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LEGISLATIVE ASSEMBLY

Wednesday 22 October 2014

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

The Speaker read the Prayer and acknowledgement of country.

INFORMATION AND PRIVACY COMMISSION

Report

The Speaker tabled, pursuant to section 39 of the Government Information (Information Commissioner) Act 2009 and section 61D of the Privacy and Personal Information Protection Act 1998, the report of the Information and Privacy Commission for the year ended 30 June 2014, incorporating the report of the Privacy Commissioner.

Ordered to be printed.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Speaker tabled, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, the report of the Independent Commission Against Corruption for the year ended 30 June 2014.

Ordered to be printed.

ELECTION FUNDING, EXPENDITURE AND DISCLOSURES AMENDMENT BILL 2014

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

Consideration in Detail

Consideration of the Legislative Council amendments.

Schedule of amendments referred to in message of 21 October 2014

No. 1 Opposition No. 1 [C2014-116B]

Page 3, Schedule 1 [4] (proposed section 103B), line 31. Omit "1 October 2014". Insert instead "1 July 2014".

No. 2 Opposition No. 2 [C2014-116B]

Page 3, Schedule 1 [4] (proposed section 103B), line 31. Omit "being". Insert "and in the case of expenditure from and including 1 October 2014, being".

No. 3 Government No. 1 [C2014-111C]

Page 3, Schedule 1 [4] (proposed section 103B). Insert after line 42:

Note: An individual who accepts donations for his or her proposed candidacy at a future election, or who makes a payment for electoral expenditure for the future election, is taken to be a candidate when accepting the donation or making the payment (see section 84 (2) and (2A)).

No. 4 Greens No. 1 [C2014-123B]

Page 4, Schedule 1 [4] (proposed section 103C (3)), lines 16–20. Omit all words on those lines. Insert instead:

- (3) If a party is under section 57 eligible for payment from the Election Campaign Fund because it meets the eligibility criteria in the periodic Council election but not the Assembly general election:
 - (a) in the case of a party that had 10 or more endorsed candidates in the Assembly general election—the amount distributed under subsection (2) is to include \$4 for each first preference vote in relation to the Legislative Assembly general election (in addition to \$3 for each first preference vote in relation to the periodic Council election), or
 - (b) in any other case—the amount distributed under subsection (2) is to be calculated at the rate of \$4.50 (instead of \$3) for each first preference vote in relation to the periodic Council election (and by excluding any votes received in the Assembly general election).

No. 5 Government No. 1 [C2014-118]

Page 4, Schedule 1 [4] (proposed section 103E). Insert after line 45:

- (3) Despite subsection (2), a party may direct in writing that a part of the amount that is to be distributed to the party under section 103C be paid to any such candidate.

No. 6 Government No. 2 [C2014-111C]

Page 5, Schedule 1 [4] (proposed section 103F (1)), line 4. Omit "1 February 2015". Insert instead "1 March 2015".

No. 7 Government No. 3 [C2014-111C]

Page 5, Schedule 1 [4] (proposed section 103F). Insert after line 13:

- (4) The following provisions of this Act and the regulations do not apply to the disclosures made under this section for the additional relevant disclosure period:
 - (a) sections 92 (3)–(6), 96K and 96L and any other provision of this Act prescribed by the regulations,
 - (b) clauses 8A and 8B of the *Election Funding, Expenditure and Disclosures Regulation 2009*.

No. 8 Government No. 4 [C2014-111C]

Page 5, Schedule 1 [4] (proposed section 103F (5)), lines 19 to 21. Omit "However, those disclosures may be made by adopting (with or without variation) the disclosures made for the additional relevant disclosure period.".

No. 9 Opposition No. 5 [C2014-110I]

Page 5, Schedule 1 [4], lines 33–47 (proposed section 103H). Omit all words on those lines.

No. 10 Opposition No. 2 [C2014-119B]

Page 6, Schedule 2. Insert after line 13:

[4] Section 96D Identification of persons from whom donations can be accepted

Insert "or, if not so enrolled, who has supplied to the Commissioner identification that is acceptable to the Commissioner showing the individual's full name and an Australian residential address" after "Government election" in section 96D (1) (a).

[5] Section 96D (1) (b)

Insert "or a principal or executive officer of which has supplied to the Commissioner identification that is acceptable to the Commissioner showing the principal or officer's full name and an Australian residential address" after "number".

[6] Section 96D (3) and (4)

Insert after section 96D (2):

- (3) The regulations may make provision as to what identification is acceptable for the purposes of this section.
- (4) The objects of this section are:
 - (a) to create certainty about who is making a political donation, by requiring the donor to be properly identified, and

- (b) to remove a perception that certain foreign donors could exert influence over the Australian political process, by requiring a donor to have a legitimate link with Australia, either through residence of the donor or its officer or by being registered in Australia.

No. 11 Shooters and Fishers Party No. 1 [C2014-122]

Page 7, Schedule 2 [10], line 5. Omit all words on that lines. Insert instead:

Omit section 97E (3) (a)–(d). Insert instead:

- (a) \$250,800 if there is only one elected member endorsed by the party, or
- (b) \$450,000 if there are only 2 elected members endorsed by the party, or
- (c) \$600,000 if there are only 3 elected members endorsed by the party, or
- (d) \$600,000 if there are more than 3 elected members endorsed by the party plus \$100,000 for each such member in excess of 3 up to a maximum of 22 members in excess of 3.

No. 12 Government No. 1 [C2014-105C]

Page 7, Schedule 2. Insert after line 5:

[11] Section 97GB

Insert after section 97GA:

97GB Quarterly advance payments

- (1) A party or elected member is, subject to and in accordance with this Act, eligible for a quarterly advance payment from the Administration Fund in respect of each quarter of a calendar year (a *relevant quarter*) of an amount determined in accordance with this section.
- (2) The amount payable, by way of a quarterly advance payment in respect of a relevant quarter, is payable at the beginning of the relevant quarter and is:
 - (a) in respect of the first 3 quarters of a year—an amount equal to 50% of the total amount to which the party or elected member would be entitled under section 97GA in respect of that relevant quarter, or
 - (b) in respect of the fourth quarter of the year—an amount equal to 50% of the total amount to which the party or elected member would be entitled under this Part in respect of that year (after deducting any quarterly payments paid in that year under section 97GA).
- (3) The amount is to be determined on the assumption that:
 - (a) in the case of a party, the number of elected members endorsed by the party at the end of the calendar year will be the same as the number of elected members endorsed by the party at the date on which the claim for the quarterly advance payment is determined, and
 - (b) in the case of a person who is an elected member, the person will continue to be an elected member at the end of the calendar year, and on the assumption that the party or elected member will incur in the calendar year the maximum amount that can be payable to the party or member from the Administration Fund for the calendar year based on those assumptions.
- (4) Any amount paid to a party or elected member by way of a quarterly advance payment under this section in respect of a relevant quarter is to be deducted from any amount payable under section 97GA to the party or elected member from the Administration Fund in respect of that quarter.
- (5) If a party or elected member receives amounts by way of a quarterly advance payment under this section in respect of a relevant quarter in excess of the amount (if any) to which the party or member becomes entitled under section 97GA from the Administration Fund in respect of that quarter, the amount of the excess must be deducted from any amount payable in respect of the next quarter under section 97GA.
- (6) Any balance of quarterly advance payments at the end of the calendar year that is in excess of the amount payable to the party or elected member under this Part in respect of the calendar year is to be repaid within 60 days after the Authority notifies the party or elected member that the amount is repayable.

- (7) A claim for a quarterly advance payment under this section is to be made in the manner determined by the Authority and payment is to be made to the agent of the party or elected member. Section 97J does not apply to any such advance payment.
- (8) This section applies in the 2015 calendar year and subsequent calendar years.

No. 13 Government No. 2 [C2014-105C]

Page 7, Schedule 2. Insert after line 9:

[13] Section 97J Claims for payment

Omit "6 weeks" from section 97J (5). Insert instead "30 days".

No. 14 Shooters and Fishers Party No. 2 [C2014-122]

Page 8, Schedule 2 [20], line 8. Omit "(d)". Insert instead "(a)–(d)".

Motion by Mr Anthony Roberts agreed to:

That the House agree to the Legislative Council amendments.

Legislative Council amendments agreed to.

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

SURVEILLANCE DEVICES AMENDMENT (POLICE BODY-WORN VIDEO) 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) [10.09 a.m.]:
I move:

That this bill be now read a second time.

The Government is pleased to introduce the Surveillance Devices Amendment (Police Body-Worn Video) Bill 2014. The purpose of this bill is to amend the Surveillance Devices Act 2007 to allow for the overt use of body-worn video devices by police officers acting in the execution of their duty. This significant reform will allow police to use this equipment as an everyday operational law enforcement tool. The Surveillance Devices Act regulates the use of surveillance devices, including optical devices and listening devices. The Act generally prohibits the use of surveillance devices without a warrant or authorisation issued by a court unless the device is being used in certain limited circumstances. The unlawful use of surveillance devices is a criminal offence punishable by five years imprisonment.

A body-worn video device with the capability of recording images and sound falls within the definition of both an optical surveillance device and a listening device under the Surveillance Devices Act. Therefore, the current restrictions in the Act only permit the use of these devices in very limited circumstances unless a warrant or authorisation has been issued. The NSW Police Force commenced running limited trials using body-worn video devices in July 2013. These trials have been conducted within the existing boundaries of the Surveillance Devices Act. Following positive results from these trials, the New South Wales Government announced \$4 million to fund a broader rollout of the devices and the supporting infrastructure.

The bill sets up the legislative regime for the broad rollout and use of body-worn video devices by police as an operational tool. The devices will operate as a modern day equivalent of a police notebook providing for a contemporaneous record of observations and events in the field. These reforms recognise that video recording devices are already broadly available and widely used in the community. The bill provides a structured and considered framework for use of this twenty-first century technology in modern day policing. This bill introduces exemptions to the relevant offence provisions in the Surveillance Devices Act to allow for the overt use of body-worn video devices. However, these exemptions only operate where police use the devices in accordance with the particular requirements set out in the bill.

As long as the use is overt, the police officer is acting in the execution of his or her duty, and a party to any private conversation which is being recorded knows they are being recorded by a police officer, then

recording using body-worn video will be permitted. These amendments will facilitate the use of body-worn video by police in the broad range of situations they encounter in the execution of their duties. Police will be able to record in public places and with the consent of the person being recorded, as they can now. Further, as long as the requirements of this bill are met they will also record private conversations and in private premises.

Although the use of body-worn video devices by police is supported by these reforms, the ordinary rules of evidence will still apply to the use and admissibility of the recordings captured. That is, the usual evidentiary rules that apply to the admissibility of hearsay evidence, identification evidence and admissions have not been displaced. Further, the amendments do not alter any existing legislative requirements to record activities, for example the use of tasers and search warrants, nor do they affect the procedures in place for photographing and recording evidence such as forensic procedures under the Crimes (Forensic Procedures) Act 2000.

The use of body-worn video devices by police is a positive step forward in the prevention and investigation of crime. Their use will be beneficial for police, offenders and the community more broadly. The evidentiary value of the recordings may expedite investigations and prosecutions and could reduce the number of defended hearings. The general use of body-worn video could also lead to a reduction in assaults on, and complaints against, police officers as interactions with suspects and members of the public will be recorded.

Appropriate safeguards in the bill maintain an individual's right to privacy by regulating the use, communication and publication of information obtained from body-worn video devices. The restrictions that currently apply to information obtained from other types of surveillance devices will generally apply to information obtained using body-worn video devices. The restrictions will prohibit the use, communication and publication of information unless necessary for a specified purpose such as the investigation of a complaint against a police officer. Further, to reflect the broader use of body-worn video as a tool for law enforcement purposes, the NSW Police Force will be able to use the information obtained for any purpose connected with the exercise of law enforcement functions such as the investigation and prosecution of crime, as well as for internal training and education of members of the NSW Police Force.

A body-worn video implementation committee is to be established. It will oversee the implementation of the reforms and report back to the Government after the amendments have been in operation for 12 months. This review period will allow the Government to assess the impact of body-worn video and consider any necessary operational or legislative changes required to support its ongoing use. The implementation committee will be consulted in the development of operational guidelines by the NSW Police Force. Operational guidelines have been relied on in overseas jurisdictions such as the United Kingdom to guide the use of body-worn video by police. Guidelines will assist police in New South Wales using body-worn video in the field, as well as outline the processes for retention, access to and disposal of recordings. The guidelines in relation to operational use of body-worn video by police will be made publicly available in due course. I now turn to the main detail of the bill.

Item [1] of schedule 1 defines body-worn video as equipment worn on the person of a police officer that is capable of recording visual images or sound or both. Items [2] and [3] of schedule 1 insert exemptions into sections 7 and 8 of the Surveillance Devices Act which govern, respectively, the use of listening devices and optical surveillance devices and create offences for improper use of such devices. The use of body-worn video devices by police will be exempt from these offences if it is used in accordance with new section 50A. Item [8] of schedule 1 contains new section 50A (1), which sets out the requirements for the lawful use of body-worn video by police. Such use will be in accordance with this section, and therefore exempt from the offences in sections 7 and 8 of the Act where (a) the police officer is acting in the execution of his or her duty, (b) the use of body-worn video is overt, and (c) where a police officer is recording a private conversation, he or she must either be in uniform or provide evidence of being a police officer to each party to the private conversation.

These amendments will mean that police can overtly record activities in private premises and in vehicles, where they are lawfully on the premises whether under a police power, a law or by consent of the owner or occupier. Police will also be able to record private conversations if they are in uniform or have made their status as a police officer known. The consent of the person being recorded, solely for the purpose of allowing the recording to be made, will no longer be required. Although the consent of a person to being recorded by a body-worn video device is not required, the recording must be overt.

New section 50A(2) provides, for example, that use will be overt once the police officer has informed the person being recorded of the use of body-worn video. This does not limit the ways in which a recording can

be overt. It simply makes clear that once a person has been told they are being recorded nothing more is required. If a police officer does not tell a person they are being recorded then other evidence to establish that the use of the body-worn video device is overt can be relied upon. This could include where the person recorded has acknowledged the use of the device, or there has been an announcement about the use of the devices.

New section 50A(3)(a) further provides that if the police officer uses a body-worn video as required by section 50A, and inadvertently or unexpectedly records a private conversation or the carrying on of an activity, the police officer will not be committing an offence. If the use is incidental—that is, related to or arising from the lawful use of a body-worn video device—new section 50A(3)(b) will also permit this related use. This will protect the police from accidentally committing offences as long as the principal use of the device is in accordance with the requirements set out in new section 50A(1).

This extension to inadvertent, unexpected and incidental recordings mirrors the provisions governing the use of in-car video in the Law Enforcement (Powers and Responsibilities) Act 2002. An example of an incidental recording would include where police have lawfully entered premises with the consent of the owner or occupier and consent is withdrawn, or there is a change in circumstances, which means police no longer have lawful authority to be on premises. In this situation, the use of body-worn video by police to record, say, the discussion with the occupant to advise that they are leaving the premises and the subsequent departure of police would be permitted.

Schedule 1 item [4] of the bill expands the definition of protected information to include information obtained from the use, in accordance with new section 50A, of body-worn video by police. Schedule 1 item [5] ensures that existing offence provisions in the Surveillance Devices Act that prohibit the use, communication or publication of "protected information" apply to information obtained using body-worn video. The offence is punishable by a maximum penalty of two years imprisonment, or seven years in aggravating circumstances involving endangering the health or safety of a person or prejudicing the effective conduct of an investigation.

To reflect the fact that body-worn video is expected to become a commonplace tool that police will use in the lawful execution of their duties, new section 40(4A) will allow information obtained from the device to be used, published or communicated by a member of the NSW Police Force, in connection with the exercise of any law enforcement function. This will include the investigation and prosecution of all criminal offences, including summary offences, as well as the decision to charge a person with a criminal offence. Information obtained from the use of body-worn video can also be used, communicated or published in connection with internal education and training of members of the NSW Police Force. This bill demonstrates the Government's commitment to ensuring that police officers have all the tools they need to effectively perform their important job of keeping the community safe and secure. 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.

PESTICIDES AMENDMENT BILL 2014

Bill introduced on motion by Mr Rob Stokes, read a first time and printed.

Second Reading

Mr ROB STOKES (Pittwater—Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning) [10.25 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Pesticides Amendment Bill 2014. This bill amends the Pesticides Act 1999 to: firstly, improve protection for landholders from pesticide misuse; secondly, transfer the system for licensing pest controllers and aerial pesticide applicators to the EPA; and, thirdly, implement national harmonisation reforms. The bill also makes a number of necessary amendments to update and improve administrative provisions of the Act. It promotes the protection of, and minimises risk to, human health, the environment, property and trade in relation to the use of pesticides in accordance with the objects of the Act, and reiterates this Government's commitment to promoting ecologically sustainable development.

The appropriate management of pesticides is part of the wider regulatory framework to ensure the proper usage, storage and disposal of chemicals in New South Wales. This bill is the first part of a series of

reforms planned by this Government to update and strengthen the ability of the Environment Protection Authority [EPA] to oversee chemical use and prevent adverse impacts on human health and the environment. If this Government is re-elected in March next year, the next step in our chemicals reform program will be to introduce legislation to modernise the Environmentally Hazardous Chemicals Act 1985 and to achieve more streamlined and effective controls on transport of hazardous waste. These reforms will be subject to consultation with industry and the community.

An important component of the bill before the House is to provide protection for landholders from pesticide misuse. Two amendments to specific offences will come into effect on 1 July 2015. The first is to extend extant offences for on-premises harm to apply to harm to companion animals. This will better protect animals such as working dogs and household pets from deliberate or negligent pesticide poisoning by contractors and third parties. The second amendment better protects the interests of agricultural landholders by clarifying that damage to non-target crops due to another person's pesticide misuse includes such situations as when a pasture becomes unusable for grazing because of chemical contamination. Other amendments in relation to offences improve the oversight of the management of suspected pesticide residues in produce and provide for enforceable undertakings as an alternative to court proceedings.

The Pesticides Act 1999 and the Pesticides Regulation 2009 provide an appropriate framework for preventing problems with pesticide residues in produce by mandating that users follow approved pesticide label instructions, avoid off-target harm, keep records of pesticide use and have current training in safe chemical use. The amendments to the Act's existing residue notice and order powers clarify that they may be used to require laboratory analysis of the affected produce by the person growing or supplying it. A complementary amendment allows for future changes to the regulation to specify consistent approaches for monitoring and analysis of pesticide residues. It is envisaged that this might include amendments for consistency with national residue monitoring programs.

