Whilst there is utility in allowing a person to seek a review of conditions of bail where he or she cannot meet the conditions, an accused person who can meet bail can more appropriately seek a review at court after his or her release. The amendments will therefore restrict the availability of senior officer reviews of conditions to cases where the accused cannot meet a pre-release condition. Clause 18 will amend section 47 to make clear that where no senior officer is available at the station where the accused is, a senior officer at another station can conduct the review. This will mean reviews can be completed in a more timely fashion, especially in regional areas.

Clauses 20 and 21 of the bill make amendments to section 74 of the Act which restricts multiple bail applications. Section 74 permits a fresh application where there is new information or circumstances relevant to the grant of bail that were not previously presented to the court. As recommended by the Hatzistergos review, clause 20 will amend this provision to require that new information be "material", meaning not insignificant. This requirement will apply to both fresh release and detention applications. There have been reports of some accused people who were refused bail under the Bail Act 1978 arguing that commencement of the new Act is a change in circumstances to justify a fresh release application. The amendments will make clear that the commencement of the Bail Act 2013 does not represent a change in circumstances under section 74.

Clause 23 of the bill contains saving and transitional provisions related to the commencement of the bill. New section 12 of part 3 will make clear that any amendments made by the bill extend to offences committed, or alleged to have been committed, before its commencement. New section 13 clarifies that the changes made by the bill do not amount to a change in circumstances under section 74. I take this opportunity to thank Mr Hatzistergos for his excellent work. The changes proposed in this bill support the risk-based model and put community safety first. The Government has asked Mr Hatzistergos to continue to monitor the operation of the Bail Act 2013 over the next 12 months.

The bill will commence upon proclamation. The Government acknowledges that the NSW Police Force, courts and legal practitioners will need some time to digest these changes. Education and training will be required, along with changes to various information management systems and bail forms. The Government recognises, however, that the changes proposed in this bill must be implemented swiftly to ensure that the Bail Act is striking the right balance in protecting the community and the integrity of the justice system. 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.

CHILD PROTECTION (OFFENDERS REGISTRATION) AMENDMENT (STATUTORY REVIEW) BILL 2014

Second Reading

Debate resumed from an earlier hour.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [11.12 a.m.]: I make a contribution in debate on the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014. Like all

members in this House, I regard child abuse as a horrendous crime. We are all upset about it and we regard it as absolutely disgusting, but we cannot seem to do enough to protect those innocent lives. In many ways, children who are victims get a life sentence for what is inflicted on them. Like many members on both sides of the House, I have communicated with the executive director of the Bravehearts organisation, Hetty Johnston, ever since I was elected to this place and I have had the pleasure of attending a number of the organisation's functions.

It is horrendous to hear the firsthand accounts of child abuse from the victims themselves, but they have dealt with it with fortitude and strength. I would like to be part of any process that increases the penalties for and the supervision of offenders to such a degree that they cannot reoffend, which is the biggest danger. I can say that 99 per cent of my electorate would have a similar view—most would probably have the view that the penalties do not go far enough, but that is a debate for another day. I will speak on only a few items in the bill because it is fairly lengthy.

First, I note that there has been a significant amount of consultation with many key stakeholders: the Chief Magistrates Office, the Commission for Children and Young People, the Community Relations Commission, Corrective Services NSW, the Department of Justice, the Department of Education and Communities, the Director of Public Prosecutions, the Justice and Forensic Mental Health Network, Juvenile Justice NSW, the Mental Health Review Tribunal, the Ministry of Health, the NSW Ombudsman, the Police Association of NSW, the Office of the Children's Guardian, the Supreme Court of New South Wales, the Commonwealth Attorney-General's Department, the Homicide Victims Support Group, the Law Society of NSW, Legal Aid NSW and the Shopfront Youth Legal Centre. I compliment the Minister, the staff and the department on their lengthy contributions to this bill.

I refer now to what information about a registrable person can be disclosed. Disclosure of information is restricted under the Act to specific circumstances and agencies to ensure the protection and safety of children. The statutory review found that the provisions already contained in the Act regarding disclosure were appropriate. Information can only be disclosed to provide for the administration of the Act for law enforcement purposes; with the consent of the person to whom the information relates; when ordered by a court or other body for the purposes of the hearing or determination by the court or body; when the commissioner determines, either generally or in a particular case, to ensure the safety or protection of children; with the consent of the Minister; or when authorised or required under the Act or any other law.

Agencies listed in schedule 1 to the Act are members of the Child Protection Watch Team. Disclosure within this forum between the scheduled agencies is for the formal case management of individual offenders. The Act facilitates the multiagency monitoring and risk management of registrable persons via the Child Protection Watch Team. The Child Protection Watch Team monitors and coordinates the risk management of a small number of registrable persons who have been released into the community and who have been identified as posing a high risk of reoffending.

The Child Protection Watch Team uses information exchange to facilitate the risk management of registrable persons. Schedule 1 lists those agencies that can participate in the information exchange under the interagency Child Protection Watch Team. Core agencies of the Child Protection Watch Team include the NSW Police Force, Corrective Services NSW and Community Services. Support agencies include Education and Communities, Juvenile Justice, Housing NSW, Ageing, Disability and Home Care, the Ministry of Health and the Office of the Public Guardian. There are eight branches of the Child Protection Watch Team across New South Wales. Schedule 1 agencies can collect and use personal information about a registrable person and disclose that information to other scheduled agencies if the collection, use or disclosure has been authorised by a senior officer of the agencies concerned.

Three additional registrable offences—manslaughter of a child, grievous bodily harm and child abduction—are included in the bill. These will address community concerns regarding individuals who are found guilty of such offences but who are presently not automatically subject to any monitoring or management requirements. This is a tightening of the regulations. The inclusion of these particular offences demonstrates their serious nature and that the offenders are considered a risk to child safety. This is in line with the objective of the Act to protect children from serious harm, including physical and psychological harm caused by physical or sexual assault. Including these offences also ensures that when a person is charged with a high-risk registrable offence such as the murder of a child, but is ultimately found guilty of only the lesser offence of manslaughter, they may be included on the Child Protection Register. Care was taken not to broaden the scheme unnecessarily and unintentionally capture acceptable behaviour, including consensual activity involving peers.

I have discussed this bill with NSW Police and they strongly support it. Some matters identified in the review process fell outside the scope of the review but had merit to potentially improve the protection of children in New South Wales. These issues were identified in the review report and will be pressed following the commencement of this bill. The Government is also progressing options to improve information sharing and notification between agencies and ensure that as far as possible all agencies have what they need to provide maximum protection to vulnerable children.

This bill is an important step, but I highlight that it is a small step in a long journey. We need to do all we can on a regular basis to ensure that the protection of children is the number one priority. I am afraid that at times in this place I get the sense that more emphasis is given to offenders and less emphasis is given to victims. But this bill is a step in the right direction. As I said, we need to protect children now and into the future. We also need to do all in our power to ensure that offenders are treated in the same way as they treated their victims. To me, they lose their rights 100 per cent when they start abusing children. I commend the bill to the House.

Mr TONY ISSA (Granville) [11.21 a.m.]: Day in and day out we hear about child abuse. The Government's role is to protect children. I am pleased to be part of this Government, which has reformed much legislation since 2011 in order to protect our children and the community. Today I am pleased to speak on the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014. These amendments will improve the operation of the Act and strengthen the framework for monitoring child sex offenders living in our community. In summary, these amendments will protect children from serious harm, including physical and psychological harm caused by physical or sexual assault, ensure the early detection of offences, monitor persons who are registrable persons, and ensure that registrable persons comply with the Act.

It is important for the Government to review the legislation because what has been happening in the community has set off alarm bells for the Government to take steps to protect children. The definition of a "class 2 registrable offence" is being expanded to include manslaughter of a child, except as a result of a motor vehicle accident; wounding or causing grievous bodily harm with intent to a child under 10 years of age; and child abduction. This offence will apply when the person committing the offence has never had parental responsibility for the child. Also, the definitions of "sentence" and "government custody" will be amended to clarify the relationship with other Acts. The Act will now provide that an order under section 24 of the Mental Health (Forensic Provisions) Act 1990, which causes a person to be kept in custody, will be included in the definitions of "sentence" and "government custody".

If a court finds a person guilty of an offence that is not registrable, the court may, on application by the police, make a child protection registration order. Section 3F will be amended to provide that the police may apply for a registration order for a person who was previously sentenced for any of the additional registrable offences unless they were a child at the time. The Act will be amended to include the following criteria for the court to take into account: the seriousness of each registrable offence committed by the person; the age of the person at the time each of the offences was committed; the age of the victim of each offence at the time the offence was committed; the seriousness of any other offences committed by the person; the impact of the offence on the person; and any other matter that the court considers to be relevant.

The Act will be amended to require the Ministry of Health to notify the Commissioner of Police under section 6 on each occasion that a forensic patient is subject to an order that allows the person to be absent from a mental health facility, correctional centre or other place on a regular and unsupervised basis, and clarify that notice to the person of their obligations is not required to be given in those circumstances. Section 9 will be amended to clarify the personal information that a registrable person must provide to police to include the full details of any hire car used by the person and the details of any mobile phone or landline numbers used, or intended to be used, by the person. Additional personal information will be included under new section 9 (1A) to clarify the circumstances involving contact with a child by the registrable person. A registrable person must report contact with a child if that person is supervising or caring for the child, visiting or staying at a household where the child is present, exchanging contact details with the child or attempting to befriend the child.

Any changes to relevant personal information must be notified to the police within seven days. Some time frames remain as currently provided in the Act, including the following: The names of children in the registrable person's household must be reported within 24 hours; the intention to travel outside New South Wales must be reported 24 hours prior to travel when circumstances make it impracticable to make the report seven days before the person leaves; and the intention to change the place where the registrable person generally resides must be reported 14 days prior to the change. Section 15 of the Act will be amended to provide for extensions to the reporting periods, now to be known as countable periods. The bill amends section 19E to

increase the penalties for unauthorised changes of name without a reasonable excuse by a registrable person to five years imprisonment or $55,000 or both. I am pleased that the Government is taking this step forward, and I am pleased to advise that the NSW Police Force will take steps to ensure that current registrable persons are aware of these pending amendments. I commend the bill to the House.

Mr GARETH WARD (Kiama) [11.27 a.m.]: I support the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014. As secretary of the bipartisan parliamentary action committee for Bravehearts I am proud of the work that both sides of the House do—Liberal, Labor and Independent—in relation to child protection. There cannot be too many causes that this House can champion more. I am delighted to have an affiliation with Bravehearts, which started when I was a local government councillor in Shoalhaven. I have continued to support this great cause as a member of Parliament, including some of the measures the Government has needed to take, particularly in the area of sex offenders. I note that there is a committee working on that particular area at the moment.

Bravehearts, which is headed by the vivacious Hetty Johnson, does an outstanding job. In my community the late Roger Woodward and his wife, Wendy, started the South Coast chapter of Bravehearts and have done an enormous amount of work raising funds, going into schools and ensuring that children get the right messages about right and wrong touch. I am proud of their work and I am proud of all the child care and protection agencies from government to non-government but I wanted to mention Bravehearts in my introduction.

Why was the review conducted and what consultation occurred? The statutory review was conducted in accordance with section 26 of the Child Protection (Offenders Registration) Act 2000. Section 26 requires the Minister for Police and Emergency Services to review the Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain valid for securing those objectives. The review process included the circulation of a discussion paper to 50 targeted agencies and stakeholders in July 2013 with responsibilities in the field of child protection and victim support.

By the close of circulation on 26 August 2013, submissions had been received from a number of different organisations including the Chief Magistrates Office, the Commission for Children and Young People, the Community Relations Commission, Corrective Services NSW, the Department of Justice, the Department of Education and Communities, the Director of Public Prosecutions, the Justice and Forensic Mental Health Network, Juvenile Justice NSW, the Mental Health Review Tribunal, the Ministry of Health, the NSW Ombudsman, the NSW Police Association, the Office of the Children's Guardian, the Supreme Court of New South Wales, the Commonwealth Attorney-General's Department, the Homicide Victims Support Group, the Law Society of NSW, Legal Aid NSW and the Shopfront Youth Legal Centre. All of those submissions were taken into consideration during the conduct of the review.

Which penalties under the Act have been increased and why? The bill contains increased penalties for unauthorised changes of name by or on behalf of a registrable person without reasonable excuse. The review accepted a submission from the Law Society that the maximum penalties for unauthorised changes of name by or on behalf of a registered person were far too low. The maximum penalty for these offences has increased from five penalty units to five years imprisonment or 500 penalty units, which is equivalent to approximately $55,000, or both. These new penalties are consistent with the penalties in the Act or for failing to comply with reporting obligations or furnishing false or misleading information.

Why is this information on the register not public? Under the Child Protection (Offenders Registration) Act 2000 disclosure of information on a registrable person is prohibited except in certain circumstances provided for under the Act. The Commissioner of Police may give consent to certain disclosures to ensure the safety or protection of children. The NSW Police Force has raised concerns about making information held on the Child Protection Register publicly available. Giving individuals full access to the names, addresses and photos of offenders on the register could in fact compromise child safety. A public system of notification can present a number of ramifications.

It may encourage community vigilantism, allow paedophiles to easily find details of other child sex offenders to form networks, discourage guilty pleas and discourage people from reporting child sex abuse that occurs within the family. It is important to note that the majority of child sex offending occurs within the family. We do not want to discourage reporting of this particularly horrendous type of child sexual abuse. It may also inadvertently disclose the names of the victims, particularly in the case of the family offender and encourage offenders to move more frequently to escape community hostility, making it more difficult for police to monitor them.

The Western Australia Government introduced changes in 2012 to its offenders register so that some information about certain offenders is now publicly available via a website. The South Australian Government commenced a similar scheme in March 2014. Those registers will continue to be monitored by the New South Wales Government to see how effective they are and whether they work. Indeed, I think there is some merit in the Government considering those registers. I believe it is important to monitor what other governments are doing because I believe that could have a huge and positive impact on this State. The information on registrable persons on the New South Wales Police Child Protection Register is also recorded on the National Child Offender System, formerly known as ANCOR, by all Australian police forces so that child sex offenders cannot move interstate to avoid their reporting obligations.

Any reform in this area is best done at the national level, and the New South Wales Government is participating in a forum to consider any appropriate options, taking into account the significant risks that are attached to making some information public. Indeed, a child sex offender in one State certainly could pose similar risks in other States. It is important that we do take a truly national approach to this matter. It is important that the law is supranational and crosses boundaries. What information about a registrable person is disclosed? Disclosure of information is restricted under the Act to specific circumstances and agencies to ensure the protection and safety of children.

The review found that the provisions already contained in the Act regarding disclosure were appropriate. Information can only be disclosed to provide for the administration of the Act for law enforcement purposes, or with the consent of the person to whom the information relates, or when ordered by a court or other body for the purposes of the hearing or determination by the court or body, or when the commissioner determines—either generally or in a particular case—to ensure the safety or protection of children, or with the consent of the Minister, given in a particular case, or when authorised or required under the Act or any other law. Agencies listed in schedule 1 to the Act are members of the Child Protection Watch Team. Disclosure within this forum between the scheduled agencies is for the formal case management of individual offenders.

Is infanticide a registrable offence? Infanticide is the specific offence of killing a child under the age of 12 months by the birth mother in circumstances where the mother's mental state is disturbed. The views of stakeholders were canvassed during the review. While there was some support for its inclusion as a registrable offence, there were stronger arguments as to why infanticide should not be included. These included the low number of women convicted of this offence, these women generally will not pose a risk to other children, and the ability of police or the prosecution to apply for a registration order in cases where it is believed an offender may pose a risk to the lives or sexual safety of children. This means the court has the discretion to place a woman convicted of infanticide on the child protection register, if satisfied she poses a risk to child safety. An individual approach to this particular case is certainly appropriate.

In relation to the impact of the register on persons who also suffer from postnatal depression or related illnesses, a person placed on the child protection register may also be suffering from mental illness or postnatal depression. Registration obligations upon individuals who have committed murder or manslaughter of a child who also suffer from mental health impairments, including postnatal depression, are not designed to be punitive. As with other registrable offenders, obligations are placed on these people so that police can monitor them whilst they live in their community.

This is in line with the overriding importance of protecting a child and children generally from serious and certain harm. It also reflects the views of the community that such serious offences should be dealt with appropriately. In relation to the shaken baby syndrome, the bill adds manslaughter of a child, except as a result of a motor vehicle accident, and grievous bodily harm, where the victim is under 10 years of age, as a registrable offence under the Act. Persons who shake their baby may be convicted of manslaughter, or grievous bodily harm or other offences. Where a person is found guilty of manslaughter or grievous bodily harm for shaking their baby within these parameters, they will be placed on the register.

What arrangements are in place for young people? The review noted discretionary elements are already contained in the Act to deal with young persons. Section 3 (A) (2) (c) provides that a person is not a registrable person merely because as a child he or she committed a single act involving indecency, possession or publication of child pornography, an intention to commit or attempting or conspiring to commit one of the above offences. If a young person is sentenced for other registrable offences, that person is placed on the register and subject to reporting requirements, as is the case with an adult—reflecting the seriousness of the offence. [*Extension of time agreed to.*]

If the court makes a child protection registration order, it may consider during sentencing a range of factors to satisfy itself an order should be made. This applies in the case of a young person, as well as an adult. Changes to part 2A of the Act will provide guidance for the Local Court to take into account when determining whether to make a child protection registration order. Criteria to be considered include the seriousness of the offence or offences, the age of the person when the offences were committed, the age of each victim of the offences when they were committed, the seriousness of the person's total criminal record, the effect of the order sought on the person in comparison to the level of risk that the person may commit a further registrable offence and any other matters it thinks relevant.

In relation to modified reporting obligations for young registrable persons, the bill includes the ability to modify reporting obligations for young registrable persons in terms of their contact with other young people. The bill allows courts to modify these reporting obligations for registrable persons who are under 18 years of age. This is to allow for educational or other needs that may bring young registrable persons into contact with peers. Courts may also, on application by police, modify the reporting requirements of young registrable persons when their circumstances change, for example, when they leave school. As to consensual sexual activity and sexting amongst young people, there is no evidence that young registrable persons may be criminalised for consensual sexual activity among their peers. The review did not make any recommendations in this regard.

The NSW Police Force confirmed there are no juveniles on the Child Protection Register as a result of consensual sexual activity. Sharing explicit material via social media such as sexting was considered during the review. While the possession of explicit material such as child abuse material is a registrable offence, there is no specific sexting offence in the Act. There is also no evidence that any young person is required to report under the Act as a result of sexting. The review supported that genuine sexting activity between adolescents, subject to appropriate safeguards, should not be made registrable. I know that will be a very controversial topic. With respect to working with children checks, it was noted in the review that there are different frameworks for the Child Protection (Offenders Registration) Act 2000 and the Child Protection (Working with Children) Act 2012 for dealing with young offenders.

The Child Protection (Working with Children) Act establishes a working with children check mechanism that protects children by identifying people whose records indicate a possible risk to children and by assessing the risk. The outcome of an application will be either a clearance to work with children or a bar. There may be cases where a person found guilty of offences committed as a child will be subject to the reporting requirements of the Act, but will be assessed as able to work with children. There may also be cases where a person who, as a child, commits a single indecency offence or a child abuse material offence is exempt from the Act, but is assessed as a working with children risk and barred from child-related work. Further consultation will occur to determine whether any future changes are needed in relation to the differences in the way both Acts deal with young offenders.

As to schedule 1, agencies and responsibilities, the Act facilitates the multi-agency monitoring and risk management of registrable persons via the Child Protection Watch Team, which monitors and coordinates the risk management of a small number of registrable persons who have been released into the community and who have been identified as posing a high risk of reoffending. The Child Protection Watch Team uses information exchange to facilitate the risk management of registrable persons. Schedule 1 lists those agencies that can participate in the information exchange under the interagency Child Protection Watch Team. Core agencies of the Child Protection Watch Team include the NSW Police Force, Corrective Services NSW and Community Services. Support agencies include Education and Communities, Juvenile Justice, Housing NSW, Ageing, Disability and Home Care, the Ministry of Health and the Office of the Public Guardian. There are eight branches of the Child Protection Watch Team across New South Wales.

Schedule 1 agencies can collect and use personal information about a registrable person and disclose that information to other scheduled agencies if the collection, use or disclosure has been authorised by a senior officer of the agencies concerned. The purpose of the information exchange is to enable agencies that participate in a Child Protection Watch Team to develop case management plans to minimise the person's risk of reoffending. The Department of Immigration and Border Protection has been included as a scheduled agency, as there is a requirement from time to time for police to share information about registrable persons with the department. All public hospitals operating under New South Wales local health districts are included already. This topic is difficult to talk about, but I believe the Government and indeed both sides of the House are continuing to work together to do the best they possibly can to provide care and protection to young people in this great State.

Mr CHRIS PATTERSON (Camden) [11.42 a.m.]: Today I speak on the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014. I do not need to tell anybody in this House that protecting our children is of the utmost importance. It is a major concern to our community and to this Parliament; it is a major concern shared by all members of the House. When our children are at their most vulnerable and in their most impressionable years it is our duty and responsibility as overseers of legislation and also as parents to protect them in any way we possibly can. Those in our community who choose to act in an unconscionable way to harm our children should understand that the community is not prepared to allow this to continue. All members of this House would stand together to ensure we do everything possible to protect our most vulnerable and valuable assets, our next generation.

This bill will enable authorities to take appropriate action and ensure, through the correct channels, that perpetrators are held to account. Recently I presented to one of my local schools, Narellan Public School, a Ditto in a Box education pack developed by the very well-credentialed organisation Bravehearts. Under the management of Bravehearts founder and Executive Director, Hetty Johnston, the organisation has become the voice for the young amongst our communities. The ditto box was rolled out to all our primary schools, with the assistance of the New South Wales Department of Education and Communities, to assist teachers to educate students from kindergarten to year 2 about personal safety. Students receive vital safety tips on how to stay safe in a range of situations from sexual assault to bullying. I congratulate Bravehearts on its initiative and ongoing support to all our children regarding a topic that is, sadly, at times not openly discussed.

It is also our job as legislators to protect our children and this bill aims to do just that. The amendments in the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014 will improve the operation of the Act and strengthen the framework for monitoring child sex offenders living in the community. The key purpose of the bill is to protect children from serious harm, including physical and psychological harm caused by physical or sexual assault; to ensure the early detection of offences by recidivist child sex offenders; to monitor persons who are registrable persons; and to ensure that registrable persons comply with this Act.

The definition of a class 2 registrable offence is being expanded to include the following: first, the manslaughter of a child, except as a result of a motor vehicle accident, which will make it consistent with the Child Protection (Working with Children) Act 2012; and, second, wounding or causing grievous bodily harm with intent to a child under 10 years of age. The offence will not apply when the person committing the offence is a child. The third offence, which is child abduction, will apply when the person committing the offence has never had parental responsibility for the child. Ongoing monitoring of offenders will be possible. If a court is satisfied a person poses a risk, further orders can be made giving police a longer time frame to apply for a registration order after the conclusion of criminal proceedings. The extension will be from 21 days to 60 days, which is a practical application to allow our extremely hardworking police to do their jobs.

Section 3F will be amended to provide that police may apply for a registration order for a person who was previously sentenced for any of the additional registrable offences unless he or she was a child at the time. The review accepted that there is merit in including a framework to more effectively enable the courts to consider the relevant factors when making a registration order. The review accepted submissions that legislative reform should clarify when notification should be made and when reporting obligations should commence for forensic patients, who are persons who have been found not guilty by reason of mental illness of committing a crime as well as people who are found to be unfit to stand trial. During the course of their treatment a forensic patient can be granted different types of leave. The Act currently provides that when a person ceases to be in custody, written notice must be given to police and the person must be given information on his or her reporting obligations and consequences.

Therefore, section 6 of the Act will be amended to require the Ministry of Health to notify the Commissioner of Police on each occasion that a forensic patient is subject to an order that allows the person to be absent from a mental health facility, correctional centre or other place on a regular or unsupervised basis and clarifies that notice to the person of his or her obligations is not required to be given in those circumstances. These changes will mean police will know when registrable persons, who are also forensic patients, are in the community on leave unsupervised, but the person will not be subject to formal reporting requirements until released.

Section 9 of the Act will be amended to ensure that police are aware of the name and date of birth of each child who lives in the same household as a registrable person and details of children with whom that person has unsupervised contact on more than one occasion. This bill will make amendments to increase the penalties to five years imprisonment, a $55,000 fine, or both for unauthorised changes to name by a registrable person

without reasonable excuse. A registrable person may apply to change his or her name. This may be rejected when the name change is likely to be regarded as offensive by the registrable person's victim or where it may undermine the ability of police to monitor the offender. The multi-agency monitoring and risk management of high-risk registrable persons is undertaken by interagency child protection watch teams.

I am sure we all aim to protect our own children and those in our community. It is unfathomable why perpetrators act in the way they do, but they can be assured that this Government and our NSW Police Force will continue to protect our children and seek all opportunities to increase monitoring and punishment for their actions. As every member of this House will attest, and as I have said during this debate, our children are our most valuable assets and unfortunately at times our most vulnerable. Every member of this House is charged to ensure that we do everything possible to protect our children from the vile perpetrators of child sex abuse and to put them away with every possible force of the law.

I commend the police Minister, who has worked hard on this bill and has been a tremendous supporter of my electorate. Only a month ago he visited the local area command and I thank him for his continued interest in the Camden electorate. Knowing the police Minister as I do, he would acknowledge the outstanding work of his hardworking staff. I note Chris Hall, chief of staff; Sahil Prasad, adviser; Michelle Batterham, policy director; Emma Worthington, policy analyst; Cath Mackson, principal policy analyst; and our outstanding new parliamentary liaison officer, Anna Reed, all of whom do a great job. I thank them for their efforts and urge them to keep up the good work.

Mr BRYAN DOYLE (Campbelltown) [11.52 a.m.]: I support the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014. Having had a 27-year career in the police force, this is a bill that I know will do some good. Police play a large role in the ongoing monitoring of offenders who fall within the ambit of this bill. I am pleased that the Minister for Women is present in the House. In her former ministry she did a power of good to protect children throughout our community. This bill implements the findings of the statutory review of the Child Protection (Offenders Registration) Act 2000. The conduct of that review found that there was a need for some amendments to further achieve the objectives of that Act.

The amendments contained in this bill will improve the operation of the Act and strengthen the framework for monitoring child sex offenders living in our community. The Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014 contains several amendments, including new objects inserted into the Act that state that the Act is to protect children from serious harm. "Serious harm" is defined as including physical and psychological harm caused by physical or sexual assault. Further, the objects ensure early detection of offences by recidivist child sex offenders, monitoring of persons who are registrable persons and ensuring that those registrable persons comply with this Act.

The class 2 registrable offences include serious offences such as manslaughter of a child, wounding or causing grievous bodily harm with intent to a child under the age of 10, and child abduction. The inclusion of these offences will ensure that offenders who may continue to pose a significant risk to children are not omitted from ongoing monitoring. The bill deals with the difficult issue of forensic patients. It provides that an order under section 24 of the Mental Health (Forensic Provisions) Act, which causes a person to be kept in custody, be included in the definitions of "sentence" and "government custody".

A forensic patient will be defined under the Act as a person who is subject to an order for detention under sections 27 or 39 of the Mental Health (Forensic Provisions) Act or section 24 of that Act, which causes that person to be kept in custody. In layman's terms a forensic patient is someone who has committed an offence, but due to the fact of that person's mental health is not dealt with under the criminal justice system but under the forensic provisions. If a court finds a person guilty of an offence that is not registrable, the court may, on application by the police, make a child protection registration order. Those orders can only be made if the court is satisfied that the person poses a risk to the life or sexual safety of a child.

As other speakers have noted, unfortunately there have been situations warranting an application for a registration order, but it has not been forthcoming due to an inability to comply with the time frame to make such an application. I note that this bill has extended that time frame from 21 days to 60 days in the interests of improving the ability of police to apply for a registration order after the conclusion of criminal proceedings. That does not mean the police will be waiting around until the very last day. It is always best that these orders are taken out as soon as possible after the conclusion of criminal proceedings. The legislation provides additional opportunity for police to ensure that the registration orders are taken out.

I note the Act will be amended to include a number of criteria for the court to take into account when determining whether a person poses a risk to children in order to make a registration order. They include the seriousness of each registrable offence committed by the person; the age of the person at the time those offences were committed; the age of each victim of each of those offences at the time the offence was committed; the seriousness of any other offences committed by that person; importantly, the impact on the person for which the order is being sought as compared to the likelihood that the person may commit a registrable offence; and a catch-all of any other matter the court may consider to be relevant. As I stated earlier in relation to forensic patients, they may, during the course of their treatment, be granted different types of leave. The Act currently provides that where a person who is a forensic patient ceases to be in custody, written notice must be given to police and the person must be given information on his or her reporting obligations and the consequences of noncompliance.

The Act will be amended to require the Ministry of Health to notify the Commissioner of Police under section 6 on each occasion that a forensic patient is subject to an order that allows the person to be absent from a mental health facility, correctional centre or other place on a regular and unsupervised basis, and also clarify that notice to the person of their obligations is not required to be given in those circumstances. This is important because it will mean that police will know when registrable persons who are also forensic patients are in the community on leave unsupervised, but the person will not be subject to formal reporting requirements until actually released. Importantly, section 9 of the Act will be amended so that the term "contact" will be taken to include both the modes and circumstances in which the contact occurs—when supervising, caring for or forming a relationship with a child. However, it will exclude any one-off contact the offender may have with a child, such as on public transport.

I note too that section 9 will also be amended to clarify the personal information that a registrable person must provide to police. This will include the full details of any hire car used by the person and the details of any mobile phone or landline numbers used, or intended to be used, by the person. Additional personal information will be included to clarify the circumstances involving contact with a child by the registrable person. As such, a registrable person must report contact with a child if that person is supervising or caring for the child, visiting or staying at a household where the child is present or exchanging contact details with the child, or attempting to befriend the child. I also note that section 9 provides that the sentencing court or a court imposing a registration order, on application by the police, may modify the reporting obligations to assist with a young registrable person's educational or other needs.

Perhaps one of the most important aspects of this bill is the amended section 19E, which increases the penalties for unauthorised changes of name without reasonable excuse by a registrable person to include a penalty of five years imprisonment, a $55,000 fine, or both. A registrable person may apply to change their name but this may be rejected when the name change is likely to be regarded as offensive by the registrable person's victim or where it may undermine police ability to monitor the offender. The multi-agency monitoring and risk management of high-risk registrable persons is undertaken by interagency child protection watch teams. The amended section 19BA allows schedule 1 agencies who are on child protection watch teams to collect and use personal information about a registrable person, and to disclose that information to other relevant departments.

As I said at the beginning of my speech, I have witnessed the great work of the police and I know crime managers who are responsible within their commands for the ongoing monitoring of persons. All those officers take their duties very seriously. There is great awareness that this type of offender has a high risk of recidivism and crime managers take very much to heart their responsibilities in looking after their community and reducing crime by working with their community. I commend the bill to the House and I commend the great work of the police in protecting our community.

Mr ADAM MARSHALL (Northern Tablelands) [12.02 p.m.]: I speak in support of the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014 because I firmly believe, as I am sure do other members in this place, that one of the most important obligations of any Parliament is to protect the community, especially our most vulnerable. Our children, who are the next generation, are most important to our society but, sadly, are also our most vulnerable. Unfortunately, we have seen too many examples in electorates across Australia of people seeking to prey upon the most vulnerable, and sadly too often our children suffer the effects. I join my colleagues in commending the amendments in this bill that seek to increase penalties for child sex offenders. The bill makes it much easier for our law enforcement agencies to collect information on child sex offenders and potential offenders and also to share that information more readily so those who perpetrate these crimes can be captured, prosecuted and punished to the full extent of the law. If such information is collected and disseminated more easily it may also help agencies prevent such crimes.

As we have heard, the amendments in this bill are the result of a statutory review of the legislation that occurred in accordance with section 26 of the Act. The intent of this bill, which makes a number of very positive amendments, is to strengthen the overall framework for monitoring child sex offenders living in the community. The review found that the policy objectives of the Act remain sound and valid, and that its terms are appropriate for securing those objectives. However, it suggested some changes that have been taken up by the Minister and the Government and that are presented to Parliament in this bill. I am pleased that this bill will receive the support of all members in the House.

The bill makes a number of changes—so please bear with me. It expands the classes of registrable offences to include manslaughter of a child, wounding or grievous bodily harm of a child under 10 years of age and abduction of a child. It increases the time frame in which child protection registration orders can be made. It specifies matters that a court must take into account before making such an order. It requires the Commissioner of Police to be notified when a registrable person who is a forensic patient is given regular unsupervised leave from detention—again, that is important as it increases our law enforcement agencies' ability to monitor and continue to protect children in our community.

The bill also updates the relevant personal information that must be reported by a registrable person—again, to increase our ability to monitor their activities—clarifying the types of contact with children that a registrable person must report. I note that, despite concerns expressed to me by several constituents, I am pleased common sense has prevailed in that the bill does not require the reporting of one-off contact—for example, travelling on an aircraft, a bus or other form of public transport or contact in a space where people congregate when travelling to another location.

The changes in the bill also standardise the period in which reports must be made. The bill extends the reporting obligations if a registrable person fails to comply with those obligations. As the previous speaker indicated, importantly from a community standards and expectations standpoint, the bill also increases the penalty for offences relating to attempting to change a registrable person's name without the approval of the Commissioner of Police. The bill updates the list of scheduled agencies to account for changes in the government sector, and collates provisions that deal exclusively with corresponding registrable persons. It makes other minor statute law revision amendments, including savings and transitional provisions consequential on the amendments. I commend the Minister for bringing the bill forward.

As I said at the outset, this is sensible legislation that strengthens the hand of our law enforcement agencies. It gives them the additional tools they need to monitor child sex offenders in our community and provide extra assurance to those residents who have children. Parents are constantly worried about the safety and wellbeing of their young ones, as is society as a whole. Children's safety is a foremost concern of all members of Parliament. We must do everything within our legislative powers to protect our most vulnerable people, those who are the future of our community. We aim to make sure that not one more young person will suffer a sexual assault. The bill is extensive and it has the support of a number of agencies. There was extensive input into the review that preceded this legislation. The bill is a sensible measure that should attract the support of all members. I commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [12.10 p.m.]: I support the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014. The Child Protection (Offenders Registration) Act 2000 sets out the registration and reporting requirements for registrable persons who have been convicted of certain offences. It is a requirement under section 26 of the Act for the Minister for Police and Emergency Services to review the Act to determine whether its policy objectives and terms remain valid. The review focused particularly on contact with children by not only adult registrable offenders but also young registrable persons. The review also considered the impact of the register, including the impact the register has on young registrable persons. The review included consultation with more than 50 organisations, with each of the agencies having an individual mandate with respect to the welfare of children, victims' interests or administration of child protection legislation within New South Wales.