Additional amendments will provide for the making of enforceable undertakings whereby the EPA will be able to quickly and effectively remedy or restrain breaches of the Pesticides Act by entering into an agreement with the person or company responsible for the breach. Enforceable undertakings are well established under other regulatory frameworks for environmental issues. The making of such an undertaking can avoid unnecessary legal proceedings and result in direct restorative benefit to the community that is commensurate or greater than the damage caused by the offence. The amendments in the bill will also allow courts to make orders in relation to any non-compliance with the terms of an enforceable undertaking.

Such undertakings are an Australian invention, and their inclusion in the bill reflects this Government's commitment to ensuring that the independent environmental regulator has a suite of regulatory tools at its disposal to achieve fit-for-purpose results. Professors Richard Johnstone and Christine Parker have described this as "responsive regulatory enforcement" such that regulators have "a framework to react appropriately and effectively, with a mix of 'persuasive', reforming and 'deterrent' sanctions".

Dependent on its assessments of environmental risk and damage, the EPA is able to adopt, at the low end of the scale, informal actions to address environmental breaches all the way through to deterrent sanctions, being penalty notices and prosecutions. This Government has acted to make environmental fines the toughest in Australia and continues to increase court-imposed penalties where they have fallen out of step with community expectations and no longer act as a deterrent. The second tranche of amendments included in the bill will streamline the regulation of pesticide use in New South Wales. Currently, aerial pesticide applicators are licensed by the EPA whilst urban pest management technicians and fumigators are licensed by WorkCover NSW. This is an unnecessary burden on administrative resources.

The bill will make the EPA the single point for licensing pesticide users in New South Wales by transferring the licensing of pest controllers and fumigators from WorkCover NSW to the EPA. In doing so, the term "certificate of competency" in relation to pest management technicians and fumigators will be replaced by the more widely used and understood term "licence". These amendments are consistent with national reforms that my colleague the Minister for Primary Industries agreed to in May 2013 when she and her counterparts in other jurisdictions signed an updated Intergovernmental Agreement on Agricultural and Veterinary Chemicals.

In line with this Government's commitment to transparency and open information, the bill will also require the EPA to keep a public register of all licensees that provide pesticide services. The register will be similar to that managed by the New South Wales office of Fair Trading for licensed building trades. This will replace the current requirement for the details of newly issued aerial licences to be published in the New South

Wales *Government Gazette*. As national harmonisation reforms are progressively implemented by all jurisdictions, the bill allows for future changes to regulations to specify enhanced mutual recognition arrangements that would allow automatic cross-border recognition of licences.

The aim is to create a seamless national licensing scheme that will benefit not only licence holders but also the border communities they service. This in turn will promote collaborative and integrated policies in relation to the use of pesticides in accordance with the objects of the Act. The Commonwealth Government regulates pesticides up to and including the point of sale. The next part of the bill includes relevant updates to the definitions and notices issued by the Australian Pesticides and Veterinary Medicines Authority under the Commonwealth's agricultural and veterinary chemicals legislation. This ensures that the New South Wales Pesticides Act uses common definitions and recognises notices that affect the status of products under the national assessment and registration scheme for pesticides.

Finally, the bill includes miscellaneous amendments to the Pesticides Act. One such amendment is to remove references to the now defunct Pesticides Implementation Committee [PIC]. To ensure informed decision-making, the Minister for the Environment will be able at his or her discretion to convene one or more committees to advise on matters relating to the Act. Other provisions deal with savings and transitional arrangements. These will ensure the seamless transfer of licensing functions from WorkCover NSW to the EPA. In conclusion, this bill will make amendments to provide proper protections for property occupiers and more efficient regulation at both a State and national level for those involved in the pesticides industry. I commend the bill to the House.

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

WATER NSW BILL 2014

Second Reading

Debate resumed from 16 October 2014.

Mr PAUL LYNCH (Liverpool) [10.35 a.m.]: I lead for the Opposition in debate on the Water NSW Bill 2014. I indicate that the Opposition opposes this bill. The shadow Ministers with carriage of the matter in the other place are the Hon. Steve Whan and the Hon. Peter Primrose. No doubt they will speak at greater length on these matters than I will. The objects of the bill are to: provide for the State Water Corporation to become Water NSW; abolish the Sydney Catchment Authority and transfer its functions to Water NSW; repeal the Sydney Water Catchment Management Act 1998 and the State Water Corporation Act 2004 and re-enact their provisions, with some modifications, in a consolidated form; provide for certain regulatory functions under the proposed Act to be exercised by a regulatory authority; and to make consequential amendments to certain other legislation.

Labor opposes the bill because it is not satisfied that the Government has sufficiently dealt with concerns about amalgamating two organisations that serve very different groups of clients. The State Water Authority was created to run bulk water delivery in rural and regional New South Wales. It is critical for rural water users, including irrigators. Since this Government has come to office it has removed representation of irrigators from the board and there is no board member other than the executive director who lives west of the Great Dividing Range. At one stage the Government even appointed Nick Di Girolamo to the board.

State Water and the Sydney Catchment Authority have very different client groups. The Opposition is not satisfied that this will end up as anything less than rural water being run by Sydney- and coastal-based board directors appointed by the Coalition with no interest in anything other than profit. We raised this criticism when former Minister Hodgkinson announced the intention to merge these two bodies. There was no adequate response. Minister Hodgkinson, of course, has had the water portfolio taken away from her and it has been handed to Minister Humphries. The current Minister's second reading speech provided no reassurance on these issues.

The Opposition's argument at that stage was very simple: Ultimately, the Government needed to explain how those two organisations with such different customer bases could become one. The concern then and now is that the new board will be dominated by people who will have a natural tendency to focus on the hugely important issues for the Sydney catchment. In addition, a series of questions have not been answered

about whether the new entity will still comply with the recommendations of the McClellan inquiry into Sydney Water, which followed the cryptosporidium outbreak at Sydney Water and resulted in the establishment of the Sydney Catchment Authority. The Government has very poor form in representing rural water users. Despite all its pre-election protestations, the previous Minister effectively washed her hands of irrigation price increases by blaming the Australian Competition and Consumer Commission [ACCC] for pricing.

The Government's own submission to the ACCC advocated price increases. When questioned at an estimates committee hearing the Minister tried to blame State Water for the submissions to the ACCC. Clearly, under this Government State Water has progressively stopped representing rural water users and is motivated solely by profit. This legislation is just another step in separating the users from the decision-makers. The bill also forgets the genesis of the Sydney Catchment Authority [SCA], which was established as a direct result of the recommendations of the McClellan inquiry into Sydney Water. The inquiry followed the cryptosporidium outbreak in Sydney's water supply and the establishment of the Sydney Catchment Authority was a direct result of its recommendations.

Nowhere in the Minister's second reading speech does he recognise the history. More importantly, he provides no guarantee that the new structure would comply with these recommendations. Additionally, the Minister's second reading speech argues all regulatory functions carried out by the Sydney Catchment Authority and the Sydney Water Corporation will now be carried out by the regulatory authority. There is no precise definition of the regulatory authority in the Act or in the Minister's second reading speech. We have some concern that the Minister does not go on to define more precisely who those regulatory authorities might be. That, again, appears to be inconsistent with the original reasons for establishing the Sydney Catchment Authority.

I also note that in June this year a new report was released on the cumulative impact of mining and coal seam gas activities on Sydney's water catchments, prepared by the NSW Chief Scientist, Mary O'Kane. The entire thrust of that report is to sharpen the focus on the Sydney water catchment in order to protect Sydney's water supply. It is a wonder how the recommendations of that report can possibly be implemented if, at the same time, the Government is getting rid of the very agency that should be implementing those recommendations. The McClellan inquiry following the cryptosporidium and giardia contamination found that the management of Sydney's catchments was inadequate and required a specialised agency, which led the Carr Labor Government to establish the Sydney Catchment Authority in 1998.

The Liberal Government is now winding the clock back and leaving very little room for the Chief Scientist's recommendations to be implemented. The Government's abolition of a standalone authority to protect Sydney's drinking water is at odds with the Chief Scientist's approach. Many of the major dams, reservoirs and canals used for drinking water supply are surrounded by special areas established under the Sydney Water Catchment Management Act 1998, within which certain types of activity and access are restricted. These special areas create a buffer zone from human activity to reduce the risks from contamination and to protect Sydney's drinking water, but the same level of focus on Sydney's drinking water catchment will not be maintained in a new agency with statewide responsibilities. As I indicated, the Opposition opposes the bill.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2014

Bill introduced on motion by Ms Pru Goward, read a first time and printed.

Second Reading

Ms PRU GOWARD (Goulburn—Minister for Planning, and Minister for Women) [10.42 a.m.]:
I move:

That this bill be now read a second time.

I am pleased to introduce the Environmental Planning and Assessment Amendment Bill 2014. This bill introduces important reforms to strengthen the enforcement regime under the Environmental Planning and Assessment Act, including setting tough new penalties for breaches of the Act, giving councils increased

investigative powers and providing the court with new powers to make offenders more accountable when they cause environmental harm. These reforms will mean New South Wales has one of the toughest enforcement regimes in the country, helping to restore public confidence in the planning system.

The bill also includes provisions to facilitate the introduction of ePlanning, which will bring enormous economic benefits to the State by simplifying the planning system and making it easier to do business whilst also increasing transparency and access to information. The bill provides for the introduction of a three-tier offence regime, consistent with the recommendations of the independent review of the planning system led by the Hon. Tim Moore and the Hon. Ron Dyer in 2012. The three-tier regime is modelled on a similar approach under the Protection of the Environment Operations Act and will mean that the maximum penalty is clear on the face of the legislation, unlike the current system where there is only one maximum penalty for all offences.

Under the current Environmental Planning and Assessment Act, offences are subject to a maximum penalty of \$1.1 million, irrespective of whether the offence is of a serious or minor nature or whether it was committed by a corporation or an individual. The \$1.1 million penalty has not increased since 1999. Clearly, the Land and Environment Court has been reluctant to impose the \$1.1 million penalty. The introduction of a three-tier offence regime will provide greater guidance to the court on the appropriate penalty to be imposed, according to the seriousness of the offence. The maximum penalty is one of the factors to be taken into account by the court in sentencing, along with other factors such as the nature of the offence, the actual harm caused and the offender's prior criminal record. These strengthened penalty provisions will be more in line with community expectations. The community rightly believes the punishment should better fit the crime, and while most businesses are law-abiding corporate citizens, current fines are no longer a strong enough deterrent. That is why we are increasing the maximum penalty the court can impose to \$5 million.

The bill provides tier 1 offences as the most serious offences, such as carrying out development without approval or contrary to existing approvals, or contravening a development control order. The offence must also have been committed intentionally and caused, or was likely to cause, significant harm to the environment or the death of or serious injury or illness to a person. If a corporation commits a tier 1 offence the maximum penalty will be \$5 million. This is more than four times the current penalty for equivalent offences under the Act and is in line with penalties under State environment protection legislation, such as the New South Wales Protection of the Environment Operations Act. The maximum penalty for an individual will be \$1 million.

The inclusion of the aggravating factors in tier 1 offences will act as a deterrent to serious deliberate breaches of the planning legislation, including where corporations make large financial gains by committing offences. It is appropriate to provide higher penalties for corporations to send a clear message to industry about the seriousness of committing offences under the Act. Tier 2 applies to tier 1 offences that were unintentional or did not cause, or were not likely to cause, significant harm to the environment or the death or serious injury of a person. For corporations that commit a tier 2 offence the new maximum penalty of \$2 million will almost double the current penalty for equivalent offences under the current Act. The maximum penalty for an individual will be \$500,000.

Tier 3 offences are lesser procedural or administrative offences and carry a penalty of \$1 million for corporations. The maximum tier 3 penalty for an individual will be \$250,000. An example of a tier 3 offence is providing false or misleading information in connection with a planning matter. This offence will now extend to applicants as well as their consultants, who provide false or misleading information in environmental impact statements. The \$1 million maximum penalty for corporations will act as an effective deterrent and will improve the standard and integrity of environmental assessments. The bill also clarifies that it is an offence not to disclose political donations made by directors of companies related to applicants for planning approval or who request changes to planning controls. By removing any doubt from disclosure requirements, political donations can no longer be hidden away in chains of subsidiary companies.

To support the three-tier offence regime, the bill also gives the Land and Environment Court alternative sentencing options when dealing with criminal proceedings. This was another key recommendation of the independent review by the Hon. Tim Moore and the Hon. Ron Dyer. Alternative sentencing options provide courts with a range of responses to offences beyond monetary penalties. Consistent with the Protection of the Environment Operations Act, the bill will allow the court to make orders requiring the offender to publish details of the offence; to name and shame companies that flout planning controls; to require the offender to restore damage done to the environment or to provide additional environmental enhancement; to recover any monetary benefits an offender might have received from committing the offence, such as profits gained by a mining company from exceeding approved extraction limits; and to force offenders to attend training courses so they better understand their environmental obligations and how to do the right thing.

The court's powers to make utility orders will also be extended to residential or tourist development, such as backpacker hostels or student accommodation. Currently these powers apply only to brothels. This will enable the court to direct utility providers to cut off gas, water and electricity supply to premises where operators of residential or tourist premises have failed to comply with orders to stop work, or stop using premises in breach of planning rules. The bill also will increase local councils' investigation and enforcement powers, which will better equip them to respond to suspected breaches of the planning legislation. Under the new investigation provisions, local councils will be able to enter non-residential premises without first giving written notice to the owner or occupier.

This will enable councils to gather evidence without tipping off illegal operators. Councils also will have the power to require information or records before entering premises and to seize items that enforcement officers suspect are connected with an offence. These new powers will greatly assist councils in carrying out their enforcement role and allow them to build cases against suspected offenders. Councils now will be able to prosecute offences within two years of an offence coming to the council's attention, rather than within two years of the offence being committed. This provides councils with greater flexibility to take appropriate action when the planning laws have been breached.

The bill also brings the planning system into the twenty-first century by introducing ePlanning, which will give people better access to planning information and decisions anywhere and at any time. The Environmental Planning and Assessment Act is currently based on a system of paper plans and maps, with important planning information required to be published in weekly newspapers. New South Wales needs a modern planning system that is up to date with the way people do business and communicate with one another. In July this year I had the opportunity to launch a range of free online tools as the first step towards modernising the planning system. The release of those tools was made possible by this Government's \$30 million commitment to deliver a range of online planning services and information, announced as part of the 2014-15 budget. In the first two months, more than 35,000 visitors have gone online to use the ePlanning tools. The department also has held a series of sessions with council representatives and industry professionals across the State. Those sessions were well attended and again the feedback has been overwhelmingly positive.

The next step is to provide the necessary statutory backing for ePlanning. The bill establishes the New South Wales planning portal, where people can access information and interactive maps to help them understand the planning system, and how they might be affected by planning decisions. The planning portal will be the one place where both State and local government information will be available at the click of a button. Applicants will be able to take advantage of online lodgement and tracking of planning applications, which will dramatically reduce the time and resources currently spent on producing hard copy volumes and make it easier to do business. Using three-dimensional [3D] visualisation tools, ePlanning will allow the community to see how a proposed precinct actually will look and give them the tools they need to contribute to the planning process.

Greater public access to information is one of the goals in the Government's NSW 2021 plan. Providing people with better access to planning information will mean that more people get involved in the planning process. This ultimately leads to improved planning decisions. The bill also resolves copyright issues that arise when planning information is published online. Local councils have long expressed concern about their ability to reproduce plans and other documents submitted with a development application. The bill will enable councils to be protected from breaching copyright laws, without disadvantaging copyright owners, by enabling planning applications to include a licence to use copyright material and a warranty that the applicant has a licence from the copyright owner. These protections will be limited to local government and the State Government and will not enable third parties to use or reproduce publicly available planning information without the express approval of the copyright owner. Finally, the bill will make a number of other minor amendments such as updating references in the Act to the director-general of the department to the secretary of the department. I commend the bill to the House.

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

CENTENARY OF FIRST WORLD WAR

Debate resumed from 17 September 2014.

Mr DONALD PAGE (Ballina) [10.55 a.m.]: I welcome the opportunity to make a contribution to the take-note debate on the Centenary of World War I. In June this year primary school students from my electorate

of Ballina went to the local ABC studios and read the names of people who were killed in World War I. The same thing was happening elsewhere around Australia with pupils from 132 schools taking part in the Australian War Memorial's Roll of Honour Soundscape project. Collectively the students recorded the names of 6,500 of the 62,000 names that appear on the First World War Roll of Honour, and those recordings now are part of the permanent collection at the Australian War Memorial. It is poignant listening to the students as they read the name of the person and the age at which he died, many of them just teenagers.

Recently I attended Emanuel College in Ballina, which is one of 25 schools across New South Wales that will send four students to Gallipoli next year for the centenary of the Gallipoli landing. I am on the selection panel to determine who those four students will be. Recently we examined the work entered by the students, and it was of a very high standard. It was very reassuring to see students in years 9, 10 and 11 displaying so much knowledge and appreciation of what happened at Gallipoli and in World War I. What a great opportunity for those four students who are finally selected. I commend the program. I understand the Minister will announce the names of the selected four students in December. I am sure that those four students will be in strong demand to talk about their experience in our community when they return.

In 2014, which is the centenary of the start of the Great War, it is time to pause and reflect on that event, which in many ways shaped our nation and our pride in being Australian. One hundred and sixty-four thousand people from New South Wales enlisted, many of whom were from regional parts of the State, including my electorate. It is when we go to small community halls and look at the honour boards that we realise the impact that the war had on towns, villages and localities. Often there are two, three, four and five men with the same surnames—brothers, uncles and cousins. Entire families were scarred, and the loss for regional New South Wales was immense. Recently my wife and I visited the Australian War Memorial in Canberra. I was interested, and pleasantly surprised, to see an extract from a poem written by my older brother, Geoff Page, entitled *Small Town Memorials*, which is on the wall at the entrance to the Australian War Memorial. The relevant extract states:

No matter how small
Every town has one;
Maybe just the obelisk,
A few names inlaid;
More often full-scale granite,
Marble digger (arms reversed),
Long descending lists of dead.
Sometimes not even a town,
A thickening of houses
Or a few unlikely trees
Glimpsed on a back-road
Will have one.