The Government listened to the views of the stakeholders, and the recommendations strike the right balance between encouraging compliance with reporting and effective monitoring. Submissions were received from across government as well as non-government agencies. Government agencies included the NSW Police Force, the Department of Family and Community Services, the Ministry of Health and the Department of Education. Non-government organisations included the Homicide Victims Support Group, the Law Society of New South Wales, Legal Aid New South Wales and the Shopfront Youth Legal Centre. The findings of the review were developed following careful consideration of agency submissions and further consultation with relevant State, Federal and non-government agencies.

The bill proposes a number of changes that streamline the Act to make it easier for police and other agencies to manage registered offenders in the community. The bill proposes the term "contact" to include contact methods such as phone, mail, or electronic communication to further clarify what information must be reported to the police. The bill includes a case-by-case modification for young registrable persons under 18 years of age, who may be students, from reporting contact with peers. The bill proposes that registrable persons must report the full details of any hire car used by the person for short periods and the details of any mobile phone or landline numbers used, or intended to be used, by the person. This will ensure that police have the information they need to effectively monitor offenders and make clear to registrable persons their obligations.

Provisions are also included in the bill for registrable persons to report changes to the police within seven days if they are out of the State, to report their return to New South Wales if they have been interstate or overseas, and to report any changes to their intention not to leave the State. The exemption allowing notification for any urgent travel within 24 hours will continue, if the required details are submitted. The proposed changes will allow police to track the interstate or overseas movements of child sex offenders in a timely way. Registrable persons will be required to report details within 24 hours of children who reside in the same household as they do or children they have regular unsupervised contact with. This provision has not changed in order to ensure appropriate safeguards remain for children who may live with someone who is on the register. Those on the register who do the right thing and have nothing to hide will not be affected by the changes. But the changes will make it more difficult for those who seek to evade detection.

It is a credit to police that stakeholders generally believe the practical implementation of the Act is going well. It is important to get this bill right and to ensure that it is reviewed on a regular and timely basis. We need to ensure that the most vulnerable in our society, our children, are protected from any adult who wishes to harm them or treat them in ways that are not appropriate. We cannot always rely on children to provide information about what is happening to them when they are in care or with other adults, so we need to make sure that we have rules and laws in place that we can utilise to protect them and monitor their safety. I am very passionate about this issue and I am glad that the Government is taking it seriously. Since my election to this place I have learned way too much about what some children go through.

I am horrified by the circumstances of some of our youngest citizens. I have served on the Joint Select Committee on Sentencing of Child Sexual Assault Offenders and have become involved with groups like the Child Protection Foundation. We must get this legislation right and make sure that no more children face these situations. The bill goes part of the way to addressing this issue. The Government wants children to be safe and happy, and we will do everything possible to ensure that children can be children and enjoy their childhoods. I thank the Ministers for doing all they can to get this legislation right and for putting our children first. This bill is in the best interests of our community, and I commend it to the House.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [12.16 p.m.]: I also support the Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2014 that implements the findings of the statutory review of the Child Protection (Offenders Registration) Act 2000. Those who seek to prey upon our children are the lowest of the low. It is simply untenable for people in our community in this day and age to put the lives of children in jeopardy. The community has legitimate fears about those who have committed offences against children.

The recent case of baby Gammy indicates that there are many in our community who are concerned about child sex offenders being in close contact with children. I note that Robyn McSweeney, a former Minister for Child Protection, Community Services, Seniors and Volunteering in Western Australia, said: "As a former child protection minister and child protection worker, it is very misguided to believe that it is possible to rehabilitate paedophiles." This indicates the necessity of registration for child sex offenders even after they have completed their prison terms. It is about ensuring that children are safe and that people feel safe to raise their children in our society.

We must do what we can to protect children, and these amendments will strengthen the operation of the bill in doing that. The protection and wellbeing of children is of the utmost importance to the people of my electorate. In Baulkham Hills 51.2 per cent of households have children and 20.7 per cent of the population are under the age of 14. We are very concerned about child sex offenders and others who commit violent offences against children, such as kidnapping, grievous bodily harm, or murder. Ultimately, the statutory review of the Act found that the policy objectives of the Act remained valid and the Act remains appropriate for securing those objectives. Amendments in this bill improve the operation of the Act and strengthen the framework for monitoring child sex offenders living in the community.

The bill includes the following amendments: new objectives inserted that set out the key purposes of the Act to protect children from serious harm; ensuring the early detection of offences by recidivist child sex offenders; monitoring persons who are registrable persons; and ensuring that registrable persons comply with the Act. We are expanding the definition of a class 2 offence to include manslaughter of a child, except as a result of a motor vehicle accident—making this Act consistent with the Child Protection (Working with Children) Act 2012—so that an offender originally charged with murder but found guilty only of manslaughter is now captured by the Act and therefore required to meet the reporting obligations of the Child Protection Register. Wounding or causing grievous bodily harm with intent to a child under the age of 10 years is included in the new definitions, as is child abduction, which will apply when the person committing the offences had never had parental responsibility for the child. This will serve to protect children from those who pose a significant risk to the community.

If a court finds a person guilty of an offence that is not registrable, the court may, on application by the police, make a child protection registration order. This order can be imposed only if the court is satisfied that the person poses a risk to the life or sexual safety of a child. It is unfortunate that applications have been rejected as a result of delays in submission. Therefore, in order to increase the ability of the police to protect children the time frame for applying for a registration order will be extended from 21 days to 60 days. Section 3F will be amended to provide that the police may apply for a registration order for a person who was previously sentenced for any of the additional registrable offences, unless they were a child at the time.

To enable courts to consider relevant factors when making a child protection registration order, the Act will be amended to include the following criteria for the court to take into account when determining whether a person poses a risk to children: the seriousness of each registrable offence committed by the person; the age of the offender at the time each offence was committed; the age of the victim of each of the offences at the time of the offence; the seriousness of any other offences committed by the person; the impact on the person if the order being sought is made and compared with the likelihood that the person may commit a registrable offence; and any other matter the court considers relevant.

We are also making changes to the definition of the term "contact", which will include both the modes and circumstances in which the contact occurs when supervising, caring for or forming a relationship with a child. However, it will exclude any one-off contact the offender may have with a child, such as on public transport. Consequently, the definition of "regular unsupervised contact" is repealed. Section 9 is amended to expand the personal information that a registrable person must provide to the police to include the full details of any hire car used by the person and the details of any mobile phone or landline numbers used or intended to be used by the person. Further, a new section 9 (1A) is being introduced to clarify circumstances involving contact with a child by the registrable person. Registrable persons must report contact with a child if that person is supervising or caring for the child, visiting or staying at a household where the child is present, exchanging contact details with the child, or attempting to befriend the child.

The bill also simplifies the time frames for reporting contained in the Act, as they were described as complex and potentially confusing. The bill changes the reporting requirements so that all relevant personal information must be reported to police within seven days of that change occurring. However, there are three exceptions to that amendment in order to ensure that children are safe: the names of children in the registrable person's household must be reported within 24 hours, the intention to travel outside New South Wales must be reported 24 hours prior to travel when circumstances make it impractical to make the report seven days before the person leaves, and the intention to change the place where the registrable person generally resides must be reported 14 days prior to the change. The bill also amends section 19E to increase the penalties for unauthorised changes of name without reasonable excuse by a registrable person to five years imprisonment or $55,000, or both. This has been increased from the former $550 fine, and I welcome the increase.

I note that Dennis Ferguson, probably Australia's most notorious paedophile, was twice caught using a false name to sell toys and biscuits to members of the public. Such conduct is unacceptable. The bill makes it clear that it is unacceptable to attempt to deceive police and mislead the community. A registrable person may apply to change their name, but this can be rejected when the name change is likely to be regarded as offensive by the registrable person's victim or when it may undermine the ability of police to monitor the offender. The bill aims to ensure that children are safe by amending the Child Protection (Offenders Registration) Act 2000 and by strengthening and expanding the requirements of those on the register. I commend the bill to the House.

Mr STUART AYRES (Penrith—Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney) [12.24 p.m.], in reply: I thank

members representing the electorates of Albury, Campbelltown, Camden, Heathcote, Granville, Kiama, Tweed, Menai, Maroubra, Cabramatta, Miranda, Northern Tablelands and Baulkham Hills for their contributions to the debate. A number of points were raised in debate. In response to questions raised by the member for Maroubra, I am advised by the NSW Police Force that between July 2013 and June 2014 less than 1 per cent of people on the Child Protection Register had reoffended. I am further advised that in the same time frame around 3 per cent of people on the register had been breached for failing to comply with their reporting obligations.

In response to questions raised by the member for Miranda, persons who are from overseas jurisdictions that do not have a comparable reporting scheme and are free to leave their own country would still have to comply with entry visa requirements to come to Australia. Everyone who wishes to enter or stay in Australia must satisfy character requirements and advise of any criminal convictions. The Minister for Immigration and Border Protection has the power to refuse a visa on the ground that a person does not pass the character test. I am advised that a person should not pass the character test when they have a substantial criminal record, their past and present criminal conduct indicates they are not of good character, or there is a significant risk that the person will engage in criminal conduct in Australia. Once it is declared when they enter Australia that a person was convicted of an offence or they are Australian citizens who were convicted overseas and deported, the Department of Immigration and Border Protection can let the police know of any travel details. The police may then make an application to the court to have the person registered while they are in Australia and monitor their whereabouts during their stay.

The member for Kiama raised the issue of sexting. I can confirm that there is no evidence that any young person is required to report under the Act as a result of sexting. The review found that genuine sexting activity between adolescents, subject to appropriate safeguards, should not be made registrable. As the member for Kiama mentioned, this Government has made the appropriate response based on the review findings. In response to the issues raised by the member for Tweed, the Government is progressing options to improve information sharing and notifications between agencies. I understand that a working group has been convened and is considering a number of improvements to the written notification system between agencies that monitor registrable persons.

I note that during the debate several members raised the modified reporting obligations for young registrable persons. The Government considers that young registrable persons should be given a chance to get an education. The bill includes new reporting obligations for registrable persons in relation to their contact with young people. The bill also allows courts to modify those reporting obligations for registrable persons who are under 18. This is to allow for educational or other needs that may bring young registrable persons into contact with their peers. Courts may also, on application by police, modify the reporting requirements of young registrable persons when their circumstances change—for example, when they leave school. The amendments in this bill will build on and improve the operation of the Act, which was introduced by those opposite, and will further strengthen the monitoring of child sex offenders living in the community.

Child protection is an issue that impacts on every member in this Chamber regardless of their political background and this bill is a continuation of what should remain a positive and bipartisan approach to child protection. The bill clarifies the reporting requirements for registrable persons and notification requirements for agencies so that monitoring is more effective. The bill will make time frames more consistent for both police and registrable persons. As we heard earlier, the bill will make three additional offences registrable so that serious offenders who continue to pose a risk to children are monitored. The bill will increase some penalties for breaches under the Act. The changes will also modernise and streamline the operation of the Act. This Government takes harm caused to children by physical and sexual assaults extremely seriously and we do not let off lightly those who offend against children. We will continue to enhance and improve the legislation, which has been the product of consultative reviews. I thank all those who contributed to the statutory review of the Act and who worked with the Government so diligently to make the children in our communities safer.

These agencies do not stop once a bill has passed the Parliament. They continue to analyse the research and monitor other jurisdictions to ensure that good practice, if not the best practice, is always being practised in our State. Many of these agencies, such as the NSW Police Force, Family and Community Services, caseworkers, counsellors and lawyers go to work every day and face these offenders and the children who are victims of these unacceptable and horrendous crimes. The agencies should be thanked for what they do, and on behalf of the House I thank them. I hope they acknowledge that their work and this bill are a continuation of the work of this Parliament to ensure that all children in New South Wales are as safe as they can possibly be. 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 Stuart Ayres agreed to:

That this bill be now read a third time.

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

STATE REVENUE LEGISLATION FURTHER AMENDMENT BILL 2014

Second Reading

Debate resumed from 29 May 2014.

Mr MICHAEL DALEY (Maroubra) [12.30 p.m.]: I lead for the Opposition in debate on the State Revenue Legislation Further Amendment Bill 2014. I indicate at the outset that the Opposition does not oppose the legislation. Bills like this come before Parliament from time to time as part of the Government's ongoing program to keep taxation and revenue practices relevant in the face of changing communities, particularly the business community, to ensure not only that revenues are protected and avoidance measures are implemented but also that revenue measures of the day remain fair and exemptions are looked at from time to time. The bill contains several important measures. As unremarkable as such bills seem to be from time to time, they are important, so the Opposition does not oppose the bill.

I note the provision relating to the taxable nature of transfers of options. That provision was the subject of some consideration when the bill first came before the House more than a year ago. The Property Council of Australia contacted me to complain that a new tax was being imposed, that is, a tax on the transfer of options, on which the Government had not sufficiently consulted the council. That provision is back and that is a matter for the Government. In that vein, this morning I received a representation, as late as it was, from the Direct Selling Association of Australia. Without going into too much detail, the association's representations to me—I ask the Minister to take this on board before the bill proceeds to the other place—are basically these: The Direct Selling Association of Australia, which represents the interests of the direct selling industry, is concerned with the proposal currently before the House to remove the exemption from payroll tax for direct sellers.

The association said that direct selling companies have correctly, in its view, never paid payroll tax on independent contractors who sell their products, and that if this is changed in the bill or otherwise it will represent a major policy shift that has been made without proper consultation or, of greater concern to the Opposition, an effective understanding of the impact of the proposal on the industry. In effect, it will be a new tax on small businesses undertaking direct selling. It will impose a massive red tape burden on the industry. Indeed, even if the proposal can be effected properly, small businesses in the industry will have difficulty complying with it. The association said that the existing exemption was introduced by the Government in 1986—that would be the Wran Government or the Unsworth Government—to clarify that direct sellers were exempt from the payroll tax regime due to the truly independent nature of the sales people.

The association said that the claim by the Minister for Finance and Services in his second reading speech on 29 May 2014 that legitimate direct sellers would be able to use alternative exemptions already contained in the Payroll Tax Act is not correct. It contends that the nature of the contractual relationship with the independent sales people precludes companies from knowledge of or control over the number of hours spent on selling activities. The impossibility for companies to get accurate information shows why the existing exemption is necessary and alternative exemptions that are based on the hours required under the contract are not able to be applied. The association is happy to see the existing provision tightened, and it has offered to work with the Government to ensure that only legitimate direct selling contractors are captured by any new provision. That seems fair to me. The association laments that the direct selling industry was not properly consulted before the

bill was introduced. While it has been attempting to work with the Government to reverse the proposal, unfortunately only yesterday it was informed by the Minister's office that the Government would still proceed with it.

So the association is respectfully asking that consideration be given to its views. On behalf of the Opposition I ask—the Opposition is mindful of the terrific work done by small business in New South Wales; 80 per cent of businesses in New South Wales are small businesses—that the association be properly consulted before this bill goes through the other place. It is too late, unless the Government wants to join with the Opposition to support an amendment to withdraw the proposal, for this to be properly dealt with today. I understand that the bill will go through the House today. I ask the Parliamentary Secretary to pass my comments on to the Minister so that he can consider them before the bill goes through the House today. Otherwise we are happy to work with the Government and the direct selling industry to effect something a bit more sensible in the upper House. The other provisions of the bill are not particularly remarkable, and the Opposition supports the bill.

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [12.37 p.m.]: I support the State Revenue Legislation Further Amendment Bill 2014. I thank the member for Maroubra for indicating that the Opposition will not be opposing the bill. The bill amends four pieces of legislation. First, it amends the Duties Act 1997 in four ways. It will prevent avoidance practices by imposing duty on certain transactions involving options to purchase land in New South Wales and on the novation of an agreement for the lease of land in New South Wales as if it were a transfer of duty or property. It will make further provision for the duty payable on transactions involving self-managed superannuation funds and exempt a same-owner transfer of registration of a heavy vehicle trailer from registration duty.

The Land Tax Management Act 1956 will be amended to change the rules for the grouping of companies under that Act. The Payroll Tax Act 2007 will be amended to clarify and to restrict certain exceptions from the contractor provisions under that Act, and the Payroll Tax Rebate Scheme (Job Actions Plan) Act 2011 will be amended to permit a rebate to be claimed for an internally transferred employee who was employed in a new job. I turn now to the amendments to the Duties Act. The amendments relating to options will, for the most part, confirm the existing practice of the Chief Commissioner of State Revenue and in some cases provide a reduction in duty.

The transfer of an option to purchase land is a dutiable transaction. It is common commercial practice for an option to include the right to nominate a third party to exercise the option, and such a nomination has, until recently, been assessed to duty as a transfer of the option. However, a recent court decision means that some forms of nomination will not constitute a transfer of the option. The bill therefore confirms that the acquisition of an option by way of nomination is assessable as a transfer.

The bill also provides that the consideration paid for the transfer of land upon exercise of an option includes any consideration paid by the purchaser to acquire the option. This again is consistent with current practice relating to the dutiable value of the property. Finally, the bill provides the ultimate purchaser of land with a credit for any duty paid on the acquisition of the option. Although the acquisition of the option and the purchase of the land are two separate transactions, the value of the option would effectively be included in the value of the land transferred, so that a credit to prevent double duty is appropriate.

In relation to self-managed superannuation funds, the bill proposes that a duty of $500 be imposed on declarations of trust by custodians of self-managed superannuation funds holding property on trust for the trustee of a self-managed superannuation fund. These deeds are executed to comply with the requirements of the Australian Taxation Office. Many of the deeds do not meet the requirements for the duties concession for resulting trusts due to difficulties in establishing that the trustee of the fund provided the purchase moneys when funds are provided by the vendor member of the fund as a contribution. The $500 charge on these deeds will reduce administrative costs for the Office of State Revenue and is a red tape reduction for taxpayers.

In relation to heavy vehicle trailers, the Government introduced a duty exemption for the purchase of new heavy vehicle trailers on 29 October 2012. It was part of the industry assistance package which targeted heavy vehicle registration concessions. The industry assistance package provided targeted financial assistance to freight operators who are adversely affected by the 11.7 per cent average increase in national heavy vehicle charges from 1 July 2012. Duty has traditionally been a barrier to heavy vehicle registration in New South Wales due to relatively high rates of duty payable at time of purchase. This encouraged heavy vehicle operators to purchase and register their vehicles in other States which charged less or no duty for new trailer purchases.

Unlike regular businesses registering vehicles, heavy vehicle operators have more flexibility about where they register trucks and trailers because many have depots in multiple States. Also, the nature of the trucking business is such that these vehicles, and trailers in particular as highly mobile assets, spend significant amounts of time in other jurisdictions. This situation was eased by the 2012 exemption removing the requirement to pay duty upon purchase of a new heavy trailer. However, the same does not apply for owners who transfer heavy vehicle trailers to New South Wales from other jurisdictions. Under current legislation, duty is payable when a vehicle is transferred to New South Wales by the same owner unless the owner can establish that duty was previously paid in another jurisdiction. One example where duty would be payable on transfer relates to Queensland, which is a major manufacturer of heavy trailers.

Queensland charges no duty on heavy trailer purchases, and receives a significant number of heavy trailer registrations as a result. If an owner wishes to transfer a trailer from Queensland to New South Wales, duty is payable on the application for transfer of the registration. The same-owner stamp duty exemption proposes to exempt transfers of heavy vehicle trailers that have been previously registered in another jurisdiction from paying duty upon establishment in New South Wales where the trailer is registered in the same name. The same-owner exemption is expected to have a negligible impact on State revenue, but New South Wales stands to gain from increases in overall registration charges. This reform will assist broader efforts being taken by Transport for NSW and Roads and Maritime Services to attract freight operators to transfer registration from other jurisdictions to New South Wales.

Other legislation to be amended by the State Revenue Legislation Further Amendment Bill 2014 includes the Land Tax Management Act 1956. The amendments to the land tax grouping provisions will make it clear that companies will not be grouped merely because the same person or the same company acting in a trustee or nominee capacity has a controlling interest in each company. In such cases the companies will be grouped only if the trusts concerned are fixed trusts with the same beneficiaries. This is the interpretation that has always been applied to the current legislation by the chief commissioner, and the amendments therefore confirm existing assessing practice.

The Land Tax Management Act allows a group of related companies to claim only one general tax-free threshold, and one premium rate threshold. This prevents tax minimisation by splitting ownership of multiple parcels of land among companies that are owned or controlled by the same person or persons, to obtain the benefit of multiple tax-free thresholds. The general tax-free threshold is $412,000, and tax is calculated at 1.6 per cent of the taxable land value above the threshold, plus $100. The premium rate threshold above which the higher premium tax rate of 2 per cent applies is $2.519 million. I also mention that there will be amendments to the Payroll Tax Act 2007 to clarify and restrict certain exceptions from the contractor provisions under the Act and amendments to the Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011 to permit a rebate to be claimed for an internally transferred employee who is employed in a new job. I commend the bill to the House.

Mr DAVID ELLIOTT (Baulkham Hills—Parliamentary Secretary) [12.46 p.m.]: The Liberal Party has always seen tax avoidance for what it is, a rort. John Howard as Treasurer described it as part of "a great Australian predilection to get in a rort". Whilst we may celebrate Kerry Packer's declaration that "we should not be donating extra", we must understand that ultimately a rort is a rort, and those opposite know all about it. I do not see anything wrong with seeking to minimize the taxation that you are required to pay; however, there are legal grey areas. And when there exists a lack of clarity between avoidance and minimisation, then we should make things clearer.

When contrived schemes have been set up for no reason but to squeeze through gaps and loopholes, or to cross the line of fairness, we should end them. We have had enough of people shirking their duty and trying to wriggle out of responsibility. These amendments are designed to create a level playing field, clarify what constitutes a tax-avoidance measure, and ensure fairness. In relation to the Duties Act we are preventing avoidance practices, but also reducing red tape. The bill confirms the practice of the Chief Commissioner of State Revenue that the acquisition of an option by way of nomination will in some cases provide a reduction in duty.

The transfer of an option to purchase land is a dutiable transaction. Common practice has included the right to nominate a third party to exercise the option, and such a nomination has been assessed to duty as a transfer of the option. Whilst challenged by a recent court decision, the bill confirms that such a nomination is a transfer. Consistent with current practice, the bill provides that the consideration paid for the transfer of land upon exercise of an option includes any consideration paid by the purchaser to acquire the option. Acquisition of the option and the purchase of the land are two separate transactions, but the value of the option would be

included in the value of the land transferred; therefore, to prevent double duty, the bill provides the ultimate purchaser of the land with a credit for any duty paid on the acquisition of the option. By imposing duty on the novation of an agreement for the lease of land in New South Wales as if it were a transfer of dutiable property, the bill is also reducing anti-avoidance processes.

But we are also doing things to reduce red tape for taxpayers. The bill imposes a $500 duty on declarations of trust by custodians of self-managed superannuation funds holding property on trust for the trustee of a self-managed super fund. Many of the deeds do not meet the requirement for the duties concession or resulting trusts due to difficulties in establishing the trustee of the fund provided the purchase moneys when funds are provided by the vendor member of the fund as a contribution. In relation to land tax we are creating clarity in relation to the chief commissioner's interpretation and ensuring that these contrived and contorted tax avoidance schemes are unable to continue. The bill confirms the interpretation of the chief commissioner that companies will be grouped only if the trusts concerned are fixed trusts with the same beneficiaries. This prevents a person from minimizing their tax by splitting multiple parcels of lands among companies controlled by that person to receive multiple tax-free thresholds.

The amendments extend the anti-avoidance provisions relating to payroll tax. The anti-avoidance provisions in the relevant contracts provisions only apply to contracts that are not liable for payroll tax because the services are performed by two or more workers. The current provision permits the chief commissioner to ignore an arrangement and apply payroll tax to payments if services are provided by two or more workers but the arrangement was entered into to avoid payroll tax. We are amending the relevant contracts in two ways to ensure fairness and reduce tax avoidance: first, to ensure the exemptions for contracts with owner-drivers, insurance sellers and door-to-door sellers do not apply if additional services or work are supplied or performed under contract; and, second, to permit the chief commissioner to ignore arrangements that would otherwise attract any of the other exemptions if the chief commissioner determines that the arrangements were entered into to avoid payroll tax.

In relation to relevant contracts, we are also removing door-to-door seller exclusions. This exclusion was introduced in 1986, when "door-to-door" meant knocking on doors without prior contact or invitation, similar to what politicians do. Companies now use many new techniques that still qualify for the exemption but are not door-to-door at all. Often companies will use call centres and email to contact customers, inviting them to receive a visit from a salesperson. If the salesperson is an independent contractor, not an employee, then the remuneration may be exempt, thus payroll tax is avoided. By removing the exemption we are ensuring a level playing field against competing sellers, regardless of sales measure, in addition to preventing some firms from rorting the system with tax avoidance techniques.

John Howard recognised the Australian mood when he legislated against bottom of the harbour tax avoidance schemes and that, although there might be an Australian predilection for the rort, it is wrong. People know that it is wrong to shirk their duty to their nation. The Baird Government knows that the people of New South Wales do not accept rorts. We know this because they voted Labor out at the last election. We know this because of their resounding endorsement of the Independent Commission Against Corruption. I am confident that the same attitude against rorts and rip-offs will continue. This is a Government committed to ending rorts and this legislation is doing just that. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [12.52 p.m.]: I support the State Revenue Legislation Further Amendment Bill 2014 and commend the Minister, the Hon. Dominic Perrottet, for bringing this legislation forward. The objects of the bill are as follows:

(a) to amend the *Duties Act 1997*

  (i) to prevent avoidance practices by imposing duty on certain transactions involving options to purchase land in New South Wales, and

  (ii) to prevent avoidance practices by imposing duty on the novation of an agreement for the lease of land in New South Wales as if it were a transfer of dutiable property, and

  (iii) to make further provision for the duty payable on transactions involving self managed superannuation funds, and

  (iv) to exempt a same owner transfer of registration of a heavy vehicle trailer from registration duty,

(b) to amend the *Land Tax Management Act 1956* to change the rules for the grouping of companies under that Act,

(c) to amend the *Payroll Tax Act 2007* to clarify and restrict certain exceptions from the contractor provisions under that Act,

(d) to amend the *Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011* to permit a rebate to be claimed for an internally transferred employee who is employed in a new job.

The bill makes amendments relating to duties, land tax and payroll tax. Some of the provisions in the bill had been removed from the earlier State Revenue Legislation Amendment Bill 2014 to allow for further consultation with industry and professional bodies. Some of these provisions are now being reintroduced in the current bill after consultation with the Law Society of New South Wales, the Property Council of Australia, the Taxation Institute of Australia and professional accounting bodies. I stated that the bill makes changes to a number of duties and exempts a same owner transfer of registration of a heavy vehicle trailer from registration duty. The Government introduced a duty exemption for the purchase of new heavy vehicle trailers on 29 October 2012. This was part of the industry assistance package that targeted heavy vehicle registration concessions. The industry assistance package provided targeted financial assistance to freight operators who are adversely affected by the 11.7 per cent average increase in national heavy vehicle charges from 1 July 2012.

Duty has traditionally been a barrier to heavy vehicle registration in New South Wales due to relatively high rates of duty payable at time of purchase. This encouraged heavy vehicle operators to purchase and register their vehicles in other States that charged less or no duty for new trailer purchases. Unlike regular businesses registering vehicles, heavy vehicle operators have more flexibility about where they register trucks and trailers because many have depots in multiple States. Further, the nature of the trucking business is such that these vehicles—and trailers in particular as highly mobile assets—spend significant amounts of time in other jurisdictions. The 2012 exemption eased this situation by removing the requirement to pay duty upon purchase of a new heavy trailer. However, the same does not apply to owners who transfer heavy vehicle trailers to New South Wales from other jurisdictions.

Under current legislation duty is payable when a vehicle is transferred to New South Wales by the same owner unless the owner can establish that duty was previously paid in another jurisdiction. One example where duty would be payable on transfer is Queensland, which is a major manufacturer of heavy trailers. Queensland charges no duty on heavy trailer purchases and receives significant numbers of heavy trailer registrations as a result. If an owner wishes to transfer a trailer from Queensland to New South Wales duty is payable on the application for transfer of the registration. The same-owner stamp duty exemption proposes to exempt transfers of heavy vehicle trailers that have been previously registered in another jurisdiction from paying duty upon registration in New South Wales where the trailer is registered in the same name. The same-owner exemption is expected to have a negligible impact on State revenue and New South Wales stands to gain from increases in overall registration charges. This reform will assist broader efforts being taken by Transport for NSW and Roads and Maritime Services to attract freight operators to transfer registration from other jurisdictions to New South Wales.

I now turn to some of the measures in the bill. Schedule 1 [4] relating to new section 9B will ensure that certain transactions involving options to purchase land are dutiable in the same way as a transfer of an option to purchase land. The amendments provide that a transfer of an option to purchase land in New South Wales is taken to occur if, for valuable consideration, another person is nominated to exercise the option or another person is nominated as purchaser or transferee of the land the subject of the option on or before the exercise of the option, or the option holder agrees to a novation of the option, or otherwise relinquishes rights under the option, so that another person obtains a right to exercise the option or to purchase the land.

Schedule 1 [5] provides that the consideration for a transfer of land that occurs as a consequence of the exercise of an option to purchase land is taken to include the amount or value of the consideration provided by or on behalf of the transferee for the option. The dutiable value of a transfer of land is calculated by reference to the consideration for the transfer. Schedule 1 [8] ensures that the duty chargeable in respect of a transfer of land that occurs as a consequence of the exercise of an option to purchase land is reduced by the amount of duty, if any, paid by the transferee on the transfer of the option to the transferee. Schedule 1 [4] relating to new section 9C imposes duty on the novation of an agreement for the lease of land in New South Wales as if it were a transfer of dutiable property.

The lessee's interest in the agreement for lease is taken to be dutiable property and the novation of the agreement is taken to be a transfer of that dutiable property. The amendment ensures that a novation of an agreement for the lease of land is not used as a way of avoiding duty on a transaction that has a similar effect to

transferring a lease of land. A transfer of a lease of land in New South Wales is a dutiable transaction under the Duties Act 1997. With the amendment, the new lessee will be liable for duty on the novation of the agreement for lease. In relation to self-managed superannuation funds the bill states:

> Schedule 1 [6] changes a concession that applies when a member of a self managed superannuation fund transfers property to the trustee or a custodian of the trustee of the fund. At present, duty is chargeable on such a transfer at a flat rate (rather than an ad valorem rate) if the transfer meets certain criteria (for example, the property transferred must be used solely for the purpose of providing a retirement benefit to the member who transfers the property). The amendment makes it clear that:
>
> (a) the concession can apply if the transfer is made by more than one member of a self managed superannuation fund, and
>
> (b) if more than one member is transferring the property, the property must be used for the benefit of the members in the same proportions as it was held by them before the transfer, and
>
> (c) the concession does not apply if the property transferred is held by the member of the self managed superannuation fund in a trustee capacity.
>
> The amendment also increases the concessional rate of duty on such a transfer from $50 to $500.
>
> Schedule 1 [7] provides for charging of duty at a flat rate of $500 on a declaration of trust made by a custodian of the trustee of a self managed superannuation fund that dutiable property is or is to be held in trust for the trustee of a named self managed superannuation fund. This nominal rate of duty will apply if ad valorem duty was paid on the acquisition of the property by the custodian or the trustee, or the acquisition was chargeable with nominal duty only under section 62A of the Duties Act 1997, and consideration for the acquisition was provided by the trustee.

It is obvious that this bill makes radical changes to New South Wales legislation. It is good for New South Wales and I commend the bill to the House.

Mr BRYAN DOYLE (Campbelltown) [1.01 p.m.]: I support the State Revenue Legislation Further Amendment Bill 2014. This Government was elected in 2011 to make New South Wales number one again. The NSW 2021 plan outlines exactly how this Government will do that, and this bill is part of that process. We said we would rebuild the economy and we have been busy doing that. The focus of the plan is to improve the performance of the New South Wales economy. Part of that process is rebuilding State finances, which is the objective of this bill. It is about driving economic growth and making it attractive to do business in New South Wales. Our ability to transport and deliver goods, largely through trucks on our road system, is part of what makes this the number one State. The duty exemption in this bill is designed to encourage businesses to transfer their truck registrations from interstate to New South Wales, the home of the Blues and the State of Origin trophy. New South Wales is the number one State in Australia.

In 2012 the Government introduced a duty exemption for the purchase of new heavy trailers as part of an industry assistance package targeting heavy vehicle registration concessions. Traditionally, the duty was a barrier to heavy vehicle registration in New South Wales. The former duty encouraged heavy vehicle operators to purchase and register their vehicles in States that charged less or no duty for new trailer purchases. Under the current legislation, duty is payable when a vehicle is transferred to New South Wales by the same owner, unless the owner can establish that duty was previously paid in another jurisdiction. When one considers that some trailers are worth up to $50,000 that is a lot of money on a transfer.

If an owner transfers a trailer from Queensland to New South Wales, duty is payable upon application to transfer that vehicle. An owner may have 20, 30 or 40 vehicles, depending on the size of the company. As Mr Acting-Speaker, the member for Swansea—who is short in stature but big of heart—would know, such a duty impost would deter any sensible business operator from transferring large, valuable pieces of equipment to New South Wales. Removing that duty will give companies the opportunity to transfer their registrations to New South Wales—the State that is driving the economy of Australia.

The beauty of this scheme is that despite the owner exemption having a legible impact on State revenue, New South Wales, the number one State, stands to gain from the increase in overall registration charges. This reform will assist the broader efforts being taken by Transport for NSW and Roads and Maritime Services to attract freight operators and have them transfer their registrations from other jurisdictions to New South Wales. Why would they not when they see places like Campbelltown, the best part of the Macarthur and the opal of the south-west?

The MacArthur Intermodal Shipping Terminal [MIST] is located at Minto. I do not know whether members are aware of the function of intermodal terminals. Freight can be transported by rail to this central

terminal location and then dispatched onto trucks for delivery. If members have purchased electrical and white goods such as washing machines, fridges and microwave ovens, there is every chance their goods came through the Minto intermodal. Many businesses in Campbelltown are engaged in the business of exporting and importing. I was honoured during the year to host an export forum in conjunction with local businesses and NSW Trade and Investment. We are providing assistance and support to businesses that are exporting to the world from Minto, Leumeah, Campbelltown and Smeaton Grange.

The business Ultimate Suspension exports suspensions for armoured and off-road vehicles all around the world from a factory at Ingleburn. I am sure they would assist the Minister for Police and Emergency Services in his travels around his electorate of Penrith. If the Minister is looking for a vehicle with off-road capability, I am sure Ultimate Suspension could lift or drop his vehicle suspension. That is one of many businesses that use our great freight system. I note the benefit to communities of the M5 widening and the M7 interchange. A choke point has been removed which enables motorists and truck drivers to complete their journey more quickly. People notice the difference; they notice the changes that are occurring. Business is being encouraged to invest in New South Wales as part of our plan to make New South Wales number one again. I commend the bill to the House.

Mr KEVIN CONOLLY (Riverstone) [1.08 p.m.]: I support the State Revenue Legislation Further Amendment Bill 2014. I have a little unexpected competition in doing so. This bill amends four separate pieces of legislation: the Duties Act 1997, the Land Tax Management Act 1956, the Payroll Tax Act 2007 and the Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011. It does so for a number of specific purposes, to which I will come in a few moments. First, I will speak broadly about the legislation and how it sits in the Government's agenda.

Good financial management is the cornerstone of a good government. Because this Government manages its finances well, it is in a position to implement good policy, deliver quality services and provide infrastructure to the people of New South Wales. Central to a government being able to provide those services is good financial management. This Government has been particularly successful in its first 3½ years in managing its expenditure and in reigning in the constant blowouts that happened in previous years and prevented the former Labor government from delivering on its commitments.

This piece of legislation addresses the other side of the ledger, the revenue side. It is just as important to exercise prudent financial management on the revenue side as it is on the expenditure side so that we ensure our capacity to do what we have been elected to do: provide the services that people in our communities from one end of the State to the other rightly expect of us and to build the infrastructure that had been sadly lacking throughout New South Wales for so long. Sensible, prudent financial management is critical to that task.

This bill not only acts to protect the revenue base; it provides certainty to parties affected by the changes. It moves towards creating certainty where previously there has been ambiguity. It certainly is not all one-way traffic. In some instances it clarifies credits and exemptions, which taxpayers might expect to be entitled to. In relation to the Jobs Action Plan it ensures that a rebate can be paid when a new job is created even where an internal transfer or business takeover is involved. Previously, those companies may have been excluded from being able to make such an application.

While I am on the big picture scenario, I think that this kind of legislation brings to the fore the ongoing need for us as a Commonwealth of Australia to continue to address the problems of vertical fiscal imbalance. For example, States necessarily have to raise large amounts of revenue from taxes, which perhaps is less than ideal for the task they have been given. It also raises questions of interstate competition around the margins of tax rates, thresholds and applicability which, I think, can be counterproductive and do not provide the best outcome for all the people of Australia. The task is still before governments across this country to discuss how services and infrastructure can be best provided to their communities.

Moving on to the specifics of the bill, the amendments to the Duties Act relate to options. For the most part, they merely confirm the existing practice of the Chief Commissioner of State Revenue and in some cases will provide a reduction in duty. The transfer of an option to purchase land is a dutiable transaction. It is a common commercial practice for an option to include the right to nominate a third party to exercise that option and such a nomination has, until recently, been assessed to duty as a transfer of the option. A recent court decision has meant that some forms of nomination will not constitute a transfer of the option. This bill confirms that the acquisition of an option by way of nomination is assessable as a transfer, thereby retaining the status quo and providing the legislative certainty to ensure that that practice can continue.

The bill also provides that the consideration paid for the transfer of land upon exercise of an option includes any consideration paid by the purchaser to acquire the option. This again is consistent with current practice relating to the dutiable value of the property. Finally, the bill provides the ultimate purchaser of land with a credit for any duty paid on the acquisition of the option. Although the acquisition of the option and the purchase of the land are two separate transactions, the value of the option effectively would be included in the value of the land transferred so that a credit to prevent double duty is appropriate.

As I have said, it is not all one-way traffic in this bill. It protects the revenue base but it also provides certainty and fairness in transactions. As to duties relating to custodian deeds for self-managed superannuation funds, the bill proposes that a duty of $500 be imposed on declarations of trust by custodians of self-managed superannuation funds holding property on trust for the trustee of a self-managed superannuation fund. These deeds are executed to comply with the requirements of the Australian Taxation Office. Many of the deeds do not meet the requirements of the duties concession for resulting trusts due to difficulties in establishing that the trustee of the fund provided the purchase money when funds are provided by the vendor member of the fund as a contribution. The $500 charge on these deeds will reduce administrative costs for the Office of State Revenue and is a red tape reduction for taxpayers. By the provision of a simple rule, we can cut through a lot of the fuss, uncertainty and argument. The Government introduced the duty exemption for the purchase of new heavy vehicle trailers on 29 October 2012.

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

Pursuant to sessional order community recognition statements proceeded with.

COMMUNITY RECOGNITION STATEMENTS

NOLA PEREIRA AND WINGHAM BEEF WEEK

Mr STEPHEN BROMHEAD (Myall Lakes) [1.15 p.m.]: I inform the House that Nola Pereira from Wingham is celebrating her tenth year as a volunteer at Wingham Beef Week. Wingham Beef Week is an annual series of activities which in 2014 centred on the education of children. More than 200 children took part in this unique educational experience. The beef appreciation and cattle judging and parading competitions proved to be very successful activities and the week culminated in the Beef Barons Ball at Wingham Town Hall. Nola Pereira takes time off work to run the kiosk at Wingham Showground for Beef Week and her generosity and dedication over the past 10 years has led to the financial viability of this annual event. Nola and her team of volunteers cook three meals a day for the children, chaperones and teachers who camp onsite.

ELOUERA SURF LIFE SAVING CLUB

Mr BARRY COLLIER (Miranda) [1.16 p.m.]: I ask the House to join me in acknowledging the dedication and commitment of Elouera Surf Life Saving Club as it approaches its fiftieth year of outstanding service to the people of the shire and the State. Last Sunday, along with representatives from the other three great Bate Bay clubs—Cronulla, North Cronulla and Wanda—I had the pleasure of attending the club's annual general meeting. Over the last season, Elouera club members logged more than 12,000 hours patrol time with no lives lost on their beach. While speakers at the annual general meeting described it as simply fulfilling their mission, the result is truly something of which all club members and a grateful community can be justly proud.

Among Elouera's many achievements this year was the thirty-second running of the club's first-class, week-long annual surf awareness clinic, involving 225 youngsters and sponsored by the Tradies Club. I congratulate all club members as well as the management of the Elouera club, including Executive Director Warren Smith and Administrative Director Ron Hegarty, on a fantastic year and a fantastic report. I am honoured to be vice patron of this wonderful club and I know the House joins me in congratulating Elouera Surf Life Saving Club and wishing all four Bate Bay clubs a very successful 2014-15 season.

RED CROSS DONOR KERRY BRAY

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [1.17 p.m.]: I concur with the remarks of the member for Miranda about the great work being done by Elouera Surf Live Saving Club. I congratulate Kerry Bray of Cronulla, who was recently recognised by the Australian Red Cross Blood Service with an award

during National Blood Donor Week for her 550 blood donations. Each donation can be used by three people. This means that Ms Bray has saved an estimated 1,650 lives. She told the *St George and Sutherland Shire Leader* that her motivation for donating was "on account of my mum receiving numerous donations of blood throughout many years" and was "a tiny way of repaying this amazing gift to her". We can find out about being blood donors by going to the website at donateblood.com.au or ringing 131 495.

CAMBODIA VISION INCORPORATED

Mr NICK LALICH (Cabramatta) [1.17 p.m.]: Cambodia Vision Incorporated was set up by Chek Ming Ly and Dr Peter Wong to prevent blindness and provide basic medical care to poor, rural towns in Cambodia. This organisation depends on the support of the community, its volunteers and supporters to carry out its vital work. During last year's trip to Cambodia its team of volunteers assessed 2,500 patients from 20 provinces, carried out 351 free cataract procedures, treated over 200 patients with red eye infection, distributed 1,000 hearing aids, 1,720 reading glasses and 4,000 sunglasses, donated 22 hospital beds and medical equipment and supplied them to two hospitals. I am proud that so many of these 50 volunteers came from the Fairfield area. On behalf of my local community, I thank Cambodia Vision, its founders, its volunteers and everyone who helped make the 2013 trip to Cambodia such a great success. I wish Cambodia Vision the best of luck for its upcoming trip.

CURWOODS LAWYERS LEAPS REUNION

Mr BRYAN DOYLE (Campbelltown) [1.18 p.m.]: Last night, together with the Minister for Education, Mr Adrian Piccoli, I had the pleasure to attend the Curwoods Lawyers LEAPS reunion—LEAPS being Law Firms Encouraging and Assisting Promising Students. Through this program law firms work with Leumeah High School and the New South Wales Department of Education and Communities. I was honoured to be in the company of Cathy Powzun, Director of Education; Paul Zielinski, Principal of Leumeah High School; Deputy Principal Ken Bates; and teacher Michelle Woolley, who is the LEAPS co-ordinator and a former student at Leumeah High School. It was wonderful to see the attendance of over 20 of the alumni of this program—some having completed their schooling and some still in school—to pay tribute to and celebrate the wonderful achievements of this mentoring program. I commend the program, which opens students' eyes to the future they can have, to the House.

WILLMOT PUBLIC SCHOOL

Mr RICHARD AMERY (Mount Druitt) [1.19 p.m.]: On 8 August 2014 I attended Willmot Public School to attend its afternoon assembly. The purpose of the visit was to present to the school the "Ditto in a Box" program, which is designed to educate children about issues such as bullying and sexual assault. The pack also provides teachers with support and guidance to identify children who show signs of being harmed or assaulted, along with advice on what to do when confronted by such situations. I congratulate Bravehearts on its continued work in this field and, in this case, the Willmot school community who have been proactive in pilot programs to assist with campaigns to protect our children at risk.

MOFFETT PARK, GRAVESEND

Mr ADAM MARSHALL (Northern Tablelands) [1.20 p.m.]: I acknowledge Dan and Jody van Velthuizen and the entire Gravesend community on their terrific effort in hosting the unveiling of the upgraded Moffett Park on Sunday 10 August. It was an $85,000 project, with a contribution of $35,000 from the State Government, $47,000 from Gwydir Shire Council and the rest from community fundraising. The whole community, including Gravesend Public School, contributed to this huge effort. The opening was attended by the Federal member for Parkes, Mark Coulton. I acknowledge the efforts of John Coulton, Max Eastcott, Dan and Jody van Velthuizen and the entire Gravesend community, who pulled together in the upgrade of the park. This upgrade will benefit the community's young people and encourage travellers to stop and enjoy some time in the beautiful Gravesend region.

CARDIFF NORTH PUBLIC SCHOOL AND MUSICA VIVA

Ms SONIA HORNERY (Wallsend) [1.21 p.m.]: Monday was my musical buffet when the multi-talented Musica Viva delighted the Cardiff North Public School community with a Baroque introductory performance. I do not know who was more enthralled, me or the students. Yet again I heap praise upon the principal, Colin Firth, and staff and parents of Cardiff North Public School. The staff go out of their way at this

little school to provide much educational stimulation to their lovely students. Special thanks to the talented Musica Viva group and Cardiff North teacher and musician Catherine Adams, who added to the soiree with her student musical performance. I really appreciate the invitation from Cardiff North and look forward to many more enjoyable performances by Musica Viva.

CAFE EXODUS

Mr JOHN FLOWERS (Rockdale) [1.22 p.m.]: I acknowledge a special café in Wyee Street, Kogarah Bay, in my electorate, which provides communal support and employment opportunities for youth in hospitality. The cafe is called Cafe Exodus and it is open from 7.00 a.m. to 4.00 p.m. seven days a week. Cafe Exodus provides a base for youth to be trained by senior staff to further develop their skills in waiting, making coffee and cooking. As a non-profit establishment, the services provided by Cafe Exodus will help the organisation become self-sufficient. The cafe supports Exodus Youth Worx, which provides youth with a positive and constructive network and environment. These activities include sports and fitness programs, job search and vocational development, community projects and events, drug and alcohol support, professional counselling, educational tutoring and mental health support. I congratulate Cafe Exodus on the valuable contribution it makes to the Rockdale community.

BIRRONG SPORTS FOOTBALL CLUB

Ms TANIA MIHAILUK (Bankstown) [1.22 p.m.]: Last Saturday night I was delighted to attend the coaches and managers presentation day to recognise volunteers at Birrong Sports Football Club, a club with a proud history of more than 65 years in the Bankstown District Amateur Football Association. Birrong Sports is one of the biggest amateur football clubs in Bankstown with 38 teams in total, ranging from kindies to all-age men's and women's teams. The club has been raising money for the Royal Prince Alfred [RPA] Hospital, and I was delighted to present a cheque for over $4,000 to Professor Richard Allen of the RPA. I recognise the hard work of the Birrong Sports Football Club management committee, in particular long-serving President Mick Shrimpton, Secretary Susan Kansek, Vice President John Webbey and Treasurer Essa Lackmass. I acknowledge past executive members and the many volunteers. I wish the teams continued success in their upcoming finals series fixtures.

GRAFTON AGRICULTURAL SHOW

Mr CHRISTOPHER GULAPTIS (Clarence) [1.23 p.m.]: I offer my congratulations to the committee who have organised this year's Grafton Agricultural Show, which was held recently. The local community should be extremely grateful that there are so many people who are prepared to give up their time to produce such a jam-packed program, which has something for everyone. I congratulate all the directors of the Grafton Show Society: Elizabeth Austen, Danielle Bower, Vikki Fletcher, Alick Green, Bruce Green, Lisa Green, Rex Green, Neville Hayward, Fiona Leviny, Carol McDonald, Evelyn Mitchell, Allan Morgan, Donald Norton, Katrina Norton, Suzanne Patricks, Barry Reeves, Dennis Reilly, Alan Ryall, Edward Smith, Wendy Wallace, Alan Watkins and Gordon Wingfield. Well done to all of you; it was another great show.

BEV REED, AUSTRALIAN LABOR PARTY LIFE MEMBER

Mr RYAN PARK (Keira) [1.24 p.m.]: I congratulate local Australian Labor Party [ALP] member Bev Reed on recently receiving life membership of the party. Bev has enthusiastically and wholeheartedly supported the ALP cause. She has held a number of positions in a range of branches, including branch secretary of Bargo Picton branch and delegate to Federal Electoral Council and State Electoral Council, and Vice President of the fantastic Balgownie branch and delegate to Federal Electoral Council. Over the past 41 years as a Labor Party member Bev has worked tirelessly to advance the causes of working men and women. I congratulate Bev and wish her and Kevin all the best. I also praise her daughter and the Federal member for Cunningham, Sharon Bird.

BRIGIDINE COLLEGE, ST IVES

Mr JONATHAN O'DEA (Davidson) [1.25 p.m.]: Brigidine College at St Ives is a wonderful school in my electorate that in February this year marked 60 years of educating girls. In the context of an already special year, I wish to recognise the recent opening on 22 July of its new Anita Murray Centre for Performing Arts and Sciences. The centre is named after Sister Anita Murray, who was the college principal from 1975 to 1989 and who has held other leadership roles with the Brigidine Sisters. Following the official opening by

Her Excellency Professor the Hon. Dame Marie Bashir, I had an opportunity to see the excellent facilities up close. I am sure that they will serve the school well for many years to come and I congratulate all those who were involved in the project's delivery.

FAIRFIELD HIGH SCHOOL PARENTS CAFE

Mr GUY ZANGARI (Fairfield) [1.26 p.m.]: Congratulations to the Fairfield High School's Parent Cafe for the official opening of the community centre. The centre was opened during the Refugee Week celebrations at Fairfield High School. It is a place where parents can come to support each other and the community. The old toilet block has been renovated into a training office, kitchen and hospitality facility. The Federal member for McMahon, Chris Bowen, Fairfield local area command representative Mr Hatham Jaju, the Parent's Cafe coordinator, representatives from Wrap with Love, principal Mr Bob Mulas, teachers, students and parents were present at the official opening. Congratulations to Fairfield High School on its wonderful initiative in supporting parents in the community.

ASSYRIAN GENOCIDE REMEMBRANCE DAY

Mrs TANYA DAVIES (Mulgoa) [1.27 p.m.]: On Sunday 10 August 2014 I had the honour of attending the Assyrian Genocide Remembrance Day at the Assyrian Genocide Monument in Bonnyrigg Park. Hundreds of Assyrian men, women and children were in attendance to honour and pay their respects to the hundreds of thousands of Assyrians murdered under the Ottoman Empire during World War I and during the 1933 massacre of Assyrians at Simmele, led by Iraqi government forces. With grief-stricken hearts we mourned together the tragedy that is now unfolding in the Middle East under the Islamic State terrorists where the genocide of peaceful, loving Christians and other indigenous communities throughout Iraq is now occurring. I am not alone in this place in condemning the evil atrocities being inflicted upon our fellow human beings.

Many questioned why history does not learn from the errors of the past and chart a new course for itself and its children of peace, respect, opportunity and discovery. I call upon the world's communities to unite against this Islamic State evil and I call upon the Muslim communities within Australia to rally and speak out against this terror. Stop instilling hatred and vile into the minds and hearts of children and allow all children across all cultures and religions a chance to discover and fulfil their own dreams.

LAKE MACQUARIE ELECTORATE QUEEN'S BIRTHDAY HONOURS

Mr GREG PIPER (Lake Macquarie) [1.28 p.m.]: I congratulate three members of my community honoured in the Queen's Birthday awards in June. Emeritus Professor Anthony Smith of Carey Bay received a Member of the Order of Australia for his service to medicine as a clinical pharmacologist and his contributions to national medicines policies. Neville Harris was awarded an Order of Australia Medal for his service to the community of Lake Cargelligo. Neville now lives in Lakeside Village, at Bonnells Bay, and has immersed himself in that community with similar enthusiasm. I had the pleasure earlier this year of presenting him with a New South Wales Government Community Service Award in recognition of his contributions. Ellen Rae was also awarded an Order of Australia Medal for her service to golf. Ellen has been on the Morisset Country Club golf committee for 45 years and has also served as a councillor and district delegate for Golf NSW. She is a well-respected member of that community and I have known her for many years. I look forward to being with her when she receives her medal in the near future.

ORANGE PUBLIC SCHOOL 2013 BOYS SOFTBALL TEAM

Mr ANDREW GEE (Orange) [1.29 p.m.]: I pay tribute to the Orange Public School 2013 boys softball team. As the 2013 Primary Schools Sports Association [PSSA] softball season began, there were early signs of success for Orange Public School. After successful consecutive wins against local schools during an early gala day, the boys softball team made it into the final eight for the region. More wins saw the side make the western regional final against another great Orange school, Bletchington Public School. The success of a convincing 8:4 win was boosted when Max Powell, Bailey Ferguson and Jack Taylor were chosen for the Western team and Bailey Ferguson was chosen for the State team.

Now PSSA western region champions, the Orange Public School side continued with its string of wins in the knock-out phase, beating Panania and Armidale, and making it through to the final four at the Blacktown softball centre. After a close 5:3 win in the semifinal against Sturt Public School from Wagga Wagga, the team went on to claim the title of 2013 New South Wales PSSA State champions with a 10:4 win against Newport.

The team was also nominated for the Orange Credit Union Team of the Year. Congratulations to Jack Taylor, Bailey Ferguson, Ollie Keegan, Mitchell Weekes, Max Powell, Sam Ridley, Jack Tracey, Hugh Middleton, Alex Wiegold and Bradley Pengilly.

LORD SHAKYAMUNI BUDDHA BIRTHDAY

Mr ANDREW ROHAN (Smithfield) [1.30 p.m.]: On 4 May 2014 I was honoured to represent the Premier, the Hon. Mike Baird, at the Phuoc Hue Monastery in Wetherill Park to celebrate the birth of Lord Shakyamuni Buddha. Vesak is one of the most significant events in Buddhism. It commemorates the birth, enlightenment and passing of Buddha. Each of these milestones occurred on the full moon of May in different years. While this may be a Buddhist celebration, all humans should strive for peace and harmony, a quintessential aspect of humans, regardless of race or religion. The Fairfield local government area is one of the most diverse communities in Australia. It has a mix of religions, but Buddhism is its second largest. I am proud to be part of a community that has 130 nationalities living harmoniously within a vibrant and accepting culture.

MAX CROOT, MEDAL OF THE ORDER OF AUSTRALIA

Mr GARETH WARD (Kiama) [1.31 p.m.]: I congratulate Max Croot, Order of Australia [OAM], of Bomaderry on recently receiving his Medal of the Order of Australia for his distinguished service to the Shoalhaven community, particularly through the brass band movement. For many years Max has been heavily involved with music as both a patron and a committee member of the City of Shoalhaven Eisteddfod. In 1994 he founded the Shoalhaven City Concert Band and the Shoalhaven City Youth Concert Band, for which he was bandmaster for many years. In 2013 he was bandmaster of the Berry Silver Band and during the 1980s he was bandmaster of the Nowra Town Band. He continues to be a volunteer music tutor in a number of local schools. In 2012 Max was recognised as a gold medal recipient by the Shoalhaven City Council Arts Board for his outstanding achievement in service to music throughout the Shoalhaven. He is now a very deserving OAM recipient. I thank Max Croot for his extensive and distinguished service, much of it voluntary, to our local community.

Community recognition statements concluded.

[*Acting-Speaker (Mr Garry Edwards) left the chair at 1.32 p.m. The House resumed at 2.15 p.m.*]

VISITORS

The SPEAKER: I welcome to the gallery 17-year-old Jacob Perry and his parents, Elwin and Rachel Perry, guests of the Minister for Hospitality, Gaming and Racing, and Minister for the Arts, and member for Dubbo.

A very special welcome today to students from Penrith Anglican College, Caroline Chisholm College, Glenmore Park High School, Colyton High School Trade School, St Clair High School and Nepean Christian School, in Parliament today participating in the Mulgoa Senior School Captains Forum—it was a pleasure to meet you earlier this afternoon; remember what I said about question time—guests of the member for Mulgoa.

I also welcome to the gallery Nicole Tooby, a guest of the member for Port Macquarie.

DISTINGUISHED VISITORS

The SPEAKER: I welcome to the gallery today the Ambassador of Portugal, Paulo Cunha-Alves, a guest of the member for Hornsby.

AUSTRALIAN RED CROSS CENTENARY

Ministerial Statement

Mr VICTOR DOMINELLO (Ryde—Minister for Citizenship and Communities, Minister for Aboriginal Affairs, Minister for Veterans Affairs, and Assistant Minister for Education) [2.17 p.m.]: Today we pay tribute to the Australian Red Cross in celebrating the 100th anniversary of its founding on 13 August 1914. A historical charity that was formed in crisis, the Australian branch was born nine days after the outbreak of

World War I. It has evolved into a global force that has indeed harnessed the power of humanity to not only save lives but to change them. The iconic Red Cross has become a familiar symbol of humanity that represents not only hope but also protection.

Once a wartime charity, the modern Australian Red Cross has evolved into a highly successful organisation. It responds to national emergencies and natural disasters and it is committed to developing the blood bank and first aid programs. The Australian Red Cross has played an important role in our nation's history and it will continue to do so into the future, largely because of the impact of Red Cross volunteers, supporters, donors, staff and blood donors, who make a difference to people's lives every single day. These volunteers are the lifeblood of the Red Cross, and I was lucky to spend time with some of them in my electorate on Saturday.

The New South Wales Government is proud to partner with the Red Cross on the delivery of many services including assisting seniors and people with disabilities; training young people and "at risk" groups in alcohol and other drug overdose prevention; supporting young parents with 24-hour support, accommodation and intensive case management; and, of course, many of us have given blood at a Red Cross blood bank, which is so vital. The Australian Red Cross has become part of the fabric of the Australian community, and I congratulate all involved on building the Red Cross into what it is today. I wish the Red Cross a happy 100th birthday.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [2.19 p.m.]: I join the Minister for Communities and Citizenship in recognising the outstanding work of the Red Cross over 100 years. After a century the work of the Red Cross remains more relevant than ever and is a shining example of the Australian spirit of coming together in times of need. The Red Cross has consistently been there, regardless of where in Australia or where in the world need exists. There would be few Australians whose life has not been touched by the work of the Red Cross at one time or another.

Whatever the situation, Red Cross members and volunteers are there ready to help. Sometimes that assistance has been on a large scale, such as providing immediate support to those affected by natural disasters and the bushfires and floods that are a sad reality of life in Australia and New South Wales. It may involve emergency humanitarian aid to people in our region, such as the hundreds of thousands of victims of the Asian tsunami, those caught in the wake of the Fukushima earthquake and the thousands tragically displaced by Typhoon Haiyan.

The Red Cross is also there for human beings stuck amidst conflict and war—the fragile and the desperate left with no option but to flee their home countries, at times risking their lives to seek a safe haven on our shores. In a world today filled with human misery in places from Gaza to the Crimea, to Syria and Iraq, the hand of the Red Cross—working in partnership with other good global actors—is needed more urgently than ever. At the same time, the work of the Red Cross is just as profound on a smaller, day-to-day scale: supporting those facing personal troubles or a crisis in the home, our elderly pensioners facing loneliness and ill health, and the homeless and the mentally ill, or simply providing hungry children with a hearty breakfast to start the day.

These are just a few of the ways that people working and volunteering with the Red Cross work tirelessly to improve the lives of others. Of course, one cannot speak of the Red Cross without touching on the blood donation service. Thanks to the hard work of the Red Cross, we Australians are now aware of the importance of blood donations and how critical that can be to saving a life. It is a cause that has been catapulted into the mainstream.

For 100 years now the Red Cross has brought us together for the greater good, working side by side regardless of political affiliation, religious beliefs or anything else that may divide human beings. In a world often characterised by chaos, human hostility to one another and the random knocks of fate, the Red Cross is a force for decency and good. On behalf of the Opposition, I pay tribute and give thanks to the thousands of Red Cross volunteers and members across Australia and across New South Wales as they celebrate 100 years.

The SPEAKER: I thank the Leader of the Opposition and the Minister for Citizenship and Communities for their comments on the Red Cross and I add mine on behalf of all members of this place, who I know have volunteers in their communities, as I do. Today I proudly wear the patron's badge of my branch of the Red Cross, Vincentia, of which I am a member. On behalf of all members, I thank members and volunteers of all the Red Cross branches for the very important work they do.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

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

NEWCASTLE LORD MAYOR JEFF MCCLOY

Mr JOHN ROBERTSON: My question is directed to the Premier. Given the revelations from Mr McCloy's lawyer and evidence from the former member for Charlestown and the former member for Newcastle, will the Premier suspend Jeff McCloy as Lord Mayor of Newcastle until the Independent Commission Against Corruption [ICAC] hands down its report, as is permitted under the Local Government Act?

Mr Richard Amery: They sacked the Wollongong mayor.

The SPEAKER: Order! Members will come to order. The member for Mount Druitt will come to order.

Mr MIKE BAIRD: I answered that question yesterday.

Mr John Robertson: No, you didn't.

Mr MIKE BAIRD: I love the fact that the Leader of the Opposition is suddenly this shining white knight. Has anyone noticed? Suddenly the Leader of the Opposition, the man who wore out the carpet to Eddie Obeid's office, is a white knight. No-one can believe it. I note that Labor wants to leave Newcastle exactly as it is. Labor does not want the city to progress at all. Indeed, today's paper reported the Leader of the Opposition as saying—

Ms Gladys Berejiklian: Tell us what he said.

Mr MIKE BAIRD: I will tell the House what he said.

The SPEAKER: Order! Members will come to order. There are too many interjections in the Chamber.

Mr MIKE BAIRD: The Leader of the Opposition said he was considering light rail but he did not want to rush into it because he did not know the budget position. There we have it.

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

Mr MIKE BAIRD: The Leader of the Opposition has been in that position for 3½ years and he has yet to read one budget paper.

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

Mr MIKE BAIRD: People across the State can have confidence in the Leader of the Opposition because he also said, "We'll find out about the budget position in December." So he has missed 3½ years' worth of budget statements. He thinks one is coming in December and suddenly he will make some financial decisions.

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

Mr MIKE BAIRD: The member for Maroubra should tell us—

Mr John Robertson: Point of order: My point of order is Standing Order 129, relevance. Yet again the Premier is deflecting from the answer to the question. Will the Premier stand Mr McCloy down as Lord Mayor of Newcastle? It is pretty simple even for a bloke like the Premier.

The SPEAKER: Order! The Premier said that he answered the same question yesterday, and he remains relevant to the question asked by the Leader of the Opposition. There is no point of order.

Mr MIKE BAIRD: I love the Leader of the Opposition. We want him exactly where he is, exactly in that position. Members opposite must stay strong. We are backing the Leader of the Opposition; members opposite must ensure that they do not do anything.

The SPEAKER: Order! There is too much audible conversation in the Chamber. The member for Cessnock will come to order.

Mr MIKE BAIRD: I say this in relation to Newcastle and what we are delivering in Newcastle.

Ms Cherie Burton: Delusional.

Mr MIKE BAIRD: I welcome back the member for Kogarah. I thank her for turning up to Parliament. As a member of Parliament she has a responsibility to turn up, and question time is at 2.15 p.m.

Ms Linda Burney: Point of order—

The SPEAKER: Order! What is the member's point of order?

Ms Linda Burney: It is Standing Order 129. The Premier did not answer the question yesterday.

The SPEAKER: Order! That is the opinion of the member for Canterbury.

Ms Linda Burney: The Premier should grow a backbone and make a decision.

The SPEAKER: Order! The member for Canterbury will resume her seat. That did not even remotely resemble a point of order. There was no breach of the standing orders. There is no point of order.

Mr MIKE BAIRD: She said something; I am not sure what it was. It is fantastic to have the member for Kogarah back. I think we are all pleased to have her back. Question time is at 2.15 p.m. and extends to after 3 o'clock. I am just letting her know. It is also great that the she is standing aside for Chris Minns because everyone wants Chris Minns to replace the Leader of the Opposition. So the member for Kogarah is doing a good service to the people of the Labor Party. In relation to Newcastle, this Government is delivering what the former Government could not, that is, a renewal of the city. We are proud to stand by a renewal of the city. A candidate comes to mind, Jodi McKay, who we all remember. She said, "Securing the light rail for the city was fantastic. I think the fact that the Government has committed to taking out the heavy rail is going to change the city and I think that's a very positive thing." This Government will continue to deliver for the city of Newcastle as we are across the entire State, regardless of the carping of the Leader of the Opposition.

WESTCONNEX MOTORWAY

Mr JOHN SIDOTI: My question is addressed to the Premier. How is the Government getting on with the job of delivering the largest road project in Australia?

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

Mr MIKE BAIRD: That is a sensible question from a very sensible member who has championed WestConnex for this community. He is interested in reducing congestion across his community—a great thing from the member. The Government is proud to be delivering today. WestConnex is not only a world-class project but also the largest road project being undertaken in the nation. It is a significant project. WestConnex reached another milestone today with the release of the M4 widening environmental impact statement, a critical part of the process. The widening will feature four lanes in each direction from Parramatta to Homebush. It also includes ramp upgrades and new direct access from Homebush Bay Drive to the M4 westbound, and a new M4 connection for motorists heading eastbound from Hill Road.

Importantly, the release of the environmental impact statement shows the project will achieve travel time savings of up to 74 per cent for motorists using this stretch of WestConnex. In addition, it will save up to

100,000 hours of travel time a day and $1 million a day on car maintenance. It is what the people of Western Sydney and the inner west have been waiting for. They have been waiting for this project to be delivered and we are doing just that. It will mean people will have more time with their families.

Mr John Robertson: How much concrete will you have poured?

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

Mr MIKE BAIRD: I will get to you, you wait. It will mean less time in traffic and that is what this Government is about. It is about getting rid of congestion and that is what this project will obviously do.

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

Mr MIKE BAIRD: There we go: the naysayers are here. They do not want the project. In they come.

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

Mr MIKE BAIRD: This Government will ensure there is community consultation at every stage of this project. Today the environmental impact statement has been put on display. I encourage everyone to participate and have their say on this corridor and on this project. I encourage the Leader of the Opposition to come forth with his plans. Recently he said, "We are still waiting for construction to start on this project." I ask the Leader of the Opposition, "Before you start an infrastructure project, what is the first thing you need?"

Government members: Money.

Mr MIKE BAIRD: Money. He needs at least $1 to go towards the project, and the Opposition has delivered nothing.

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

Mr MIKE BAIRD: Indeed, the WestConnex project is funded by the contribution of the long-term lease of Port Botany and the long-term lease of Port Kembla. The Leader of the Opposition opposed it. We all remember the way they funded these projects. In their public-private partnership contracts they said to the world of infrastructure, "You can do this project if you pay the most amount of money up-front." What did that mean? Tolls went through the roof, they forced traffic into it, they ruined local communities and everyone went broke under their public-private partnership model, but we will do it in a responsible and right way for this State. This Government funds models responsibly. We have secured the funding. A simple tip for the shadow Cabinet is a project cannot be delivered unless funding is secured. I know that is a big revelation.

The SPEAKER: Order! I call the member for Toongabbie to order for the first time. He will cease those antics.

Mr MIKE BAIRD: We know the Leader of the Opposition does not read budget papers but that should not be too hard even for him.

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

Mr MIKE BAIRD: Members of the Opposition should be able to understand that dollars are needed to build infrastructure. In relation to this project Tony Shepherd said:

> WestConnex is not just a road. It's Australia's largest transport project unlocking $20 billion in economic benefits for NSW, including 10,000 new jobs. As with any great undertaking, it has attracted naysayers trying to safeguard the status quo—an option this great city can't afford.

This Government will deliver the WestConnex project, regardless of what the Opposition does. All of a sudden the Leader of the Opposition will now get a shovel and start to build this road himself because he has not got any dollars. His plan is for the whole team in the shadow Cabinet to grab their shovels and start digging.

The SPEAKER: Order! When members comes to order I will listen to the member for Drummoyne. Members will be placed on calls and out of the Chamber they will go if they continue to interject. The member for Cabramatta is not listening; he may be the first.