The essence of the poem is that every small town in Australia has a war memorial to those who served and died in World War I. Few could have known the profound effect the assassination of Archduke Franz Ferdinand of Austria would have on the world. That single act set off a chain reaction that would result in the death of 10 million soldiers and seven million civilians. A further 20 million people were casualties of war. Australia paid a heavy price during the Great War, with 330,000 men being sent to fight. That number represented 40 per cent of the Australian adult male population at the time. Almost 60,000 of those men were killed and a further 165,000 were wounded—the highest casualty rate per capita of any nation that took part in the war. My great uncle, Harold Page, enlisted in the Australian Imperial Force in February 1915 and arrived at Anzac Cove in September 1915. On one reconnaissance mission he and a Sergeant A. V. Bracher were able to disable two Turks, throw bombs into the Turkish trenches and gain valuable information about the enemy, which they took back to their commanding officers.

Harold was wounded by shellfire on 18 December and was evacuated the next day. He then went on to serve in the trenches of Armentieres in France and was later made captain. He was awarded the Military Cross for commanding a successful raiding party of 70 men at Ontario Farm near Messines. He was wounded in the spine during this mission but continued on despite his injury. He was then evacuated to England to recover, returning in November for the bitter Somme winter of 1916-17. Harold went on to lead many successful missions and was again wounded in September 1918, this time in the abdomen while leading the battalion at Mont St Quentin. He was evacuated to England and did not rejoin his unit before Armistice. He was later awarded the Distinguished Service Order.

Harold Page's service did not stop with the First World War. In 1942 he was the Deputy Administrator of the Territory of Papua New Guinea when the Japanese took Rabaul. Harold went out to negotiate with the

Japanese to save the women and children but was never seen again. It is suspected either he was killed there and then or he and many other Australians were taken prisoner by the Japanese and were later taken onto the Japanese *Montevideo Maru* heading back to Japan. More than 1,000 Australians were killed when the ship was torpedoed by an American submarine. However, it is not known for certain whether Harold Page died in that sinking or had died earlier.

Harold Page was the father of Captain Robert Page, who in World War II was a commando who was among a small group of men who sailed on the *Krait* from Australia to Singapore during Operation Jaywick. After sailing through enemy-occupied territory, they blew up seven Japanese ships in Singapore harbour during the Japanese occupation of Singapore. Their story is an amazing one that involves fitness, skill, courage and mateship. After a similar second operation, known as Operation Rimau, Captain Robert Page was captured and beheaded by the Japanese just two weeks before the war ended. Like his father before him, Captain Robert Page was awarded the Distinguished Service Order, and his officer's revolver and other items are on display in the Australian War Memorial in Canberra. There are some amazing stories about the young men from my electorate who joined up to fight for King and the empire in World War I. One of those men was 20-year-old Paddy Bugden from Alstonville, who confided to his mother in a letter written the day before he was going into the firing line:

... that I have never done a deed that I am ashamed of so I fear nothing.

Paddy Bugden died in September 1917 but not before showing outstanding bravery, including rescuing wounded men under intense shelling and machine-gun fire. Private Bugden was posthumously awarded the Victoria Cross [VC]. His VC citation read:

For most conspicuous bravery and devotion to duty when on two occasions our advance was temporarily held up by strongly defended pillboxes, Private Bugden, in the face of devastating fire from machine-guns, gallantly led small parties to attack these strong points and, successfully silencing the machine-guns with bombs, captured the garrison at the point of a bayonet ...

On another occasion when a Corporal, who had been detached from his company, had been captured and was being taken to the rear of the enemy, Private Bugden, single-handed, rushed to the rescue of his comrade, shot one enemy and bayoneted the remaining two, thus releasing the Corporal. On five occasions he rescued wounded men under intense shell and machine-gun fire, showing utter contempt and disregard for danger. Always foremost in volunteering for any dangerous mission, it was during the execution of one of these missions that this gallant soldier was killed.

There is now the Paddy Bugden memorial at Alstonville, where the local Anzac Day march in Alstonville begins. Recently I had the privilege of paying tribute to Paddy Bugden, VC, at the opening of the Patrick Bugden, VC, Gardens in the RSL Lifecare aged-care facility at Suffolk Park, south of Byron Bay. It was a special occasion, with about 20 of Paddy Bugden's family present. Corporal Arthur Beaumont Goard was a farmer at Broken Head and he joined just prior to his twenty-eighth birthday. His unit was involved in the Battle of Passchendaele in Belgium. Sadly, he was killed in action on 4 October 1917. His possessions and savings went to his brothers and sisters, and he donated money towards the construction of the Church of England at Broken Head, which still stands today.

The Flower family of Bangalow lost their two sons in World War I. Herb Flower landed at Gallipoli with the 7th Light Horse Regiment and was badly wounded, dying aboard the hospital ship *Soudan*, aged 33. His brother, Private Alan Flower, was critically wounded in France in July 1918. I was touched also by the story of 25-year-old Percy Lawrence Wilson from Byron Creek. He was a stoker on the submarine AE1, which sank without trace on 14 September 1914 in the St George's Channel area in the waters off Papua New Guinea. The submarine was part of a flotilla despatched to seize the then German colony after the war broke out. The wreckage of the AE1 has never been found. A Ballina minister of religion also made the ultimate sacrifice, leaving his wife and three children to go to the Western Front as a chaplain. Captain David De Venny Hunter was 40 years old when he signed up in 1916. He comforted and buried many young soldiers before he himself was killed in 1917, on the same day as Paddy Bugden, VC.

Harry Mitchell from Ballina was the youngest of five brothers to enlist in the Australian Imperial Force during World War I. No doubt he developed strong fighting qualities from having to stand up for himself against four older brothers. He served on the battlefields of the Western Front as a gunner with the 1st Field Artillery Brigade before being appointed as a driver in 1916. He saw fierce action in France and Belgium. Harry was severely injured in the battle at Zonnebeke in Belgium on 3 October 1917. The injuries to his head, shoulder and chest cost him his life the following day. He was posthumously awarded the Military Medal. Fortunately, Harry's four brothers survived the war. Private Leslie John Simons of Wollongbar was an original Anzac. He

was not in the first wave of troops to storm the Gallipoli peninsula at dawn on 25 April 1915 but was waiting in line to face the slaughter upon the narrow beach. Les landed at Gallipoli on the afternoon of 25 April. The 23-year-old was a long way from the bush kitchens around Wollongbar where he had worked as a cook.

The 15th Battalion, part of the 4th Brigade, was positioned at Quinn's Post when Les volunteered to be a stretcher bearer. During these duties on 24 May 1915 he was hit in both thighs by a Turkish sniper, the bullet severing his femoral artery. Les was evacuated to the 4th Field Ambulance Dressing Station where he died later that day. He was buried at Beach Cemetery on the southern point of Anzac Cove. The stories of the bravery of the people who went to war from my electorate of Ballina are no different to those in other electorates. We must continue to commemorate our military heritage and the values they fought for, so that the sacrifices of thousands of Australians, who had no idea of the impact that their courage and bravery would have on shaping the country that Australia is today, are never forgotten. Lest we forget.

Mr JOHN WILLIAMS (Murray-Darling) [11.08 a.m.]: I am honoured to talk on this motion recognising the participation of Australians in the First World War. When I was growing up I was blessed by the fact that I had a grandfather and a great-grandfather who served in the First World War. Between them, I was able to gain some insight into the war from what they were prepared to talk about and the events that took place in the two battle areas in which they were involved. The centenary of the First World War is recognised as the anniversary of the declaration of war in Europe. We remember also the eleventh hour of the eleventh day of the eleventh month when the war concluded. On that anniversary, which occurs next month, for the first time I will take my great-grandfather's medals out of the safe and wear them in memory of his involvement in battle. My other brother has the medals of my grandfather, whose involvement was not as great because he contracted pneumonia and was taken out of Gallipoli.

My great-grandfather had a very colourful time. He was a cook in the Army, although anyone who served on the battlelines was not safe. Artillery was used and regardless of your position you could be shelled. He was exposed to poison gas and had to have one lung removed. He was told that he could have a pretty good life if he did not smoke or drink and looked after himself. So he had one lung left and he got on with life. He lived until he was 83 and I do not think he ever stopped smoking or drinking. In true Australian spirit he lived his life as a colourful character, as did most of the World War veterans. They all understood the spirit of combat and knew what it was like to be in a war zone.

As a consequence of my interest in the First World War, trying to understand the reasoning behind it and the stories I have heard, I have read approximately 28 books on the subject. The one that stands out for me is the story of Pompey Elliott, an Australian leader in the First World War who came from Victoria and took the Victorian regiments into battle. Pompey Elliott used to say that he would not send his men where he would not go. It was not uncommon on the fronts of Europe to see Pompey Elliott riding around on a black horse instructing his men in battle. He told his story in this well-documented book which gives an insight into the World War 1 experience.

The book recognises the criticism that has been aimed at British commanders and their disregard for our Australian troops. In Gallipoli far too many Australian troops were put in situations by their British commanders where lives were lost unnecessarily. Daylight frontal attacks saw a lot of Australians slaughtered by the Turks, who were waiting in the trenches. The soldiers were an easy target when they walked out in the middle of the day and the Turks, without compassion for those poor young men being slaughtered, were willing to continue the carnage.

Commander Haig, who was in charge of the European offences, was about 26 miles from the front and well out of range of artillery. He chose to live in a French villa and never visited the front. He looked at the situations on a map and determined battle plans from the castle in which he lived. He was not allowed to be woken before 8 o'clock, when he would have breakfast and examine the battle situation. He had no regard for those poor devils freezing in the night on the front line, basically in a belief that they were all in it together. He certainly was not. He is the type of man who would have blood on his hands because of his disregard for the troops.

When Australians were ordered into such situations they never said no. They went and served their role and when instructed to attack the enemy they obeyed, knowing full well that the attack was reckless and would cost lives. It was not until Sir John Monash took command of the Australian troops that common sense prevailed. Under his command, the lives of Australian infantrymen and artillerymen and others on the front line were regarded as important and there was not the level of slaughter that had prevailed under the British commanders.

I have looked at maps and heard descriptions of landmarks and areas where battles took place. Last year I visited Gallipoli. Apart from Anzac Cove and the upper regions which have been left as they were, the rest has become overgrown. The areas where most of the trenches existed have not been maintained and are overgrown. That is probably fair enough, but it is difficult to get an accurate perception of the battlefields. I noticed that the beach at Anzac Cove was small and was limited for the landing of a number of troops. It would have been very difficult to land safely at Gallipoli and to provide cover for the troops on the ground. Having seen the area, I understand the massive logistics involved in landing the bulk of troops, equipment and supplies virtually overnight.

In the book, Pompey Elliott describes his landing with the first soldiers on Gallipoli and speaks about who he thought was the first casualty. A soldier received a bullet in his groin as he was rowing the troops onto the beach. Knowing that his wound was fatal, he continued to row, with blood spurting from the wound in his groin, until he got the men to shore, and then he died. That is an amazing feat and reflects the bravery and courage that was so typical of the Australians who were in that battle zone.

The Battle of Lone Pine saw the Victorian brigades engage in some savage fighting with the Turks in the trenches. No doubt, some of the battles that took place required massive courage on the part of the soldiers. The soldiers were at close quarters; the enemy had the advantage and took them on in those conditions. Without a doubt it reflects the type of soldiers that Australia sent to the First World War. The Germans certainly recognised the quality of Australian troops and in most cases were well aware of where they were situated on the European front. In France, particularly, they knew that Australians were there by the way the troops fought and displayed courage. Generally, a great deal of respect was held for the Australian soldier. He was an outstanding soldier and he stood head and shoulders above all the other allies that presented on those battlefronts.

It has been a concern that those involved in the First World War may be forgotten. However, at recent Anzac Day ceremonies I have attended, many young people are present even though they do not have a connection with anyone who fought in the First World War or the Second World War. They understand it is important to continue to remember and acknowledge these events as part of our history. Back when I was at school the Crimean War was discussed; we talked about the Battle of Balaclava and the Battle of the Alma, which involved heroics primarily of British soldiers.

Mr Brad Hazzard: When you were at school it was the Battle of Hastings, wasn't it?

Mr JOHN WILLIAMS: I will not acknowledge the interjection of the Attorney General. That is certainly part of our heritage we should forever remember in our history. The graves of the soldiers who lost their lives in battle in the First World War are a permanent reminder of not only the number of people who lost their lives but also their age. In many cases it was not their true age. A lot of them raised their age in order to go and have a great adventure which would take them for the first time out of Australia and overseas. It is overwhelming to realise that the great majority of those soldiers were in their early twenties, some even in their late teens.

It is difficult today to comprehend the dimension of such loss of life, so we have permanent reminders. Young Australians who tour Europe and Turkey will include a trip to the battlefields. The connection we have to those battlefields, the Western Front and Gallipoli, is testament to our involvement in battles a long way from our country and the types of sacrifices that Australians made during that period for the betterment of the world. From the two world wars, Germany had an ambition to control as much of the world as it could. It wanted to oversee its own culture throughout the world and to see more and more countries come under its control. Australia was prepared to fight, sending our youngest, our bravest and our best.

We lost the brilliance of great academics, young people who would have forged their way in many professions in the years ahead but who met their end dying on the battlefields. They were never able to achieve the greatness they were destined to had they lived. This loss was acknowledged in Pompey Elliott's book. He highlighted some of the great individual achievers with whom he had been involved who lost their lives in the war. For parents to watch their son grow up and achieve all the academic standards that had been set and then to see his life taken away in a battle overseas would have been heartbreaking; their lives would have been broken. The mourning in Australia from the loss of life was enormous. Families at home, who did not understand what was happening on the other side of the world, would receive news that they had lost their loved ones.

In many cases, those who died would have played an integral role in forming Australia in the future. We lost many leaders and great people in that war. Those achievers, as part of their development, saw an

involvement in the battle as an important part of fulfilling their life's ambitions, protecting the Australian population and supporting the spirit of the British Empire. When we talk about the individuals who were such a great loss to us, we must also consider the contribution they would have made to our future had they not lost their lives on the battlefields of Europe. Lest we forget.

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

HEALTH PRACTITIONER REGULATION LEGISLATION AMENDMENT BILL 2014

Second Reading

Debate resumed from 14 October 2014.

Mr GARETH WARD (Kiama) [11.27 a.m.]: I am delighted to speak to the Health Practitioner Regulation Legislation Amendment Bill 2014. The objects of the bill are:

- (a) to amend the *Health Practitioner Regulation (Adoption of National Law) Act 2009* so as to modify the *Health Practitioner Regulation National Law (NSW)*:
 - (i) to require the Council for a health profession to notify a complainant who makes a complaint against a health practitioner or student of certain outcomes resulting from action taken by the Council in respect of the complaint, and
 - (ii) to enable the Civil and Administrative Tribunal to make prohibition orders against former registered health practitioners, and
 - (iii) to make it clear that a person whose registration as a health practitioner has been cancelled, or who has been disqualified from being so registered, by the Civil and Administrative Tribunal cannot apply for registration as a health practitioner unless the Tribunal makes a reinstatement order in respect of the person, and
 - (iv) to enable the Council for a health profession to order that a contravention of a condition on the registration of a health practitioner that it imposes or alters because of the impairment of the practitioner will result in the contravention being referred to the Health Care Complaints Commission to be dealt with as a complaint against the practitioner, and
 - (v) to require the Council for a health profession to notify the employer or accreditor of a registered health practitioner of the imposition of conditions (or the alteration or removal of conditions) on the practitioner's registration concerning the health, conduct or performance of the practitioner, and
 - (vi) to make certain other amendments in the nature of statute law revision, and
- (b) to amend the *Health Services Act 1997* to permit public health organisations to share and exchange certain information about the appointments of health practitioners with licensees of private health facilities, and
- (c) to amend the *Private Health Facilities Act 2007* to permit licensees of private health facilities to share and exchange certain information about the appointments of health practitioners with other licensees of private health facilities and public health organisations.

It is the complaints component of the bill that I commend, and I will cite some examples that should inform future reform. Members recall that previously I have raised the plight of Janelle Trigg and her encounter with Dr Jeremy Reader, who operates the Wollongong Skin Cancer Clinic. Since giving a voice to Janelle in this place more of Dr Reader's patients have come forward to tell their story of a man who is manifestly unqualified to undertake certain surgery. The results have been disastrous. I have seen those results firsthand. I wish to use parliamentary privilege to relay some of those details to the House in the hope of giving a voice to those who feel angry and fundamentally let down by someone who is charged with the care of his patients.

I will begin with Karen Wilmott. On 5 July 2011 Karen underwent an initial consultation. A general skin check revealed a small lesion on her upper lip. Dr Reader took a biopsy of the lesion. A basal cell carcinoma, 1.2 millimetres deep, was detected in sections. No perineural invasion was seen. On 12 July 2011 a follow-up consultation was conducted due to positive results from pathology. Dr Reader advised that the lesion was cancerous. Dr Reader suggested that further tissue would need to be removed. Mohs procedure was advised. The wound was left open until test results were known. Appointments were held at two-day intervals and a dressing was administered over the operation site until closure of the wound was required.

On 2 September 2011 Karen attended the clinic for a procedure. A large incision was made stretching from the margin of the lip in an L-shape up and around her right nostril. A dressing was applied, but no advice

about the treatment of the wound was offered. Eating and bathing were difficult, and Karen claimed the wound was very sore. On 14 September 2011 Karen returned to the clinic and was advised that no further cells were affected. The wound was closed with stitches, but no antibiotics were offered or advice given about managing the healing process. On 15 September 2011 the wound became infected and Karen decided to report to the Shellharbour emergency department. The hospital confirmed considerable infection and prescribed intravenous antibiotics to counteract the infection. Three days of treatment as an outpatient ensued.

On 19 September 2011 Karen returned to the skin cancer clinic and Dr Reader for review and to report an infection. Karen was advised that the stitches would be removed 10 days later. Upon seeing Dr Reader in late September, Dr Reader advised that he was unable to remove all of Karen's stitches as considerable scabbing of the area had involved the stitches, especially around nose area. The operation site remained quite swollen and distorted, and covered in scabs. Final stitches were removed three weeks after the procedure, once scabbing had subsided. In December 2011 Karen was referred to a plastic surgeon, Dr Warwick Harper. Dr Harper was concerned at the state of Karen's lip, which was hitched up out of line and involved scarring right up and around the nostril. In January 2012 Karen underwent surgery from Dr Harper to correct the damage. As a result of Dr Reader's actions Karen still has an area of scarring on her upper lip, which is unequal in size from left to right.