Pursuant to standing order additional information provided.

Mr MIKE BAIRD: The Opposition's plan is for the shadow Cabinet to take out their shovels and build it. The record on this project of the former Government is that in 2002 the M4 extension was first announced. In 2004 they re-announced it, which was done a couple of times. In 2005 it was shelved because they said they could not go ahead. In 2006 they said, "Actually I think we should build it." In 2008, it was shelved again. In 2009 they promised to build it—

Mr Richard Amery: Point of order: It is Standing Order 130, a member should not debate the question being asked. The question related to road projects in New South Wales. After 6½ minutes the Premier has mentioned one project. Are there any more?

The SPEAKER: Order! The Premier is not debating the question. The member for Mount Druitt is very confused on that point or order. There is no point of order.

Mr MIKE BAIRD: I note that in Labor's funding plan the member for Mount Druitt will not be bringing a shovel next year. He is leaving and going into the sunset, and we wish him well because he stood up for it. The good news for the people of New South Wales is that the track record of the former Government is that it did not deliver a centimetre on this project. An environmental impact statement has been issued today, funding is secured and the big difference between this Government and the Opposition is that we will deliver the project.

HUNTER RAIL LINE

Ms LINDA BURNEY: My question is directed to the Attorney General. Did the Attorney General have any discussions with Jeff McCloy or Hilton Grugeon, or is he aware of any discussions, regarding the removal of the Hunter rail line which he announced when Minister for Planning and Infrastructure?

Mr BRAD HAZZARD: It is a great privilege to get any question as Attorney General, and it is also a pleasure to get a question about when I was planning Minister. When this Government was elected it was committed to making sure that infrastructure in New South Wales was delivered, particularly for the Hunter. There is no question that a whole host of people in the Hunter were saying they wanted to see some changes. In fact, I remember very well attending a coffee shop on one Sunday, not with anybody but just by myself. Sadly as a planning Minister I tried to avoid those meetings that the members of the Opposition became experts at, but I was by myself. There I was, having a coffee.

Mr Andrew Stoner: With all his friends.

Mr BRAD HAZZARD: With all my friends, as Andrew said. Thank you, Andrew. I formally place on record the Andrew Stoner's understanding of my position. Thank you for caring, Andrew. There I was having my coffee and who did I see across at the next table—a former Labor Minister, a very senior Labor Minister—who said to me, "What are you doing up here?"

Ms Linda Burney: Point of order: I am sure this is going to be completely entertaining, but my point of order is relevance under Standing Order 129.

The SPEAKER: Order! The Attorney General has begun to answer the question. There is no point of order. The Attorney General is being relevant to the question.

Mr BRAD HAZZARD: As I was saying, a former very senior Labor Minister saw me and said, "What are you doing up here, Brad?" I think it was a Sunday.

Mr Richard Amery: And you didn't answer that question either.

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

Mr BRAD HAZZARD: I will miss the member for Mount Druitt after the next election, typing studiously away up there, cobwebs out of the office. I appreciate the work he has done on behalf of his political party. If the others had done as good a job as he has done, there would not be a rump sitting in here.

The SPEAKER: Order! The Attorney General will return to the leave of the question. I call the member for Canterbury to order for the second time. She has asked her question.

Mr BRAD HAZZARD: He asked, "What are you up to, Brad?" I said, "Well actually, the Coalition is looking very closely at how we can revive the Hunter, how we can get Newcastle back to being a foremost city in New South Wales; how we can do what State Labor never did." He looked at me and he said, "What are you planning on doing?" I said, "We are thinking that we might actually have to remove part of that train line to bring back the city, bring it back to the harbour." He looked at me and he said, "Oh, you'll never do it. The Labor Cabinet thought about this 20 years ago and none of us had the guts to do it."

Well, we did; the Coalition did it and we did it because the entire community of Newcastle understands that it is necessary to provide an opportunity to grow an economy for Newcastle. In the course of that project we had meetings with almost everybody. I do not remember all the details of whom we spoke to, but there were many. I do not doubt that all of the developers and people in Newcastle wanted to see Newcastle become the thriving metropolis it should be. The Coalition and its Cabinet put a lot of consideration into this project before a decision was made. We listened. As planning Minister at the time, I listened to many people, including union representatives.

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

Mr BRAD HAZZARD: I have forgotten the union representative's name but the Leader of the Opposition would remember it because he went on a train ride with her to Newcastle. It was great fun watching him jump off the train at exactly the right time. It was fantastic. He got off perfectly well, jumped on the bus and off he went.

Mr John Robertson: That is because I can actually walk, Brad. I am actually capable of getting on and off trains on my own, thanks.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr BRAD HAZZARD: I will not go into what his capabilities are as Leader of the Opposition. I watched with amusement as I saw those naysayers in Newcastle line up with the Leader of the Opposition to say we should not do what we were going to do.

Mr Michael Daley: Point of order: My point of order is relevance under Standing Order 129. I have waited for four minutes before taking my point of order. The question was: were Grugeon and McCloy part of those discussions.

The SPEAKER: Order! There is no point of order. The Attorney General has the call.

Mr BRAD HAZZARD: As I was saying, we listened and talked to everybody up there. We listened to the naysayers and the supporters. In the end the decision we made was about the best interests of the people of Newcastle, and we will continue to make decisions on that basis. As we move forward in this very difficult time for the people of Newcastle we will make sure that, as far as is humanly possible, we will continue to grow Newcastle, grow the economy and give the people of the Hunter the confidence they deserve, which did not exist under 16 years of Labor's rotten government.

The SPEAKER: Order! I call the member for Canterbury to order for the third time. All members called to order are now deemed to be on three calls to order. They will be removed from the Chamber if they continue to interject.

[*Interruption*]

The SPEAKER: Order! The member for Toongabbie will remove himself from the Chamber until the conclusion of question time.

[*Pursuant to sessional order the member for Toongabbie left the Chamber at 2.44 p.m.*]

WESTCONNEX MOTORWAY

Mr DONALD PAGE: My question is addressed to the Deputy Premier, Minister for Regional Infrastructure and Services, and Leader of The Nationals. How will WestConnex make it easier for regional producers to do business?

Mr ANDREW STONER: That is an excellent question from the member for Ballina. WestConnex is Australia's largest infrastructure project that has enormous economic benefits not just for metropolitan Sydney but also for regional New South Wales. The Premier outlined some of the many economic benefits of the WestConnex project, in particular, for those good people of Western Sydney who will have a far better commute as a result of the transformation that this Government is embarking upon. However, the benefits to regional economies are not so directly appreciated.

I know Madam Speaker is aware that much of our export produce comes from regional New South Wales and the port precincts of Port Botany, Mascot and Kingsford-Smith are the means through which much of our export produce goes to overseas markets. Additionally, our regional areas are providing food and other goods to the biggest domestic market in Australia, that is, metropolitan Sydney. Without an efficient transport chain and efficient road transport, the costs borne by these producers and the general economy are enormous. It makes us less competitive, particularly when we face global competition with our export produce.

The economic benefits across the State of the WestConnex project are massive—$20 billion in estimated economic benefit and 10,000 jobs created as a result of the Government's infrastructure plan. I take a moment to contrast the way we have gone about planning and delivering infrastructure with that of the former Labor Government. We established Infrastructure NSW to do the homework on the economic benefits and priorities of key infrastructure projects for New South Wales. We have a plan that is going to deliver in spades for the people of this State and for our economy. I contrast that with the last significant infrastructure project Labor chose to embark upon—the Premier has already mentioned that the M4 extension was on again, off again, on again, off again; it was never done—which is the infamous Rozelle Metro.

On the back of a beer coaster the Labor Party thought it would be a good idea to put in a metro rail line from the city to Rozelle. It spent $500 million of taxpayers' money, but never delivered a centimetre of rail. This Government is aware of the economic benefits of infrastructure, and WestConnex is going to help our rural producers to deliver their products from paddock to plate and paddock to port. We are also helping our rural producers in other ways in this State. I have mentioned to the House previously that one of the huge opportunities for our economy is in agribusiness and exports of the food produce that New South Wales is so good at. The Government is participating in a Hong Kong Trade Development Council Food Expo this coming weekend. This international expo is a fantastic opportunity for us to showcase the very high quality—

Dr Andrew McDonald: Point of order: My point of order is relevance under Standing Order 129. The question was about WestConnex and the expo does not relate to that.

The SPEAKER: Order! The Deputy Premier has clearly established relevance. The Deputy Premier has the call.

Mr ANDREW STONER: For the benefit of the member for Macquarie Fields, we are helping to create export opportunities and we are putting in place the transport infrastructure to drive down the costs of delivering those export products to international markets. It is really all part of the same equation. We understand the economy in New South Wales, how to grow jobs and how to prosper our State. Some fantastic producers in this State will showcase their produce to almost 20,000 buyers across Asia at this international food expo in Hong Kong.

Pursuant to standing order additional information provided.

Mr ANDREW STONER: The member for Ballina is interested in the expo because one of the producers displaying his products is Brookfarm from his electorate in northern New South Wales, which produces premium mueslis and other products. From the electorate of Orange we have Mandagery Creek venison and from the Murrumbidgee electorate Redbelly Citrus and Flavourtech. Whether it is Byron Bay Cookies on the shelves of supermarkets in Singapore or fresh Norco milk from Lismore that is currently being exported to China, this Government is fair dinkum about growing the export trade, supported by infrastructure investment, to help deliver to overseas markets competitively. I reluctantly contrast this Government's sound

economic approach with that of the Labor Opposition. Last month the Leader of the Opposition produced something called Labor's dairy export plan, a four-page glossy document. What was the key part of Labor's dairy export plan?

Mr Richard Amery: Dairy products.

Mr ANDREW STONER: There is not actually a key part.

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

Mr ANDREW STONER: We heard about the member for Lakemba and his honesty in describing his feelings toward the Leader of the Opposition. On radio yesterday the member for Mount Druitt was honest when he described working with the Leader of the Opposition as "challenging." A bit of honesty from those opposite is refreshing. There is no key part to the plan. The plan describes how, if Labor wins government, it will produce a plan in the first year: It is a plan for a plan.

HUNTER RAIL LINE

Ms SONIA HORNERY: My question is directed to the Minister for Transport. Does the Minister have or is she aware of any discussion with Jeff McCloy and Hilton Grugeon regarding the removal of the Hunter rail line in Newcastle?

The SPEAKER: Order! Opposition members will come to order. An Opposition member asked a question; Opposition members should be interested in the answer.

Ms GLADYS BEREJIKLIAN: I will not have members of the Labor Party coming into this House and pretending they care about the Hunter. I will tell you why.

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

Ms GLADYS BEREJIKLIAN: They had 16 years to improve public transport in the Hunter and they did nothing. Who was the last transport Minister before Labor lost office? It was the Leader of the Opposition. Did he improve public transport services in the Hunter? No, he did not. Did they look at improving Newcastle city itself? No, they did not. Every member of this House would have high regard—especially in light of recent events—for the credibility of the former member, Jodi McKay. On 24 May 2014 Ms Mackay is reported in the *Newcastle Herald* as stating—

Ms Sonia Hornery: Point of order—

The SPEAKER: Order! The Minister has only just begun her answer. What is the member's point of order?

Ms Sonia Hornery: The question was about discussions with Jeff McCloy and Hilton Grugeon.

The SPEAKER: Order! I am sure the Minister will get to that; it is early in the answer. There is no point of order. I note the member's point of order.

Ms GLADYS BEREJIKLIAN: On 24 May this year the former member for Newcastle is reported in the *Newcastle Herald* as stating:

> …Ms McKay said, but securing light rail for the city was "fantastic".
>
> "I think the fact that the government has committed to taking out the heavy rail is going to change the city and I think that's a very positive thing," she said.

The Government consulted broadly and widely in relation to this decision because it is the best decision for Newcastle and the Hunter. It was very interesting to hear the words of the Leader of the Opposition this morning. Members know that Labor was in office for 16 years and did nothing, and that the Leader of the Opposition was the last Minister for Transport before Labor lost office. When the Leader of the Opposition was asked today about his plans for Newcastle and the Hunter—

Ms Sonia Hornery: Point of order: It was a question about discussions with Jeff McCloy and Hilton Grugeon.

The SPEAKER: Order! The Minister has answered the question about consultation and discussion. There is no point of order.

Ms GLADYS BEREJIKLIAN: What the Labor Party refuses to admit is that the Coalition made this decision because it was the right decision for the people of Newcastle.

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

Ms GLADYS BEREJIKLIAN: I was cut short when making this point. Let us get it right: The Labor Party was in office for 16 years; the Leader of the Opposition was the Minister for Transport; and they could not make a decision on a question that has been debated in Newcastle for 20 to 30 years. This morning, when the Leader of the Opposition had an opportunity to outline Labor's vision for transport in Newcastle and the Hunter, what did he have to say? After 16 years in Government and 3½ years in Opposition he stated, "I need to wait until December because I don't know what the budget position is." He said, "I don't know what the budget position is, so I cannot tell you what we would do in Newcastle or the Hunter." That is Labor's response. Labor sat on its hands for 16 years in Government and it has done the same for the past 3½ years in Opposition.

Ms Linda Burney: Point of order: My point of order is standing order 129. I will save you some time, obviously you met with them.

The SPEAKER: Order! There is no point of order. The Minister is being relevant. The Minister has the call. The Leader of the Opposition will come to order.

Ms GLADYS BEREJIKLIAN: This morning's comment was a breathtaking example of Labor's inability to care for the Hunter, its inability to deliver, and its inability to have a position on the issue. The people of the Hunter deserve better and that is why this Government will deliver policies that are in the best interests of the community. That is what the community expects from us.

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

SYDNEY TRAFFIC MANAGEMENT

Mr MARK COURE: My question is addressed to the Treasurer and Minister for Industrial Relations. Will the Minister explain to the House the economic impact of road congestion in New South Wales?

Mr ANDREW CONSTANCE: I thank the member for his question. The impact of congestion on the State both economically and socially is significant. The Government has clearly set out a plan to fix it. The transaction to lease 49 per cent of the State's electricity network is the only way to unleash the potential of Sydney and at the same time tackle the congestion problem that is besetting commuters across Sydney. There is a $5.1 billion per annum cost to the State economy as a result of congestion. With the expected population growth in the years ahead, New South Wales has zero choice but to recycle capital and invest in more productive infrastructure in terms of rail and road projects.

Consider that at the moment your average Sydney-sider is spending 185 hours per year—that is more than a week of one's life—stuck in congestion. It means that mums and dads cannot get home at night to read their kids a bedtime story and people cannot get to work on time. There is an enormous social and economic cost due to congestion. What the Government is keen to do is lease up to 49 per cent of the electricity assets in order to generate $20 billion of capital to invest in important projects such as WestConnex and Sydney rapid transit, which will get the city moving in the way it should.

The cost of inaction is higher than the cost of action. The Government must get this arrangement through and send a clear message to the community that we need capital to get on with the job. If we factor in the waste of hours stuck in traffic, the higher vehicle costs and the impact on the environment, the cost of congestion is significant. The Government is keen to ensure that the community understands its vision to deliver the vital projects that will get this State and city moving. We need to start tackling that $5.1 billion cost. I was

somewhat bemused over the winter recess to hear the shadow Treasurer and member for Maroubra talking about congestion and road projects. He decided to pass some judgement on his own economic management and that of the Labor Party. He went on with a speech and it was quite interesting. He said:

> We completed Sydney's orbital road network, building the M7 and the M5 east.

What a great effort. It is like saying, "Happy birthday. Here is half the cake." What do those opposite really think? The M7, if I recall correctly, was not delivered by them. It was a public-private partnership involving the Federal Government. Then if I actually consider the M5 East, what happened the day the M5 East was opened? It was congested; congested beyond belief. The shadow Treasurer thinks that the Labor Party has done this fantastic job—

Mr John Robertson: We will wait to see how good you are when you have actually done something.

Mr ANDREW CONSTANCE: The Leader of the Opposition is the greatest advertisement for the Liberal Party going into the next election. He was not here last week when I had the opportunity to refer to a column that appeared in the *Daily Telegraph* on 29 July.

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

Mr ANDREW CONSTANCE: Andrew Clennell wrote:

> The lack of intellect and vision at the top is holding State Labor back.

He said:

> What appears to be lacking are the big ideas you get from genuinely brainy people. There is no policy vision.

That is not the Government saying that, it is the *Daily Telegraph* saying it.

The SPEAKER: Order! Members will come to order.

Mr ANDREW CONSTANCE: What we also know is that the front bench is also saying it and saying it to every journalist in the gallery that they can. When the back bench is here, they are also saying it too.

Pursuant to standing order additional information provided.

Mr ANDREW CONSTANCE: Also for the benefit of the Leader of the Opposition, I made the point on Thursday—he was not here on Thursday for a very important reason—that in order to tackle congestion in the city we have no choice but to recycle capital. The only way to do that is to recycle capital through the electricity networks. I am happy to remind the House that what was also particularly pleasing last week is what the Chairman of the Australian Competition and Consumer Commission, Rod Sims, said:

> In my personal opinion New South Wales electricity prices would now be significantly lower had the New South Wales electricity network assets been privatised, say, five years ago.

He also went on to say:

> In my view such a sale can benefit New South Wales electricity consumers as network costs and therefore prices can be lower than otherwise.

What this says about the Leader of the Opposition is that he supports more congestion and higher electricity prices. That is the difference and that is going to be the key issue come March. It will be those opposite who have no vision, no plan to tackle congestion in this wonderful global city, versus the leadership under Premier Mike Baird spelling out a plan in terms of tackling congestion by building world-class motor networks.

The SPEAKER: Order! Members will come to order.

Mr ANDREW CONSTANCE: We are getting on with the job of building motor networks with WestConnex and NorthConnex. We have major rail projects underway—the South West Rail Link and the

North West Rail Link—and we have outlined a way to fund them. What we have from those opposite, in particular the Leader of the Opposition, is promises. The bottom line is all pudding, no magic. They have no way forward to fund and tackle congestion in this State.

The SPEAKER: Order! Members will come to order.

MEMBER FOR PORT STEPHENS

Mr MICHAEL DALEY: My question is directed to the Premier. Given today's testimony in the Independent Commission Against Corruption about the member for Port Stephens, has he considered whether it is appropriate for the member for Port Stephens to continue in his role assisting the Minister for Planning as the Parliamentary Secretary for Regional Planning?

Mr MIKE BAIRD: I thank the member for Maroubra for his question. I have said many times in this place that we are not going to provide a running commentary in relation to the Independent Commission Against Corruption, and that is what we would be doing. I certainly make the point—and those opposite have failed to see it—that we have taken appropriate action on these matters. They can choose to ignore it if they want, but we have taken appropriate action.

The SPEAKER: Order! I remind the member for Macquarie Fields that all members previously called to order are deemed to be on three calls to order.

Mr MIKE BAIRD: We are determined to rebuild that trust. We have taken actions in our party. We have appointed a former executive director of the Independent Commission Against Corruption—just make sure you listen, so you get it this time—Michael Symons.

Mr Michael Daley: Point of order: The question was very specific and what I am asking—

The SPEAKER: Order! I cannot dictate to the Premier that he answer the member's question specifically. There is no point of order. The Premier is being relevant.

Mr MIKE BAIRD: We have brought a former executive director of the Independent Commission Against Corruption into the party. We understand the importance of fixing up donations in this State and I should note that back in 2008 I made a submission on full public funding in campaigns and elections, and this is what I said:

> If election campaigns were fully funded by the public purse we would remove the potential to buy access and legislation. The simplicity of all campaigns being funded by the public purse would end confusion, and more importantly restore the integrity of Parliament in the mind of the community.

Mr Michael Daley: Point of order—

The SPEAKER: Order! I hope this is not going to turn into a debate. What is the member's point of order?

Mr Michael Daley: The question was not about public funding.

The SPEAKER: Order! I know what the question was about. As I stated previously, I do not have any power to direct the Premier to answer the member's question specifically. The Premier remains relevant. There is no point of order.

Mr MIKE BAIRD: Because the question in 2008 was: Where were those opposite on that issue? Where were they in 2008? I will tell members where they were—they were nowhere to be seen. They are absolute Johnny-come-latelies of the highest order. For 16 years they did not care. We have had the opportunity to change the system and that is exactly what we are doing. That is what Kerry Schott has been charged with, to do it and to do it properly. I know those opposite do not understand doing it properly, but that is what we will do and that is what we have outlined. On the matter of leadership, I think the member for Lakemba got it absolutely right yesterday when he was talking about this.

Dr Andrew McDonald: Point of order—

The SPEAKER: Order! Is it the same point of order?

Dr Andrew McDonald: It is the same point of order.

The SPEAKER: Order! There is no point of order for the same reasons that I just elucidated. The member for Macquarie Fields will resume his seat.

Mr MIKE BAIRD: I answer this very simply, Linda Mottram said:

> John Robertson, would he be the next best Premier of New South Wales in your view?

That was to Robert Furolo and what did he say?

Mr Michael Daley: Point of order—

The SPEAKER: Order! Is the member for Maroubra taking a different point of order?

Mr Michael Daley: Yes. Under Standing Order 73 the Premier is not entitled to do what he is doing, particularly given that he will not answer the question I put to him.

The SPEAKER: Order! I cannot dictate that the Premier answer the question in the way in which the member wants it answered. The Premier has been relevant to the question he was asked.

Mr MIKE BAIRD: He said that is a view for other people. He is a good member who has looked after his electorate, been rolled over by the Leader of the Opposition. Interestingly, who preceded him in his seat? It was none other than Morris Iemma, another man trying to do good things for the people of New South Wales. What do they have in common?

Ms Linda Burney: Point of order: I beg your indulgence, but it is the same point of order. The Premier has not gone anywhere near the question.

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

Mr MIKE BAIRD: I did answer the original question.

The SPEAKER: Order! The Premier is correct, but he has now strayed beyond the leave of the question.

Mr MIKE BAIRD: As I have said, there is no running commentary on the Independent Commission Against Corruption. Leadership is certainly required to fix this problem, and we have leadership on this side. That is what those opposite are seeing. We are delivering. I note the synergy on the other side: nothing in 2008, populism in 2014 and a consistent theme of rolling over good men. That is what the Leader of the Opposition does: He is happy to get rid of premiers and happy to knock over members looking after their community. Every single member of his shadow Cabinet knows he is not up to the job. The good news for the people of New South Wales is that on the matter of trust, we are taking the necessary actions on this side of the House. We will do it. It is important it is done and we are the only people who can do it.

WESTERN SYDNEY PUBLIC TRANSPORT

Mr TONY ISSA: My question is addressed to the outstanding Minister for Transport. How is the Government improving public transport services in Western Sydney?

Ms GLADYS BEREJIKLIAN: I reciprocate the praise of the very generous member for Granville and note that he is an outstanding member for his important area. I am pleased to inform the House that yesterday we confirmed that we have clocked up more than 9,000 extra transport services per week. This includes more than 7,800 bus services—almost 100 extra services per week this month alone in Sydney's west and north-west.

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

Ms GLADYS BEREJIKLIAN: This Government keeps delivering when it comes to public transport. I know this information interests the member for Granville—as it does all our Western Sydney members—because, of these 9,000 extra services per week, at least 5,600 are in Western Sydney. Western Sydney commuters are benefiting from more than 4,800 new bus services and 734 more rail services per week—a record of which we are very proud—on top of our commitment to major infrastructure projects such as the North West Rail Link and the South West Rail Link. This is a good opportunity to contrast our record in public transport with what those opposite did in government. When it came to transport services, what did Labor do? Cut, cut, cut. One of the biggest cutters was the former Minister for Transport, the now Leader of the Opposition.

We are putting on thousands of extra services per week and one of the last things the former transport Minister did was cancel 233 ferry services per week with the swipe of a pen. That was on top of the 1,500 bus services axed by those opposite in 2006 and the hundreds of rail services they slashed in 2005. We keep providing services. Did we hear anything about public transport in the Leader of the Opposition's budget reply speech? I think he did not mention the word "transport" in that speech. Did he use the word when he addressed the Labor conference? No. Those opposite have no policies and are embarrassed about their record. Even though they have no transport policies, I must confess that we found an interesting document recently when we were cleaning out our office to move. We found this document in one of the cupboards.

Mrs Jillian Skinner: It's amazing what you find.

Ms GLADYS BEREJIKLIAN: It is amazing what you find. This document gives us a great insight into what we can expect from the Labor Party in relation to transport policy. There are no surprises in the document considering the record of those opposite. The document is the February 2008 RailCorp "Customer Service Improvement Program".

Mr John Robertson: Two thousand and eight? I wasn't here.

Ms GLADYS BEREJIKLIAN: You were not in government.

Dr Andrew McDonald: Point of order: The member for Baulkham Hills is developing catatonia. My point of order goes to relevance.

The SPEAKER: Order! I could say so many things to the member for Macquarie Fields, but if I did I might lose my job. The Minister has the call. Opposition members will come to order.

Ms GLADYS BEREJIKLIAN: The document reveals that, after Labor had been in government for years, the party had an inconsistent record on project delivery and poor performance on maintenance. Our policy to support customers is putting on more services and Labor's response is on page 9 of this document. In relation to crowding, timetables and fare changes, Labor's response is to "restrict use of discount tickets during peak times, especially off-peak returns and potentially PET"—pensioner excursion tickets. While we provide more services, Labor wanted to kick pensioners and concession holders off rail services.

Pursuant to standing order additional information provided.

The SPEAKER: Order! Government members will come to order.

Ms GLADYS BEREJIKLIAN: Let us again contrast our records: under this Government, 9,000 extra services per week while the Labor Party's document shows that in order to address overcrowding it was looking at restricting "use of discount tickets during peak times, especially off-peak returns and potentially PET". Those opposite should hang their heads in shame. They cut services and their next intention was to throw pensioners, seniors and discount holders off the rail system. We are increasing services and building services while also ensuring that the most vulnerable in our community get the services they deserve.

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

Ms GLADYS BEREJIKLIAN: Those opposite have no policies. We rely on this ancient document because those opposite have no policies when it comes to public transport. All they have is a record of creating a mess.

The SPEAKER: Order! Before I call the member for Balmain, I welcome to the gallery students from Glenwood High School, who are guests of the member for Riverstone.

BALMAIN EAST FERRY WHARF

Mr JAMIE PARKER: My question is directed to the Minister for Transport. Considering Balmain East ferry wharf is one of the busiest commuter wharves in Sydney, will the Minister ensure that a temporary wharf is provided for the six months during which the main wharf will be closed for upgrading works?

Ms GLADYS BEREJIKLIAN: I thank the member for Balmain for his question. I appreciate that he takes a special interest in public transport and in ensuring his community gets the public transport services that every community deserves. I am pleased to talk about the Government's Transport Access Program, which involves upgrading stations and interchanges across the State. It also involves upgrading wharves. Under the program we currently have 120 projects either completed or underway. These projects make a real difference to commuters, especially those with mobility impairment or a disability, as well as older commuters and parents with prams. This Government has completed upgrades at many wharves, including at Neutral Bay, Rose Bay, Huntleys Point and, as I am sure the member for Balmain is aware, the Balmain Thames Street wharf.

Mr Jamie Parker: We had a temporary wharf there.

Ms GLADYS BEREJIKLIAN: Correct, because we had the space. There are six other wharf projects currently underway. We need to continue to invest in infrastructure because those opposite neglected infrastructure upgrades for too long. The Balmain East wharf deserves an upgrade, and we are pleased to do the work. The only thing the Labor Party delivered for Balmain was the failed Rozelle Metro, which cost taxpayers $500 million. Those opposite should have upgraded wharves, but did not. We are upgrading wharves because that is what is best for the community. We are continuing to deliver wharf upgrades and we have introduced and built the light rail extension from Lilyfield to Dulwich Hill in addition to other transport services. We have delivered 50 new ferry services per week across the network in addition to the 165 services we introduced after those opposite, particularly the former transport Minister, slashed them.

This, of course, includes extra services to cater for customer needs at Balmain, Abbotsford and Cabarita. The Balmain East wharf will provide better protection from the elements, improve safety for customers, improve accessibility for mobility-impaired customers and parents with prams, ensure quicker embarking and disembarking from ferries and will ensure future capacity for two ferries to berth at the wharf at the same time, which is good news for customers given the demand on services. We have considered all the options in relation to causing customers as little disruption as possible, but it is a constrained site. Construction is expected to start later this year and the Government will work to ensure it is completed as soon as possible. We acknowledge that there is always some inconvenience when building major infrastructure, and I appreciate that customers prefer that we build the wharf quickly, which we are doing. We looked at other options but they were not feasible. I assure commuters who use the wharf that we will build this project as quickly and as efficiently as we can.

During the construction process, as the member for Balmain may know, customers can catch the 442 bus service from Balmain East wharf to the city. I make the important point that extra services will be provided in peak periods during the close-down of the wharf to ensure that there are reliable replacement services. We have looked at all the options and we will be providing reliable replacement services during the construction process. Customers can also access one of the many regular ferry and bus services that operate in the vicinity. For some customers, Balmain wharf is an option because it is less than a kilometre away from Balmain East wharf. I assure the member for Balmain that we considered all alternative transport plans during the closure of the wharf and we believe the additional bus services will assist commuters during this process.

BUILDING THE EDUCATION REVOLUTION PROGRAM

Mr GREG APLIN: My question is addressed to the Minister for Education. How is the Government providing new and improved learning environments for our students using funds left over from the Building the Education Revolution?

Mr ADRIAN PICCOLI: The problem with four-year terms for governments is that in four years the public can forget how bad the previous government was. It is our role to remind the public, and there is no greater reminder of the former Labor Government's incompetence than the way it managed the Building the Education Revolution [BER] program. The former Labor Government received $3.5 billion from the Commonwealth for capital works projects across schools. It spent $3.4 billion and by the time the Coalition

came to government $94 million was left. With that $94 million we have rebuilt 19 schools for children with special needs and all 19 were delivered—I am going to say four words that we will never hear from Labor—on time, on budget. I will get to the record of the former Labor Government in a moment.

The principals of those 19 schools were invited to chair the project control groups, giving them and their communities the opportunity to control the projects at their schools. As a result, we obtained excellent value for money and the scope of work for each project was able to be expanded, further enhancing the state-of-the-art facilities provided. On Monday I was at Kurrambee School in the electorate of Mulgoa and I will be in Albury in a few weeks to open a couple of schools that we have rebuilt in that electorate. The department's analysis shows that the work at those 19 schools is being delivered 12 per cent cheaper per square metre than under the former Labor Government, adjusted to account for the additional costs associated with building schools for children with special needs.

Management fees were a big topic when the former Labor Government had that $3.4 billion. Under the former Labor Government, average fees were 15.01 per cent; our average fees have been 8.4 per cent—a $7 million saving from $100 million. Somebody can work out 8.4 per cent of $3.4 billion and imagine what additional capital works that could have bought. I am advised by the Department of Public Works that total savings achieved through the program amount to $17.5 million, which has all been driven back into delivering more facilities to our schools. Tomorrow I will be in Miranda to open the Bates Drive School and in a couple of weeks I will be in Albury to open Wewak Street School.

The Premier has been to Anson Street School in Orange and in a couple of weeks I will visit Kandeer School in Albury. The member for Maitland has opened the Hunter River Community School—which was well overdue for that huge investment of more than $7 million. As I said, we have visited Mulgoa and we are going to Lismore and the GS Kidd Memorial School at Tamworth. It is a great result for New South Wales compared with the efforts of the former Labor Government. A headline in the *Sydney Morning Herald* of 16 June 2010 read, "School blowouts win cash bonuses"—this was when Labor was in government and it is what we could return to after March next year. The associated article stated:

> A CONSTRUCTION contractor is to receive more than $1 million in bonus payments, despite running almost $7 million over cost on building projects at more than 130 primary schools in NSW.

The former Labor Government was over budget so it threw another $1 million at a project. On 15 October 2009 an article in the *Sydney Morning Herald* stated:

> More than half the NSW schools promised classrooms and halls under the Rudd Government's $16.2 billion stimulus program have blown their budgets, forcing some to reduce the size of buildings …

The SPEAKER: Order! Members will cease arguing across the Chamber. There is too much audible conversation in the Chamber.

Mr ADRIAN PICCOLI: We all remember the $600,000, 24-square-metre canteen at Tottenham—more than half a million dollars to build a room about the size of the carpet space in this Chamber, which was smaller than the room they had. On 21 February 2010 the *Sydney Morning Herald* stated:

> At Orange Grove Public School, in Lilyfield, a 25-square-metre canteen is being built for $550,000, or $22,000 a square metre.

I would have done it for $21,500. That is Labor's record compared with our record. Compare how those opposite spent $3.4 billion with how we spent the remaining $100 million.

Pursuant to standing order additional information provided.

Mr ADRIAN PICCOLI: On 16 December 2010, referring to the task force that undertook the review, an article in the *Daily Telegraph* stated:

> The Taskforce has serious concerns as to the NSW Government's capacity to ensure full and rigorous control of costs as school projects are completed and contracts closed out.

Where the rubber hits the road in relation to good management as opposed to bad management, is what a government can do with that extra money. With those savings Holroyd School was able to build two extra classrooms. Caroline Chisholm School, in the electorate of East Hills, was able to build two extra classrooms. Kurrambee, Cromehurst and Wairoa schools gained hydrotherapy pools. At Karonga School an additional four

classrooms were built. That is what happens when a government knows how to manage projects: It runs them efficiently and effectively and is able to reinvest the money into the front line. That is exactly what this Government has done. This Government has a proud record of delivering infrastructure, particularly education infrastructure.

Question time concluded at 3.27 p.m.

PETITIONS

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

Edgecliff Interchange

Petition requesting the upgrade of Edgecliff Interchange to provide full access for all passengers, received from **Mr Alex Greenwich**.

Sutherland Shire to Kogarah Railway Station

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

Como and Jannali Railway Stations

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

Gymea College of TAFE

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

Inner-city Social Housing

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

Pet Shops

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

Pig-dog Hunting Ban

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

Slaughterhouse Monitoring

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

Sutherland Shire Fire Stations

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

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

Killara Railway Station Car Park

Petitions opposing the sale of the Killara railway station car park and calling on the Government to acquire the site to provide for expanded parking in the future, received from **Mr Barry O'Farrell** and **Mr Jonathan O'Dea**.

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 conclusion of the motion accorded priority:

(1) Government business.

(2) Private members' statements.

(3) Matter of public importance.