Collene Bakewell-Hill first encountered Dr Reader on 7 December 2012. On 8 December 2012, as a result of Dr Reader's treatment, Collene suffered limited airway capacity, swelling of the eyes and face, and closure of her left eye. Collene was taken to the Wollongong Hospital with suspected cellulitis, where antibiotics were administered. As a result of Dr Reader's actions Collene had a deviated septum, scarring and limited structural support in the nose; she had to wear a nasal strip to assist with breathing and eating. On 25 October 2013 Collene underwent plastic surgery at the Randwick hospital in what was a two-stage operation to repair the damage caused by Dr Jeremy Reader. On 2 December 2013 Dr Reader performed an operation on Graham Curyer's left-side temple, which then required 10 stitches. On 15 February 2014 another operation was carried out by Dr Reader on the patient's nose. This operation was not successful and as a result of Dr Reader's actions another 10 stitches were required with resulting numbness since the operation.

John Fredericks presented to Dr Reader with a small spot on his face. John's biopsy revealed a squamous cell carcinoma and removal was recommended due to his previous medical history with prostate cancer. Dr Reader explained the procedure using a drawing of the cut he would perform. The operation ended with 10 stitches, a prominent scar on John's face and trauma caused by an insufficient amount of anaesthetic. In John's own words, "Each slice with the scalpel could be felt". Upon returning to have the stitches removed the patient explained his concern about the scarring upon his face, but Dr Reader showed a complete lack of empathy towards the patient stating, "In some cultures scarring is a mark of beauty."

The following is Rod Bassford's account of his experience with Dr Reader. In August 2013 a biopsy was taken of skin on the forehead and results revealed "early invasive squamous cell carcinoma" [SCC]. The consulting doctor suggested a second opinion with regard to treatment and the patient sought the services of Dr Reader. In October 2013 the patient saw Dr Reader. Upon brief examination Dr Reader advised he could see no signs of the SCC. In December 2013 the SCC re-emerged so the patient went to see Dr Reader again. Dr Reader explained the procedure for its removal and the patient was booked in for surgery six weeks later, which was six months after his initial diagnosis.

On 10 February 2014 the removal procedure went as expected and the entire cancer-affected area was removed without incident. A 14-millimetre diameter section was removed from the right-hand side of the forehead. The wound was cauterised and covered by a dressing. On 12 February 2014 Dr Reader proceeded with closure of the wound. At this time the patient referred Dr Reader to the corner of his right eye nearest to the tear duct where a loose droopy piece of skin had formed. The procedure to close the wound seemed to be taking a great deal longer than necessary. At one stage the patient felt a squirt of liquid shoot across his right forearm and could feel the cauterisation burning at his skin.

On 13 February 2014 the patient woke to find that the dressing had a substantial quantity of blood on it, his right eye had a mouse-size swelling above and below it, and there was a small amount of swelling below his left eye. The following day, 14 February 2014, he awoke to find the area around his right eye was bruised and the cheek swollen. The wound was still bleeding and constant compression was required to stem the flow of blood. On 15 February 2014 there was bruising around the right eye and swelling around the neck, including the area under his cheek, and the crease between the nose and the side of the mouth was not visible due to swelling.

The area directly beneath the left eye was now filling with fluid. On 18 February 2014 the patient removed the dressing to find the wound was bloody and a "slimy mess". In some areas the two skins flaps were not joined and there appeared to be only one suture holding the flaps together.

On 20 February 2014 the patient attended Illawarra Family Medical Centre and had the wound cleaned. Dr Masterson determined that the sutures were not ready to be removed. Dr Masterson was concerned about the wound area as it was quite red and inflamed, and it seemed that an infection may have taken hold. A course of antibiotics was prescribed. Following a visit to Dr Masterson on 22 February 2014 the decision was made to remove the sutures as they were not aiding in the healing of the wound. Once again I have referred these complaints, along with others, to the Health Care Complaints Commission. In one particular instance, a patient who was treated by Dr Reader suffered severe bleeding and was told by ambulance officers that he was lucky to be alive. [*Extension of time agreed to.*]

When I addressed the House in relation to Janelle Trigg, I cited evidence provided by Dr Edmund Lobel, who made it clear that Dr Reader was practising surgery he was not qualified to do. After telling Janelle's story in this House, journalist Lisa Wachsmuth of the *Illawarra Mercury* published Janelle's story and many more patients came forward, some of whose cases I have revealed today. It is my view that Dr Reader's treatments are evidence of serious malpractice and his licence to practise as a doctor should be revoked. The Government must examine the law in the area of skin cancer clinics. Dr Reader is a general practitioner; he is not a skin cancer specialist.

It is not unreasonable to suggest that those attending a skin cancer clinic may believe that they are receiving some form of specialist treatment. Clearly that is not the case. Of course doctors provide medical advice, but in light of the cases I have raised and the people I have met, it is my very strong view that consumer protection measures are warranted in this space. I argue they are warranted urgently in this space, given the conditions and experiences of my constituents. I do not know Dr Reader but I have seen the results of his work firsthand. I raise these cases in the House today in the hope that our community is made aware of his work and that those who have suffered can be assured that their cases are not only heard but also taken seriously by me and will be investigated.

I take these matters and parliamentary privilege very seriously. I have faithfully relayed the cases of my constituents who have experienced Dr Reader's work. It is clear to me that reform in this area is needed. Many people would attend a skin cancer clinic to receive advice from people who should be specialists in that area and if that is not the case it should be known—that is all the patients are asking. Sadly, and tragically for some of the people whose stories I have told today, they will be reminded every time they look in the mirror of the treatment they received and the pain and anguish they continue to suffer. This never should have been allowed to occur. I am pleased that the Health Care Complaints Commission is now investigating these matters as they relate to Dr Jeremy Reader. In the interim, I encourage residents of the Illawarra not to utilise his services because clearly he should not be in medical practice.

Ms TANIA MIHAILUK (Bankstown) [11.40 a.m.]: I lead for the Opposition in debate on the Health Practitioner Regulation Legislation Amendment Bill 2014. The Opposition does not oppose this bill, which makes minor amendments to the Health Practitioner Regulation (Adoption of National Law) Act 2009 to alter the Health Practitioner Regulation National Law in New South Wales. The bill also seeks to amend the Health Services Act 1997 and the Private Health Facilities Act 2007. Overall, the bill will provide greater oversight of impaired medical practitioners and improve transparency of the complaints process by providing patients with the ability to seek information about the outcome of their complaints. The bill will also close an existing loophole whereby medical practitioners can voluntarily deregister from their health profession prior to a tribunal making a determination to formally cancel their registration.

In 2009, New South Wales joined other States as a co-jurisdiction in adopting new legislation to reform the regulation of health professionals, including the accreditation and registration of health practitioners and the management of health complaints. The National Regulation and Accreditation Scheme came into effect in 2010 through the Health Practitioner Regulation National Law. While New South Wales adopted the accreditation and registration parts of the National Law, it did not adopt the National Law provisions relating to complaints and performance. This bill makes minor amendments to the Health Practitioner Regulation (Adoption of National Law) Act 2009 to alter the Health Practitioner Regulation National Law (NSW) to address these gaps in the national legislation.

Schedule 1 [1] to the bill inserts new section 145BA into the Health Practitioner Regulation National Law Act 2009. This provision will require the council for a health profession to notify a complainant who makes

a complaint against a health practitioner or student of the outcomes resulting from action taken by the council under section 145B of the Act. That section details the courses of action available to councils in respect of the complaint. Confidential information will not be disclosed under the new section unless there is an overriding public interest, including where matters were referred to a council from the Health Care Complaints Commission. That is specifically addressed in new section 145BA (4).

Under section 5 of the Health Practitioner Regulation National Law Act 2009, a "health profession" is defined to mean and include a recognised speciality in the following professions: Aboriginal and Torres Strait Islander health practice; Chinese medicine; chiropractic; dental, including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist; medical; medical radiation practice; nursing and midwifery; occupational therapy; optometry; osteopathy; pharmacy; physiotherapy; podiatry; and psychology. As per division 2 of the Health Practitioner Regulation National Law Act 2009, each health profession has an equivalent health practitioner council. The amendments within schedule 1 [1] to the bill improve the transparency of the complaints process by strengthening mechanisms for patients and complainants to obtain information about the outcome of their complaints.

Schedule 1 [3] proposes to insert new section 149C (5A) into the Health Practitioner Regulation National Law Act 2009. This new section expands the powers of the Civil and Administrative Tribunal, enabling it to make prohibition orders against former registered health practitioners—as per section 149C of the Act—if the tribunal would have made an order to suspend or cancel the practitioner's registration had the practitioner still been registered. According to the New South Wales Parliamentary Research Service, 25 practitioners from various health professions—including chiropractic, dental, medical, pharmacy, physiotherapy and psychology—voluntary de-registered themselves between 2011 and 2013.

Schedule 1 [3] to the bill closes an existing loophole whereby registered health practitioners can deregister themselves voluntarily in anticipation of and prior to the tribunal suspending or cancelling their registration. This existing loophole has resulted in deregistered health practitioners avoiding tribunal prohibition orders that otherwise would have prohibited the practitioner from providing particular specified health services. The expanded powers of the tribunal ensure that under a prohibition order deregistered health professionals not able to practise in their former health profession, will not be able to provide health services in another profession that may not require formal registration.

I will now focus on schedule 1 [4] to the bill. These provisions have the effect of removing any uncertainty surrounding the effect of a cancellation or disqualification decision made by the tribunal that relates to a deregistered health practitioner applying for re-registration. Such uncertainty has arisen following the New South Wales Court of Appeal's remarks in *Health Care Complaints Commission v Do* [2014] NSWCA 307 at [45]-[48]. New section 149E makes it clear that such former health practitioners would require a reinstatement order made by the tribunal as per section 163B of the National Law, and as per new section 149E (2), that a cancellation or disqualification decision of the tribunal would continue "to apply in respect of a disqualified person and the disqualification order even if the period of disqualification has expired or specified conditions for the cessation of the disqualification have been complied with".

The bill makes further amendments to the Health Practitioner Regulation National Law Act 2009 in schedules 1 [5] and [6], which respectively propose to add new sections 150FA and 176BA to the Act. These new sections impose obligations on health practitioner councils to notify the employer of a health practitioner of conditions imposed on a health practitioner's registration after a disciplinary or complaints process, or of the conditions imposed through an impaired registrant's process. Under the changes, councils will be required to notify an employer when conditions are imposed on an impaired practitioner, to assist in the supervision of practitioners, and to ensure the safety of patients remains a paramount concern. The new sections would enable a health practitioner council to designate "critical impairment conditions", a breach of which would result in automatic referral to the Health Care Complaints Commission for investigation. These measures are likely to focus on drug and alcohol testing of practitioners.

The final aspects of the bill that I will outline concern amendments to the Health Services Act 1997 and the Private Health Facilities Act 2007. These amendments will permit health organisations to share and exchange appointment information about health practitioners with a private health facility licensee. A two-step test has been established to enable the sharing of such information: namely, if the public health organisation reasonably believes that the health practitioner practices at the private health facility; and if the public health organisation reasonably considers that the disclosure of such information to the licensee is necessary because it would raise serious concerns about the safety of patients.

There is a limitation on what appointment information can be disclosed, including details on whether a health practitioner currently practises or has practised at a hospital or health institution of a public health organisation; and if the appointment information related to the variation, suspension or termination by the public health organisation of clinical privileges of the health practitioner. As I stated from the outset, the New South Wales Opposition will not oppose this bill. It will close existing loopholes whereby health practitioners have been able to avoid formal deregistration for breach of their registration conditions. More transparency for patients is welcomed, and I commend this bill to the House.

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [11.49 a.m.]: I support the Health Practitioner Regulation Legislation Amendment Bill 2014. The bill makes minor amendments to the Health Practitioner Regulation (Adoption of National Law Act) 2009, the Health Services Act 1997 and the Private Health Facilities Act 2007. These amendments will provide additional comfort to complainants and at the same time clarify the process for managing essentially a tiny minority of health practitioners against whom serious complaints are made.

I will deal first with amendments to the Health Practitioner Regulation (Adoption of National Law Act) 2009, which are set out in schedule 1 to the bill. The Health Practitioner Regulation National Law (NSW) is set out in the schedule to the Health Practitioner Regulation (Adoption of National Law Act) and provides for the implementation in New South Wales of the National Registration and Accreditation Scheme for health professionals. In implementing the National Accreditation and Registration Scheme, New South Wales adopted national registration for health practitioners but chose to retain a State-based complaint scheme involving health professional councils and tribunals, and the Independent Health Care Complaints Commission. The bill makes minor amendments to the New South Wales-specific provisions relating to the complaints management scheme in the Adoption Act and in the National Law.

First, the bill imposes an obligation on New South Wales health practitioner councils to provide a complainant with information about the outcome of a complaint, while ensuring that confidential information is not disclosed unless there is an overriding public interest. This includes instances in which matters have been referred to a council from the Health Care Complaints Commission. Secondly, New South Wales health practitioner councils are given the power to designate specific impairment conditions to be "critical impairment conditions", and provide that a breach of a "critical impairment condition" would result in automatic referral to the Health Care Complaints Commission for investigation. The matter may then be dealt with by the commission as a complaint against the practitioner.

Thirdly, an obligation is imposed on New South Wales health practitioner councils to notify the employer of conditions imposed generally on a health practitioner's registration and, in particular, of the detail of impairment conditions imposed for health reasons. This is coupled with the introduction of an offence for the improper disclosure of this information. In relation to health conditions, the amendment provides for: providing notifications to a nominated recipient of the employer or accreditor when conditions are imposed, when changes are made to those conditions and where the practitioner has breached the conditions; applying the provisions to both employers and accreditors so as to include contractual and accreditation arrangements in both the public and private sector; and providing protection to ensure that the nominated recipient of the information can only use and disclose that information for the purpose of oversight of the practitioner and to ensure safety of health services, and does not use or disclose it for another purpose.

A further amendment to the Adoption Act concerns the ability of the NSW Civil and Administrative Tribunal [NCAT] to make a prohibition order in respect of a person who is no longer registered. At the moment NCAT has the power to suspend or cancel a health practitioner's registration where complaints against the registered health professional are proved to have been committed. If the tribunal is satisfied that the person poses a substantial risk to the health of members of the public, it can order the prohibition of the person from providing health services or specified health services for a period or permanently, or place conditions on the provision of specified health services by the person for a period or permanently. There is a concern that under current laws some registered health practitioners have deregistered themselves in anticipation of a finding of the NSW Civil and Administrative Tribunal that their registration will be suspended or cancelled.

When this happens, the deregistered person could avoid a prohibition order being placed on them, which would prevent them from providing any health service. A prohibition order would mean, in addition to no longer being able to practise in his or her profession, the person cannot provide health services outside the scope of the health profession in which he or she was formerly registered, such as in another profession or service for which no registration is required. For example, practitioners could reinvent their career as an unregulated health

professional, such as a chiropractor or osteopath, setting themselves up under the title of remedial masseur, and deregistered midwives setting themselves up under the title of doula or birth attendant. The amendment will allow NCAT to make a prohibition order in respect of a person who is no longer registered.

The Adoption Act will be amended to ensure that any practitioner who is subject to a disqualification period, or has had their registration cancelled, must apply to the tribunal for a reinstatement order that will, if made, then allow the practitioner to apply to the national board for registration. Amendments are also made to the Health Services Act 1997 and the Private Health Facilities Act 2007. Those Acts will be amended to permit public health organisations to share and exchange certain information about health practitioners with private health facilities if it is to protect the safety of patients. An equivalent amendment will also permit private health facilities to share and exchange information with other private health facilities or a public health organisations.

Amendments to the Public Health Act appear in schedule 4 to another bill, the Health Legislation Amendment Bill 2014. The Public Health Act contains standards relating to the installation, operation and maintenance of regulated systems, including water-cooling systems, hot water systems, warm water systems and air-handling systems developed to prevent the growth of legionella organisms, which are capable of transmitting Legionnaire's disease. Within the Public Health Act there are offences for the occupier of the premises where the regulated system is installed or a duly qualified person engaged by the occupier to install, operate and maintain the regulated system if it fails to comply with the standards in the Public Health Act. It is common within the industry for duly qualified persons engaged by an occupier to subcontract the installation, operation or maintenance of a regulated system.

In circumstances in which the subcontractor fails to install, maintain or operate the regulated system in accordance with the requirements set out in the Public Health Act, the duly qualified person may still be liable on the basis that they have failed to ensure compliance with the requirements of the Act. However, the Act does not create any separate offence in relation to the person engaged as subcontractor by the duly qualified person. The bill will amend the Act to provide for offences for subcontractors engaged to install, operate and maintain these regulated systems who fail to comply with the standards set out in the Public Health Act.

I return to the Health Practitioner Regulation Legislation Amendment Bill 2014. This bill has been discussed with the Health Care Complaints Commission, the NCAT and the Health Professional Councils Authority, which have been supportive of the amendments. There has also been consultation with health practitioner representative organisations including the Australian Medical Association, the Health Services Union, the Australian Salaried Medical Officers' Federation, the Nurses and Midwives Association and the Medical Services Committee. The Government has taken on board their feedback during the drafting process. There has also been consultation with the Australian Private Hospitals Association, which broadly supported the amendments. These are modest amendments that provide necessary clarity for both complainants and practitioners. The bill will close a number of loopholes and I commend it to the House.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! I draw the attention of members to the presence in the gallery of a delegation from the Seoul Metropolitan Council headed by Mr Choi Woong Sig. The council has a sibling relationship with the Parliament of New South Wales.

Mr KEVIN ANDERSON (Tamworth) [12.06 p.m.]: I make a contribution in debate on the Health Practitioner Regulation Legislation Amendment Bill 2014. This bill amends the Health Practitioner Regulation (Adoption of National Law) Act 2009 so as to impose an obligation on New South Wales health practitioner councils to provide a complainant with information about the outcome of a complaint, but to not disclose confidential information unless there is an overriding public interest, including whether matters have been referred to a council from the Health Care Complaints Commission.

Other objects of the bill include providing for a New South Wales health practitioner council to designate specific impairment conditions to be critical impairment conditions and providing that a breach of a critical impairment condition would result in an automatic referral to the Health Care Complaints Commission for investigation. The matter may then be dealt with by the commission as a complaint against the practitioner. The bill also includes a number of amendments. The bill provides an opportunity for patients to be totally confident that if they are unhappy with any part of their treatment or their diagnosis by a general practitioner they can go through that referral system. The bill will ensure that any practitioner who is subject to a disqualification period or who has had their registration cancelled must apply to the tribunal for a reinstatement order that will, if made, allow the practitioner to apply to the national board for registration.

We now live in a world where we seek instantaneous second opinions, not just in health but in everything we do. If we are going to buy a new car we seek an opinion on vehicles and we shop around. If we

are going to buy a new jacket we shop around. If we are going to buy petrol we shop around for the best price. These days we find that Dr Google is the second opinion of choice. Dr Google is a source of a plethora of information. People can log onto their computer, go into the Google search engine, type in the subject and up will come a raft of options. There is no reason why that cannot be done in relation to health if a person is not completely satisfied with a diagnosis or if a person disagrees with their treatment. For example, if a child is diagnosed with autism the parents want to find out everything to assist their child. Nine times out of 10 the method for investigating available options is via Google. Parents will google the options available for their child. A person diagnosed with cancer will use Google to search for options available to them.

We need the Health Practitioner Regulation Legislation Amendment Bill 2014 because people seek second opinions and other options. In Tamworth we have the best clinicians, I would say, in New South Wales. Some of our critical care staff are the finest, as are our general practitioners [GPs]. Recently I was speaking to a constituent who had been diagnosed by his GP but he was uncomfortable and was not getting the progress he wanted in relation to his health. He disagreed with the treatment offered by his local GP. When people build up trust with a GP sometimes it is difficult to say, "You are the family GP. I will find someone else to give me a second opinion and treatment."

The constituent felt bad about going against his family doctor but was not completely comfortable with the health outcomes and treatment. So he got a second opinion. Ultimately, the problem was diagnosed and treated, and he is now on the road to recovery. It is the same when it comes to surgeons. Today the member for Kiama related some incidents where surgeons perhaps have not acted in the best interests of patients or have been operating in areas in which they are not qualified. When we think about our health we want the very best treatment. We want to ensure that we are in charge of our health and that we know what we are getting into, the outcome and what can be provided.

Recently a friend of mine had a farming accident and lost a finger. So he went in search of a hand microsurgeon to reattach his finger. It is no longer good enough to say, "Yes, that'll be fine. We'll re-attach the finger but we can't get the tendons to work again. You won't be able to bend your finger, we are not sure about blood flow" and everything else that goes with ensuring that he has a fully functional hand. So he shopped around and found the best hand surgeon, and is currently receiving treatment. From all reports, he is progressing well. That is the world in which we live.

Another component of the Health Practitioner Regulation Legislation Amendment Bill 2014 imposes an obligation on the New South Wales health practitioner councils to notify an employer of conditions imposed generally on a health practitioner's registration and in particular the detail of impairment conditions imposed for health reasons. The improper disclosure of this information in relation to health conditions is an offence. The amendment provides for the notification to a nominated recipient of the employer or accreditor when conditions are imposed, when changes are made to those conditions and where the practitioner has breached the conditions. Often we read about practitioners who have practised in areas in which they are not qualified and there has been an adverse health outcome. There needs to be recourse in that regard. That practitioner needs to be reported so that it does not happen again.

Another component of the bill is to apply the provision to both employers and accreditors so as to include contractual and accreditation arrangements in both the public and private sectors and protections to ensure the nominated recipient of the information can only use and disclose that information for the purpose of oversight of the practitioner, ensuring the safety of health services, and does not use or disclose it for another purpose. The Health Practitioner Regulation Legislation Amendment Bill 2014 is an important amending bill, and I commend it to the House.

Mr JONATHAN O'DEA (Davidson) [12.14 p.m.]: I am pleased to contribute to debate on the Health Practitioner Regulation Legislation Amendment Bill. As other speakers have indicated, the bill makes a range of modest, sensible amendments that provide additional comfort to complainants while clarifying the process for managing the relatively small number of health practitioners against whom serious complaints are made. It is important that we acknowledge that the vast majority of health practitioners do an absolutely wonderful job in treating and caring for members of the public. But today we focus on a small number. In that context I will focus my comments on the amendments to the Health Services Act 1987 and the Private Health Facilities Act 2007, which permit public health organisations to share and exchange information about health practitioners with private health facilities if it is to protect the safety of patients. An equivalent amendment in this bill also permits private health facilities likewise to share and exchange information with other private health facilities or public health organisations.

In that respect I note particularly that the bill proposes amendments that permit public organisations to share and exchange certain information about health practitioners with private health facilities if the public health organisation reasonably believes that the practitioner is, firstly, practising at the facility that they are sharing that information with and, secondly, that disclosure is necessary because it raises serious health concerns about the safety of patients. The information that can be disclosed will include information about the variations, suspension or termination of a practitioner's clinical privileges where the practitioner is a formal employee or a contractor of the relevant public health organisation. As I said, an equivalent provision applies under the Private Health Facilities Act to permit private health facilities likewise to share or exchange information with other private or public health organisations if those same two requirements are met.

The background to that increased ability to exchange information is the Government's awareness of certain recent cases, including the case that has been the subject of some media coverage—that of the cocaine-addicted and somewhat sexually deviant neurosurgeon Dr Suresh Nair. Such cases involve circumstances where a public hospital has withdrawn privileges or suspended a medical practitioner where there have been concerns about public or patient safety. In the Nair case the public hospital was aware that the medical practitioner had a corresponding appointment in a private hospital where the doctor may have been continuing to practise.

Certainly, a public hospital should be able to appropriately advise a private hospital of its decision to withdraw privileges or suspend a practitioner to allow the private institution likewise to decide whether to act on that advice. While I generally defend public liberty and the need for privacy and confidentiality, there is a danger that in recent years the privacy pendulum has in some respects swung too far in the prevention of information sharing for initiatives that are justified in either a personal sense or a broader public interest sense. This legislation partly helps to redress that imbalance from the pendulum swinging perhaps too far. There are other roadblocks. An editorial in the *Sydney Morning Herald* of 6 June 2014 highlighted a frustration. The editorial stated:

Attempts to build a picture of Nair's clinical failures came up against a wall of bureaucracy and privacy conditions which protects medical administrators and practitioners but leaves Nair's victims frustrated and let down.

This legislation removes some of the roadblocks to transparency on the clinical or complaints record of a doctor like Dr Nair, who clearly should not be practising with a head full of whatever it was full of. There is an appropriate shift of the law towards allowing greater access to information and more protection and power for patients. Where we draw the line on other issues that relate to privacy is an ongoing challenge for this Parliament but one which this bill addresses in a sensible way.

Mr JAMIE PARKER (Balmain) [12.20 p.m.]: I address the Health Practitioner Regulation Legislation Amendment Bill 2014 on behalf of The Greens. Many of the provisions in this bill deserve strong support but I want to address some major points. We know that the bill makes three broad changes to the current regulatory and registration systems. It provides greater oversight of impaired practitioners or practitioners who have a history of registration conditions, suspension or revocation. New section 176BA in the Health Practitioner Regulation National Law (NSW) inserts a positive obligation on New South Wales health practitioner councils to notify employers of conditions imposed on health practitioner registration, through either the disciplinary or complaints processes. There is also new section 150FA in the Health Practitioner Regulation (Adoption of National Law) Act 2009 and new section 133C in the Health Services Act 1997.

Earlier speakers have spoken about the need for such legislation. A headline on 24 August 2014 in the *Sydney Morning Herald* stated: "Hospital missed warning on cocaine-addicted doctor". I also draw the attention of the House to the headline on 5 September 2014 in the *Newcastle Herald* which stated: "Five Hunter, Central Coast doctors and nurses deregistered for crime, misconduct". It is clearly important for the Government to take action and critical that the situation be improved. There have been high-profile incidents in the past few years in which health practitioners have avoided or dodged the registration system, with significant risk to the public. The Minister has acknowledged that some of the changes in this bill are to close loopholes and to address court findings but refrained from linking the changes to the high-profile failures. I think it is fair to say that they would have precipitated most of this bill.

New South Wales joined the National Registration and Accreditation Scheme [NRAS] in 2010, though it did not adopt the national law provisions for complaints and performance. Instead, part 8 was inserted into the national law that was adopted to reflect the New South Wales-specific complaints and performance mechanisms. Part 8 is really the area that we are dealing with. The primary risk of this legislation is the increased requirement and ability to share personal information with private and public health organisations,

employers and practitioner councils. This legislation's requirement for councils to notify the employer of a health practitioner of the imposition of conditions on a health practitioner's registration for health, conduct or performance reasons is concerning.

Currently the Health Practitioner Regulation National Law requires adjudication bodies to notify national boards representing that practitioner of any decision to place conditions on, suspend or revoke a practitioner's registration. The national board is required to enact any changes to the database and if any follow-up action is necessary it is responsible for informing a practitioner's employer. Section 176C of the national law also appears to require the adjudication body to confer with any third party that would be significantly impacted by any decision to condition, suspend or revoke a registration. I assume this would include employers. There are some interesting questions in relation to this matter.

On the one hand it could be said that the provisions appear to be sufficient for the relevant persons at a place of work of the health practitioner in question to be informed. What is the level to which the Government has addressed concerns about the sharing of information, particularly health-related information about a health practitioner, with the practitioner's employer, and then between past and present employers if that practitioner has moved on? There is a balancing act between protecting the privacy of the individual practitioner and protecting consumer and patient health. On the other hand, one could say that the voluntary nature of the sharing of information between past and present employers does not go far enough, and that organisations should perhaps be forced to share information.

I think it is a difficult balancing act and when the Minister replies to the second reading debate it might be useful if she could explain a little more how the privacy provisions are being balanced, in particular, and why the Government decided a voluntary approach to sharing of information was preferable to a compulsory or required approach. That would help The Greens understand in a little more detail the genesis of the decision, and why it has been made. I am not being critical; I am asking for a deeper understanding. I can see how both paths could get us to the outcome of patient protection and consumer safety but the question is why the Government specifically chose that route and not a compulsory route.

We have heard other members talk about their constituents' problems with doctors and so on. I do not want to dwell on this issue because it is important to address the structure of the bill. I have been particularly engaged in this matter in my work as a local member of Parliament. Many members would know about a constituent of mine whose story appeared on the ABC's *Australian Story*, on *AM* and in Fairfax's *Good Weekend* which detailed the significant problem she has and her relationship with Royal North Shore Hospital. She was conceived at Royal North Shore Hospital's human reproduction unit in 1982.

It was confirmed by Royal North Shore Hospital in August that this young woman's donor code had been deliberately destroyed, which has been an enormous challenge. Two pages of Royal North Shore Hospital's treatment file on the constituent's mother are the actual insemination records. The column containing the donor's code—usually a three-letter code—has been cut out and a blank piece of paper sticky-taped to cover the hole. That has caused quite significant concern because a lot of people are interested in finding a donor. After that coverage, the Northern Sydney Local Health District [NSLHD] said:

... a full and independent audit of the medical records of the former Assisted Reproduction Treatment clinic, including IVF records at Royal North Shore Hospital, is currently being conducted in accordance with statutory obligations.

That brings me back to the bill. How do we protect people from the actions of particular practitioners in a way that is fair both to the practitioner and the patient? Unfortunately the constituent in question has not been told anything about this audit of the former assisted reproduction treatment clinic. We do not know who is conducting the audit and when it will report. We do not know whether other people conceived like my constituent will be contacted to advise them of any process or risk. Even though the hospital admits this malpractice took place there has not been a clear explanation to those involved as to exactly what the process is and whether it is clear and transparent.

As well as practitioners, there is also the bureaucracy of the Department of Health and the hospital system. I will be following up with the Minister the need to apply in a transparent, open and clear way the same kind of principles that this bill will apply. The bill says that there needs to be consistency, transparency and accountability. Unfortunately, in relation to Royal North Shore Hospital the experience of my constituent has been the antithesis of the approach in this bill. The NSLHD has not told the constituent anything about this audit and has refused to give details. It said she is not entitled to details because she is not a patient and it will only deal with the donor recipients, such as the mother.

This is a major problem because in addition to her conception there, my constituent was born at Royal North Shore Hospital, and basically no-one could be considered more a patient than this young woman. The NSLHD said it may give some of its audit findings in relation to her mother's file to her mother at an unspecified date. Her mother is currently overseas and there are absolutely no guarantees that she will necessarily pass the information on to her daughter. I understand that at least one other woman who was also conceived at the Royal North Shore Hospital human reproduction unit two months after my constituent is also seeking information and confirmation from Royal North Shore Hospital that her records have been destroyed.

She was told that they had been destroyed by her mother's treating obstetrician, who worked within the North Shore human reproduction unit. The NSLHD was very unhelpful and did not even want to know the current details for her mother. That is a challenge because we need to be addressing not just individual general practitioners working out in the community but also doctors, and in this case obstetricians, working in our healthcare system in the conceiving of life. In this particular example we must ensure that there is openness, transparency and accountability.

I note that the member for Kiama spoke in great detail about an individual doctor and outlined his concerns about that doctor. Despite the confirmed destruction of my constituent's donor code, which is the only link she has to her biological father, her medical and her family history and goodness knows how many siblings she has, she will not be told anything about this investigation. The Government needs to improve its act so that we can have confidence in a public health system that has the transparency and accountability we need, not just from practitioners but also from our hospital system.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [12.30 p.m.], on behalf of Mrs Jillian Skinner, in reply: The Minister for Health has requested that I speak on her behalf as she is currently representing the Premier at a commemorative church service at Sydney Hospital. I thank the members representing the electorates of Kiama, Bankstown, Cronulla, Smithfield, Tamworth, Davidson and Balmain for their contributions to this debate. As the Minister said in her second reading speech, the bill proposes amendments to make improvements to the New South Wales health practitioner regulatory processes in three aspects: first, to enable greater oversight of impaired practitioners; second, to ensure that those practitioners who are deregistered following disciplinary proceedings are not able to circumvent the regulatory process and reregister themselves or practise in other health services without adequate oversight; and, third, to improve the transparency of the complaints process by strengthening mechanisms for patients and complainants to obtain information about the outcome of their complaints.

The Hon. Walt Secord has indicated in the media that the Opposition will be supporting the bill. I thank the Opposition for that support and suggest that it is very wise. I picked up also on the comments of my learned colleague the member for Kiama, who raised concerns on behalf of his constituents about a stated doctor. The Health Care Complaints Commission [HCCC] will investigate those concerns. The title "skin cancer doctor" is unprotected. If there are concerns that a doctor is acting outside the scope of practice, the HCCC will deal directly with the matter. I deal also with comments made by the member for Balmain that the amendments allow merely for the sharing of information between health facilities in certain circumstances rather than there being an obligation for information to be shared.

This amendment goes further than the powers currently available to public hospitals and private health facilities to share and exchange information about health practitioners by providing that the public health organisation or private health facility will not be subject to any claim, action, liability or demand if it shares information about the health practitioner if the conditions of releasing that information are met. It will clarify that hospitals, whether public or private, can exchange information about health practitioners if the disclosure is necessary because it raises serious concerns about the safety of patients. The information that can be disclosed is information about the variation, suspension or termination of a practitioner's clinical privileges where that practitioner is a former employee or contractor to the public health organisation.

The pretext to the exchange of information is that the Ministry is aware of some recent matters, including Dr Nair, involving circumstances where a public hospital has withdrawn privileges or suspended a medical practitioner where there have been concerns about patient safety. A public hospital was aware that the medical practitioner had a corresponding appointment at a private hospital where the doctor may have been continuing to practise. On those occasions the public hospital considered it appropriate to advise the private

hospital of its decision to withdraw privileges or suspend the practitioner to allow the private hospital to decide whether to act on that advice. However, the current amendment makes it clear that the hospitals can share that information without exposing the organisation or individual to liability.

All public health organisations owe a primary duty of care to ensure patient safety. The exchange of information provisions and changes to health professional councils providing information are designed to assist employers discharge their primary obligation to patients. We expect that the information would be acted upon in a timely manner where appropriate. We will monitor these provisions once they are in place to ensure that they are enabling the exchange of information in the manner anticipated. If it were appropriate to make these information exchange provisions mandatory at a later point, we would consider including provisions within the standards that private health licensees are required to meet.

In closing, I state that the provision of information to people, patients and families of patients is another step in the great reforms undertaken not only by the Minister for Health but also by the Liberal-Nationals Government when we see an anomaly. If we can we will correct that anomaly and improve the quality of life for the people of New South Wales. That is what the Government is doing and will continue to do. Our record over the last 3½ years is a very proud one. The lives of people across New South Wales have been greatly enhanced by the reforms this Government has taken, and nowhere will people see greater reforms than those undertaken within the health industry.

It is very healing for people who have loved ones or have lost loved ones in hospital to obtain information about the processes undertaken when they have sought the provision of health services. I see this bill as a great move forward. The Minister for Health has consulted widely on the contents of the bill. The Government is confident that the final bill, as drafted, strikes a good balance between ensuring the safety of patients and the transparency of the complaints process without unduly overriding the rights of practitioners to a degree of privacy when dealing with sensitive personal issues. 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 Ray Williams, on behalf of Mrs Jillian Skinner, 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.

JOINT SELECT COMMITTEE ON LOOSE FILL ASBESTOS INSULATION

Membership

ACTING-SPEAKER (Ms Melanie Gibbons): I report the following message from the Legislative Council:

Madam SPEAKER

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

That Dr Kaye be discharged from the Joint Select Committee on Loose Fill Asbestos insulation and Mr Shoebridge be appointed as a member of the committee.

Legislative Council
22 October 2014

DON HARWIN
President

PARLIAMENTARY JOINT COMMITTEES**Membership**

ACTING-SPEAKER (Ms Melanie Gibbons): I report the following message from the Legislative Council:

Madam SPEAKER

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

- (1) That Mr Blair be discharged from the Committee on Children and Young People and Mrs Mitchell be appointed as a member of the committee.
- (2) That Mr Blair be discharged from the Committee on the Independent Commission against Corruption and Mr Khan be appointed as a member of the committee.