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

BUSINESS OF THE HOUSE

Reordering of General Business

Mr CLAYTON BARR (Cessnock) [3.29 p.m.]: I move:

That General Business Notice of Motion (General Notice) No. 3113 have precedence on Thursday 14 August 2014.

My motion states:

That this House:

(1) Notes that the decision by the Government to remove the Newcastle rail line was made without any modelling or planning, without any cost-benefit analysis, without any forecasting of impacts to public transport travel, without any final costing or mapping and without any of the community consultation that was promised prior to the 2011 election by the then Leader of the Opposition.

(2) Notes the ICAC is questioning the link between developer donations and decision-making by the Government, such as the Newcastle rail line.

(3) Calls on the Minister for Planning to reveal all meetings, discussions and correspondence between the Minister, the former Minister for Planning and the department and those named in ICAC's Operation Spicer.

I put it to the House that revelations at the Independent Commission Against Corruption [ICAC] should concern us all. It is right for us to be concerned. I note that paragraph (1) of my motion refers to the modelling or planning, the cost-benefit analysis, the forecast of impacts to public transport, and the final costing. I stand to be corrected if the Government decides to lay the information requested on the table at any stage during my contribution today. I would welcome the Government's doing so because it has made an important decision that will change the movement of public transport across the Hunter.

It is one thing to talk about the Newcastle central business district [CBD] and it is another to talk about the Hunter. The Hunter is a much larger area. Indeed, on the other side of the House there are two very nervous members who are concerned about the position of their community regarding the cutting of the rail line. Of course, I am referring to the member for Maitland and the member for Upper Hunter. Their communities have made it clear to them that they absolutely do not want the rail line cut. So the decision on the Newcastle rail line must be reviewed. Decisions about development in the Newcastle CBD also must be reviewed because they were based not on evidence but on political convenience.

The SPEAKER: Order! The Attorney General, and Minister for Justice will come to order.

Mr CLAYTON BARR: We are becoming increasingly aware that that political convenience was brought about by a brown paper bag. That is the nature of the beast. Let us take Newcastle out of the equation for a second and picture the following scenario. A person outside politics wants a certain decision made inside politics so they give a person some money and then they get the decision they want. That suggests to me some sort of corrupt behaviour. That is exactly what has happened. If Government members want to be fair, honest and transparent about the decisions being made in the Newcastle CBD, they should pause, follow the revelations at ICAC and re-examine the decision that was made. Ultimately, if they come up with the same answer after re-examining the decision in a clear and transparent way that is not tainted by corruption, then it will be a lot more palatable. However, at the moment it is a corrupt decision that needs to be reviewed. [*Time expired.*]

Mr ANTHONY ROBERTS (Lane Cove—Minister for Resources and Energy, and Special Minister of State) [3.35 p.m.]: I will make myself plain. There is a process in place for the giving of notices of motions. It allows for members to bring motions to the House and for them to be scheduled for debate in an orderly manner. The Government may, from time to time, consider reordering motions should there be a need for a motion to take precedence. Should the Opposition wish for a motion to be reordered or given precedence, its members are more than welcome to approach the Government and request this. We will give them a fair hearing. However, Opposition members must give the Government adequate notice. The Government was made aware of this motion at only 2.40 p.m. today. That does not allow time for considering the impact on other motions moved by other members in this place of allowing this motion to have precedence. As such, the Government opposes the motion moved by the member for Cessnock.

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

Mr ANTHONY ROBERTS: I ask that in future Opposition members give the Government adequate time to consider and show courtesy in this matter.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 22

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

Noes, 62

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

Pairs

Ms Hay	Mr Humphries
Mr Hoenig	Mr Stoner

Question resolved in the negative.

Motion negatived.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

WestConnex Motorway

Mrs TANYA DAVIES (Mulgoa) [3.45 p.m.]: There can be no greater reason why my motion should be accorded priority than the presence of children in the public gallery during question time. I saw the faces of children in years 10, 11 and 12 who are about to finish their years at school and commence their journey of either employment or further education. In so doing they will use the M4, M5, M7 and other roads that this Government knows are currently congested and clogged due to 16 years of absolute inaction by those opposite. This Government is faced with $5.1 billion being wasted per annum due to congestion on roads in this State because the former Government failed in its duty of responsibility to the great people of New South Wales. For 16 years the former Government failed to deliver for the people of this great State. In those 16 years they planned and planned but did they deliver?

Government members: No.

Mrs TANYA DAVIES: Did they deliver for the people of Western Sydney?

Government members: No.

Mrs TANYA DAVIES: Did the people of Western Sydney reject them at the last election?

Government members: Yes.

Mrs TANYA DAVIES: Absolutely, because the great people of Western Sydney realised that those opposite just took them for granted. People in house after house I have visited have told me that the Labor Party took them for granted year after year. The former Government did not deliver the infrastructure that was desperately needed for roads, hospitals and schools. I am proud to be part of a government that is getting on with the job and building infrastructure, not just for our community now but for those in the future to meet the needs of those young people who were in the public gallery this afternoon.

This Government is getting on with the job of building infrastructure for the future of this great State, and that is why this motion should be accorded priority. This Government not only delivers infrastructure but also supports small business. This motion demonstrates that the M4 widening will, in fact, reduce congestion by 74 per cent, which will mean that employees will get to work faster, couriers will deliver packages faster, business will pick up, people will get home quicker to spend time with their families and relatives and get involved and help. That is why this motion ought to be accorded priority.

Newcastle Rail Line

Ms SONIA HORNERY (Wallsend) [3.48 p.m.]: Disquiet amongst Hunter residents and commuters has mounted since the announcement by the Liberal-Nationals Government that it would cut the heavy rail line to the city. Throughout the Hunter and in Newcastle in particular there is much uncertainty about developments that have been given the go-ahead because trust in this Liberal-Nationals Government is at an all-time low. The people of the Hunter are demanding honesty and transparency in relation to this Government's decision to go ahead with the truncation of Newcastle's rail line at Wickham—there has been Clayton's community consultation, Clayton's transparency and Clayton's commuter discussion.

The Minister for Transport has turned her back on commuters who rely on trains to get to work each day. Without trains how will they get to work? By car? With traffic gridlock and the already very expensive car parking in the city, what will they do? By light rail? It is yet to materialise. Commuter activist groups, including Save Our Rail, have rightly questioned whether local developments have had undue influence over this decision. In the wake of stunning revelations at the Independent Commission Against Corruption [ICAC] this week, these worries seem not simply justified but sadly accurate.

Apprehension in the Hunter community has grown. The community fears that the rail line will be removed before any appropriate alternative is in place. That is troubling enough but the concerns went much deeper. This mistrust extends to recent Government announcements that the new Minister for Planning has raised. She raised the spectre that all manner of developments could occur along the rail line despite the fact that the former Minster for Planning assured us that this would not be the case. We were promised much from the port sale yet little was delivered. Quelle surprise! The lion's share of the funding was sent down the M1 to Sydney.

The Glendale interchange, the number one regional transport priority, is starved of funding. It is a victim of the Sydney-centric funding that this Government so favours. Since becoming shadow Minister for the Hunter I have travelled the Hunter and met 10 of the 11 mayors. Not one of them, with the exception of the developer lord mayor, has endorsed the truncation of the rail line. In fact, many call for increased commuter transport services from the greater Hunter into Newcastle. It is important to note that the scheme to remove infrastructure from the Hunter had many backers most of whom have since been named in the Independent Commission Against Corruption. This is why I call upon the Government to ensure there is absolute transparency and integrity in removing the rail line. I call upon the Government to reverse the decision.

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

The House divided.

Ayes, 57

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

Noes, 21

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

Pairs

Mr Hazzard	Ms Hay
Mr Roberts	Mr Hoenig

Question resolved in the affirmative.

WESTCONNEX MOTORWAY

Motion Accorded Priority

Mrs TANYA DAVIES (Mulgoa) [3.59 p.m.]: I move:

That this House:

(1) Notes the Government is delivering the largest road project in Australia, the WestConnex.

(2) Notes the M4 widening section will achieve travel time savings of up to 74 per cent for motorists.

(3) Calls on the Opposition to support the Government's delivery of this project to boost productivity and reduce congestion.

I am proud to have so many colleagues who support me in this motion that has been accorded priority. It demonstrates the good work that the New South Wales Liberals and Nationals are doing for the people of Western Sydney and this State.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! There is too much audible conversation in the Chamber. Members who wish to have private conversations should do so outside the Chamber.

Mrs TANYA DAVIES: It is valid to note that there are only two members of the Opposition in the Chamber to debate this important motion. This is about delivering necessary infrastructure for Western Sydney and for the people of this great State.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Fairfield will come to order.

Mrs TANYA DAVIES: It shows the value that the Opposition attributes to Western Sydney. The Opposition took Western Sydney for granted when it was in Government and is still taking Western Sydney for granted in Opposition. If ever there was an example of an Opposition that has not learned its lesson we have it here. The WestConnex project is a fantastic and game-changing project for this State. This Government is at long last delivering relief for Western Sydney residents who have long been burdened by the congestion on the M4 and the M5 East. The M4 widening was announced and the environmental impact statement [EIS] was delivered today.

The WestConnex project will cut travelling time by 74 per cent. This Government is getting on with the job of delivering what Western Sydney needs. This Government is meeting the need for infrastructure that Western Sydney residents have been requesting for years. Those opposite had 16 years to meet their needs and did not whereas this Government is delivering in its first term. When the Labor Government was in office it announced this project in 2002 and 2004, shelved it in 2005, announced it again in 2006, shelved it in 2008, and announced it again in 2009. What a dance we saw. That reminds me of another example of the former Labor Government's inaction: Three Labor Premiers announced the Erskine Park Link Road. Did they deliver it? No.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Fairfield will come to order. He will find himself outside the Chamber if he continues to interject. The member for Mulgoa will be heard in silence.

Mrs TANYA DAVIES: The New South Wales Government is delivering the WestConnex project. Australia's biggest urban road project is being delivered here in Sydney for Western Sydney. It is about time. The M4 widening will feature four lanes in each direction from Parramatta to Homebush and include ramp upgrades. It has taken the Coalition to deliver the infrastructure for Western Sydney.

Mr GUY ZANGARI (Fairfield) [4.04 p.m.]: The member for Mulgoa spent five minutes talking to her motion without mentioning anything about WestConnex. All the member did was reiterate the member for Myall Lakes' speech about how the Government is getting on with the job, 16 years of Labor and how they are delivering this and that.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Fairfield has the call.

Mr GUY ZANGARI: Guess what? I have news for the member for Mulgoa: After four years the Government has done nothing about WestConnex. As we approach the election the Government is grandstanding that it is delivering three stages of WestConnex. Has it started stage one? No. The member for Drummoyne has not even gone to Bunnings to buy a shovel, nor has the member for Fairfield. They do not even have the pegs or string line out.

Mr Charles Casuscelli: Point of order: The member for Fairfield is telling a porky. I was at Bunnings on Saturday and I bought three shovels: One for myself, one for the member for Drummoyne—

ACTING-SPEAKER (Mr Lee Evans): Order! There is no point of order.

Mr GUY ZANGARI: In four years have we heard anything about tolls or how much it is going to cost? No. When are they going to start? We do not know. The Government says it is going to start it but nothing is happening.

Mr Charles Casuscelli: You have to read the EIS.

Mr GUY ZANGARI: There is an EIS. Have they started? No. The Government needs to answer questions about the communities along that path. The member for Drummoyne has said nothing to the residents of Strathfield, Auburn, Canada Bay, Ashfield, Burwood or Granville. All those communities have been left in the dark because the Government has not consulted them. There has been no consultation and no transparency from this Government. The Government did not allow the call for papers to happen.

It shows that this Government is all talk and no action. That is the fact. Can the member for Mulgoa inform the House whether the following roads will get infrastructure to stop them being used as rat runs: Railway Parade in Strathfield, Wentworth Road in Burwood, Burwood Road, Patterson Street in Concord, Queens Road in Five Dock, Frederick Street in Ashfield, Shaftsbury Road in Burwood, Great North Road in Five Dock and Wattle Street in Haberfield? I will talk about Wattle Street in Haberfield. I ask the members for Drummoyne and Strathfield: where are the stacks going to go?

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Drummoyne will come to order.

Mr Gareth Ward: We know where your stacks will go.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Kiama will come to order.

Mr GUY ZANGARI: We are not talking about the stacks in your party, member for Kiama. Are they going to be in Drummoyne or Strathfield? The member for Drummoyne said today in the Chamber that the stacks are going to go in Strathfield. Has there been consultation? The member for Strathfield remains silent. It is amazing that the heritage listed properties—

Mr Charles Casuscelli: Point of order: If the member for Fairfield wants me to be more active in the debate I am happy to oblige him. The point of order is that he has no idea about rat running in Strathfield.

ACTING-SPEAKER (Mr Lee Evans): Order! There is no point of order.

Mr GUY ZANGARI: When Government members are attacked in the Chamber they get a little bit touchy. They do not like it. Members opposite can jump up and down and say they are delivering this and that but they are delivering nothing. I have asked previously how much the toll will be from Blacktown, Penrith, Holroyd, Granville and Fairfield but there are no costings available from the Government about tolls. Four years on, budgeted in 2012 and yet nothing, zip, nada; lines on a map and computer animations with Tinker Bell flying along the way on the route. Those opposite have a lot to learn. Four years on and they have not done anything to construct.

Mr JOHN SIDOTI (Drummoyne) [4.09 p.m.]: I congratulate the member for Mulgoa on bringing this important motion before the House. WestConnex is a top priority for the inner west and my electorate of Drummoyne. It will alleviate traffic congestion and underground heavy vehicle movements. Many local roads within my electorate are carrying larger volumes of traffic than their capacity allows. This has created serious safety concerns and has impacted negatively on residents. Apart from WestConnex creating 10,000 new jobs for New South Wales, as Australia's largest transport project WestConnex will bring an estimated $20 billion in benefits to this State. Just as important, the WestConnex project will accommodate the growing transport needs of greater Sydney and strengthen access for industry to commercial centres, which will improve growth opportunities for local businesses and stimulate urban renewal opportunities in my electorate.

The majority of constituents in my electorate support this project being built yesterday. I am working very closely with some residents who are directly affected. The WestConnex project is one of this Government's key infrastructure priorities. This Government understands the urgency and the need to accelerate this project to drive economic growth and reduce congestion, which is a huge cost to the State's economy. The figures speak for themselves. Motorists using the WestConnex will make savings in travel time. The runs are on the board and we will continue with this project, which represents the largest infrastructure spend this State has ever seen. Whether it is the WestConnex, the NorthConnex, the North West Rail Link, the South West Rail Link, which is nearing completion, or the massive infrastructure spend on hospitals in our State, this Government is getting on with the job of delivering large projects. I am, however, not optimistic about the Opposition's support for infrastructure projects because its record in this area is nothing short of absolutely appalling. Whether it is the famous Rozelle metro where $500 million was spent and not a track laid—

Mr Guy Zangari: Point of order: Standing Order 76, relevance. That has nothing to do with the motion before the House. I ask you to bring the member back to the leave of the motion.

ACTING-SPEAKER (Mr Lee Evans): Order! I am sure the member is about to turn his attention to the motion; he is giving a preamble.

Mr JOHN SIDOTI: How many roads can we build for $500 million? How many ferry services can we provide for $500 million? How many train services? How many bus services? The Labor Party failed in Government. The Labor Party failed in Opposition. The Labor Party has let down its community. It is now time for the Labor Party to support this project. The Leader of the Opposition always talks the talk when it comes to bipartisanship, but he never walks the walk when it comes to infrastructure.

Ms TANIA MIHAILUK (Bankstown) [4.12 p.m.]: I think the member for Mulgoa might have drawn the short straw in being called on to move this motion because the Minister has conceded that the plans might have been released a little too early; they might have announced the project in haste. There is no doubt the Minister has already conceded that. We know that the line—and that is all it is—has been drawn on the map in pencil. The amount of erasure marks on their plans is a joke. The member for Strathfield and the member for Drummoyne know this. They know they have residents who have been left absolutely in disarray by this Government. In fact, let me quote some of those residents.

Mr John Sidoti: We work with residents.

Ms TANIA MIHAILUK: Let me quote the WestCon Action Group convenor, Chris Elenor, who said:

> They have left us in a poor state of uncertainty. There are no detailed plans left. They haven't contacted us to let us know what's happened and the timeframe has been pushed back by another 12 months. They're playing with our lives and it's taking an emotional toll on everyone in the area.

Mr John Sidoti: Which Labor branch president is it?

Ms TANIA MIHAILUK: I will quote somebody else then.

Mr John Sidoti: You have not quoted anyone. Who are the quotes from?

Ms TANIA MIHAILUK: How is the Presbyterian aged care facility in Haberfield going? How are they going in Haberfield? How is Paul Sadler, the chief executive officer there? How does he actually feel about this project? Has the member for Drummoyne heard from him?

Mr John Sidoti: Point of order: The member for Bankstown is quoting. She should actually table her quotes.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I remind the member for Bankstown that if she is going to quote someone, an article or any item in this House, she has to identify that particular item, the author of it or the person she is quoting.

Ms TANIA MIHAILUK: I am happy to quote the *Sydney Morning Herald*.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Please do.

Ms TANIA MIHAILUK: I am happy to quote Mr Paul Sadler, the chief executive officer of the Presbyterian aged care facility at Haberfield, who has said that he has been very concerned by the fact that:

> By withdrawing from negotiations with us, effectively the state government has extended that uncertainty for at least another year.

Family and residents have been impacted by that aged care facility. The fact that 100 people have been notified—

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I draw the attention of all members to Standing Order 52. The member for Bankstown is entitled to be heard in silence.

Ms TANIA MIHAILUK: The member for Drummoyne has left hundreds of people in disarray in his electorate. In Strathfield people are concerned.

Mr John Sidoti: You have not quoted anyone yet.

Ms TANIA MIHAILUK: Is the member for Drummoyne saying that he disregards the chief executive officer? I am glad he said that, that he disregards his concerns. The member for Drummoyne should be concerned that his Government has done something very unconscionable in keeping people in the dark about WestConnex. [*Time expired*.]

Mrs TANYA DAVIES (Mulgoa) [4.15 p.m.], in reply: I thank members representing the electorates of Fairfield, Drummoyne and Bankstown for their contribution to this very important debate on the delivery of the WestConnex motorway. No-one in this House would dare argue the urgent need for such major infrastructure to be built for Sydney. There are thousands and thousands of motorists who travel along the M4 and get stuck in congestion. They have done so for decade after decade. Now it is time for a government to actually get on with the job and deliver the necessary infrastructure. It is interesting that those opposite are claiming that we on this side of the House have done nothing. It is quite an eye-opening statement because it actually reveals to everyone who is listening to or reading this debate in *Hansard* how they think a project is delivered. They clearly do not think a project is delivered by proper planning, by identifying the money for the project.

Ms Tania Mihailuk: Point of order: You have not come clean about the financial arrangements in relation to WestConnex.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Bankstown will resume her seat. There is no point of order.

Mrs TANYA DAVIES: The WestConnex project is a critical piece of infrastructure for Western Sydney. It is a critical piece of infrastructure for New South Wales. This Government has found the finances to build this project. This Government is beginning with the proper planning that is required to build this project. This Government has revealed an environmental impact statement today that proves that the WestConnex will save motorists 74 per cent of their travel time. It is a brilliant outcome and a fantastic endorsement of the direction and the planning this Government is taking across this great State. Widening the M4 will generate 10,000 jobs. It will bypass 52 sets of lights when it is completed. It will enable the renewal of suburbs along Parramatta Road. WestConnex is a brilliant project being delivered by a Government with a good track record of delivering for the people of New South Wales.

Question—That the motion of the member for Mulgoa be agreed to—put and resolved in the affirmative.

Motion agreed to.

Pursuant to resolution Government Business proceeded with.

CONSTITUTION AMENDMENT (PARLIAMENTARY PRESIDING OFFICERS) BILL 2014

Bill introduced on motion by Mr Mike Baird, read a first time and printed.

Second Reading

Mr MIKE BAIRD (Manly—Premier, Minister for Infrastructure, Minister for Western Sydney) [4.21 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce this bill to provide for consistency for the roles of the presiding officers in continuing their administration duties during the election period. The changes will provide certainty and stability to the administration of the Parliament and the employment of parliamentary staff. The presiding officers administer the executive functions of the Parliament, including during the period when Parliament is dissolved ahead of an election and until the Parliament assembles after an election. The administrative duties of the presiding officers include approval of the appointment and termination of staff, including members' staff, management and control of the parliamentary buildings and precincts, and approval of administrative matters concerning the Department of the Legislative Council, the Department of the Legislative Assembly and the Department of Parliamentary Services.

In accordance with longstanding practice, the Constitution Act permits the Speaker to remain in office until the assembly of a new Parliament following a State general election. However, there is currently no power

for the President to exercise administrative functions once he or she ceases to be a member of the Legislative Council. The bill will amend the Constitution Act to expressly provide that the President of the Legislative Council remains in office until the Legislative Council assembles for its first meeting after a State general election.

The bill amends the wording of the Constitution Act in relation to the Speaker to align the provisions in relation to both presiding officers. Similar amendments are made for their deputies when the presiding officers are unavailable. The bill also removes redundant and outdated provisions in relation to the procedures for electing the presiding officers, which existed before such procedures were determined by the standing orders of the particular House of Parliament and makes some consequential amendments to the Parliamentary Remuneration Act 1989. I commend the bill to the House.

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

STATE REVENUE LEGISLATION FURTHER AMENDMENT BILL 2014

Second Reading

Debate resumed from an earlier hour.

Mr KEVIN CONOLLY (Riverstone) [4.23 p.m.]: As I was saying before the debate was interrupted, my colleague the member for Campbelltown had taken the House through the changes related to the heavy vehicle industry. There are a number of other aspects to this legislation, which I do not have the time to address so I turn to the land tax impacts of this bill. The amendments to the land tax grouping provisions will make it clear that companies will not be grouped merely because the same person or the same company acting in a trustee or nominee capacity has a controlling interest in each company. In such cases the companies will be grouped only if the trusts concerned are fixed trusts with the same beneficiaries. This is the interpretation that has always been applied to the current legislation by the Chief Commissioner, and the amendments therefore confirm existing assessing practice. The point of this bill is to provide certainty and ensure that practices have legislative authority.

The Land Tax Management Act allows a group of related companies only to claim one general tax-free threshold and one premium rate threshold. This prevents tax minimisation by splitting ownership of multiple parcels of land among companies that are owned or controlled by the same person or persons to obtain the benefit of multiple tax-free thresholds. The general tax-free threshold is $412,000, and tax is calculated at 1.6 per cent of the taxable land value above the threshold, plus $100. The premium rate threshold above which the higher premium tax rate of 2 per cent applies is $2.519 million. In relation to payroll tax there are a number of clarifications in this bill to confirm the practice of the commissioner in collecting tax relating to door-to-door sales and contract employment.

Currently the anti-avoidance provisions in the "relevant contracts" provisions of the Payroll Tax Act may be applied to contracts that are not liable for payroll tax because the services are performed by two or more workers. The current provision permits the Chief Commissioner to ignore an arrangement and apply payroll tax to payments if services are provided by two or more workers, but the arrangement was entered into to avoid payroll tax. These amendments will extend anti-avoidance in two ways: First, by ensuring that the exemptions for contracts with owner-drivers, insurance sellers and door-to-door sellers do not apply if additional services or work are supplied or performed under the contract and, secondly, by permitting the Chief Commissioner to ignore arrangements that would otherwise attract any of the other exemptions if the Chief Commissioner determines that the arrangements were entered into to avoid payroll tax.

The door-to-door sellers exclusion was part of the original amendments that extended payroll tax to remuneration paid to longer-term contractors in 1986. At that time door-to-door sellers generally doorknocked homes without prior contact or invitation from the potential consumer. These days selling can be done differently, often with initial call centre contact, so the understanding of the exemption may not apply to the way selling is done today. I turn to the Jobs Action Plan which was introduced by this Government in 2011. The scheme currently provides rebates of up to $6,000 over two years for employers who take on new employees and increase their total employment. There was a provision in the bill to prevent that being taken up when the employee is transferred internally or when a company is taken over. That obstruction will be removed by this bill.

Mr KEVIN ANDERSON (Tamworth) [4.27 p.m.]: I support the State Revenue Legislation Further Amendment Bill 2014. The objects of this bill are to amend the Duties Act 1997, to prevent avoidance practices by imposing duty on certain transactions involving options to purchase land in New South Wales and to prevent avoidance practices by imposing duty on the novation of an agreement for the lease of land in New South Wales as if it were a transfer of dutiable property. The bill also makes further provision for the duty payable on transactions involving self-managed superannuation funds and to exempt a same-owner transfer of registration of a heavy-duty trailer from registration duty.

I will focus on the last-mentioned object. An area where this Government has introduced substantive reform is in roads and maritime services. The Hon. Duncan Gay in the other place has led the charge. The Minister for Roads and Freight has used something that was not used previously—common sense. This Government is adopting a common-sense approach in reviewing rules, regulations, policies and procedures. This is another example of that common-sense approach, particularly in relation to duties payable on heavy vehicle trailers. The Government introduced a duty exemption for the purchase of new heavy vehicle trailers on 29 October 2012. Far too many heavy vehicle trailers and heavy vehicles with interstate numberplates were traversing our State. Given the nature of the eastern seaboard and the freight corridors between Victoria, New South Wales and Queensland, and given the cost of registration of some of those vehicles and trailers, a number of operators sought to set up depots across the border in Victoria or Queensland.

The former Cross-Border Commissioner Steve Toms looked at how to get some parity of costs between the border towns of Victoria and New South Wales, and New South Wales and Queensland. Roads and Maritime Services, under the leadership of Duncan Gay, looked at an industry assistance package that targeted heavy vehicle registration concessions. The industry assistance package provided targeted financial assistance to freight operators who were adversely affected by the 11.7 per cent average increase in national heavy vehicle charges from 1 July 2012. Quite a number of trucking companies have sought to gain exemptions in the Tamworth electorate—McCulloch, Carey's and several other large trucking contractors and organisations that cart freight right across this great nation, but particularly on the eastern seaboard leg between Victoria, New South Wales and Queensland. Parry Logistics is another large trucking firm that is based in Tamworth.

Due to relatively high rates of duty payable at the time of purchase, duty traditionally has been a barrier to heavy vehicle registration in New South Wales. This encouraged heavy vehicle operators to purchase and register their vehicles in other States that charged less or no duty for new trailer purchases. That literally drives our dollar across the border and it impacts on our economy. We know that Queensland has a very large heavy vehicle trailer industry. Trailers are being purchased and registered in Queensland, but housed in New South Wales. We would like to see more of those vehicles with yellow and black numberplates on them. One way to do that is to look at the duty payable at the time of purchase. Unlike regular businesses registering vehicles, heavy vehicle operators have more flexibility in where they register their trucks and trailers because many have depots in multiple States.

The nature of the trucking business is such that vehicles and trailers, in particular, as highly mobile assets, spend a significant amount of time in other jurisdictions. But we still need to provide the opportunity and the incentive to have them registered in New South Wales, and that is an issue that Roads and Maritime Services is working on. In 2012 the exemption eased the situation by removing the requirement to pay duty upon the purchase of a new heavy trailer. However, the same does not apply for owners who transfer heavy vehicle trailers to New South Wales from other jurisdictions. Under current legislation, duty is payable when a vehicle is transferred to New South Wales by the same owner unless the owner can establish that duty was paid in another jurisdiction. One example of when duty would be payable on transfer is Queensland, which, as I said, is a major manufacturer of heavy vehicle trailers. Queensland charges no duty on heavy vehicle trailer purchases and, as a result, subsequently receives a significant number of heavy vehicle trailer registrations.

We need to turn that around and ensure that those trailers are registered in New South Wales, thereby stimulating our economy and, ultimately, boosting State revenue, which in turn goes towards building more hospitals and schools, and providing more front-line services such as police, nurses and emergency services personnel. Ultimately it is State revenue that keeps our front line operating as it should and provides funding for the infrastructure that is needed. Recently I was very proud to be able to hand over a number of new Rural Fire Service tankers—the funding for those came from State revenue. We must look at common-sense approaches to how we increase our State revenue to be able to provide services, equipment and infrastructure such as schools, roads, hospitals and police stations to enable our communities to function.

I note that of the $5.5 billion record Roads budget, $4 billion was directed to regional New South Wales roads. That is an outstanding achievement, given the massive underspend on regional roads for many,

many years under the former Labor Government. We could be facing that situation again next March, heaven forbid. We need to continue that investment in regional New South Wales and the way to do that is to retain the Coalition Government. In the Tamworth electorate we are seeing massive upgrades on Manilla Road, which is a very busy road, new roundabouts and new surfaces being laid. We are seeing a lot more work being done now than was done in the years of the former Labor Government. It is great to see that investment—significant investment that is deserved but was not received under the former Labor Government. I love seeing work being done on roads; it shows confidence in regional New South Wales. But State revenue must be able to provide for that, which is why the bill contains a number of minor, but common-sense, changes. [*Extension of time agreed to.*]

I thank those opposite for agreeing to an extension of time—they want to hear about the good things we are doing and about our common-sense approaches as we showcase the excellent work being done. Heavy vehicle trailer transfers are a significant issue in regional New South Wales. The same-owner stamp duty exemption proposes to exempt transfers of heavy vehicle trailers that previously have been registered in another jurisdiction from paying duty upon establishment in New South Wales when the trailer is registered in the same name. That is common sense. That will promote and encourage the transfer from another jurisdiction, whether it be Queensland or Victoria, into New South Wales. For example, if Carey's or Parry Logistics had a vehicle that was registered in Queensland in their name, they could transfer it to New South Wales, put on New South Wales numberplates and no duty would be payable. I believe that would be welcomed, because deep down companies want to ensure that they have their hub, their depots, their warehouses and their base under the one roof.

Companies do not want to send business interstate; they want to look after their economy, their community and their environment. I know that it is parochial in regional New South Wales. People who traverse the highways and byways of New South Wales can get on the two-way UHF radio, channel 40, and listen to the truckies chat. I did that recently out west where there is no mobile phone coverage. I need a UHF radio in my car so that I can contact constituents in black spots when I go to see them. I ring them on the UHF radio and ask them where they are, and they guide me to wherever I need to go. New South Wales trucking companies want to make this State their base. They do not want to send business interstate; they want to keep it in New South Wales and they want to grow New South Wales.

As I said, when I am on the highway miles from home and, for example, a Careys Freight or a Parry Logistics freight truck goes past, I call the driver on the UHF to find out how they are going and to say g'day. There is always a friendly voice saying, "See you. Have a safe trip home." I think other members would feel the same about having those trucking companies in their areas. The same-owner exemption is expected to have a negligible impact on State revenue, but New South Wales stands to gain from increases in overall registration charges. Having those trailers come into New South Wales will have a negligible effect, but the registration will contribute to State revenue. That will ensure we are able to provide front-line services. This reform will assist broader efforts being taken by Transport for NSW and Roads and Maritime Services to attract freight operators to transfer registration from another jurisdiction to New South Wales. I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) [4.41 p.m.]: I support the State Revenue Legislation Further Amendment Bill 2014, and I congratulate the Minister for Finance and Services on introducing the bill. I note that certain provisions were removed from the State Revenue Legislation Amendment Bill 2014 to allow for further consultation with key stakeholders. Now that that consultation has occurred, this bill will deal with the reintroduction of those provisions. The provisions have been the subject of consultation with a number of organisations, including the Law Society of New South Wales, the Property Council of Australia, the Taxation Institute of Australia and professional accounting bodies. The bill makes amendments to duties, land tax and payroll tax. I will not say much about land tax because I have been talking about that subject since I was elected.

My electorate of Drummoyne is home to many small businesses. Those small business operators contact me on a daily basis to complain about taxes such as payroll tax. These people argue, justifiably, that they would be in a position to employ at least one extra person were it not for the insidious payroll tax. That is why, when speaking to this bill, I will concentrate on its proposed changes to payroll tax. The bill makes amendments to the relevant contract provisions of the Payroll Tax Act 2007 and removes the door-to-door sellers exclusion. This exclusion was introduced in 1986, when door-to-door sales people visited homes without prior contact or invitation from the potential customer.

Times have changed. Nowadays sellers use quite different methods that are not technically door-to-door sales in the traditional sense, but which still qualify for a payroll tax exemption. These methods include inviting potential customers to accept a home visit, emails or internet marketing techniques. If the

salesperson is employed as an independent contractor rather than as an employee, the remuneration paid to the contractor may be exempt under the relevant contract's exclusion from door to door. The result is the avoidance of payroll tax, which provides a further cost advantage to retailers who employ this method. The bill aims to provide a level playing field among competing sellers of products and services regardless of the sales method used.

Interestingly, there has been significant growth in the use of these methods to avoid paying payroll tax. It also opened a loophole allowing contractors to be employed for extended periods to avoid a long-term commitment and the cost of a permanent employee. Naturally, businesses doing the right thing and employing people legitimately were slugged with payroll tax. The Government has taken steps to assist business with the burden of payroll tax. For example, the Jobs Action Plan was introduced in 2011 and currently provides rebates of up to $6,000 over two years for employers who take on new employees and increase their total employment.

In order to prevent contrived arrangements, the Jobs Action Plan legislation prevents an employer from claiming a rebate if the circumstance arises where a new employee was previously employed by a member of the same group of employers or the new employee was employed as a result of a takeover of another business or undertaking or a merger with another entity. The amendment relaxes these restrictions in cases where a new employee is appointed by one employer who is eligible to register for the rebate, but the employee is transferred to another employer as a result of a takeover or merger or is transferred to another member of the same group.

Mr John Williams: I can't work this out.

Mr JOHN SIDOTI: This will enable the Chief Commissioner of State Revenue to approve payment of the rebate if the new employer satisfies the rebate criteria and he is satisfied that the former employer would have been eligible for the rebate if the employment had continued with that former employer. The Government is committed to making it easier to employ extra staff by offering payroll tax rebates as an incentive. With the provisions regarding payroll tax and other provisions included in this legislation, I commend the bill to the House.

ACTING-SPEAKER (Mr Christopher Gulaptis): Order! I call the member for Murray-Darling to explain the bill in layman's terms.

Mr JOHN WILLIAMS (Murray-Darling) [4.46 p.m.]: There will be none of that. The State Revenue Legislation Further Amendment Bill 2014 is complex, and the member for Drummoyne outlined the complexities of dealing with payroll tax. We are all confused; someone out there knows what it means. The amendments to the Duties Act relating to options will, for the most part, merely confirm the existing practice of the Chief Commissioner of State Revenue and will in some cases provide a reduction in duty. The transfer of an option to purchase land is a dutiable transaction. It is common commercial practice for an option to include the right to nominate a third party to exercise the option. Until recently, such a transaction has been assessed for duty as a transfer of the option. A recent court decision means that some forms of nomination will not constitute a transfer of the option.

The bill therefore confirms that the acquisition of an option by way of nomination is assessable as a transfer. It also provides that the consideration paid for the transfer of land to exercise an option includes any consideration paid by the purchaser to acquire the option. This, again, is consistent with current practice relating to the dutiable value of the property. Finally, the bill provides the ultimate purchaser of land with a credit for any duty paid on the acquisition of the option. Although the acquisition of the option and the purchase of the land are two separate transactions, the value of the option would effectively be included in the value of the land transferred so that a credit to prevent double duty is appropriate.

ACTING-SPEAKER (Mr Christopher Gulaptis): Order! It is far more understandable.

Mr JOHN WILLIAMS: Do not ask me questions on any of that. I am confused. In relation to the custodian deed for self-managed superannuation funds, the bill proposes that duty of $500 be imposed on declarations of trust by custodians of self-managed superannuation funds holding property on trust for the trustee of a self-managed superannuation fund. These deeds are executed to comply with requirements of the Australian Taxation Office. Many of the deeds do not meet the requirements for the duties concession for resulting trusts due to difficulties in establishing that the trustee of the fund provided the purchase moneys when funds are provided by the vendor member of the fund as a contribution. The $500 charge on these deeds will reduce administrative costs for the Office of State Revenue and is a red tape reduction for taxpayers. Well done.

The Government introduced a duty exemption for the purchase of new heavy vehicle trailers on 29 October 2012. It was part of the industry assistance package that targeted heavy vehicle registration concessions. The industry assistance package provided targeted financial assistance to freight operators who are adversely affected by the 11.7 per cent average increase in national heavy vehicle charges from 1 July 2012. Duty has traditionally been a barrier to heavy vehicle registration in New South Wales due to relatively high rates of duty payable at time of purchase. This encouraged heavy vehicle operators to purchase and register their vehicles in other States that charged less or no duty for new trailer purchases.

Unlike regular businesses registering vehicles, heavy vehicle operators have more flexibility about where they register trucks and trailers because many have depots in multiple States. As I represent an area that has cross-border issues I see many trucks that operate predominantly in New South Wales but are registered in Victoria, or in South Australia in the western area. This is an opportunity for this Government to draw in some of that lost revenue. Further, the nature of the trucking business is such that those vehicles, and trailers in particular as highly mobile assets, would spend significant amounts of time in other jurisdictions.

The 2012 exemption eased this situation by removing the requirement to pay duty upon purchase of a new heavy trailer. However, the same does not apply for owners who transfer heavy vehicle trailers to New South Wales from other jurisdictions. Under current legislation, duty is payable when a vehicle is transferred to New South Wales by the same owner unless the owner can establish that duty was paid previously in another jurisdiction. One example where duty would be payable on transfer is Queensland, which is a major manufacturer of heavy trailers. Queensland charges no duty on heavy trailer purchases, and receives a significant number of heavy trailer registrations as a result. If an owner wishes to transfer a trailer from Queensland to New South Wales, duty is payable on the application for transfer of the registration.

The same-owner stamp duty exemption proposes to exempt transfers of heavy vehicle trailers that have been registered previously in another jurisdiction from paying duty upon establishment in New South Wales where the trailer is registered in the same name. The same-owner exemption is expected to have a negligible impact on State revenue, but New South Wales stands to gain from increases in overall registration charges. This reform will assist broader efforts being taken by Transport for NSW and Roads and Maritime Services to attract freight operators to transfer registration from other jurisdictions to New South Wales. [*Extension of time agreed to.*]

In relation to land tax and the grouping of trustee companies, the amendments to the land tax grouping provisions will make it clear that companies will not be grouped merely because the same person or the same company acting in a trustee or nominee capacity has a controlling interest in each company. In such cases the companies will be grouped only if the trusts concerned are fixed trusts with the same beneficiaries. This is the interpretation that has always been applied to the current legislation by the Chief Commissioner of State Revenue, and the amendments therefore confirm existing assessing practice.

The Land Tax Management Act allows a group of related companies to claim only one general tax-free threshold and one premium rate threshold. This prevents tax minimisation by splitting ownership of multiple parcels of land among companies that are owned or controlled by the same person or persons to obtain the benefit of multiple tax-free thresholds. The general tax-free threshold is $412,000, and tax is calculated at 1.6 per cent of the taxable land value above the threshold, plus $100. The premium rate threshold above which the higher premium tax rate of 2 per cent applies is $2.519 million.

I refer to payroll tax relevant contracts and anti-avoidance. Currently, the anti-avoidance provisions in the relevant contracts provisions of the Payroll Tax Act may be applied to contracts that are not liable for payroll tax because the services are performed by two or more workers. The current provision permits the Chief Commissioner of State Revenue to ignore an arrangement and apply payroll tax to payments if services are provided by two or more workers but the arrangement was entered into to avoid payroll tax. These amendments will extend anti-avoidance in two ways: first, by ensuring that the exemptions for contracts with owner-drivers, insurance sellers and door-to-door sellers do not apply if additional services or work are supplied or performed under the contract; and, secondly, by permitting the Chief Commissioner of State Revenue to ignore arrangements that would otherwise attract any of the other exemptions if the chief commissioner determines that the arrangements were entered into to avoid payroll tax.

I refer to payroll tax relevant contracts and the removal of door-to-door sellers exclusion. The door-to-door sellers exclusion was part of the original amendments that extended payroll tax to remuneration paid to longer-term contractors in 1986. At that time door-to-door sellers generally doorknocked homes without

prior contact or invitation from the potential consumer. These days, wholesalers as well as retailers use a range of selling techniques, including sales methods described as sales direct from the wholesaler, which are not unsolicited door-to-door sales in the traditional sense but which still qualify for the payroll tax exemption. Such sales methods include inviting potential customers to accept a home visit from a salesperson using telephone call centres, emails or internet marketing techniques.

A salesperson then attends the potential customer's premises to provide a quote, following which a contract may be executed at the customer's residence. If the salesperson is employed as an "independent" contractor rather than as an employee, the remuneration paid to the contractor may be exempt under the relevant contracts exclusion for door-to-door sellers. This results in avoidance of payroll tax, and provides a cost advantage to retailers who employ these selling methods. The amendments will ensure a level playing field amongst competing sellers of products and services, regardless of the sales methods used.

I refer to the payroll tax rebate relating to the Jobs Action Plan, which is the movement of employees between group members. The Jobs Action Plan was introduced by this Government in 2011. The scheme currently provides rebates of up to $6,000 over two years for employers who take on new employees and increase their total employment. In order to prevent contrived arrangements where rebates could be obtained by transferring employees from one part of a corporate group to another, the Jobs Action Plan legislation prevents an employer from claiming a rebate if the new employee was previously employed by a member of the same group of employers, or the new employee was employed as a result of a takeover of another business or undertaking, or a merger with another entity.

The amendment in this bill relaxes these restrictions in cases where a new employee is appointed by one employer who is eligible to register for the rebate, but the employee is transferred to another employer as a result of a takeover or merger, or is transferred to another member of the same group. This will enable the Chief Commissioner of State Revenue to approve payment of the rebate if the new employer satisfies the rebate criteria and the chief commissioner is satisfied that the former employer would have been eligible for the rebate if the employment had continued with that former employer.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I thank the member for Murray-Darling for his erudite explanation of the bill.

Mr DOMINIC PERROTTET (Castle Hill—Minister for Finance and Services) [5.01 p.m.], in reply: I thank members for their contributions to debate on the State Revenue Legislation Further Amendment Bill 2014, including members representing the electorates of Maroubra, Cronulla, Baulkham Hills, Myall Lakes, Campbelltown, Riverstone, Tamworth, Murray-Darling and Drummoyne, as well as all those in the Office of State Revenue who contributed to the preparation of the bill. The New South Wales Government is committed to having best-practice revenue laws. The State Revenue Legislation Further Amendment Bill 2014 includes amendments to duties, land tax and payroll tax legislation. Duty has traditionally been a barrier to heavy vehicle registration in New South Wales due to relatively high rates of duty payable at the time of purchase. This encourages heavy vehicle operators to purchase and register their vehicles in other States that charge less or no duty for new trailer purchases.

Unlike regular businesses registering vehicles, heavy vehicle operators have more flexibility about where they register trucks and trailers because many have depots in multiple States. Further, the nature of the trucking business is such that these vehicles, and trailers in particular as highly mobile assets, would spend significant amounts of time in other jurisdictions. Under current legislation, duty is payable when a vehicle is transferred to New South Wales by the same owner unless the owner can establish that duty was paid previously in another jurisdiction. One example where duty would be payable on transfer is Queensland, which is a major manufacturer of heavy trailers. Queensland charges no duty on heavy trailer purchases and receives a significant number of heavy trailer registrations as a result. If an owner wishes to transfer a trailer from Queensland to New South Wales, duty is payable on the application for transfer of the registration.

Under the amendment, if transfers of heavy vehicle trailers have been registered previously in another jurisdiction the owner is exempt from paying duty upon establishment in New South Wales if the trailer is registered in the same name. The same-owner exemption is expected to have a negligible impact on State revenue, but New South Wales stands to gain from increases in overall registration charges. This reform will assist broader efforts being taken by Transport for NSW and Roads and Maritime Services to attract freight operators to transfer registration from other jurisdictions to New South Wales. The bill contains two duty matters of an anti-avoidance nature. The first is in relation to the transfer of options. The transfer of an option to

purchase land is a dutiable transaction. It is a common commercial practice for an option to include the right to nominate a third party to exercise the option and such a nomination has, until recently, been assessed to duty as a transfer of the option. A recent court decision means that some forms of nomination will not constitute a transfer of the option. The bill therefore confirms that the acquisition of an option by way of nomination is assessable as a transfer.

The second is an amendment to prevent avoidance of duty by ensuring that duty is payable where a lease is novated rather than transferred. The land tax amendments will make it clear that companies will not be grouped merely because the same person acting in a trustee or nominee capacity has a controlling interest in each company. I thank the member for Maroubra for specifically raising the concerns of the Direct Selling Association of Australia [DSAA], which approached him about the amendments to the Payroll Tax Act. The Government's reasoning for removing the exemption for door-to-door sellers was questioned whilst consulting with industry groups, and I take this opportunity to address some of those concerns. The amendments to the Payroll Tax Act are anti-avoidance provisions and will ensure that there is a level playing field between retailers and wholesalers in relation to liability for tax.

Harmonisation of payroll tax legislation is important in minimising administrative costs for businesses, and maximising compliance with tax laws, especially amongst businesses that operate in multiple jurisdictions. A major factor for amending the legislation is the advances in direct-selling technology, such as using the internet, telephone call centres, mobile phones and electronic communications generally between 1986 and now. The exponential increase in direct selling not only presents a significant risk to payroll tax revenue but also provides an unfair advantage to some wholesalers and retailers over their competitors. The proposal to remove the general exemption for remuneration paid to door-to-door sellers was developed in consultation with other harmonised jurisdictions as a result of these concerns.

Ultimately, the New South Wales Government has determined that removal of the exemption was the most appropriate option to protect the revenue and, most importantly, to provide a level playing field for sellers of goods, regardless of the method or mix of selling channels used. I have been advised that the legislative approval processes in other jurisdictions are also proceeding, but it is a matter for the other State and Territory governments to announce their respective decisions in this regard. However, this particular amendment, together with the amendment removing the general exemption applying to insurance sellers, will commence on a date to be proclaimed to ensure to the greatest extent possible that the removal of the exemptions is coordinated with other harmonised jurisdictions.

The Direct Selling Association of Australia has suggested that the exemption should be retained for legitimate door-to-door sellers. However, the use of direct-selling channels is now part of the core selling techniques used by large numbers of wholesalers and retailers of most types of domestic goods. In addition, the sale of goods often includes the provision of related services, such as installation. It would be unfair to retain a payroll tax advantage for one particular section of the wholesale and retail industry. Concerns were also expressed by the Direct Selling Association of Australia about additional red tape arising as a result of having to claim the specific exemptions that are already available under the existing relevant contracts provisions. This red tape associated with administration of the relevant contracts exemptions is essentially the record-keeping requirement where an employer claims one of a number of the remaining exemptions. These exclude genuinely independent contractors who conduct separate businesses and do not work primarily for one employer.

Removal of the general door-to-door exemption will place employers of direct-selling staff in the same position as employers of other types of contractors. The record-keeping requirements have been developed and refined since the initial introduction of the provisions in 1986 and are explained in a number of harmonised revenue rulings issued by commissioners in each of the harmonised jurisdictions. The record-keeping requirements are generally satisfied by records that businesses are required to keep for other business reasons, in accordance with the principles of good governance or for Commonwealth tax administration purposes. The member for Maroubra specifically mentioned the concerns of the Direct Selling Association of Australia [DSAA] in relation to the lack of exemptions that exist for legitimate contractors should these amendments come into force.

However, three existing exemptions will continue to apply. They are as follows: an exemption for contractors who sell goods on behalf of more than one supplier; an exemption for contractors who, in turn, use two or more workers to conduct their business—that is, have subcontractors—and an exemption for contractors who work for less than 90 days for the same employer in a financial year. It is also worth noting that the

New South Wales payroll tax threshold is $750,000 and only those businesses whose annual wages exceed this figure are liable for New South Wales payroll tax. I address also the point made by the member for Maroubra that the DSAA was not appropriately consulted on these amendments.

A number of major stakeholders, including the DSAA, received a copy of the draft bill in April, when it was circulated to the Small Business Combined Association and a number of other business and industry bodies with whom the Office of State Revenue consults. This level of consultation has been endorsed by successive governments and followed by the Office of State Revenue for many years. It provides an opportunity for industry representatives to comment on a confidential basis in advance of the introduction of tax bills into Parliament. I understand that the Direct Sellers Association of Australia [DSAA] also met with representatives from the Office of State Revenue [OSR] prior to the introduction of this bill to this House.

In addition, I personally met with the DSAA to discuss their concerns. Regarding the amendment to the job action plans, this measure will relax restrictions on eligibility for the rebate in cases where a new employee is transferred to a related entity. The chief commissioner may approve payment of the rebate to the new employer if satisfied the objective of an overall increase in employment has been achieved. In summary, the New South Wales Baird Government is committed to having the best practice revenue laws. 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 Dominic Perrottet 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.

MINING AMENDMENT (SMALL-SCALE TITLE COMPENSATION) BILL 2014

Second Reading

Debate resumed from 6 August 2014.

Mr PAUL LYNCH (Liverpool) [5.10 p.m.]: I lead for the Opposition on the Mining Amendment (Small-Scale Title Compensation) Bill 2014 in this place. The Hon. Steve Whan is the shadow Minister with responsibility for the bill and will deal with the bill in more detail in the other House. The Opposition supports the bill. The objects of the bill are:

(a) to regulate the compensation paid by the holders of small-scale titles over land to landholders, and

(b) to provide mechanisms for dealing with disputes between landholders and holders of small-scale titles or applicants for small-scale titles, and

(c) to provide for levies on small-scale titles for purposes associated with those titles and the establishment of the Small-Scale Titles Levy Fund in the Special Deposits Account.

The bill is primarily the Government's final response to the Wilcox report into Lightning Ridge opal mining. It is the end of a lengthy process that extends well beyond the term of the current Minister. The amendment bill intends to establish a framework to streamline and clarify interactions between landholders and opal miners. Two titles will be available under the framework established by the bill, mineral claims and opal prospecting licences. These are referred to in the Act as "small-scale titles".

The bill arises out of conflicts between opal miners and farmers on grazing and cropping land in and around Lightning Ridge. There are 200,000 small-scale titles on 26 properties in the region. In 2011 the Government commissioned Murray Wilcox, QC, to assess the title issue with the intention to balance the issues

between farmers, residents and miners. In response to the Wilcox report, which was finalised last year, the Government agreed that a compensation structure should be set. The compensation structure has a rate for opal prospecting licences of $100 per annum. In addition to that there is a fee set per hectare for Lightning Ridge opal miners and not for miners at White Cliffs. These compensation rates will be indexed to keep up with inflation and will be subject to an independent review after a five year period.

Opal miners will still have the opportunity to negotiate with landholders to determine alternative compensation rates other than that of the standard compensation rate. If landholders believe that they are not being compensated correctly using alternative arrangements with the opal miner they are able to seek an assessment by the Land and Environment Court. A reassessment of compensation cannot be lower than the standard compensation rate. These compensation agreements must be in place before a licence is approved or renewed.

In addition, other amendments in the bill allow for the Government, through the *Government Gazette*, to impose levies on opal miners. These are set out in new section 292SA of the Mining Act. The purpose for which the levies can be imposed are: for the provision and maintenance of roads servicing small-scale titles and road-related infrastructure; for the rehabilitation or environmental maintenance work on land not held under a small-scale title; rehabilitation or environmental maintenance work on stockpiles of mullock; any purpose prescribed by the regulations; and any purpose ancillary to the purposes set out in that section of the bill.

New section 292V sets out the Small-Scale Titles Levy Fund, which is associated with new section 292SA. The bill sets out mandatory conciliation and arbitration processes for the Land and Environment Court, which strikes me as a sensible idea. Alternative dispute resolution mechanisms are something that should be explored in a whole range of places. I am glad to see that it has been pursued in this agenda. The Opposition supports the bill.

Mr CHARLES CASUSCELLI (Strathfield) [5.14 p.m.]: I support the Mining Amendment (Small-Scale Title Compensation) Bill 2014. This bill introduces a range of measures, including a standard compensation scheme to address sources of tension between opal miners and landholders in Lightning Ridge. Opal mining occurs in two parts of the State: Lightning Ridge, in Walgett Shire, around 50 kilometres south of the Queensland border; and White Cliffs, a small township in the Central Darling Shire, 300 kilometres north-east of Broken Hill. Lightning Ridge is the black opal capital of Australia and White Cliffs is famous for its milky white opals. I imagine my wife would be happy with either one of those, black or milky.

Mr Ryan Park: You can afford it.

Mr CHARLES CASUSCELLI: I am a mere backbencher. Both of these areas have a rich history of opal mining dating back for more than a century. Lightning Ridge is one of the few places in the world where highly precious black opal is found, and it produces over 95 per cent of Australia's supply of rare black opals. Black opal is produced in a variety of grades from the relatively inexpensive—something I could afford—up to around $20,000 per carat for the most rare and exquisite gems—well outside my capability to afford. Black opal is the State's gemstone. A flourishing tourist industry exists in Lightning Ridge, with up to 80,000 national and international opal enthusiasts visiting each year.

This Government is tackling issues that have long been a source of concern in this vibrant regional community; issues that for too long were neglected by the previous Government. Former Federal Court judge Murray Wilcox, QC, undertook a review of compensation arrangements and other issues facing the Lightning Ridge community in relation to opal mining. The result was the "Wilcox Report into Lightning Ridge Opal Mining," that was released by the New South Wales Government in 2011. The Wilcox report made 11 recommendations, one of which was fixing a rate of compensation for opal prospecting licences and mineral claims.

On 12 August 2013 the New South Wales Government released the "Final NSW Government Response to the Wilcox Report into Lightning Ridge Opal Mining." The final response was informed by extensive consultation with miners and landholders. This included broad public input on a draft response and face-to-face meetings with targeted stakeholders. The final response sets out a balanced range of measures, including legislative measures, to address issues identified in the Wilcox report. In line with the Wilcox report, the final response proposed that minimum compensation rates be set by the Minister for Resources and Energy.

The bill implements the key legislative measures put forward in the Government's final response. It establishes a standard compensation scheme for landholders affected by opal mining. The bill implements a new

process for granting titles. It ensures that compensation is paid or a private agreement is reached before a title can be granted. The bill also amends the Land and Environment Court Act to introduce a mandatory conciliation and arbitration process for proceedings relating to small-scale titles.

In response to feedback from opal miners and landholders, the bill also enables the Minister to impose levies on titleholders. These levies are for the ongoing maintenance of industry infrastructure in Lightning Ridge and the conversion of residential mineral claims. The development of this bill has been informed by extensive consultation with landholders and opal miners in Lightning Ridge. This consultation process has included: public exhibition of the Wilcox report, which generated over 900 submissions; and public exhibition of a preliminary response to the Wilcox report where 39 submissions were received.

The Minister and senior departmental officers have undertaken several face-to-face meetings and workshops with Lightning Ridge stakeholders. The bill enables the Minister to set a standard compensation rate by *Government Gazette*. A miner will be able to pay standard compensation instead of making a private compensation agreement. The Division of Resources and Energy will be responsible for collecting standard compensation payments from opal miners and passing them on to the respective landholders. Importantly, this new system will not prevent miners and landholders from making a private compensation agreement. It will, however, provide a circuit-breaker if the parties are unable to reach an agreement.

In line with the final response, the rate will initially be set at $100 per annum for mineral claims. The rate for opal prospecting licences will be $100 per annum plus 10¢ per hectare. The bill enables the standard compensation rate to be indexed for inflation. Beyond that, the rate can only be varied every five years, after an independent review. The new process for granting small-scale titles will ensure that standard compensation is paid, or a private agreement reached, before a title is granted. In effect, the decision maker will not be permitted to grant a small-scale title unless they are satisfied that two conditions are met: that standard compensation has been paid for the full term of the title or a private compensation agreement entered into; and the applicant has given the landholder a notice about the small-scale title.

In practice, the new process will operate as follows: Firstly, the applicant will lodge their application with the Division of Resources and Energy, which will make an initial assessment of the application; the application "pends" while the applicant pays compensation to the department, or enters into a compensation agreement with the landholder. The applicant must also provide the landholder with a notice about their intention to exercise rights under the proposed title. The applicant provides proof of compensation and notification, and the department grants the title.

Miners and landholders will be able enter into a private compensation agreement as an alternative to paying standard compensation. However, the standard compensation scheme will provide a circuit breaker, for example, if agreement cannot be reached or if one party is unwilling to negotiate. The bill gives the Minister flexibility to set standard compensation for particular areas. If the Minister does not set a standard compensation rate for a particular area, there will be two options: first, the opal miner can reach a private compensation agreement with the landholder; secondly, either party can apply to the Land and Environment Court to determine the compensation payable. If the Land and Environment Court determines the compensation payable and the Minister subsequently sets a standard compensation rate for that area, the rate set by the Minister prevails the next time the title is renewed.

If a private compensation agreement has been reached between an opal miner and a landholder, the decision maker is not required to be satisfied that compensation owing under the agreement has actually been paid before granting a title. To do so would effectively require the department to police private agreements. This would be administratively cumbersome, and is not a role the department plays in any other compensation agreements under the Mining Act. The Land and Environment Court is responsible for determining disputes about money owing under a private agreement.

To encourage the quick and inexpensive resolution of disputes, a mandatory conciliation and arbitration process will be introduced for matters before the Land and Environment Court. Initially, the matter will be referred to a conciliation conference. At the conference, a neutral conciliator helps the parties reach agreement about the resolution of the dispute. If the conference does not lead to an agreement between the parties, there are two pathways. If the parties consent, the conciliator will adjudicate the matter and make a decision. If the parties do not consent to adjudication, the conciliator will prepare a report setting out the issues in dispute and arrangements will be made for the matter to be heard in court. A similar process is already in place for environmental planning and protection appeals.

Representatives of opal miners in White Cliffs have also been informed of these measures, although these changes are not expected to have a material effect on opal mining in this area. The Wilcox report was developed in the context of opal mining in Lightning Ridge. At present it is not intended to set standard compensation or small-scale title levies in White Cliffs. Unlike Lightning Ridge, there are no known compensation or land access issues in White Cliffs and this is because the vast majority of opal mining in White Cliffs occurs on un-allotted Crown land rather than private property. Consequently, the only real changes relevant to White Cliffs will be a slightly different process for granting titles. However, this is not expected to have material impact on opal miners in White Cliffs. In response to these differing circumstances, the bill allows for different rates of standard compensation to be set for different areas, such as Lightning Ridge and White Cliffs. I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) [5.23 p.m.]: I support the Mining Amendment (Small-Scale Title Compensation) Bill 2014. This bill introduces a range of measures, including a standard compensation scheme, to address sources of tension between opal miners and landholders in Lightning Ridge. Lightning Ridge is a little iconic opal mining town on the edge of the New South Wales outback. It is the capital of opal mining in this State, and arguably the world. At last count, there were around 3,200 mineral claims in force in Lightning Ridge, each covering an area of approximately 50 square metres. Most of these lie on Western Lands Leases held by farmers for grazing and cropping. It is not uncommon for landholders to have hundreds of mineral claims granted over their property. Unfortunately, this coexistence has sometimes led to acrimony between farmers and opal miners.

Opal mining and farming are both essential threads in the social and economic fabric of the Lightning Ridge community. The Government recognises this and that is why we are taking action to address the cause of these issues—issues that for too long have been neglected. Former Federal Court judge Murray Wilcox, QC, was commissioned to undertake a review into the issues facing the Lightning Ridge community in relation to opal mining. These issues, in particular, related to compensation for landholders. Mr Wilcox consulted at length with departmental staff, representatives of landholders and miners, and of course members of the public. The Wilcox report, as it came to be known, was handed down in 2011. In August 2013, following an extensive consultation process, the Government released its final response to the Wilcox report. The final response was informed by an extensive consultation process. This included broad public input on the Wilcox report and on a preliminary government response, as well as face-to-face consultation in the town.

The central issue in the Wilcox report was compensation for landholders affected by opal mining activities. Under the Mining Act, landholders are entitled to compensation for loss suffered as a result of activities authorised under a mineral claim or an opal prospecting licence. However, as noted in the Wilcox report, a fundamental source of tension between landholders and miners is the difficulty in establishing appropriate levels of compensation. Mr Wilcox recommended that to address this issue, the Minister set a fixed rate of compensation for landholders affected by opal mining. Stakeholder consultation following the release of the Wilcox report affirmed broad support for this approach. In its final response, the Government committed to fixing a rate of compensation for mineral claims and opal prospecting licences.

The bill implements this commitment by establishing a standard compensation scheme. The bill allows the Minister to set a standard rate of compensation payable by opal miners to landholders. Opal miners will be able to pay standard compensation as an alternative to making a private compensation agreement with a landholder. Importantly, this new system will not prevent miners and landholders from making a private agreement about compensation. However, it will provide a circuit breaker or mechanism if the parties are unwilling to negotiate or cannot reach an agreement.

In line with the final response to the Wilcox report, standard compensation in Lightning Ridge will initially be set, as the member for Strathfield said, at $100 per year for mineral claims; and $100 plus 10¢ per hectare for opal prospecting licences. One hundred dollars a year may not sound like much for landholders affected by opal mining—barely enough for a tank of petrol. But members should bear in mind that some landholders have hundreds of claims on their properties, so it is substantial. Further, if a landholder is dissatisfied with the standard compensation rate, they may apply to the Land and Environment Court for a determination. Introducing a standard compensation scheme will address a root cause of the tensions between landholders and miners in Lightning Ridge. It is a big step forward in promoting harmonious relationships in this unique part of New South Wales. On that note, I commend the bill to the House.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Before I call the member for Rockdale, I welcome the Mayor of Walgett, Bill Murray, who looks after Lightning Ridge, the Mayor of Brewarrina,

Matthew Slack-Smith, the General Manager of Bourke Shire Council, Ross Earl, and other general managers Don Simmonds and Don Ramsland, guests of the Minister for Natural Resources, Lands and Water, Minister for Western NSW and member for Barwon. The House just happens to be discussing a piece of legislation that I know the mayor of Walgett will be very pleased to hear about. The member for Drummoyne questioned whether the compensation would be enough. Mr Murray may like to have discussions with him when he comes out of the Chamber.

Mr JOHN FLOWERS (Rockdale) [5.29 p.m.]: I support the Mining Amendment (Small-Scale Title Compensation) Bill 2014. The objects of this bill are to regulate the compensation paid to landholders by the holders of small-scale titles over land, to provide mechanisms for dealing with disputes between landholders and holders of small-scale titles or applicants for small-scale titles and to provide levies on small-scale titles for purposes associated with those titles and the establishment of the Small-Scale Titles Levy Fund in the special deposits account. By way of background, the bill implements the key legislative measures set out in the New South Wales Government's final response to the Wilcox report into Lightning Ridge opal mining. The amendments intended to establish a framework to streamline and clarify interactions between landholders and opal miners, particularly in Lightning Ridge, an opal mining centre in New South Wales.

Opal mining occurs in two parts of the State, Lightning Ridge in Walgett Shire, around 50 kilometres south of the Queensland border, and White Cliffs, a small township in the Central Darling Shire, 300 kilometres north-east of Broken Hill. Lightning Ridge is the black opal capital of Australia. White Cliffs is famous for its milky white opals. Both of these areas have a rich history of mining dating back more than a century. Lightning Ridge is one of the few places in the world where highly precious black opals are found. It produces more than 95 per cent of Australia's supply of these rare opals. The black opal is the State's gemstone emblem—hence the Opal card.

A flourishing tourist industry exists in Lightning Ridge, with up to 80,000 national and international opal enthusiasts visiting each year. Lightning Ridge also has expansive tracts of grazing and cropping land held by landholders and designated as Western Lands Leases. Many landholders in Lightning Ridge have hundreds of mineral claims granted over their land. This has given rise to long-running tensions between landholders and opal miners. This Government is tackling issues that have long been a source of concern in this vibrant regional community.

Former Federal Court judge Murray Wilcox, QC, undertook a review of compensation arrangements and other issues facing the Lightning Ridge community in relation to opal mining. On 12 August 2013 the New South Wales Government released its final response to the Wilcox report. The final response sets out a balanced range of measures, including legislative measures, to address issues identified in the Wilcox report. In line with the Wilcox report, the final response proposed that minimum compensation be set by the Minister for Resources and Energy. The final response also proposed a range of measures to facilitate ease of use of the Land and Environment Court. These include compulsory conciliation and arbitration.

The bill establishes a standard compensation scheme for landholders affected by opal mining. The bill implements a new process for granting titles. It ensures that compensation is paid or a private agreement is reached before the title can be granted. In response to feedback from opal miners and landholders, the bill also enables the Minister to impose levies on titleholders. These levies are for the ongoing maintenance of industry infrastructure in Lightning Ridge and the conversion of residential mineral claims. The development of this bill has been informed by extensive consultation with landholders and opal miners in Lightning Ridge.

The Minister and senior departmental officers have undertaken several face-to-face meetings and workshops with Lightning Ridge stakeholders. Representatives of opal miners in White Cliffs have also been informed of the measures, although these changes are not expected to have a material effect on opal mining in this area. Miners and landholders in White Cliffs will also have access to the Land and Environment Court's conciliation and arbitration processes. The bill enables the Minister to set a standard compensation rate by gazette. Importantly, this new system will not prevent miners and landholders from making a private compensation agreement. However, it will provide a circuit-breaker if the parties are unable to reach an agreement.

In line with the final response, the rate for a mineral claim will initially be set at $100 per annum. The bill enables the standard compensation rate to be indexed to inflation. Beyond that, the rate can only be varied every five years, after an independent review. The new process granting small-scale titles will ensure that standard compensation is paid, or a private agreement is reached, before a title is granted. Miners and

landholders will be able to enter into a private compensation agreement as an alternative to standard compensation. However, the standard compensation scheme will provide a circuit-breaker—for example, if agreement cannot be reached or one party is unwilling to negotiate.

The bill does not give miners recourse to the Land and Environment Court if they believe that the standard compensation is too high. The bill gives the Minister flexibility to set standard compensation for particular areas. If the Minister does not set a standard compensation rate for a particular area, there will be two options. The first option is the opal miner can reach a private compensation agreement with the landholder. The second option is either party can apply to the Land and Environment Court to determine the compensation payable.

If the Land and Environment Court determines the compensation payable and the Minister subsequently sets the standard compensation rate for that area, the rate set by the Minister prevails the next time the title is renewed. It is not currently proposed to set standard compensation for White Cliffs. Unlike Lightning Ridge, there are no known compensation issues between landholders and the miners in White Cliffs. This is because the vast majority of opal mining in White Cliffs occurs on unallocated Crown land, rather than private property.

In response to these differing circumstances, the bill allows for different rates of standard compensation to be set for different areas, such as Lightning Ridge and White Cliffs. To encourage the quick and inexpensive resolution of disputes, a mandatory conciliation and arbitration process will be introduced for matters before the Land and Environment Court. A similar process is already in place for environmental planning and protection appeals. Historically, levies were imposed on landholders at Lightning Ridge. Funds collected from the levies were paid out, by way of grant, for the maintenance of access roads servicing small-scale titles, environmental rehabilitation or maintenance of mullock dumps.

In its final response, the New South Wales Government noted that it would consider options for the ongoing maintenance of industry infrastructure at Lightning Ridge. Consultation with stakeholders in Lightning Ridge in December 2013 indicated support from both miners and landholders for reinstating the shared infrastructure levies. In response to this widespread support, the bill provides for the reinstatement of these levies. A number of residential mineral claims were granted over Western Lands Leases for grazing.

These residential mineral claims provided a right for the miner to permanently reside on land which was the subject of the claim. As part of the program, a levy was imposed on residential mineral claims holders to fund the associated costs. While the program had widespread support, that levy lacked a legislative basis. This bill validates the previous collection and use of moneys from this levy. The amendments in this bill reflect up-to-date concerns and responses to opal mining issues in New South Wales. The bill is the result of the Government's final response to the Wilcox report, which was informed by extensive stakeholder consultation. The Mining Amendment Act 2008 contains uncommenced provisions which have been superseded by these proposed changes. I commend the bill to the House.

Mr KEVIN HUMPHRIES (Barwon—Minister for Natural Resources, Lands and Water, and Minister for Western NSW) [5.39 p.m.]: I speak in support of the Mining Amendment (Small-Scale Title Compensation) Bill 2014. I acknowledge that the Opposition also supports this bill, given that the Wilcox report was initiated by the former Labor Government. I also acknowledge the work of the Minister for Resources and Energy who, two weeks ago, made the effort of going to Lightning Ridge. I happened to cross paths with him in the Pilliga where we had a tour of Santos and the location of the potential gas development there. From there he went to Lightning Ridge and I went to Coonamble. Part of the reason for the Minister's visit to Lightning Ridge was to look at the vibrant community that exists there and its mix of industry.