Legislative Council
22 October 2014

DON HARWIN
President

PROTECTION OF THE ENVIRONMENT LEGISLATION AMENDMENT BILL 2014**STATE REVENUE LEGISLATION AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2014**

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

WATER NSW BILL 2014**Second Reading**

Debate resumed from 16 October 2014.

Mr CHRISTOPHER GULAPTIS (Clarence) [12.38 p.m.]: I support the Water NSW Bill 2014. I am very pleased that the Minister for Natural Resources, and Lands and Water is at the table. Water is our most precious commodity and the way we manage water and our water supplies throughout New South Wales is critical to public health, public interest and public survival. The Government considers that the best possible model for the management of bulk water in New South Wales is the corporatised model. Corporatisation of bulk water management in New South Wales will bring significant beneficial changes to the current operating structure for the management of bulk water. These benefits include improved dam safety and risk management through consolidation of New South Wales dam safety expertise, dam operations and maintenance expertise, better incident management capabilities through the merger of two experienced teams with wide-ranging skills and expertise and improved financial stability for this important service provider.

The Water NSW Bill 2014 provides for the State Water Corporation to become Water NSW and to abolish the Sydney Catchment Authority, transferring its functions to this new entity. The changes will result in a single entity responsible across New South Wales for major water storage infrastructure including infrastructure planning and design, maintenance and operation. This clearly is a common-sense bill. It is an appropriate way to address the way we handle bulk water in New South Wales. This single entity will be known as Water NSW. Water NSW will continue to be a State-owned corporation with the same shareholder Ministers.

Water NSW will bring to reality the concept of a State-based centre of excellence for bulk water management and the protection of associated catchments. One of the most important objectives of the reform of the bulk water sector of New South Wales is to ensure that the high environmental and water quality standards maintained by the Sydney Catchment Authority be continued. I wish to assure the community that this Government's commitment to these important public health and environmental standards is unwavering. The Government requires, and the community demands, Water NSW to focus on achieving best practice outcomes for catchment management in the Sydney catchment area. This is part of the DNA of the new corporation and prescribed in its objectives.

One of the important drivers for reform of the bulk water sector was the opportunities for improved dam and catchment management across the State that will arise from this merger of two high-performing teams of experts. State water will now be able to obtain the benefits of the Sydney Catchment Authority's world-class expertise in catchment management, bringing benefits to rural and regional communities across the State. Many

rural communities are keen to see improvement in regional water quality outcomes as soon as possible. The bill provides for scalable catchment management initiatives to be rolled out in respect of other catchment areas where they are most needed.

Once a catchment area is declared for catchment management purposes a public authority or other person may then be appointed by the Minister to develop catchment health indicators of the declared catchment area. Irrigated agriculture will continue to benefit from the engineering and water management expertise that has been the core business of the State Water Corporation. The Sydney Catchment Authority will now be able to leverage off the engineering and operational skills and experience that are inherent to State Water Corporation. This operational expertise will ensure best management practices for Sydney's major water supply into the future.

The merger will deliver efficiencies in water infrastructure management which will improve customer service outcomes and enable the rollout of much needed capital investment in water infrastructure across New South Wales. The merger of the Sydney Catchment Authority and the State Water Corporation will deliver a larger, stronger, more efficient balance sheet. This will enable Water NSW to move to self-funding its capital expenditure [capex] program in the context of a significant backlog of capex in rural areas and also in the Sydney catchment area under the previous Labor Government. The sooner it occurs the better for the State. I am confident that the bill provides a best practice framework for the delivery of bulk water services in New South Wales for the present and the future. I commend the bill to the House and the Minister for bringing the bill to the House.

Mr ADAM MARSHALL (Northern Tablelands) [12.43 p.m.]: I support the Water NSW Bill 2014. Water NSW will bring to reality the concept of a State-based centre of excellence for bulk water management and the protection of associated catchments. There will be a single entity responsible across the State for major water storage infrastructure. Its responsibility will include infrastructure planning, development, maintenance and operation. This Government means to bring the operational and regulatory implementing functions of the Sydney Catchment Authority into a State-owned corporation. The State Water Corporation and the Sydney Catchment Authority will be combined into one entity, Water NSW.

There are considerable short- and longer-term benefits to be obtained by this change. The organisational structure will provide the foundation for Water NSW, while maintaining the internal and external strengths of both organisations. The closer functioning relationships enabled by the merger provides the platform to build an optimised bulk water management organisation. Water NSW will have improved governance arrangements that will benefit rural and metropolitan customers as well as stakeholders. There will be improved financial stability across the present range of Sydney Catchment Authority and State water operations.

The organisational change will also lead to consolidation of the New South Wales' dam safety expertise, dam operations and maintenance expertise. There will also be improved incident management capabilities. Water NSW will give priority to the protection of catchments associated with bulk water storages which will result in enhanced flood mitigation capabilities. Changes to the operation of the Sydney Catchment Authority will not have a negative effect on water quality; it will not affect it at all. The change, if anything, may enhance water quality and catchment protection functions. It will provide a consistent approach to water quality solutions and water supply modelling across this great State. The current legislated requirements for the Sydney Catchment Authority and the State Water Corporation to provide clean and safe drinking water will continue.

There will be no change to the objectives of ensuring water and catchment quality and related public health and safety outcomes. Existing monitoring, regulatory and reporting regimes in relation to water quality will be maintained. This is a logical practical and overdue reform which will create opportunities to leverage the combined strength of those two organisations and deliver improved service delivery and better outcomes for customers. I commend the Minister for Water, Kevin Humphries. This is a logical, practical and sensible reform, which has been the hallmark of Kevin Humphries' term as a Minister. I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [12.46 p.m.]: I will make a few comments in relation to the Water NSW Bill 2014, which has been highlighted in the House as an amalgamation or bringing together of the work of the State Water Corporation and the Sydney Catchment Authority. In general terms, it is another amalgamation of government agencies which has been going on for years. In not one case has that been to the benefit of the constituencies that are serviced by those departments. This is another Treasury-led reform that has no basis in providing a better service, particularly to rural communities. I am absolutely dumbstruck by the comments of The Nationals members who have been sold a pup on this one.

Historically there was the Sydney Water Board which moved into various agencies, including a name change to the Sydney Catchment Authority. In the country areas there has been the Department of Water Resources and the Department of Land and Water Conservation, which in itself was an amalgamation of many agencies and resulted in the loss of jobs and officers in regional New South Wales. I recognise that was done by the former Labor Government. In relation to this bill, there is the old Sydney Water Board role or the Sydney Catchment Authority, which is involved in the supply of water to a rapidly expanding city of millions of people. It has responsibilities that are unique to the city of Sydney and other large capital cities. The role of State Water in the twentieth century historically has been to provide water and sewerage services, pollution control and water irrigation services throughout country New South Wales.

These organisations have always operated as separate entities because their task and role, whilst similar in that they deal with water—and that is the Government's simplistic argument—are different when considering the impact on rural communities. I will tell members what will happen. This will be one large organisation as a result of the amalgamation of the management functions, and it will then become Sydney dominant. It will begin with good intentions, but as the new chief executive officers and other senior people are employed more of them will be from within the Sydney basin. The organisation will increasingly become Sydney focused. Of course, the result will be that the organisations that were serviced by State Water, the old Department of Land and Water Conservation, the old Department of Water Resources and so on, which had workshops, offices and people on the ground in regional areas, will be negatively affected. People in general in regional areas will be negatively affected.

I know that the Government has the numbers and that it will push this legislation through the Legislative Assembly, but I do not know what will happen to it in the other place. Members of The Nationals have been sold a pup with this Treasury-initiated policy. The New South Wales Treasury—in fact every treasury—has one goal; that is, to have as few government departments and agencies as possible. It is a money or bean counter thing. When I was the Minister for Agriculture and the Department of Agriculture was a standalone organisation there was pressure to amalgamate, but I resisted it. However, it was eventually swallowed up by a broader department dealing with primary industries.

The Department of Lands, the Department of Water Resources and the Public Works Department were amalgamated into a mega department dealing with all land and water issues. At that time country towns had an office for each of those departments, but they were closed and everything was handled by one office. That resulted in a loss of jobs and, of course, a loss of services provided to the constituents who depended on them. This is an extremely bold move by Treasury. It is pulling the Government's and the Minister's strings and we are now amalgamating Sydney's water management with—

Mr Kevin Conolly: Sydney Water will stay.

Mr RICHARD AMERY: This is not all about water.

Mr Kevin Humphries: Sydney Water is a separate entity.

Mr RICHARD AMERY: This is all about the Sydney Catchment Authority and planning. I am concerned that the Sydney Catchment Authority's environmental role will be swallowed up by State Water. Sydney's entire water management functions will be amalgamated. This is all about getting a foot in the door to bring it all under one umbrella. This process is being driven by Treasury and it will happen. I do not care who is in government, Treasury will keep pushing in this direction. Members opposite should remember my warning.

The Sydney Catchment Authority's operations reach from Warragamba to as far as Goulburn. That area will now be the responsibility of a rurally based government agency. Members of The Nationals should not misunderstand this. This bill will result in a range of agencies being swallowed up, starting with the Sydney Catchment Authority. All of Sydney's water management agencies will be amalgamated in one entity. What a "wonderful" achievement on the part of Treasury. This is a step towards having one chief executive officer and one government agency that will manage water throughout New South Wales. It is not happening now, but it is starting with the amalgamation of the State Water Corporation and the Sydney Catchment Authority under one umbrella.

The shadow Minister in the other place will provide more detail about the Opposition's concerns about this bill. This is the first in a progression of steps leading to the establishment of one big entity that will deal with water, pollution and environmental issues in Sydney and in the country. It is the first step in a long-term

strategy initiated by Treasury to amalgamate these agencies. Government members will eventually see where this goes. This bill will not facilitate the entire strategy, but members opposite know that these agencies will all be under one roof in the very near future.

Mr STEPHEN BROMHEAD (Myall Lakes) [12.54 p.m.]: I support the Water NSW Bill 2014. It is obvious that the member for Mount Druitt is suffering from delusions of grandeur again. He sees himself as Nostradamus telling the world about all the disasters that will befall us as a result of the passage of this bill. He was a member of the Labor Government that in 16 years drove this State from the penthouse to the outhouse. In 3½ short years this Government has been able to turn around this great State, and we have done that without listening to the member for Mount Druitt. He would be the last person this Government would listen to because he does not have a clue. Sixteen shameful years of Labor governance wrecked this State, but this Government has been able to turn it around. The member for Mount Druitt talked about regional New South Wales. He has not been further west than about 10 kilometres from where he lives.

Mr Barry Collier: Point of order: My point of order relates to relevance. I do not understand the relevance of attacking the member for Mount Druitt. He was the Minister for Agriculture—

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

Mr STEPHEN BROMHEAD: Regional New South Wales is enjoying record new infrastructure and services. They were promised during the election campaign and they are being delivered, and this bill is evidence of that. The member for Mount Druitt talked about this bill making everything Sydney focused. That would happen only if we had another disastrous Labor Government. As long as The Nationals are here we will be focused on regional New South Wales and we will be looking after our regional communities. This bill is another step forward in fixing up New South Wales. The State Water Corporation is a statutory State-owned corporation constituted by the State Water Corporation Act 2004.

Its area of operations is the whole of the State other than the areas of operation of the Hunter Water Corporation, the Sydney Water Corporation, the Sydney Catchment Authority and the areas of operation of water supply authorities under the Water Management Act 2000. Its functions include capturing, storing and releasing water to persons entitled to take the water and for the purposes of flood management and any other lawful purpose. The Sydney Catchment Authority is a corporation constituted by the Sydney Water Catchment Management Act 1998 and is a statutory body representing the Crown. Its area of operations is largely limited to the Sydney catchment area, which is referred to in that Act as the "catchment area". Its functions include supplying water to the Sydney Water Corporation and various other persons and bodies and the management and protection of the Sydney catchment area. Currently, the State Water Corporation and the Sydney Catchment Authority have common directors and chief executives.

The objects of this bill are to provide for the State Water Corporation to become Water NSW; to abolish the Sydney Catchment Authority and to transfer its functions to Water NSW; to repeal the Sydney Water Catchment Management Act 1998 and the State Water Corporation Act 2004 and to re-enact their provisions, with some modifications, in a consolidated form; to provide for certain regulatory functions under the proposed Act to be exercised by a regulatory authority; and to make consequential amendments to certain other pieces of legislation. The bill provides for a range of functions for the management of catchment areas to ensure water quality and public health and safety. These special catchment management functions apply only in declared catchment areas. At present, only one catchment area is declared—the Sydney catchment area. All catchment management functions provided for in the bill must be carried out in respect of the Sydney catchment area. However, the bill provides a flexible and responsive architecture that will also allow other catchment areas to be declared in the future where appropriate.

The bill provides for scalable catchment management initiatives to be rolled out in respect of other catchment areas where they are most needed. If catchment management initiatives are required in a rural catchment, it will be possible for that catchment to become a declared catchment for management purposes. Upon that declaration, a range of powers could be triggered under the new Act. Audits will be conducted in respect of these indicators every three years. Water NSW will be required to evaluate the findings of a catchment audit, and incorporate these findings in its risk framework, its programs and other activities relating to catchment management.

The Governor may also declare an area of land to be a special area in order to provide special protection for the quality of stored waters or to maintain the ecological integrity of the land. The existing

protections conferred on the Sydney catchment special areas are maintained without change, but the provisions of the bill will enable similar protections to be put in place in other catchments in order to maintain water quality in rural and regional drinking water catchments. There can be no better protection for regional areas than regional water catchments. Contrary to assertions by the member for Mount Druitt, this will help regional areas. I commend the bill to the House.

Mr DONALD PAGE (Ballina) [12.59 p.m.]: I support the Water NSW Bill 2014 and I commend the Minister for Natural Resources, Lands and Water, the Hon. Kevin Humphries, for the good job he is doing in his portfolio. A review was undertaken in 2013 to determine the best approach to bulk water provision and protection in New South Wales. That independent review recommended merging the Sydney Catchment Authority and State Water Corporation into one State-owned corporation. This merger will enable the achievement of important public health outcomes through improved water quality. The merger will also deliver efficiencies in water infrastructure management that will improve customer service outcomes and enable the rollout of much needed capital investment in water infrastructure across New South Wales. Now is the time to review New South Wales' bulk water supply functions and businesses and to resolve optimised arrangements.

Present government bulk water entities are corporatised with the exception of the Sydney Catchment Authority. The Sydney Catchment Authority is both a statutory authority and public trading enterprise. The Government considers that the best possible model for the management of bulk water in New South Wales is the corporatised model. Corporatisation of bulk water management in New South Wales will bring significant beneficial changes to the current operating structure for the management of bulk water. The changes will result in a single entity responsible across New South Wales for major water storage infrastructure, including infrastructure planning and design, maintenance and operation. This single entity will be known as Water NSW. Water NSW will bring to reality the concept of a State-based centre of excellence for bulk water management and protection of associated catchments.

The Government has undertaken a rigorous process to ensure the best possible outcome for bulk water operations and regulation. An interagency group has supported the development of this reform and has included representatives from the Department of Premier and Cabinet, Treasury, the Department of Finance and Services, NSW Health and NSW Trade and Investment. Other government agencies were also consulted, including the Department of Justice, NSW Environment Protection Authority, NSW Office of Water and the Department of Planning and Infrastructure. In addition, and perhaps most importantly, the water businesses—Sydney Catchment Authority and State Water Corporation—as well as Sydney Water Corporation, were also extensively involved.

The bill provides improved financial stability for water operations, and most importantly will provide widespread benefits for public health and safety, water quality, and healthy water catchments to all areas of our great State. The amendments contained in this bill provide a best practice framework to ensure this Government meets the highest governance standards for the management of bulk water. The closer functioning relationships enabled by such a merger provide an immediate platform to build a best-of-breed bulk water management organisation. This organisation, with its improved governance arrangements, will benefit rural and metropolitan customers and stakeholders.

The bulk water review emphasised the importance of critical objectives relating to public health and safety, water quality and healthy water catchments, especially in the Sydney catchment area. The robust regulatory framework provided by this bill, supported by the combined operational expertise of the Sydney Catchment Authority and the State Water Corporation, will ensure that the highest standards of public health and safety and catchment management are maintained in the Sydney drinking water catchment. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [1.03 p.m.]: I speak in debate on the Water NSW Bill 2014 and commend the Minister for Natural Resources, Lands and Water, the Hon. Kevin Humphries, for his drive and enthusiasm in finding ways to fix a number of water infrastructure and pricing problems in New South Wales. In the Peel Valley we have just implemented a market-based pricing mechanism to reduce the price of water in the valley from around \$46 to \$47 to about \$36 a megalitre. This represents thinking outside the square, not digging in our heels by saying we cannot find a solution. We need to be ahead of the game and think about solutions to drive down the price. For far too long people have said that they cannot change the price of water, but this Minister is finding a way forward to implement market-based pricing mechanisms.

We hope that soon the price in the Peel Valley will reach parity with the price in the Namoi Valley. Recently, the Government announced a \$50 million project to upgrade Chaffey Dam to raise its capacity from

66,000 to 100,000 megalitres. There are serious problems with Tamworth's water infrastructure. There is a need for more dams to be built in the area and in the whole of New South Wales and we need to catch more water. I commend the Minister for thinking along these lines. I will support him all the way. I commend the bill to the House.

Mr KEVIN HUMPHRIES (Barwon—Minister for Natural Resources, Lands and Water, and Minister for Western NSW) [1.04 p.m.], in reply: I thank all members for their contributions to this debate. In particular, I thank the members representing the electorates of Liverpool, Mount Druitt, Pittwater, Clarence, Northern Tablelands, Myall Lakes and Ballina, and the members for Riverstone and Tamworth for their intentions. The bill provides for the merger of the Sydney Catchment Authority and State Water Corporation into one new water corporation—Water NSW. This bill will achieve important public health outcomes through improved catchment management across rural and regional New South Wales. All catchment protection and regulatory functions carried out by Sydney Catchment Authority are to be continued and this is reflected in the bill.

Water NSW was created by the administrative alignment of the State Water Corporation and the Sydney Catchment Authority earlier this year. This merger is already providing benefits to the people of New South Wales, as rural and regional communities obtain the benefit of Sydney Catchment Authority's experience in catchment management. This bill provides a legislative structure for the merger of these two entities. For this reason, all the functions of the Sydney Catchment Authority and the State Water Corporation have been transferred to Water NSW. This bill re-enacts and consolidates the provisions of both the Sydney Water Catchment Management Act 1998 and the State Water Corporation Act 2004 into one Act.

I stress that the bill retains all existing catchment management functions and regulatory controls for the Sydney catchment area. These functions will continue to be carried out within the Sydney catchment area by the same experienced Sydney Catchment Authority staff. In particular, the existing protections conferred on the Sydney catchment special areas are maintained without change. Catchment management activities will be carried out by a specialised division within Water NSW comprising staff of the Sydney Catchment Authority. But the provisions of the bill will also enable similar protections to be put in place in other catchments in order to improve water quality in rural and regional drinking water catchments across New South Wales. This will deliver better water quality to towns across New South Wales, leading to important public health improvements.

The member for Liverpool and the member for Mount Druitt raised issues, but the reality is that the operational direction and alignment of the Sydney Catchment Authority and the State Water Corporation has been in place for virtually 12 months. The concerns raised by those opposite are simply absurd and not reflected in the day-to-day practice during 2014. The bill continues the stringent regulatory controls that apply in the Sydney catchment special areas. These regulatory controls will be enforced by the regulatory authority. The functions of the regulatory authority are provided to me as the Minister administering the Act.

In my capacity as the Minister administering the Act, I will also be able to nominate a public authority or a government agency to carry out regulatory functions in order to leverage off the existing expertise across government and to ensure the best possible regulatory outcomes. As Minister administering the Act, I will maintain ultimate responsibility for overseeing the manner in which regulatory functions are exercised. If there are concerns about the manner in which any regulatory function is addressed, it will be possible for the regulatory authority to withdraw the nomination at any time.

The member for Liverpool has referred to the recommendations of the Chief Scientist and Engineer in relation to role of the Sydney Catchment Authority in the Sydney catchment area. I assure the people of New South Wales that all protections for water quality and public health are retained in this bill. The concurrent functions of the Sydney Catchment Authority will continue to be exercised by the regulatory authority. This means that the existing planning framework will continue. All staff from the Sydney Catchment Authority will be transferred to Water NSW, ensuring continuity of expertise and experience in maintaining the high standards of catchment management in the Sydney catchment area. This bill introduces important reforms to establish Water NSW, which will enable first-class management of water as a vital resource. The staff are looking forward to it. I commend the bill to the House.

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

The House divided.

Ayes, 51

Mr Anderson	Mr Gee	Mr Roberts
Mr Aplin	Mr George	Mr Rohan
Mr Ayres	Ms Gibbons	Mrs Sage
Mr Barilaro	Ms Goward	Mr Sidoti
Mr Baumann	Mr Greenwich	Mr Smith
Ms Berejikian	Mr Hazzard	Mr Souris
Mr Bromhead	Ms Hodgkinson	Mr Speakman
Mr Conolly	Mr Holstein	Mr Stokes
Mr Constance	Mr Humphries	Mr Toole
Mr Coure	Mr Issa	Ms Upton
Mrs Davies	Mr Maguire	Mr Ward
Mr Dominello	Mr Marshall	Mr R. C. Williams
Mr Doyle	Mr Notley-Smith	Mrs Williams
Mr Edwards	Mr O'Dea	
Mr Elliott	Mr Page	
Mr Evans	Mr Parker	<i>Tellers,</i>
Mr Flowers	Ms Parker	Mr Patterson
Mr Fraser	Mr Piper	Mr J. D. Williams

Noes, 16

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

Pairs

Mr Baird	Mr Lalich
Mr O'Farrell	Dr McDonald
Mr Perrottet	Mr Park
Mr Piccoli	Mr Rees
Mr Rowell	Mr Robertson

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Kevin Humphries agreed to:

That this bill be now read a third time.

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

Pursuant to sessional order community recognition statements proceeded with.

COMMUNITY RECOGNITION STATEMENTS**BONNIE WINGHAM SCOTTISH FESTIVAL**

Mr STEPHEN BROMHEAD (Myall Lakes) [1.18 p.m.]: I inform the House that in 2014 the Manning Valley Historical Society presented the tenth annual Bonnie Wingham Scottish Festival, which was

held in the beautiful historic township of Wingham, which lies on the banks of the Manning River. To make this year's festival more significant, 2014 marks the 700th anniversary of the Battle of Bannockburn, which took place on 23 and 24 June 1314, in which the Scots under Robert the Bruce defeated the much-vaunted English army of King Edward II.

The official guests at the 2014 festival were the chieftain of Clan Murray, the Right Hon. Earl of Dunmore, Malcolm Murray, and his Countess Joy. The festival took place over three days and nights of special events, including a parade, the Scottish Ball, a mayoral reception and various sports activities. The annual Bonnie Wingham Scottish Festival is a very popular event, and it is a tribute to the organising committee ably led by the chairman of the Manning Valley Historical Society, Eric Richardson, and the festival coordinator, Warwick Murray.

NONNI CLUB GRANDPARENTS DAY

Mr GUY ZANGARI (Fairfield) [1.19 p.m.]: On 18 October 2014 I had the pleasure of attending Nonni Day, which was hosted by the Nonni Club of New South Wales at Club Marconi for Grandparents Day. The Nonni Club launched a competition for literary essays titled "A journey back to my origins". The competition was open to all first and second generation young Italian-Australians, with the contents of the essay being based on conversations they have had with their grandparents. Nonni Day was an amazing success. It was great to hear a number of the testimonials from the grandchildren on the day, retelling the colourful tales from their grandparents. Through these tales we can see the culture, the traditions, and the use of language painting a vivid picture of how life was a couple of generations ago. I congratulate the Nonni Club of New South Wales on hosting a successful event and wish all the entrants in the essay-writing competition the best of luck.

HANNAH WORSLEY, COUNTRY TO CANBERRA ESSAY COMPETITION

Mr ADAM MARSHALL (Northern Tablelands) [1.20 p.m.]: I commend Inverell High School year 11 student Hannah Worsley, who was recently named as one of three winners of the newly launched Country to Canberra essay competition. The competition aims to bridge the gap between rural areas and the cities, connecting young female students from country areas with powerful female politicians and executives based in Canberra. Hannah's essay caught the attention of founder Hannah Wandel, who declared her work to be an excellent representation of the issues young women faced in rural communities. Hannah, who has an avid interest in politics, will soon be rubbing shoulders with women such as the Australian Capital Territory Chief Minister, Katy Gallagher, the Federal member for Canberra, Gai Brodtmann, and the most senior female executive at the Department of Defence, Rebecca Skinner. I congratulate Hannah and I wish her all the best for her trip to Canberra in December.

ST MARY QUEEN OF HEAVEN PARISH AND SCHOOL FETE

Ms TANIA MIHAILUK (Bankstown) [1.21 p.m.]: On Saturday 18 October 2014 I had the pleasure to attend the Jumbo Fete organised by St Mary's Catholic Primary School and St Mary Queen of Heaven Parish. The fete was a fun-filled day with hundreds of families and children enjoying games, rides, food and activity stalls. The fete also coincided with the birthday of Father Joseph Kolodziej. I was extremely delighted not only to wish him a happy birthday but also to have the honour of cutting his birthday cake, together with the Labor candidate for East Hills, Mr Cameron Murphy, and the many parishioners and schoolchildren who were in attendance. I take this opportunity to congratulate and thank the school principal, Mr Steve Lemos, and the parish priest, Father Joseph, for showcasing the school and the parish's commitment to building a stronger community. I also congratulate Veronica Dening and Norma Accari on their tremendous efforts in putting the fete together, and the army of more than 100 volunteers who worked tirelessly behind the scenes to organise such a spectacular and enjoyable day for all.

MACARTHUR DISABILITY SERVICES ANNUAL BALL

Mr BRYAN DOYLE (Campbelltown) [1.22 p.m.]: On Friday 17 October I had the pleasure of attending the eighties *Back to the Future* Macarthur Disability Services [MDS] Annual Ball, which saw people from around Campbelltown come together to celebrate the era of big hair—when I had it—and even bigger shoulder pads, Rubik's cubes and MTV. The evening was hosted by emcee Adam Holstein, who had the pleasure of consorting with the member for Campbelltown, and the outstanding staff of Macarthur Disability Services to provide a night of fun and frivolity for people living with disabilities in Campbelltown. Some 470 people attended the celebrations, 350 of whom were MDS clients out for a good night with their family and

friends. Guests were treated to an outstanding rendition of Kenny Loggins' *Footloose* to begin the night's festivities and ensure that everyone had a great night. The night was well attended by sponsors. Well done to Jeff Scobbie, the general manager, and Caitlyn Pearson, the events coordinator, as well as the best dressed Shaggy, Ghostbusters and many from Scoobie Doo.

X FACTOR WINNER 2014 MARLISA PUNZALAN

Mr RICHARD AMERY (Mount Druitt) [1.23 p.m.]: I ask the Parliament to note that a resident of my electorate, Marlisa Punzalan of Glendenning, has won the television talent contest *X Factor*. That happened this week. Not only did Marlisa win the contest but she is also the youngest contestant ever to win the competition and the first woman under 25 to do so. Marlisa, a local girl in the Mount Druitt electorate, has obviously done herself, her community and her family proud. Also, she has focused attention on the talent coming out of Western Sydney and particularly the Mount Druitt district.

SUTHERLAND SHIRE FOOTBALL ASSOCIATION

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [1.24 p.m.]: Last month my wife Caroline and I attended the sixty-second annual presentation dinner of the Sutherland Shire Football Association. The association has more players than any other association in the Southern Hemisphere; this year more than 1,400 teams and more than 17,000 players, including more than 5,000 females. Congratulations on these amazing statistics go to the previous executive committees and the current executive committee, including president Wayne Schweickle, vice-president Paul Berger, treasurer Giulio di Stefano, committee members Craig Arnott, Matt Brady, Linda Farries, David Johnson, Barry Jones and Russell Marsden, and the general manager Jeff Stewart. Congratulations also go to the 2014 trophy winners on the night, including the Harrie Denning Cup AL 1-3 Champion Club, Cronulla Seagulls; Junior Men's Champion Club, Cronulla RSL; and Sue Holloway Memorial Cup Junior Women's Champion Club, GyMEA United.

RECAILITY

Mr BARRY COLLIER (Miranda) [1.25 p.m.]: On 23 September I had the honour of launching "RecAbility". This is the new name for Parent-to-Parent, a locally based volunteer, not-for-profit organisation that has been providing information, support, respite and recreational activities to those with disabilities, their families and carers across the Sutherland shire for 34 years. The new name with its new logo better reflects the changing times and the changing focus of the organisation. As the children have become adults, their needs, as well as those of their families and carers, have changed. More than ever these days, the focus is on ability and there are more and more opportunities for those with disabilities to access activities throughout the wider community. I ask the House to join me in acknowledging the wonderful work of this organisation since 1980 and in wishing its president, Marie Miller, its committee, parents, carers, supporters and volunteers all the very best under the new RecAbility banner. But whether it is called Parent-to-Parent or RecAbility, I know this shire organisation will continue to provide fantastic support to individuals with a disability, their families and carers with the same passion and commitment it always has.

ORANGE PUBLIC SCHOOL TOURNAMENT OF THE MINDS

Mr ANDREW GEE (Orange) [1.26 p.m.]: I draw the attention of members to the fact that seven students from Orange Public School recently competed in Melbourne at the Tournament of the Minds Australasian Pacific finals after taking out the New South Wales western title at the State finals. Only eight teams from New South Wales were selected to go through to the finals, and this is the first time that Orange Public School has been chosen. The seven wonderful students are Amber Shilling, Emily L'Estrange, Madeleine Owens, Darcy Climpson, Ethan Delaney, Cezar Dihel and Kate Burdack. The students went to Melbourne and won a survivor challenge at Melbourne Zoo, where teams had to take and submit creative photos to meet set challenges. It was a great honour to win that challenge. I congratulate the hardworking staff at Orange Public School, including teacher Annabel Hughes-Clapp and Luke Tosevic who gave the team great support. The whole community of Orange is proud of the Orange Public School Tournament of the Minds team.

RANDWICK BOTANY LITTLE ATHLETICS

Mr RON HOENIG (Heffron) [1.27 p.m.]: Recently I attended the opening of the Randwick Botany Little Athletics season, a privilege I have had for many years. It is always a pleasure to attend this opening, which is held at the Hensley Athletic Field. Eight hundred local children and their parents attended the march

this year which marks the commencement of what I am sure will be another successful season. This year three athletes from Randwick Botany Little Athletics were part of the World Youth Team, a testament to the fantastic coaching staff and the nurturing environment that the athletes are offered during the on- and off-season. The success of the club can in large part be attributed to longstanding president Tony Vecellio, who while not only being the president for more than 35 years has also been a committee member since 1970. Such is the dedication that is bestowed upon the children from the committee members and the parents. This enthusiasm fuels the passion and commitment the athletes have for the club and the sport. I wish the Randwick Botany Little Athletics Club the best for its upcoming season and look forward to hearing about its continued successes.

WORLDSKILLS AUSTRALIA NATIONAL COMPETITION 2014

Mrs LESLIE WILLIAMS (Port Macquarie—Parliamentary Secretary) [1.28 p.m.]: I am pleased to have the opportunity to acknowledge several North Coast TAFE and Newman Senior Technical College students from the Port Macquarie-Hastings region who recently competed in the WorldSkills National Competition in Perth. The WorldSkills Competition involves students at the top of their game in their given field competing for a chance to represent Australia at the International WorldSkills Competition. Newman Senior Technical College students involved were Katelyn Dwyer in Business Services and Luke Staunton in Automotive, both taking gold medals, and Alex Ramsay competing in Construction taking bronze. Liam Norman, Metal and Engineering, and Dylan Perry, Electro Technology, also represented Newman College.

North Coast TAFE was represented at WorldSkills by 17-year-old Jade Robertson in Beauty and Gemma Edwards who took the gold medal for Hairdressing against 16 competitors. Gemma and other gold medal winners will now represent Australia in the International WorldSkills Competition in Brazil next year. Congratulations to all Port Macquarie-Hastings WorldSkills competitors and best of luck to our gold medal winners representing our country in Brazil.

WOOLLOOMOOLOO AND SURRY HILLS COMMUNITY VOLUNTEERS

Mr ALEX GREENWICH (Sydney) [1.29 p.m.]: I congratulate community volunteers in Woolloomooloo and Surry Hills who took part in a community initiative to remove offensive and unsightly graffiti from government-owned properties. I applaud the hard work of tenants including Katrina Hendrikson, Grant Dawson, Julian Rosseeuw, Graham Brech, Victor Krul, Connie Ng and Roman Jaremczuk; Auntie Robyn Carroll, Sandra Miller and Christina Zheng from the Walla Mulla Community Centre; Client Service Officers Alison Egan and Sean Tunnicliff; Community Development Officer Kira Weiss from Housing NSW; and the 29 corporate volunteers from Lend Lease.

More than 75 square metres of graffiti was removed, improving amenity and feelings of community safety, and demonstrating again that social housing tenants care about their community and homes. This project also reflects the vital role that community development workers play in helping to coordinate projects and secure funds from the Volunteer Graffiti Removal Squads Program. I look forward to more initiatives that encourage local residents to take action to help their communities and to get to know each other. I look forward to the success of Graffiti Removal Day on Sunday 26 October.

HCF CUSTOMER SERVICE EXCELLENCE AWARDS

Mr JONATHAN O'DEA (Davidson) [1.30 p.m.]: This month, the New South Wales-based HCF, which is Australia's largest non-profit health insurer, won the national award for customer service excellence achieved by a large business, presented by the Customer Service Institute of Australia [CSIA]. The CSIA judges the customer service capabilities of companies across all industries in both public and private sectors. The award is internationally recognised and, as the Australian winner, HCF automatically will become a finalist in the global International Service Excellence Awards.

In addition to winning the national award for large business, HCF took out the top prize in four New South Wales categories: not-for-profit, large business, training excellence and the individual award for best customer service advocate, which was presented to Adam Sharif. I congratulate the Managing Director, Shaun Larkin, the Chief Customer Officer, Stephen Nugent, and most importantly all the team at HCF, especially those in customer-facing roles. The recognition of this New South Wales organisation reflects its commitment to providing demonstrably quality service for HCF members. I again disclose that I previously served as a non-executive director of HCF. I now support the organisation as a voluntary councillor.

MRS ANNE MAYER 100TH BIRTHDAY**MRS GISELA ISGRO EIGHTIETH BIRTHDAY**

Mr JOHN FLOWERS (Rockdale) [1.31 p.m.]: Today I recognise in this House and extend my warmest congratulations and best wishes to Mrs Anne Mayer of Beverley Park on the occasion of her 100th birthday. This special celebration was held on 12 September 2014. I wish Mrs Mayer every happiness and good health. I recognise also in this House and congratulate a local resident, Mrs Gisela Isgro of Brighton-Le-Sands, on the occasion of her eightieth birthday, which was a special day celebrated with family and friends on 17 September 2014. I wish her much happiness and good health in the future.

HORNSBY HEIGHTS PUBLIC SCHOOL

Mr MATT KEAN (Hornsby-Parliamentary Secretary) [1.31 p.m.]: I congratulate the Hornsby Heights Public School, which recently won the New South Wales final of Wakakirri, which means to dance a story. Wakakirri is a national festival that celebrates learning through the creating and sharing of stories. To enter the Wakakirri challenge, schools create stories using dance, creative movement, acting, song and film. The Hornsby Heights Public School performed a powerful dance about ancient Japan entitled *Zenku* and competed against other schools with incredibly high-quality performances.

On top of winning of the New South Wales final, the Hornsby Heights Public School was nominated for the National Story of the Year, and won awards for costume design, dance and drama. An incredible amount of time, effort and dedication goes into creating the performances. It is fantastic to see such creativity and talent among our youth and teachers. I congratulate the Hornsby Heights Public School on its achievement. I thank the school's Principal, Martin Naylor, and all the parents and teachers involved in supporting our students and their success.

PACIFIC PALMS PUBLIC SCHOOL

Mr STEPHEN BROMHEAD [1.32 p.m.]: I inform the House that the parents, children and staff of the Pacific Palms Public School at Boomerang Beach came together in August 2014 to present a wonderful musical concert series that was held over three days before admiring audiences. The theme of the concert was the Wild West and featured songs and dances involving children from kindergarten to year 6. It is not possible to hold a concert as large as that without input from many people in various areas, including production, music, wardrobe and staging. The continuous help and assistance offered by people in those areas ensured the success of the concerts. In particular, I thank Jamie Brislane, Shawn Jolley, Peter Eades, Kerrie Hans, Rod Dransfield, Tina Jones, Lee Newell and the school's principal, Rod Ryan, who gave many extra hours to ensure the quality of the production was outstanding.