The Minister was not only able to visit the opal miners—and I acknowledge the Lightning Ridge Miners Association and the Grawin opal miners—but he was able to meet up with a number of landholders at the Lehmann's property and with Ian Woodcock, the head of the Lightning Ridge Festival. The Minister also attended the ball, where he had a pretty good night, and crowned Sky Holland as the Opal Queen. I acknowledge the work of the Minister in dealing with a number of issues in Lightning Ridge that had been left in a vacuum for some time.

As a number of speakers in this debate have already noted, Lightning Ridge is unique. Often people say, "What is the best thing you can do in Lightning Ridge?" and most people would answer, "Leave it alone." Lightning Ridge contains an eclectic group of people made up of miners, the agricultural sector, tourist

operators and people who go there for no reason at all. It is made up of a mining reserve, which runs about 100 kilometres north-south and 30 kilometres east-west, and it is characterised by a number of smaller communities to the west of Lightning Ridge, such as Grawin and the Sheepyard area.

It was a problem for Lightning Ridge that mineral claims and compensation were held in abeyance for probably about three or four years. The Government recognised that the system for the collection of compensation payments did not work; it created a lot of friction and a lot of uncertainty and it did not meet the needs of either the opal miners or the landholders. Part of the Wilcox report responded to that issue. The previous arrangement, which was quite ad hoc, has been amended and the department in Lightning Ridge will now collect the compensation payments and pay them to the landholders.

The price of opal has had a bit of a kick and has increased by 30 per cent in the past six months. There is genuine interest in the industry, which is unique to this country, the home to the black opal. We introduced the black opal as our State emblem when we were in Opposition—it was about the only bill we got up in Opposition. I am not sure that Labor members knew what was going on but they supported it in the end. We believe that now the Minister has the responsibility of setting the compensation rate, which will be $100 per year for mineral claims and $100 plus 10¢ per hectare for opal prospecting licences. It will bring back more certainty to this important industry. As previous speakers in the debate have said, opal miners are not precluded from striking their own rate with landholders as an independent transaction.

Another issue noted in the debate was that a large number of the landholders are prospectors in their own right. Whilst the past three or four years have been a bit of an anxious period on that front, I look forward to those issues being dealt with in a far more satisfactory and congenial manner. More work will be done down the track on further issues that the bill does not address—but which the Minister has committed to—particularly in the areas of planning and governance. Issues concerning dogs on claims and a whole lot of other issues that might seem trivial by some people's standards, but are certainly real to those people, have been dealt with in some of the resolutions. But the ongoing issue of sunset clauses has yet to be resolved. There is still a bit more work to do on Lightning Ridge, but in the main it has been very well addressed and I thank the Minister for his support. I commend the bill to the House.

Mr ANDREW ROHAN (Smithfield) [5.44 p.m.]: I speak in support of the Mining Amendment (Small-Scale Title Compensation) Bill 2014. This bill will amend the Mining Act 1992 and the Land and Environment Court Act 1979 with respect to the small-scale titles framework surrounding the opal mining industry in New South Wales. I am proud to be part of a Government that is concerned with issues facing not only major mining operations but also small operators such as the small-scale miners and farmers in the opal mining community of Lightning Ridge. The bill delivers on the final response to the 2011 Wilcox report, which was released back in August 2013.

Under the Mining Act 1992, landholders are entitled to compensation for loss suffered as a result of activities authorised under a mineral claim or opal prospecting licence—both of which are commonly referred to as small-scale titles. Small-scale titles are prevalent in the small outback community of Lightning Ridge—also known as black opal country—located 770 kilometres north-west of Sydney. Hailed as the capital of opal mining, its source of revenue primarily comes from opal mining and farming. Despite being a small community, 95 per cent of total black opal production in Australia comes from its mines, with 3,200 mineral claims currently in force dispersed over land held by 26 landholders, most of those being Western Lands leases for cropping and grazing purposes. This number is growing by approximately 1,500 new claims each year.

To top off these incredible figures, about 80,000 visitors arrive at Lightning Ridge each year to try their luck at fossicking or to discover what an outback mining town is like. Given this significance, there have been ongoing tensions between landholders and miners regarding access and fair compensation rights for use by the miners of the land for opal mining and prospecting. A wellspring of this tension was the nature of the previous scheme, which was based on private agreements only. Stories of farmers unlawfully locking miners out of their claims and miners leaving behind overburden after fossicking is all too common, which is why this Government has responded with this bill.

The amendments take on the recommendations in the Wilcox report for a fair and workable system, which saw broad support by stakeholders for a fixed compensation scheme. It cannot be stressed enough that this Government's response in 2013 follows an extensive consultation process, including discussing the issues raised in the report with departmental staff, representatives of landholders, and miners, as well as broad public input and face-to-face discussions with targeted stakeholders. This bill follows up and delivers on that response, which significantly reflects the overwhelming will of the people of the Lightning Ridge community.

First, the bill introduces minimum standard compensation rates, which have received broad support following consultation. It enables the Minister for Resources and Energy to set standard rates of compensation over small-scale titles, being $100 per annum per mineral claim, which covers, on average, 50 square metres, and $100 plus 10¢ per hectare for opal prospecting licences. Some landholders may have hundreds of titles on their properties, which makes compensation such an issue. To streamline the administration of the standard compensation payments, a New South Wales Government collection agency will be tasked with collecting payments and distributing them accordingly.

Secondly, the bill inserts a new title application process that will ensure standard compensation is paid or, in the case of a private agreement, the alternative agreed value is remitted, and that a notice of intention to exercise rights under the small-scale title is provided before the title is granted. This is to minimise further disputes arising from disagreements on compensation levels or access. Should landholders disagree with the compensation rate, the bill provides a right to appeal to the New South Wales Land and Environment Court. It is noted that no further right of appeal lies against a determination of compensation under the relevant new section. This would have the likely effect of minimising uncertainty for miners who rely on their daily operations to secure an income.

Thirdly, the bill enables the Minister to order levies to be imposed on opal miners at Lightning Ridge to fund maintenance work of shared access tracks and mullock dumps, and to develop offsite rehabilitation activities as requested to be addressed by landholder representatives such as the NSW Farmers Association. Of course, new purposes may arise following developments in the region, so provisions have been made to allow for further purposes as prescribed by regulations or purposes ancillary to the core purposes just mentioned. Fourthly, the bill introduces mandatory conciliation and arbitration for opal mining disputes. Again, this reflects the intent of the bill to minimise not only disputes between landholders and miners but also the ability for disputes to escalate into litigation, which would have deeply adverse impacts on both parties.

Given these amendments, the bill provides a balanced and sustainable framework for compensation rights by landholders over mines. Most importantly, given the full scope of consultation undertaken in the process leading to this bill, these amendments will assist in fostering a positive relationship between landholders and opal miners, which is essential to the continuation of the booming opal capital of Lightning Ridge. I acknowledge the work of Murray Wilcox, QC, for achieving a balance between the competing interests of landholders, who have a right to compensation, and the interests of miners, some of whom rely on opal mining for their livelihood. I commend the Minister for Resources and Energy for introducing this bill, which will help resolve disputes and thus streamline opal exploration and mining activities, specifically in Lightning Ridge and its surrounds, and give farmers and landholders peace of mind regarding their say over their property. I commend the bill to the House.

Mr ADAM MARSHALL (Northern Tablelands) [5.52 p.m.]: I support the Mining Amendment (Small-Scale Title Compensation) Bill 2014. I am proud to be part of a Government that is taking serious action to address longstanding issues in Lightning Ridge. As we heard during this debate, Lightning Ridge is an iconic opal mining town in Walgett shire in central New South Wales, 50 kilometres south of the Queensland border. As I am sure most people are aware, Australia has the world's highest quality precious opal, the best-known of which comes from Lightning Ridge. The other main opal mining area is at White Cliffs, which is further west in the Central Darling shire. Lightning Ridge opal has been mined for more than a century and is the most productive opal field in New South Wales. Lightning Ridge is one of the few places in the world where the precious and highly prized black opal can be found. It produces more than 95 per cent of Australia's supply of these rare black opals.

Unlike other opal, the black opal contains carbon and iron oxide trace elements, producing a very dark stone that has hints of blue, green and red. Black opal is produced in a variety of grades, from the relatively inexpensive up to about $20,000 per carat for the rarest, most exquisite gems. So beautiful is the back opal that in 2008, by a law passed by this Parliament, it became the official gemstone of New South Wales. Without doubt opal mining is the engine room of the Lightning Ridge tourist industry. Indeed, on the occasions that I have visited Lightning Ridge—I will never forget those visits—it was a pleasure to go out on some claims to see people in action mining for the precious gemstone. Each year during the cooler months the local cafes, motels and other small businesses bulge at the seams as tens of thousands of visitors descend on the town to sample its attractions. The member for Tweed will be interested to know that the famous black opal is the major draw card. But the attractions do not end there.

Mr Geoff Provest: The bowling club is very good, too.

Mr ADAM MARSHALL: The bowling club is very good. From artesian baths to outback theatre to art galleries, there is something for everyone at Lightning Ridge. When the mercury rises, as it does for most of the year—with great ferocity—there is also the Lightning Ridge Diving Centre. For those who have not had an opportunity to visit there, the diving centre is a world-class facility and, dare I say it, the stomping ground of the next generation of Olympians. Indeed, recently a group of school students from Armidale in my electorate travelled as part of a representative squad to Lightning Ridge for a representative carnival. This multimillion-dollar diving centre was funded entirely by the locals. This aquatic wonderland is a testament to the community spirit in this unique part of the State.

But I digress. This bill is important for everyone in the Lightning Ridge community. The Minister for Resources and Energy spoke eloquently about a degree of tension over the year between landholders and claim holders. The bill seeks to strike a balance and establish a clear compensation mechanism for landholders. But it does not mean that the compensation mechanism is set in stone. Landholders can negotiate with the claim holders for a higher compensation rate if they deem that to be appropriate. I note that the bill amends the Mining Act 1992, but in schedule 2 it also amends section 41A of the Land and Environment Court Act 1979. That is simply to insert a section before section 42 in relation to mandatory conciliation and arbitration where obviously an agreement cannot be met.

The bill provides a robust mechanism for dealing with disputes between landholders and holders of small-scale titles or applicants for small-scale titles. It provides a mechanism for a landowner to seek recourse in the Land and Environment Court and have audience for that matter. I commend the Minister for Resources and Energy—a fine Minister—for introducing this bill in response to the Wilcox report, which was released by the Government last year. The Government is renowned for such legislation. It is common sense, it is responding to an appropriate review and it addresses community concerns while balancing the needs to continue the opal and previous gemstone industry in this State. The bill is good, simple legislation. As I said, it is common sense and I am more than happy to support it. I encourage all members of the House to support the bill, and I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [5.58 p.m.]: I support the Mining Amendment (Small-Scale Title Compensation) Bill 2014. By way of background, opal mining occurs in two areas in New South Wales—Lightning Ridge in Walgett shire and White Cliffs in Central Darling shire. Some landholders in Lightning Ridge have hundreds of titles over their properties, which has created tension, particularly relating to compensation. In 2011 Murray Wilcox, QC, delivered the Wilcox report into Lightning Ridge opal mining, and the Government released its final response to that report in 2013. These changes will try to ease some of the tensions between landholders and miners in Lightning Ridge and provide fair and reasonable compensation. In Lightning Ridge the rate will be set at $100 per year for mineral claims and $100 plus 10¢ per hectare for opal prospecting licences.

This bill enables the Minister to set a standard rate of compensation for landholders affected by opal mining in Lightning Ridge. The compensation payments will be collected by the Government and distributed to landholders. The bill introduces a new application process that ensures standard compensation is paid, or a private agreement reached, before a title is granted. The levies will fund works to maintain shared access tracks, undertake off-site rehabilitation activities and maintain mullock dumps. This bill will provide fair and equitable compensation for miners who want to make their fortune in Lightning Ridge and chase the mother lode. I know several miners at Lightning Ridge who say that when they get the gold rush they get drive, something which I certainly do not get.

Mr Geoff Provest: The fever.

Mr KEVIN ANDERSON: They get the fever, as the member 100 per cent for Tweed has rightly pointed out. It is quite extraordinary that day after day they continue to pursue that bit of colour, as they call it, hoping to find that mother lode. When they do it is no doubt a period of great joy after toiling, I suspect, for days and months, and sometimes years without getting a return on their effort. This mining amendment bill will set the rates at $100 per year for mineral claims and $100 plus 10¢ per hectare for opal prospecting licences is innovative in setting the benchmark.

In relation to compensation, landholders, not only in Lightning Ridge but also across the State, generally want fair and equitable compensation, particularly in the electorate of Tamworth where there is a burgeoning coal seam gas and mining industry. Farmers there tend to ensure that, first and foremost, they look after water, their environment and they protect prime agricultural land. Farmers who would like to diversify

off-farm income, with gas wells for instance, should be remunerated appropriately, as opposed to what happened in Queensland where, for years, there was no appropriate remuneration for landholders when gas companies knocked on the door and said they have a right to explore, drop wells and extract on their property.

New South Wales has set the benchmark for a regulatory process with mining and coal seam gas. I know that the Minister for Resources and Energy is ensuring that landholders get their fair share by ensuring that those companies uphold to the letter of the law the operating regulations and requirements of the director general on how they operate in the environment not only when extracting, but also in the social environment in which they operate. The Minister has made sure that those companies abide by the social licence and that landholders are remunerated appropriately. This Government is ensuring that if companies want to go into communities across New South Wales they pay their fair share and abide by the rules and regulations not only within the Strategic Regional Land Use plan but also with aquifer interference, agricultural impact study and environmental impact study, and the list goes on.

We know that many areas, for example, Gunnedah Basin in the Tamworth electorate, have had mining for 100 years. However we are now operating in a far more sophisticated and professional environment than we were 10, 15, 20, 25 or 30 years ago. Mining companies are now forced to rehabilitate an area, as they should be, and appropriately remunerate landholders on whose properties they explore and ultimately carry out an extraction process. As some landholders have no succession plan—those with no sons or daughters—they also need to be remunerated appropriately should they wish to leave the land. They may be ageing and may wish to exit. Their exit strategy could be in the form of a buy-out from a mineral company, whether it is coal or coal seam gas. In days gone by they would not have been remunerated appropriately. In the past it was a knock on the door, make an offer for the property, take it or leave it—it was always almost done by stealth. These days it is open and transparent. The Minister is making sure that process occurs.

Agriculture and mining does and will continue to co-exist in areas across New South Wales and now it will also occur in Lightning Ridge with the Mining Amendment (Small-Scale Title Compensation) Bill 2014. Yet again this Government has worked to have common sense, fairness and equity in negotiations that take place between miners and landholders with the full knowledge of the community in and around which it operates. I commend the Minister for Resources and Energy, the Hon. Anthony Roberts, for doing a very good job. I look forward to seeing him back in the Tamworth electorate very soon when we will welcome him and roll out the red carpet. We know that he is very keen to see the Liverpool Plains where we live, breathe and work. He is welcome any time. I look forward to having him in our area soon. I commend the bill to the House.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Resources and Energy, and Special Minister of State) [6.08 p.m.], in reply: I thank members representing the electorates of Liverpool, Strathfield, Drummoyne, Rockdale, Smithfield, Northern Tablelands and Tamworth for their contributions to this debate. I also particularly thank the member for Barwon for his keen advocacy on behalf of landholders and miners in Lightning Ridge, and his help in shaping this bill. The Mining Amendment (Small-Scale Title Compensation) Bill 2014 implements the key legislative measures set out in our Final Response to the Wilcox Report. The bill amends the Mining Act 1992 to introduce a standard compensation scheme for landholders affected by opal mining. Standard compensation in Lightning Ridge will be set at $100 per year per mineral claim. This rate will be set for five years before it is reviewed.

Standard compensation will be collected by the Government and distributed to landholders. To complement the standard compensation scheme, the bill introduces a new process for granting titles. The new process will ensure that standard compensation is paid, or a private compensation agreement is in place, before a small-scale title is granted or renewed. In addition, the bill enables levies to be imposed on opal miners for particular purposes. These levies will fund works to maintain access roads, undertake off-site environmental rehabilitation and rehabilitate mullock dumps. The bill also amends the Land and Environment Court Act 1979 to provide a mandatory conciliation and arbitration process for opal mining disputes.

This balanced package of amendments addresses issues of concern for both landholders and opal miners in Lightning Ridge. Agriculture and opal mining have been the backbone of the Lightning Ridge community for more than a century, and the Government is committed to keeping it that way for generations to come. Finally, I pay tribute to and acknowledge Brad Mullard, Nathan Laird, Aaron Walker, Thomas Kwok and Samantha Das from the Department of Resources and Energy for their hard and diligent policy work in putting this bill together. They are in the advisers' area this evening. Once again, I acknowledge their service not only to this House and to the department but also to the people of New South Wales—and, in this case, to Lightning Ridge. 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 Anthony Roberts agreed to:

That this bill be now read a third time.

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

CENTENARY OF FIRST WORLD WAR

Debate resumed from 7 August 2014.

Mr CHRIS HOLSTEIN (Gosford) [6.11 p.m.]: Tonight I acknowledge James William Morris of Umina Beach. In doing so, I thank Julie Aitchison for her detailed resource collecting regarding this remarkable man. James William Morris was born in Dunedin, New Zealand, in August 1869. By the age of 15 he had moved to Sydney with his sea captain father. He travelled with his father and at the age of 18 joined the Royal Marines in Glasgow, Scotland. He spent 12 years in the Royal Marines, serving on several ships. One duty was spent patrolling the Mediterranean Sea. From 1887 to 1899 James served on at least six ships, the first being the HMS *Gannet*. This ship is now fully restored and moored at the Historic Dockyard at Chatham, England. The last five years of his service in the Royal Marines were spent on the Australia Station at the home base of Sydney.

James was a marine not a sailor. His marine duties were to keep peace between the officers and the ordinary seamen, as well as going ashore when necessary to perform military duties. He left the Royal Marines in Sydney in 1899 just as the Boer War was starting in South Africa. James joined the Australian Forces and served in South Africa. On returning to Sydney, he married and had two sons. Very little is known about what happened in South Africa when he served with the Australian Rifles. We do know that in 1914 he was a photographer and a member of the Australian Rifles, which was a group of volunteer soldiers who conducted shooting and drill practice. It held shooting tournaments at which cups and medals were awarded. When war was declared in August 1914 James was one of the first to sign up. We have heard many stories about young men lying about their age—increasing it—to enlist. However, James did the opposite. He was 45 so he lied and said that he was 38 so he could enlist.

His attestation papers state that he had gunshot wound scars to his left leg, left groin, left forearm and scars to both eyes. No doubt these wounds were received in the Boer War because his Royal Marines records show he did not have any scars when he was discharged in 1899. James was signed on as a colour sergeant. We have been told by the Australian War Memorial in Canberra that the army needed men like him who had experience and a cool head for the action that lay before them: someone to keep the young, inexperienced boys calm and focused. We know that James sailed on the *Afric* in October 1914. He left Sydney as part of the 1st Battalion, 1st Brigade, A Company, Australian Imperial Force [AIF]. By January 1915 he had sailed via Albany, Western Australia, heading for Egypt. At that time he was promoted to colour sergeant major.

James sailed from Cairo on the *Minnewaska* and on 25 April 1915 he landed on the Gallipoli Peninsula at Anzac Cove. We know that he was wounded on that morning. We do not know the extent of the wounds but he was sent to hospital. However, he returned to the field soon after. James William Morris was one of the first at the charge of Lone Pine. It was at Lone Pine that he was promoted in the field to second lieutenant. He was with Alfred Shout when Shout earned his Victoria Cross at Lone Pine. Shout was the battalion's first Victoria Cross recipient. James was severely wounded in the face at Lone Pine and was sent to hospital, where he spent about 12 weeks. But yet again, in December 1915, he returned to the battlefield in Gallipoli. This was during the midst of the withdrawal of troops. At this time he was mentioned in dispatches by General Sir Ian Hamilton. James wanted to stay in Europe and fight with his colleagues but the army decided that he should be sent home. He was passed medically fit but because of the disfigurement to his face the army records stated:

> It was not desirable that an impression should be created among persons not in possession of the facts of the case, that the supply of officers in Australia is so low that it is necessary to send back men suffering the effects of their wounds.

This ruling by the AIF resulted in James leaving the 1st AIF. However, the records show that he joined the Citizens Military Force [CMF] after the war ended, where he became a captain. Very little is known after James returned to Sydney. However, we know that in 1917 he joined the Newtown branch of the Freemasons and he was vice president of the Marrickville Anzac Memorial Club. This club is credited with having started the Dawn Service at the Cenotaph in Sydney. We know that he was a regular visitor to the Central Coast, and that he called the Central Coast home. We know that in 1926 he belonged to the Ocean Beach Surf Life Saving Club, earned his bronze medallion and joined the rescue squad. He was 57 years of age and sported six gunshot wound scars. He also became the second president of the Ocean Beach Surf Life Saving Club, the oldest surf life saving club on the Central Coast.

In 1928 James bought some land to build his family home. It is interesting that the home was named "The Dig In"—no doubt a recollection of his time on the Gallipoli Peninsula. In 1929 he was elected president of the Woy Woy Ettalong RSL Sub-branch. He was also elected to the brand-new Woy Woy Shire Council, where he served for five years. There is little record of what happened during that time but we do know that in 1929 a commemorative cup, named the Morris Cup, was presented to the surf clubs of Terrigal and Ocean Beach. The Morris Cup involved a competition between the surf clubs held in honour of James William Morris. In 1934, having been a councillor for five years, he did not stand again as his health had started to fail him. In 1939 James died at Randwick Military Hospital after a long illness.

James was a remarkable man who experienced so much in his 70 years. He was a fine example of those who volunteered to fight for their country, fighting as he did in two wars. He was a man of valour, strength of character and gallant in every way. He earned the respect of his countrymen and was a man of great dignity; someone who deserves to be remembered and always held in high esteem. I am reminded of the words of Laurence Binyon, English poet and writer, in the *Ode of Remembrance*, which is taken from his poem *For the Fallen*, that apply to men such as James William Morris. Those words are:

> They went with songs to the battle, they were young
> Straight of limb, true of eye, steady and aglow.
> They were staunch to the end against odds uncounted,
> They fell with their faces to the foe.
>
> They shall grow not old, as we that are left grow old.
> Age shall not weary them, nor the years condemn.
> At the going down of the sun and in the morning,
> We will remember them.

Mr Bryan Doyle: We will remember them.

Mr CHRIS HOLSTEIN: My community remembers James William Morris and in 2015 he will be acknowledged and honoured with a memorial wall and plaque at the Ocean Beach Surf Life Saving Club. I hope that we can reinstate the Morris Cup in memory of this remarkable man, James William Morris.

Mr BRYAN DOYLE (Campbelltown) [6.20 p.m.]: I will tell a tale of two families. The first young man is William Thomas Hislop and the second is Caesar Czisz. Both were my great-great uncles. Their stories are very different and tell of two experiences of the First World War. William Thomas Hislop was born in Sydney on 23 September 1895 to Alexander Booth Hislop and Catherine Ida Hislop, nee Garland. On 23 August 1915 William Thomas Hislop enlisted in the Australian Imperial Force [AIF] for service abroad. Recruitment for the Army had soared at this time, largely due to the realisation that the war was not going well. His application stated that he had been born in Darlinghurst and was a natural-born British citizen. His next of kin was listed as his mother, Mrs Catherine Hislop of 35 Iris Street, Paddington. He was described as: age, 19 years; five foot five inches tall; eight stone, wringing wet; light blue eyes; and light brown hair. As he was 19 and underage—that is, under 21—the consent of his parents was required. His parents wrote:

> We, the parents of W.T. Hislop gave our consent to his joining the forces.
>
> (signed)
> Alex Hislop
> Katherine Hislop

On 8 April 1916 William Hislop left Sydney on HMAS *Nestor* bound for France with the 4th reinforcement of 2nd Divisional Ammunition Column. His unit embarked at Alexandria on 29 May 1916 and disembarked at Marseilles, France, on 5 June 1916. The fact that the war was only two years old and the 4th reinforcement was being sent gives some indication of the tragic loss of life that the AIF experienced. By this stage, the Australian

losses on the Somme had amounted to the equivalent of 23 of the 48 Australian battalions. This was a huge loss to a small nation such as Australia. In August 1916 the greatest fear of any wartime family struck the Hislops with the newspaper reporting the death of a "Private WT Hislop" in its list of soldiers killed in action. Catherine Hislop sent a despairing mother's plea to Victoria Barracks, writing:

> Dear Sir,
>
> Could you give me any information concerning Pte W.T. Hislop, whose name was among those killed, in Tuesday's Herald. The initials and surname are the same as my son. But he was William Thomas Hislop … I had a letter from him dated the 1st June. He was then in France. If you could tell me if the No. of the WT Hislop is the same or any information you could give would be thankfully received …

It was signed, "K Hislop". On 31 August 1916 the Major, Office in Charge of Base Records, replied:

> Dear Madam,
>
> In reply to your letter dated the 24th instant, concerning your son, No. 13041 Gunner William Thomas Hislop, 2nd Divisional Ammunition Column, I have to inform you that no official report to any effect has been received at this office in respect of him, and in the absence of such it is to be presumed that he is with his unit. You will be promptly notified should any reports be received.
>
> …
>
> The soldier reported killed in action is No. 3800, Pte Walter Tilley Hislop, 1st Pioneer Battalion, late 2nd Battalion.
>
> Yours faithfully
>
> Major
> Officer in Charge Base Records

True to his word that notification would be sent when necessary, Catherine Hislop received official notification that William had been injured in action in France on 24 August 1918. The letter stated:

> Mrs C Hislop
> 6 Selwyn Street Paddington
>
> Dear Madam,
>
> I regret to advise you that Gunner W.T. Hislop, has been reported wounded, slightly, and remaining at duty.

On 6 October 1918 William Hislop was recommended for the Military Medal by Brigadier General Walter A. Coxen. The commendation reads as follows:

> Gunner William Thomas HISLOP No. 13041.
> This recommendation is made under ARO 2475 in respect of the period November 1916 to October 1918. During the whole of this period this man has served continuously on Brigade Headquarters as a runner. Throughout the winter of 1916 on the SOMME during the heavy fighting at MESSINES in 1917; at NIEUPORT in 1917 and at PASSCHENDAELE in 1917 where the carrying of messages over the heavily shelled areas was a matter of extreme danger this man showed consistent cheerfulness and bravery in carrying out his duties frequently over dangerous and difficult areas at all hours of the day and night. During the fighting this year near MORLANCOURT and since the advance on 8th August he has on several occasions been brought to notice for the gallant way in which he has carried out his duty. The work of a runner and the willingness and success with which this man has faced the difficulties of his duty over the long period have been consistently noticeable and praiseworthy. He is particularly worthy of award for his work.
>
> Walter A. Coxen. Brig-Col.

The names Somme, Messines, Nieuport, Passchendaele and Morlancourt roll off the tongue, but they were the sites of most of the major and bloody Western Front battles of the Great War. In 1916 the Anzacs were moved to the Somme Valley, near Amiens. Other than the highly effective German army there was also another enemy: The winter of 1916-1917 was the most severe in France for 40 years. For the Australians, who were not used to such extremes of temperature, this was an extreme trial. Many soldiers were lost each week due to frostbite and trench foot. If a man became stuck in the mud, he drowned or died of exposure unless rescued. It was the breeding ground for the influenza pandemic that later swept the world. It was through this dangerous ground that a runner had to traverse to relay messages. Snipers, artillery shells, machine guns, mustard gas, and the muddy terrain were all enemies of the message runner. On 29 May 1919 Gunner Hislop embarked on the *Rio Negro* for his homeward voyage, disembarking at Sydney on 25 July 1919. The Hislop family were pleased to receive a copy of the *London Gazette*, which stated:

> HIS MAJESTY THE KING has been graciously pleased to approve of the award of the Military Medal for bravery in the field to the undermentioned:
>
> No. 13041 Gunner W. T. HISLOP.
>
> The above has been promulgated in "Commonwealth of Australia Gazette" No. 115, dated 10th October 1919.

The experience of my other great-great uncle, Caesar Czisz, was much different. The First World War was to deal the Czisz family a cruel blow. Born in Prussia, Caesar immigrated with his father, Adolph Czisz von Porembski, in 1881 to Australia as a young boy. The First World War propaganda posters depicted the Hun as a cruel and insatiable enemy. Anti-German feeling was running at fever pitch and anyone of German heritage needed to keep a low profile lest one be run out of a job and placed into an internment camp. It was patriotic to refuse to do business with Germans, and many were forced out of business. German placenames were changed. In fact, the German Club in Broken Hill was burnt to the ground by an angry mob. People were encouraged to inform on any suspected German neighbours.

Caesar Czisz felt the wrath of this anti-German sentiment. He was working in Western Australia at the time and was a noted mineral prospector. With the commencement of World War I, a great fear of Germans developed in Australia and demands were made for something to be done. The first step was to identify all Germans as enemy aliens. On 10 August 1914, under the War Precautions Regulations, all "Germans" were called to report to their nearest police station and fill out a yellow form. This yellow form required information such as name, address, date and place of birth, trade/occupation, marital status, length of residence in Australia, nationality and naturalisation details. The police would then submit a further report, labelled "Secret and confidential", with their own views on the enemy alien.

On 7 November 1914 Caesar Czisz was registered as an enemy alien with the usual address of The Esplanade Hostel, Geraldton, Western Australia. It was noted on the intelligence card that Caesar claimed to be naturalised and an Australian. However, this assertion was to no avail and on 1 July 1915 he was arrested—or, more accurately, he surrendered himself on the grounds of destitution—at Sandstone, Western Australia. Incredibly, he was listed as a prisoner of war and interned on Rottnest Island, an island in the Indian Ocean. Conditions there were reasonably tolerable for a prisoner of war and the internees could wander the island largely at will. I have had the privilege of looking through some of the Government archives and I have read the yellow form, which referred to the registration form completed when Caesar was registered in November 1914 in which mention was made of his father's naturalisation. However, the naturalisation taken out by Adolph Czisz in 1881 unfortunately did not protect Caesar. Being born in Germany, he was classed as an enemy alien.

In late 1915 a decision was made to house the internees at a more central location. As a result, Caesar and his fellow internees were transported on the SS *Demosthenes* to the Holsworthy Army Base, Liverpool, and held there until 1919. The conditions at the Holsworthy Army Base were far worse than those on Rottnest Island. This was due to the greater military style of compound required for a complex that housed some 5,000 internees, some of who were sailors from the German raider SMS *Emden*. Time passed slowly for these internees and they could only but wait for the end of the war. It is probable that Caesar had lost contact with his family at this stage because they had moved to Queensland and it is likely that his letters would have been returned "left address, whereabouts unknown". He must have been in a miserable state.

However, the end of World War I, on 11 November 1918, did not bring about the release of the internees back into society. Anti-German feeling was such that the fate of the majority of the detainees was deportation. A list of prisoners of war interned from the 5th military district, Western Australia, and repatriated per the SS *Tras-os-Montes* on 9 July 1919 features the name of Caesar Czisz. On 9 July 1919 Caesar Czisz, now aged 39, was placed aboard the Dutch vessel, the steamer *Tras-os-Montes*, and repatriated—that is, deported—back to Germany, a country that he had left as a young boy. This must have been very difficult for Caesar, who had lived in Australia for the vast majority of his life. After his repatriation to Germany the Czisz family heard nothing further from him, and it remains a family mystery. In fact, my Nanna Agnew, nee Czisz, died in the hope of finding some record of her uncle. But never was anything uncovered. The internment of enemy aliens during World War I is a tragic and sad period in Australian history. Anthony Splivalo in his book, *The Home Fires*, wrote:

> The courage and sacrifice of Australia's fighting men in the war is well known. But there was another side to the war, the home front. Those who remained behind did indeed keep the home fires burning, but these fires did not merely warm and comfort because they were recklessly fanned by those who forgot, or rather did not seem to care, that too great a fire could wound and destroy, leaving permanent damage and ugly scars.

The vessel that brought the German prisoners from Australia to Rotterdam got a clean bill of health for the voyage, there having been no influenza on board. Intense anti-British and anti-German feeling was displayed by the internees, but any subordination was suppressed with a strong hand. They were dispatched. Of course, the influenza that had spared the SS *Tras-os-Montes* was the Spanish flu epidemic that struck after World War I, which had its origins on the Western Front. It was a global pandemic—one of the major natural disasters in history—that left a trail of death around the world exceeding that of World War I.

Such is the story of two families and their different experiences of World War I. Gunner William Hislop was awarded the Military Medal for his service and exploits all over the Western Front, and Caesar Czisz was imprisoned because he was born in a foreign country and his naturalisation was considered irregular at the time. He was declared an enemy alien, jailed and then deported—never to be heard of again. When we stop to remember and commemorate the war, we should reflect both on those who left our shores to serve and on what happened on the home front. We should remember to be careful about picking at a particular time on a particular style of person who might be a bit different from us. We should always be vigilant and ensure that the rights and liberties of all Australian citizens are recognised and protected. Lest we forget.

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

Pursuant to resolution private members proceeded with.

PRIVATE MEMBERS' STATEMENTS

TRIBUTE TO MR ECCLESTON DU FAUR

Mr ROB STOKES (Pittwater—Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning) [6.38 p.m.]: My electorate of Pittwater is lucky to have a large amount of native bushland, which includes the second oldest national park in Sydney and Australia: the Ku-ring-gai Chase National Park. Today I make mention of an extraordinary man, Mr Eccleston Du Faur, who was instrumental in the creation of this beautiful and important national park. It was part of his life's pursuit to protect New South Wales' natural environment. Mr Eccleston Du Faur was an extraordinary public servant. He was born in London in 1832 and migrated to Australia in 1853. He was a fellow of the Royal Society of New South Wales and founder of the Geographical Society of Australia, in 1883. Mr Du Faur was concerned about the destruction of the bush by collectors of wildflowers, timber getters and the increasing neighbourhood.

Inspired by the reservation of Yellowstone Park, which is in the American state of Wyoming, he advocated the preservation of Ku-ring-gai Chase as a national park. He worked hard to establish Ku-ring-gai Chase National Park, and on 14 December 1894 a notice appeared in the *Government Gazette* reserving 13,500 hectares of land to be known as Ku-ring-gai Chase National Park, with Mr Du Faur as managing trustee. Ku-ring-gai Chase National Park was the first national park in Australia to be established primarily for nature conservation. Earlier parks, such as the Royal National Park and Centennial Park, were established primarily for recreation, and modifications to the environment, including extraction of natural resources, were initially permitted on these reserves.

Mr Du Faur's passion for conservation extended to the Blue Mountains where he played a significant role in the protection of the blue gum forest and much of the Grose Valley. The contribution of Mr Du Faur is recognised throughout Ku-ring-gai Chase National Park, including in a sandstone plaque designating the North Turramurra entrance to Ku-ring-gai Chase National Park as Du Faur's Gate. He is also commemorated in the naming of Du Faur Rocks at Mount Wilson.

Today, the Ku-ring-gai Chase National Park covers more than 14,800 hectares of bushland in northern Sydney, including the Pittwater. It comprises most of the catchment of Cowan Creek as well as the western catchment of the Pittwater and Barrenjoey Lighthouse. Ku-ring-gai Chase National Park combines important history with scenic beauty. Visitors can camp at The Basin on the western foreshore of the Pittwater and spend time exploring walking tracks, mountain biking trails and breathtaking lookouts, including West Head.

Mr Du Faur's commitment to the establishment of the Ku-ring-gai Chase National Park has also resulted in the protection of significant Aboriginal sites in the lands of the traditional owners, the Eora people of the Guringai nation. Thanks to the hard work and dedication of Mr Frederick Eccleston Du Faur this park was added to the National Heritage List on 12 July 2006, resulting in the long-term protection of its diverse flora and fauna, as well as ensuring that more than 7,400 years of important Aboriginal heritage is preserved.

The spirit of Mr Du Faur lives on in the work of many passionate and committed locals who continue the conservation work he began through groups such as the Pittwater Natural Heritage Association, the Pittwater

Environment Foundation and the West Head Awareness Team. Locals who are involved include Marita Macrae, David Palmer, John and Lynn Illingsworth, Bill Rooney, Rohan Walter and Ric Leplastrier, the noted architect. These locals are committed to continuing Mr Du Faur's vision for conservation in the local Pittwater community.

Mr Du Faur is one of many passionate conservationists who have had the foresight to campaign for the protection of significant areas of our natural environment and have left a remarkable legacy for us and future generations. The work of these people is not forgotten and lives on in the national parks and other protected areas including Ku-ring-gai Chase National Park. It is now our job to ensure that this legacy continues to provide outstanding experiences for us and conservation of our native plants and animals.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [6.42 p.m.]: I praise the member for Pittwater and Minister for the Environment for bringing to the attention of the House the hard work done by Mr Du Faur, particularly in relation to the Ku-ring-gai Chase National Park and the Blue Mountains. Too often we forget the hard work that goes into creating a magnificent legacy for people today and generations to come. I take on board the comment that it is up to us to ensure the legacy of that hard work remains for future generations.

WOLLOMBI PUBLIC SCHOOL

Mr CLAYTON BARR (Cessnock) [6.43 p.m.]: It looks as if the Department of Education and Communities is going to close a small school in the electorate of Cessnock. From the outset, I want to make clear that I have the highest respect for regional director Mr Frank Potter and area director Mr Bryan Campbell. The closure of a school is always an emotive and controversial issue and generally the smaller a community is, the more significant its school is. However, in the Wollombi Valley this emotion is mixed with public disillusionment with a process which many consider to be lacking integrity and good faith.

I accept that the end solution for the Wollombi Valley may well be the closure of one of the schools, or a significant rejigging of how the two schools are set up, but many primary schools in my electorate have 400 or 500 children, and the people associated with them are entitled to question the logic and fairness of another school catering to only five at the moment. The school had 10 students at the start of the year and this number dropped to seven and even to three at one stage.

Regardless of our views on the number of students, we should all be able to agree that a fair process must be followed. Time should be taken to establish the needs of students, the ability of the existing facilities to cope with current and future demand, and to get to the bottom of why there is currently such imbalance in the numbers at Wollombi and Laguna public schools. One school has only five students while the other, just seven kilometres away, has about 50. More than all of this, the bureaucratic machinery needs to recognise that in places like Wollombi a school is more than a production line of learning. It can be a community hub, a historical site and a place of great emotional and sentimental significance. These things need to be weighed against the dollars and cents.

Wollombi residents in particular have a list of grievances about the process that has been followed to this point. They believe that the department made the decision more than 12 months ago that Wollombi Public School would go and that, while some community consultation has been undertaken for appearances' sake, the result was a foregone conclusion. Many residents of Wollombi were personally insulted when, in November, the department made moves to close the school without any process or consultation at all, just six weeks before the end of the school year.

Wollombi school has also struggled as a result of the uncertainty created by the refusal of the department to install a permanent principal after the former principal moved on at the end of last year. Much of this may be resolved through communication. For example, many locals are struggling to grasp how their school could be considered a one-teacher school, when the Australian Curriculum, Assessment and Reporting Authority lists it as having 1.3 teachers. This might appear to be a minor distinction, but it is crucial in following due process prescribed by the department.

Some of this drama is also the product of the ferocity of the Liberal Party's anti-public education agenda. We all know that savage cuts to education are primarily based on dollars and not always on educational outcomes. The chaos this Government wrought on the education department in its early days created a chain of people acting in roles that was complex enough to have Sir Humphrey Appleby scratching his head. Surely that

is the worst time to be making a decision of this magnitude. Why could this process not have waited until there was a permanent area director and that person had a view to the future and some accountability to undertake it properly?

I am concerned that the decision about the future of Wollombi school was made when people were acting in the roles of area director and regional director, et cetera. I have a great deal of sympathy for the now permanent area director, a fine man who is in there for the long haul but seems to have been thrown something of a hospital pass when it comes to Wollombi school. He is going above and beyond in his efforts to work with the local community and he is making the best of a bad situation. Regardless of what members may feel about the future of Wollombi Public School, surely we can agree that the people of Wollombi deserve to be treated with respect by their Government, and the children of Wollombi deserve the respect of the department responsible for their education.

ORANGE CREDIT UNION SPORTS AWARDS

Mr ANDREW GEE (Orange) [6.48 p.m.]: I draw the attention of the House to the Orange Credit Union Sports Awards held at the Orange Civic Theatre on Tuesday 5 August this year. This year the awards were special because they coincided with a visit by the Wallabies as part of the Bush2Bledisloe tour of the Central West. At the awards night we had Wallabies Rob Simmons and James Slipper alongside Scott Murphy, the team's strength and conditioning coach.

Orange Credit Union has been a major sponsor of the awards since 1990, close to 25 years. The awards celebrate Orange's best and brightest athletes' performances and achievements for 2013. There were three categories—Sportsperson of the Year, Junior Sportsperson of the Year and Team of the Year. The Sportsperson of the Year was won by David Oates, who represented Australia in pistol shooting at the WA1500 World Championships in Perth. He won gold in the International Team Pistol event, silver in the International Revolver and was Australian Champion WA1500 Pistol. Other nominees included the great Jason Belmonte, Orange's World Tenpin Bowling Champion, who won the PBA Lucas Oil Bear Open and USBC Open in 2013. He was second in the PBA World Championships and has been a finalist in this category countless times and won Sportsperson of the Year many times.

Tristan Harrison was nominated in triathlon. He represented Australia at the 2013 World Triathlon Age Group Championships. Dean Brus was nominated in pistol shooting. He represented Australia at the WA1500 World Championships in Perth and won silver in the International Team Revolver. Another nominee was Mitch Williamson in athletics. He was selected to represent Australia at the XIII Oceania Athletics Championships but an injury unfortunately prevented him from competing at the championships in Tahiti. Robert Payne was nominated in golf. He was selected for the Golf Australia senior team in the 2013 Sanctuary Cove Trophy. David Hayward was also nominated in tenpin bowling. He captained the Australian Deaf Tenpin Bowling team for Deaflympics in Bulgaria. It was a great effort from David; he is a great champion.

The winner of Junior Sportsperson of the Year was Madison Smith in hockey. She is a student at Orange High School and represented New South Wales at the National Under 18 Hockey Championships. Her team were undefeated national champions. A nominee for the award was the great Charlotte Jasprizza in netball. She was selected in the Australian Under 17 National Netball Squad. Also nominated was Peter Brus in pistol shooting. He is a great young shooter. He won multiple gold at the WA1500 World Championships and he won the WA1500 Revolver and Open Match in Master Grade and the WA1500 Pistol in Expert Grade.

Charlie Bubb was nominated in kickboxing. He won the World Kickboxing Association Australian Super Welter title and the International and Australian Sport Karate Association State title. Rachel Divall was nominated in hockey. She represented New South Wales at the Under 18 Hockey Championships and her team—she is a teammate of Madison Smith—were undefeated national champions. Chloe Barrett was also nominated in hockey. She represented Australia at the Under 15 Hockey Championships and her team were undefeated national champions.

Lauren Kerwick was nominated in triathlon. She was Junior Girls Champion at the Australian All Schools Triathlon Championships. Also nominated was Ryan Bushel-Keegan in squash. He was winner of the Under 13 Australian Squash Open and was selected to represent Australia at the 2014 Trans-Tasman Squash Series. Stephanie Harrison was nominated in triathlon. She represented Australia at the 2013 World Triathlon Age Group Championships.

Team of the Year winner was the Orange and District Pistol Club WA1500 World Club Championship team in pistol shooting. The team is made up of the great David Oates, Dean Brus—one of Orange's great shooters—Max Wicks and Peter Brus, a young marksman with great promise. The team won the Master Grade Revolver World Champions and were second in the High Master Revolver. A nominee for Team of the Year was the Orange Open Netball team. The team comprises Cassie Vane, Narelle Walsh, Chloe Madden, Erin Taylor, Amanda Hurford, Kellie Watson, Tegan Dray, Nat Carthew, Mardi Aplin and Sheryll Selwood.

The Orange City Lions Rugby Union team was also nominated for Team of the Year. That team is made up of Sam Coote, Michael Sparks, Mesui Lemoto, Nick Quinn, Gus Brotherton, Nathan Short, Harry Collins, Josh Tremain, Mitch Pearce, Chris Barrett, Keith Andrews, Duncan Young, Sam Powell, Sione "Junior" Lafo'ou, Sam Dwyer and Darcy Garlick. The coaches are Steve Hamson, Mick Gray and Andy Hillan.

The Orange Tigers Australian Rules team was also nominated for Team of the Year. The 2013 Central West AFL team is made up of Andrew Nelson, Tim Barry, Jaydan Phillips, Travis Bertram, Dale Hunter, Josh Bubnich, Joel McKenzie, Matthew Norris, Ben Monaghan, Michael Rothnie, Daniel Bruce, Clint Grambeau, Jesse McKenna, Matt Reynolds, Nick Goudie, Jack Rogers, Simon Kay, Kirk Phillips, Ryan Scetrine, Ash Broughton, Daniel Sadler, Jake Hannus and Simon Ewin, and Nathan Pearce is the coach. Also nominated for Team of the Year were Orange CYMS Rugby League team and Orange Public School Boys Softball team. Congratulations go to all of the great winners and nominees of the Orange Credit Union Sports Awards.

WOONONA-BULLI JUNIOR RUGBY LEAGUE CLUB

Mr RYAN PARK (Keira) [6.53 p.m.]: This evening I inform the House of two very important people involved in a very important local sporting club, the Woonona-Bulli Junior Rugby League Club—known as the Bushrangers—in my electorate of Keira: Troy Jones, the club president, and Brenton Ashford-Potter. Brenton has a remarkable story. He lives with Down syndrome but is continuing, despite that challenge, to be an active participant in the club to the point where he now, with Troy, coaches one of the local teams within the Woonona Bushrangers. He is currently coaching the under 12s team and he has been coaching them for four seasons. Brenton says he knows that Troy wants him to be a big part of the club going forward.

Troy is a remarkable human being who has helped grow this local club. It is a small club that is growing. It does not have a senior team but it is getting large numbers of junior players of all shapes and sizes. Troy talks about Brenton in glowing terms. He took Brenton under his wing as the coach of the under 12s team and he has been with him now for a number of years. He says that Brenton is unable to communicate like other people but what he does do he can do very, very well. It makes a very big impact on the young people involved in the club and on the broader community to see someone with a disability working closely with an able-bodied person and contributing to a local sporting team.

I have worked closely with the club and I look forward to having a very strong and positive relationship with them. I am currently working with the club to try to secure funding to upgrade its facilities and its canteen and amenities area. People like Troy and the hard work of young Brenton are putting this club on the map. To each of these fine gentlemen I say a very big thank you on behalf of my community, not just for the volunteering that they do each and every week to train young people but because they are models of truly remarkable behaviour and a shining example of how we can encourage disabled people to work alongside able-bodied people to increase acceptance of disabled people being a part of our community.

Having met both of these gentlemen and other members of the club, it brings a real sense of delight to me as the local member to see how enthusiastic they are about the club, to see the work they are doing to grow the club and to see how inclusive they are of people of all abilities, ages and genders, regardless of how well they play the game. It is a very welcoming and caring environment. That is typified by the fact that we have, perhaps remarkably, the first and only Down syndrome person coaching a rugby league side. That is a remarkable achievement and it is something that all of us local members would love to see and be involved with. It certainly brought a great deal of delight to me.

I went home and spoke to my son about it and wanted him to realise that regardless of someone's abilities and whether they are born with a very challenging illnesses or disability, they can do great things and support other people in the community. That is what Brenton Ashford-Potter is doing, with the support of Troy Jones, and I look forward to the Woonona-Bulli Bushrangers continuing to do great things, supporting young people participating in the great game of rugby league and, most importantly, giving people like Brenton a head start and a chance to do something they truly love.

CLARENCE VALLEY RURAL FIRE SERVICE

Mr CHRISTOPHER GULAPTIS (Clarence) [6.58 p.m.]: Tonight I inform the House of the dangers posed by the early fire season and the incredible work carried out by our volunteers in the Rural Fire Service [RFS] in my electorate of Clarence. The fire season started on 1 August, two months earlier than normal. We are in the midst of an El Niño and have had a very dry period for most of this year. This has been compounded by a number of severe frosts which have killed the grass, which was already dry and dying. The native vegetation and pastures throughout the electorate of Clarence are tinder-dry, making the threat of fire very real and dangerous.

On the first weekend of this month fires raged on a number of fronts throughout the Clarence Valley. The weather was cool but the very dry vegetation and the high winds soon whipped up fires throughout the Clarence Valley, causing a severe threat to rural houses as well as to the coastal village of Yamba. The very competent and able Minister for Police and Emergency Services personally phoned me to brief me on the situation and to advise that one fire was bearing down on the town of Yamba. The Minister advised that the fire was burning through coastal heath and was heading towards the Yamba Waters Caravan Park.

While the fire was coming under control, the RFS decided that in the best interests of ensuring the safety of residents it would evacuate those residents who were exposed to the most serious threat posed by the fire. I am pleased that we have a hands-on Minister who is in control of his portfolio. Fortunately the caravan park and residents were spared from the fire, as was the town of Yamba. Unfortunately the other fires that raged throughout the Clarence Valley did not spare four homes at Kremnos, seven outbuildings, four vehicles and a significant amount of fencing.

Last Saturday, together with the Clarence Valley mayor, Richie Williamson, I met with some of the residents who suffered losses in the fire and some of the RFS volunteers. We saw firsthand the good work of the volunteers, who put their lives at risk under extreme conditions to protect lives and properties in the community they serve. They deserve the congratulations of this House on their commitment and dedication to their community. I understand that on that critical weekend more than 150 RFS personnel were fighting blazes in more than 30 locations throughout the Clarence Valley.

The mayor and I also met with RFS staff and volunteers at the Clarence Valley RFS headquarters at Ulmarra. District Manager Stuart Watts informed us that the Clarence Valley was still the hotspot in the State and that more than 120 personnel were working on fires throughout the valley. This included crews from the Hunter and Cumberland. I remind members that this was the second weekend of fires and the headquarters was abuzz with activity, with RFS staff and volunteers discharging their duties in a professional and competent manner. I felt humbled in their presence.

They are not looking for reward or accolades. In fact, far from it. On the many occasions I have attend medal presentations for RFS volunteers they have been bashful and embarrassed about receiving their medals and standing in front of their peers. However, they are proud of the RFS and the work it does to save the lives and property of their friends and neighbours, and the community of which they are a part. The Clarence Valley is still at risk of fire but I am reassured that we in the Clarence are in safe hands with the highly skilled and dedicated volunteers of the Rural Fire Service. These men and women deserve the recognition of this House and our sincere thanks.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [7.02 p.m.]: I praise the member for Clarence, who is an ongoing supporter of the hardworking Rural Fire Service. During the fire the member referred to I travelled through the area and saw firsthand the hardworking volunteers. The highway was cut at Kempsey and at Halfway Creek between Grafton and Coffs Harbour during the fire. Volunteers came from throughout the State, including some who travelled south from the Lismore electorate. We are always in awe of the hardworking volunteers. I praise the member for Clarence for going out and talking to the hardworking volunteers, understanding what they do but, more importantly, supporting them in their efforts to keep our community safe.

SCHOOL ZONE FLASHING LIGHTS

Mr VICTOR DOMINELLO (Ryde—Minister for Citizenship and Communities, Minister for Aboriginal Affairs, Minister for Veterans Affairs, and Assistant Minister for Education) [7.03 p.m.]: The safety of pedestrians, in particular school students, in a busy traffic area has been at the forefront of the minds of local

parents and citizens in our community. I have worked with residents and parents of North Ryde Primary School—people such as Kat Israel, Penny Joseph, Nicole Starling, Rebecca Ebel and their principal, Ms Erika Southam; and our outstanding Minister for Roads and Freight, the Hon. Duncan Gay—to successfully install safety cameras at the intersection of Lane Cove Road and Cox's Road, North Ryde. Our residents and parents in the area have reported a general slowing of the traffic and a much greater awareness of pedestrians. This is a great instance of our Government and community working to create a safer environment for school students.

In 2009 while in Opposition we successfully campaigned for and installed safety lights at every school in the Ryde electorate. This could not have been achieved without the community-minded Peter Olsen and the financial assistance of the wider community of Ryde and in particular the Ryde Rotary clubs. Our Government has taken up this safety initiative and is delivering upgraded community school safety lights to all schools in New South Wales. I understand that that will be completed by the end of next year. It was fantastic to have the first of these lights installed at Truscott Street Primary School in North Ryde. I was pleased to stand beside our Premier and the Minister for Roads and Freight as these lights were being installed. One of our largest schools, Denistone East Primary School, regularly promotes all aspects of safety. I have been pleased to attend its Walk Safely to School Day and Ride2School safety days—both important events organised by a crew of dedicated people.

The Ride2School Safety Breakfast crew included: Anne Marie Learmonth, Amy Wu, Andrew Parry, Anna Pleadin, Cindy Liljeqvist, Debbie McCulloch, Michelle Chan, Des Chan, Helena Yick, Jo Toms, June Kim, Kathleen Pedersen, Kelly Heeb, Kim Clifton, Lina Liong, Lydia Park, Lynn Cheng, Louli Caramanis, Manish Shah, Mark Linton-Simpkins, Mel Blundell, Michelle Minto, Michelle Moore, Rachel Yao, Renee Linton-Simpkins, Rosemary Pynor, Rowena Henry, Sally Edwards, Samantha Hemmings-Richardson, Sean Minto, Sean Toms, Selena Adams, Sue Hirst, Suzanne Hayes, Suzi Hughes, Tammy Scharenguivel, Tara Phillips, Varunee Vattana, Vince Lee, Wendy Woo, Zhenfang Lu and Jenn Clifton. The Walk Safely to School Day crew included Anne Marie Learmonth, Brian Leggatt, Christine Pringle, Cindy Liljeqvist, Justine Egan, Karen Cokely, Kathleen Pederson, Kim Clifton, Mark Linton-Simpkins, Matt Blundell, Mel Blundell, Michelle Minto, Michelle Moore, Renee Linton-Simpkins, Samantha Hemmings Richardson, Sean Toms, Suzanne Hayes, Tara Phillips and Jenn Clifton.

The school of 880 students had healthy breakfasts which were eaten to the mellow sounds of the school band. There were large maps of the area so the children could trace the walk-ride they had completed that morning. It is truly wonderful to see such commitment from parents, those who organised and those who joined their children for the community breakfast, the school's acting Principal, Ms Tania Bogdanovic, and her wonderful staff. I must comment as the Minister for Volunteering. Members will note that some of the names I mentioned were repeated. It is important to recognise that these people do this work on a voluntary basis so it is worth recognising their efforts. We should never take for granted the heavy lifters in our community who do most of the work. I again thank the parents who have created a volunteer army to make things happen. The initiatives could not succeed without the dedication and continued commitment of parents.

At this safety breakfast parents raised with me the issues they were experiencing on a local road, Kings Road, which had become a rat run with increased traffic and increasing vehicle speeds. I was extremely pleased to assist these parents and teachers with their call for help from our Government. The school community traffic team, led by Jenn Clifton, who was assisted by Kathleen Pedersen, Cindy Liljeqvist, Michelle Moore, Tara Phillips, Michelle Minto, Samantha Hemmings Richardson, Jody Patman, Sally Edwards, Ritika Walia, Karen Eran, Bronwyn Grigoriadis, Ramya Narayanan and Renee Linton-Simpkins, collected more than 1,000 signatures in under 10 days.

I presented the petition to Minister Gay and the process was underway. Consultation with the road's operational and safety units and further discussions with the Minister obtained a result. Our Government listened to the call of our community and has installed a 40-kilometre zone in Kings Road, Denistone. I conclude with a quote from Margaret Mead: "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." We have demonstrated in Ryde that we have people who change the world.

NATIONAL DIVING CHAMPION DANTE LEYDON

Mr JOHN BARILARO (Monaro—Parliamentary Secretary) [7.08 p.m.]: As Australians we are proud of our sporting achievements, and Australia is recognised as a sporting nation, whether it is team sports such as hockey, football, rugby, rugby league or Aussie Rules, or individual sports such as little athletics, swimming,

boxing or skiing, in my region. Most of us do not recognise the great sportspeople we have in this country until, for example, the World Cup in Brazil or the Commonwealth Games. But in the suburb of Jerrabomberra in Queanbeyan in my electorate is a young girl, Dante Leydon, who is proof of the effort it takes for someone from the country to reach the heights in their sport.

At only 15, a Jerrabomberra resident, who attends Canberra's Campbell High School, has travelled thousands of kilometres to succeed in diving, competing in seven national school championship events and six national age championships, as well as level one coaching. Her dedication to her craft takes her to Sydney to train once a fortnight due to a lack of diving pools in Queanbeyan and Canberra. I was proud to present this talented teenager with a New South Wales Government Award for Excellence in Sport. The award recognises people who have represented the State in a competitive field whether it is sport, music, the arts or academic areas, either nationally or internationally.

Dante took up diving after a break from gymnastics at eight years of age and excelled immediately. She qualified for the Australian schools nationals in Perth that year, to which Diving NSW begged her parents to take her to compete. Since then she has gone from strength to strength. She has travelled to Perth, Melbourne, Brisbane, and even the outback town of Lightning Ridge for competitions and training camps. She is also a competent synchronized diver. Currently she is placed in the top three representing Diving NSW and won its most improved award. Through her commitment to sport, Dante is a role model and an inspiration to other teenagers in our local community and across the State. It is fitting that Dante be officially acknowledged for her dedication to her craft.

I also acknowledge the hard work of her parents, Sean and Kristen Leydon. An athlete is only as successful as the support they have behind them and, in most cases, it is family. Dante's personal sporting achievements are a great reflection on the Monaro region and its young people and, like many, her dream is to compete in the Olympic or Commonwealth Games. With our athlete's recent success at the Commonwealth Games in Glasgow, anything is possible. Dante, a very talented sportsperson, has represented not only our region but also the State. She has dedication and commitment to train to compete. She travels a fair distance from Queanbeyan to Sydney, which is a 3- to 3½-hour drive with her parents.

She was ecstatic when she was presented with her award last month and recognised in a sport that is not recognised in teams in regional rural communities because of the lack of infrastructure—for example, an appropriate swimming pool with high diving boards. Dante is passionate about diving and is a lovely ambassador not only for sport but also for our region and her school, Campbell High. She was very humble to receive the award from the Premier of New South Wales. We should recognise her achievements. A lot of talented people, be it in the arts, sport or academia, commit passionately to their craft because they care; not for awards or recognition but because they want to achieve their own goals.

It is important to recognise people like Dante so that she can inspire other boys and girls in the electorate of Monaro and right across the country. I know that all members will remember the name Dante Leydon because of her commitment and dedication to the sport. Her loving family was very proud when she received her award. I think we will see Dante on the world stage at a future Olympic Games, Commonwealth Games or one of the big meets. I congratulate Dante Leydon on receiving the Premier's sporting award.

SUTHERLAND SHIRE PEST AND NOXIOUS WEED CONTROL

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [7.13 p.m.]: I am pleased to inform the House that the Minister for Natural Resources, Lands and Water, the member for Menai, the member for Heathcote and I recently announced that the Government has committed more than $220,000 in 2014-15 for vital pest and weed control programs in the Sutherland Shire. The funding is being made available under the most recent round of the Public Reserves Management Fund Program and will be used to undertake valuable control programs across the shire to help manage noxious weeds and species, such as rabbits, deer, goats, foxes and cane toads.

The funding includes a number of grants for the eastern end of the shire, notably more than $29,000 for bush regeneration at the iconic Hungry Point Reserve, which is the site of the old Cronulla Fisheries. That funding will assist bush regeneration throughout the reserve there. It will focus particularly on the heavily weed-infested north-eastern corner of the site overlooking Port Hacking. Very importantly, it will be part of the Government's commitment to making the reserve open for public use, and will assist the move towards that

goal. Elsewhere on the eastern end of the shire almost $30,000 has been allocated towards the control of exotic vines and scramblers identified as a key threatening process under the Threatened Special Conservation Act at Lilli Pilli Point, Lilli Pilli.

On the Kurnell peninsula $20,000 has been allocated for integrated fox and wild dog control on the Calsil Dune Reserve, again using strategic and best management practice to comply with the Threatened Species Conservation Act. Also $15,000 has been allocated for integrated rabbit control using strategic and best practice management on the Calsil Dune Reserve. At the Woodlands Reserve at Taren Point, $10,000 has been allocated for integrated cane toad control using strategic and best practice management, and a developed research proposal. Members of the House might have thought that the furthest south that cane toads came was for the State of Origin fixtures at Homebush but, in fact, we have them in the shire and we are trying to get rid of them. At the Reserve Road reserve and the Polo Street sanitary reserve at Kurnell, $10,500 has been allocated towards weed control of high-risk noxious weeds and weeds of national significance.

All the projects I have mentioned are in the Cronulla electorate. Also in the eastern end of the shire, and moving into the Cronulla electorate at the next general election, is the Swallow Rock Reserve for which $30,000 has been allocated for integrated deer and goat control, again using strategic and best management practice to comply with potential biosecurity legislation and the Threatened Species Conservation Act. Finally, in the eastern end of the shire at the Box Road Reserve, $10,500 has been allocated for weed control of noxious weeds and weeds of national significance in a high-use area. I am delighted the Government has a commitment to step up the fight against noxious and invasive weeds and pests in the shire, of which there are plenty and quite a diverse range. It demonstrates this Government's commitment to ensuring that we have better outcomes for the environment and the community's use of our precious Crown reserves.

Private members' statements concluded.

VISITORS

The DEPUTY-SPEAKER (Mr Thomas George): Order! I welcome Mrs Diana Barilaro, wife of the hardworking member for Monaro.

Pursuant to resolution matter of public importance proceeded with.

MULTIPLE SCLEROSIS

Matter of Public Importance

Ms SONIA HORNERY (Wallsend) [7.18 p.m.]: Multiple sclerosis is a disease of the central nervous system. I am sure we are all familiar with the litany of symptoms and challenges faced by multiple sclerosis sufferers, but it can be easy to forget just how insidious and invisible this disease can be. MS Australia refers to multiple sclerosis as a "frustratingly unpredictable disease" and notes that no one symptom and no single test can indicate the presence of the disease or establish an accurate diagnosis. According to the 2009 Survey of Disability, Ageing and Carers it is estimated that 23,700 Australians have multiple sclerosis, 11,400 of whom faced profound or severe limitation as a result of the disease. Women are statistically more likely to suffer from the condition than men, with women comprising up to three quarters of all reported cases.

It is a tricky disease. In rare cases, according to MS Australia, it can all but vanish after one or two episodes; in others, it leads to a slow and steady process of deterioration. Living with multiple sclerosis is really something that has taken on its own meaning and power for me. "I hid the fact that I had multiple sclerosis for about a year after my diagnosis. I was ashamed, frightened and worried about things like the prospect of getting a job. I didn't tell anyone and I didn't live with it," says Eleanor Rigden.

Addressing this stigma is one of the core concerns of many MS campaigners. One way to do this is to introduce the broader public to the disease through popular culture—fictional President of the United States Josiah Bartlet from *The West Wing* is perhaps the most famous fictional MS sufferer. A number of advocacy groups praised that show's portrayal of the challenges that face sufferers. But there is more to raising awareness than fiction. That is where the work of advocacy groups like MS Australia comes in.

Many Australians first come into contact with the realities of MS via the MS Readathon initiative. The MS Readathon has been going for many years now; even some of my staff remember being involved in it when

they were in primary school. The MS Readathon is run by MS Australia and encourages thousands of schoolkids across Australia to pick up a book and read to raise awareness of MS. More than that, as they gather sponsorship from friends, family, their schools and local communities, they raise much-needed funds for MS Australia. This is a fantastic initiative and one that I am happy to support not only in my capacity as a member of this Parliament and the shadow Minister for Science and Medical Research but also as a former teacher. It is an initiative with representation across the world. The MS Readathon is Ireland's largest sponsored read; it enjoys similar success in Canada.

This initiative combines so many important things. It encourages Australian kids to open up a book and begin to explore the endless worlds of adventure, intrigue and wonder that literature has to offer. It channels this exploration in a way that encourages an awareness of health issues that affect so many in our community. It also offers a chance for kids to raise money for a good cause, instilling notions of charity and community service from a young age. The work of MS Australia to raise awareness of multiple sclerosis is to be applauded, especially initiatives such as this. I am sure all in this place will join me in celebrating this outstanding initiative and applauding the good work of MS Australia.

Ms MELANIE GIBBONS (Menai) [7.21 p.m.]: I will speak about the MS Readathon and also thank the member for Wallsend for bringing this matter of public importance to the House. I was one of those primary school students who entered the MS Readathon. I was one of the very lucky ones with very considerate neighbours who supported me when I knocked on their doors and asked them for donations or for sponsorship. So generous were my beautiful neighbours that I actually won the Readathon twice. The MS Readathon provided my family with a fabulous trip to London to attend Wimbledon and also a trip to Disneyland, which is something every primary school child would love. It is a cause that I am passionate about and one that I have obviously benefited from.

The DEPUTY-SPEAKER (Mr Thomas George): Order! When is the MS Readathon?

Ms MELANIE GIBBONS: Right now is the time to be reading—from 1 August to 31 August. I know that lots of kids out there are madly reading, trying to get sponsorship, knocking on doors and doing Facebook pages, which is another way to raise money. That was not an option for me, but Facebook and Everyday Hero are wonderful ways for young people to raise funds. As the member for Wallsend said, MS affects the brain, the spinal cord and obviously the central nervous system. "Sclerosis" is a Greek word meaning scars; that is a good way to remember it. It means that the messages trying to get to different parts of the body might not go through properly so people might have difficulty putting on their shoes or walking to the shops; even their balance can be affected. The symptoms can come and go. On any given day it might seem as though a person is doing fine and the next day that person may not be able to get out of bed. It is a tricky disease, which means that it is difficult for people to hold down a job and lead a normal, stable existence.

It is interesting that the average diagnosis age for MS is when someone is about 30 years of age and that the disease affects three times as many women as it does men. It is prevalent among people in my age group so obviously I am on the lookout for it. The MS Readathon works well in that it shows children a love of books while enabling them to do something good for the community. It was the first cause I ever supported and it set me up not only with a love of books but also a love of wanting to help the community, to give something back, because I saw that it benefited people. The MS Readathon raises funds to provide services and support for people living with multiple sclerosis. The aim is to minimise the impact of multiple sclerosis on sufferers, their families, their carers and the community by offering assistance, services and equipment.

The goal is also to assist people with MS to live life to their full potential and secure the care and support they need—and that is really important—while ultimately trying to find a cure. That is something we were focusing on then and we are still focusing on. I know a great deal of time, effort and money goes into the research programs. I was thrilled to find out that this year is the thirty-fifth anniversary of the MS Readathon. I had not been aware that it had been around for so long. I am thrilled that the MS Readathon has helped to raise more than $40 million for people living with MS. It is amazing the difference getting some kids to pick up some books and go around asking for sponsorship has made to the lives of people with MS.

The goal this year is to raise $500,000. Already $126,000 has been raised, and there are more days to go for reading and sponsorship. It will then be time to collect the money, tally it up and see what prizes people might be eligible for. I refer also to a relatively new event that has been around for three years called the 60 Minutes for MS one-day fundraising event to be held on 22 August. This is a great opportunity for preschool-aged children to meet at a library, have books read to them and discover the joy of books at a young

age. Community groups, scouts, guides, and schools can all take part in the event to be held on 22 August. I like the idea of book clubs getting involved and everybody reading together. Sponsorship can be found in so many different ways such as people wearing something red, utilising Facebook pages or Twitter accounts and members using their positions as members of Parliament. Every little bit helps and it introduces a love of reading at the same time. It is a win-win situation.

Ms SONIA HORNERY (Wallsend) [7.26 p.m.], in reply: I thank the member for Menai for her wonderful contribution. I learned some things I did not know about her. What a lucky person. Obviously she worked hard and read many books as a young woman to be sponsored, so I say to her, "Good on you". Tonight both the member for Menai and I have tried to promote fundraising for MS from now until 31 August. I hope there are people in the community listening to this matter of public importance who will decide to pick up a book and get sponsored. I sincerely hope that MS Australia reaches its aim of raising $500,000 and I love the 60 Minutes for MS one-day fundraising event as well. I congratulate the member for Menai. I hope we have promoted this wonderful cause and I wish MS Australia all the very best.

Discussion concluded.

The House adjourned, pursuant to resolution, at 7.28 p.m. until Thursday 14 August 2014 at 10.00 a.m.