Community recognition statements concluded.

[Acting-Speaker (Mr Christopher Gulaptis) left the chair at 1.33 p.m. The House resumed at 2.15 p.m.]

VISITORS

The SPEAKER: Order! I welcome to the public gallery Julie Liddle and students from Figtree High School, guests of the member for Wollongong. I welcome Kevin and Bev Carter, guests of the member for Kiama. I welcome Gloria and Alan Notley-Smith, parents of the member for Coogee, and Stephen and Sue Notley-Smith, the member's brother and sister-in-law. I welcome also 25 members of the Kariong Probus Club, and Michael Sharpe, Deputy Chair of HunterNet, guests of the member for Gosford. I welcome 19 visitors from Morisset South Lakes Old Boys, guests of the member for Lake Macquarie.

MEMBER FOR MOUNT DRUITT THIRTY-FIRST ANNIVERSARY

The SPEAKER: Order! I congratulate the member for Mount Druitt on this thirty-first anniversary today of his election to Parliament.

Mr Richard Amery: My last one.

The SPEAKER: Surely you can change your mind.

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

[During the giving of notices of motions to be accorded priority.]

The SPEAKER: Order! The member for Wollongong will come to order. I call the member for Wollongong to order for the first time. Government members will come to order or they will be placed on calls to order. The Attorney General will come to order. I call the Attorney General to order for the first time.

[Interruption]

The SPEAKER: Order! I remind the Attorney General that it is my decision as to whether the motion is too long, not his.

QUESTION TIME

[Question time commenced at 2.22 p.m.]

DRAYTON SOUTH AND COALPAC MINES

Mr JOHN ROBERTSON: My question is directed to the Premier. The email from the Director of the Planning Assessment Commission confirms the decision on the Drayton South and Coalpac proposals was leaked to the media without their knowledge. Will the Premier order an independent investigation into the leaking of planning decisions by his Government?

Mr MIKE BAIRD: I do not know what the Leader of the Opposition is talking about there but the Minister dealt with this yesterday. We have set up an independent Planning Assessment Commission, weighing both sides of the case, to make a decision, and we stand by it.

The SPEAKER: Order! The member for Canterbury and the Leader of the Opposition will come to order.

Mr MIKE BAIRD: It is very different to what was in place under those opposite.

POLITICAL DONATIONS

Mr JOHN SIDOTI: My question is addressed to the Premier. How is the Government reforming the State's donation laws?

Mr MIKE BAIRD: I thank the member for Drummoyne for his question and incredible work in his electorate. They love him in his electorate because he loves his electorate and he works very hard for them. Upon becoming Premier I said that New South Wales needs reform in the area of donations, transparency and accountability. I have said that from day one. There is no doubt the donations system has been corrupted; it is broken and it is in need of repair.

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

Mr MIKE BAIRD: I am committed to cleaning up politics in New South Wales. Overnight and again this morning I am pleased the Parliament has passed reforms to donations. It does start to return trust to the system. The Leader of the Opposition laughs.

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

Mr MIKE BAIRD: There has been commentary and I will read this commentary:

I think there is a logic to appointing an expert panel and having it do its work, recognising that it will not be able to fully examine and report on all the very complex issues in such a short timetable prior to the election. Allowing the panel to do its work properly, and at the same time committing to bring in an interim bill that would seek to put in place some interim, one-off arrangements for the 2015 election, I think is a perfectly logical course of action proposed by the Premier. I do not have a quarrel with that. Frankly, I think calls for sweeping reform before the 2015 election that covers everything is really sloganeering. It does not acknowledge the complexity of the issues that we are dealing with here.

We would all agree that those are sensible comments. That basically sums up the matter. They are not my words; they are the words of the next Leader of the Opposition, Luke Foley. Opposition members do not agree with that but it is a very different approach from someone like Luke Foley versus the Leader of the Opposition, politicking, trying to bring it round, trying to grandstand. This is a sensible approach from the next Leader of the Opposition that says we have to do this sensibly and we thank him for his comments in supporting this sensible reform.

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

Mr MIKE BAIRD: Today we have brought in tougher penalties, more transparency, less influence of donations and the next Leader of the Opposition has endorsed it.

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

Mr MIKE BAIRD: Importantly, work on donations reform is not finished. The expert panel, led by Kerry Schott, will continue the long-term reform review and bring back recommendations before the end of the year. As the next Leader of the Opposition said, it is complex but we look forward to them taking the time and bringing forward those recommendations because it needs to be fixed, and we have taken a very important first step. It also builds on a number of reforms that we as a government have done in this area.

We have appointed the former Independent Commission Against Corruption [ICAC] director, Michael Symons, into our party to improve the governance of the party. We have given responsibility of the finances to former Premier John Fahey to ensure confidence as we go into the 2015 election. We have also implemented ICAC recommendations on lobbying by establishing the Electoral Commission as an independent regulator of lobbyists and also relating to diaries. I do make this point. Labor did have those recommendations and it will not surprise anyone what they did about it—absolutely nothing. They can come here and grandstand; they can get on their moral high horse but they will do nothing, just like they did for 16 years.

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

Mr MIKE BAIRD: I have a challenge for the Leader of the Opposition, because he loves to grandstand and tell everyone how he is pure than pure. Well there is an opportunity for him because by the end of the month we will be providing details of all the meetings we have had over the first quarter. The question is: will the shadow Cabinet be doing the same thing? What are they saying about that? Who have they been meeting? What are they hiding?

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

Mr MIKE BAIRD: We have taken action in these areas, in stark contrast to what we have seen from those opposite. At the first chance to stand and do something positive it looks like the Leader of the Opposition is going to squib it. If he has nothing to hide, why does he not release the details?

Pursuant to standing order additional information provided.

Mr MIKE BAIRD: The member for Cessnock is happy to show his diary—well done. I would expect that he would; there is nothing in it. One can imagine what is in the diary of the member for Keira. He has gone to the member for Maroubra and said, "Come on. When are you going to challenge Robbo?" He has then gone to the next Leader of the Opposition, Luke Foley, and said, "I like your speech last night. That's the sort of leadership we want to see on this side of the House." They are trying to get the member for Mount Druitt to stay and become the next leader. That would be in everyone's diary.

Mr John Robertson: Point of order—

The SPEAKER: Order! Does the point of order involve asking the member for Mount Druitt to stay?

Mr John Robertson: It is Standing Order 129, relevance.

The SPEAKER: Order! The Premier is being relevant to the question he was asked.

Mr John Robertson: The question is about electoral funding laws and the member for Mount Druitt has nothing to do with electoral funding laws. If you want to talk about leadership let's have a look at the jelly back when he gets confronted.

The SPEAKER: Order! The member will resume his seat. That was a spurious point of order. There is no point of order. The Premier has been relevant throughout his answer.

[Interruption]

The SPEAKER: Order! The exchange between the Leader of the Opposition and the Deputy Premier was inappropriate.

Mr MIKE BAIRD: We are on a journey and have taken significant reform action.

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

Mr MIKE BAIRD: Last night this House and the upper House put forward reforms that provide a benchmark in terms of tougher penalties, more transparency and less influence from donations. That is what we are committed to and delivering on and we will continue to do so while we clean up politics in this State.

DRAYTON SOUTH AND COALPAC MINES

Ms LINDA BURNEY: My question is directed to the Minister for Planning. Given the independent Planning Assessment Commission has confirmed in writing that the Drayton South decision was leaked without its knowledge, I ask the Minister whether she or her office were involved in the leaking of a confidential Planning Assessment Commission decision to the *Daily Telegraph*?

The SPEAKER: Order! The Minister does not need any help from Government members. The Minister is quite capable of answering the question herself.

Ms PRU GOWARD: I have to ask, is this the best they can do? This is *Groundhog Day*. I refer members opposite to my answer from yesterday and I can advise that I am advised that the proponent was informed on Monday. This takes us to the question of planning. It is planning that the Opposition trashed and made into a politicised corrupt system. There is no difficulty in explaining—

Ms Linda Burney: Point of order: It is Standing Order 129. The Minister did not answer the question yesterday.

The SPEAKER: Order! It may not be the answer the member for Canterbury wanted but it was an answer to the question. The member will resume her seat. There is no point of order.

Ms Linda Burney: The Minister misleads the Parliament.

The SPEAKER: Order! I call the member for Canterbury to order for the third time. I will not have the terms "liar" or "misleading the Parliament" used in this Chamber.

Ms PRU GOWARD: I am advised that the proponent was informed on Monday. I do think that those opposite have a complete hide—

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

Ms PRU GOWARD: Business confidence was at an all-time low in this State when we came to Government and that is because the planning system had been utterly corrupted and was opaque and incapable—

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

Ms PRU GOWARD: —of making a decision on its merits. The planning system had become the political plaything of a lousy Government. It was a Government that made its decisions on political grounds, not on what was in the best interests of this State. This Government inherited a politicised planning system that nobody had any confidence in—no wonder investment in this State was at rock bottom.

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

Ms PRU GOWARD: It is part of the Opposition's business model to politicise planning decisions. The Opposition cannot believe that this Government makes decisions on merit and independently, as the Premier has said. They were responsible for part 3A. Everybody knows about part 3A, when planning decisions were made on the whim of a planning Minister.

The SPEAKER: Order! The member for Canterbury will cease waving around whatever it is she is waving around.

Ms PRU GOWARD: A decision would be made on the basis of winning votes for the Labor Party. They took the politicisation of the planning system so far that the planning Minister Tony Kelly ended up giving approval to things he did not have the ability to approve, such as Kurrawa.

Mr Barry O'Farrell: Was it backdated?

Ms PRU GOWARD: And it was backdated. The politicisation of the planning system became so bad—

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

Ms PRU GOWARD: —that the planning Minister was found to be corrupt. It does not get much worse than that. They do not like to hear this.

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

Ms PRU GOWARD: The Opposition wants to sweep all of this under the carpet because they know that this side of the House has reinvested in an independent arm's length planning system. They need an education on how a comprehensive independent planning system works. Major mining applications such as Drayton South are now referred to the independent Planning Assessment Commission [PAC] for assessment and determination and the PAC is an independent expert body which looked through all the information, held a public hearing, consulted with stakeholders, conducted a site visit and considered all the issues.

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

Ms PRU GOWARD: That is what matters to investors and business in this community.

Mr Michael Daley: Point of order: It is Standing Order 129. The answer was quite specific. I invite the Minister to reconsider her answer. The PAC has advised in writing—

The SPEAKER: Order! There is no point of order. Asking the Minister to reconsider her answer is out of order. The member will resume his seat.

Mr Michael Daley: We do not know who leaked the determination to the *Daily Telegraph*. It is a serious thing to mislead the House.

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

Ms PRU GOWARD: This Government will continue to make planning decisions in the best interests of the State.

STATE SERVICES

Mr ADAM MARSHALL: My question is addressed to the Deputy Premier. How is the Government reforming service delivery across New South Wales?

Mr TROY GRANT: I thank the member for Northern Tablelands for his excellent question. He knows that we are getting on with the job of delivering better services no matter where you live in New South Wales. The Government is committed to the reform necessary to improve the lives of all people in New South Wales.

including regional families. We want patients to have access to the health care they need close to home. We want parents to be able to send their kids to schools that they have confidence in and that are close to where they live.

We want men and women across every community to feel as safe as possible with the police and emergency services that serve them. We want the community to be involved in the decision-making of those government services that affect them and their communities every single day. This Government understands better than most that you may not be able to have a convention centre in every town, but every community in New South Wales should have access to government services no matter where you live.

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

Mr TROY GRANT: Through the leadership of Mike Baird the New South Wales Liberals and Nationals are getting on with the job of providing for all people in New South Wales, including: access to timely quality health care thanks to the leadership of the Minister for Health; a world-class education from our Minister for Education; and the best police and emergency services in the country under the Minister for Police and Emergency Services. The simple things are being made easier by the Government such as changing your licence, being able to pay your Housing NSW rent or applying for a fishing licence—these things are no longer difficult. These simple transactions were previously chaotic, they were crazy experiences with more than 300 government shopfronts, 8,000 telephone lines and 800 different government websites.

The community were feeling that they were being treated like second-class citizens by the Labor Party. This was a key motivating factor that the class of 2011 fought for and promised to fix. For the member for Bathurst it was the lack of decent transport links across the mountains. The member for Monaro tells me it was red tape burdening his and other small businesses. For my friend the member for Myall Lakes it was a lack of clinical services at the Manning Base Hospital. The member for Port Macquarie tells me it was the Labor Government's refusal to even contemplate a primary school for the young families in Lake Cathie.

For my good friend the member for Orange it was the lack of a 24-hour helicopter retrieval system that was stripped out of Orange and sent to Wollongong. It was denied to towns of the central west. The member for Orange got it back—well done. For the member for Tamworth it was the Third World standard of the Tamworth hospital, but that is no longer the case. We, along with all our colleagues before us, have spent the past three years putting regional New South Wales back into the heart of government. This Government is committed to and it has delivered this reform. As a result, 2,200 nurses, teachers and police officers are now on the front line in regional New South Wales. Once-in-a-generation changes to the education system have also been enacted, including Local Schools, Local Decisions.

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

Mr TROY GRANT: These reforms are improving educational outcomes at an exponential rate. The Minister for Primary Industries has also introduced great reforms in the agricultural sector with the establishment of Local Land Services. This Government is giving decision-making powers to those who will be affected. Since last year, the Government has opened customer-focused Service NSW centres—a brilliant initiative of former Premier Barry O'Farrell—in Kiama, in my electorate of Dubbo, and in Orange, Tamworth, Gosford, Newcastle, Port Macquarie, Wagga Wagga, Wollongong, Queanbeyan, and the mighty city of Lismore. It is worth focusing on some of the Government's key health achievements, and the list is very long.

Pursuant to standing order additional information provided.

Mr TROY GRANT: Under our reforming Minister for Health we have seen significant achievements, including at John Hunter Hospital, Port Macquarie Base Hospital, Coffs Harbour Base Hospital, Lismore Base Hospital, and Dubbo Base Hospital. All have had major improvements in this term of government and patients are now being treated within clinically recommended timeframes. That did not happen when members opposite were in government. This Government will continue to deliver better services, and I am sure the people of New South Wales are confident of that. It will continue to build on its demonstrated success with decentralisation, whether it involves local health districts or Local Land Services.

Under this Government, local communities will continue to make local decisions about things that impact on them. The Government will continue to roll out more ServiceFirst centres across regional New South Wales, including in Armidale, Albury, Bathurst, Broken Hill, Coffs Harbour, Goulburn, Grafton and Maitland.

It will continue to deliver for the people of New South Wales and it will always put them at the forefront. The real question is simple: Come next March, who will the public believe will deliver what they promise? The answer is easy: The New South Wales Nationals and Liberals.

DRAYTON SOUTH COALMINE

Mr MICHAEL DALEY: I direct my question to the Minister for Planning. Yesterday Anglo American issued a news release entitled "Anglo American slams PAC determination", which states:

We are extremely disappointed with the way this whole process has been handled and the way we were notified about the result ...

"How would you like to hear on the radio on your way to work that you don't have a job?"

Does the Minister wish to reconsider her previous answer to the House?

Ms PRU GOWARD: I refer to my previous answer.

ENVIRONMENT PROTECTION

Mr ANDREW ROHAN: I address my question to the Minister for the Environment. What reforms is the Government undertaking to protect and enhance the environment?

Mr ROB STOKES: I thank the member for Smithfield for his excellent question. It was great to be with him while releasing details about new funding for recycling in his local community. It was a former member for the South Coast—one of your predecessors, Madam Speaker—Jack Beale, Australia's first environment Minister and a member of a former Liberal-Nationals Government in New South Wales, who established the State's first environmental watchdog, the State Pollution Control Commission, and introduced the Clean Waters Act, which was the first of its kind in the State. Some members—and certainly the member for Mount Druitt—will remember that it was the Greiner-Murray Government that established Beachwatch; we were pleased to celebrate its twenty-fifth anniversary just a few weeks ago.

The SPEAKER: Order! The member for Mount Druitt will cease interjecting.

Mr ROB STOKES: The Greiner-Murray Government introduced the first integrated laws dealing with pollution in the Environmental Penalties and Offences Act 1989 and established the Environment Protection Authority.

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

Mr ROB STOKES: In contrast to that good news, sadly, under members opposite, including the Leader of the Opposition, who was the Minister for the Environment for two months and 21 days—so little time, so much damage—the Environment Protection Authority was subsumed.

The SPEAKER: Order! The member for Heffron and the member for Fairfield will cease interjecting and arguing with the Minister. The Minister has the call and will be heard in silence. I remind the Leader of the Opposition and the member for Canterbury that they are both on three calls to order.

Mr ROB STOKES: During those dark days the Environment Protection Authority was subsumed and degraded. It went from being a watchdog to being a lapdog. It lost its independence and it was given plenty of new tasks but no new resources to ensure that they could be completed.

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

Mr ROB STOKES: The authority was left demoralised and forgotten. In contrast, this Government has reformed, properly resourced and supported the Environment Protection Authority, re-establishing it as a tough and independent environmental watchdog with a full suite of compliance and enforcement tools. I pay tribute to the work of my predecessor, the Hon. Robyn Parker, the member for Maitland, who led these efforts. In the past two years alone this Government has delivered more than \$25 million in funding boosts to the Environment Protection Authority to ensure that it has the financial capacity to provide tough environment protection enforcement and guidance.

In May, the Government announced the introduction of a tenfold increase in penalties for companies and individuals who breach environment protection licences. Changes such as these will provide the authority with the toughest regulatory powers in Australia that can be used against those industries that choose to flout the law and that present real environmental risks to local communities. Conversely, to reward businesses that are good environmental performers and to provide incentives to improve performance and compliance, the Government will introduce risk-based licensing from 1 July 2015. It has also provided more power to the Environment Protection Authority to crack down on that scourge of local communities, illegal dumping, particularly of dangerous substances like asbestos, and on those who put the community and the environment at risk.

The Government has also announced a transformational \$465.7 million package to deliver the first integrated waste and recycling program ever seen in our State. The Waste Less, Recycle More package is the largest waste and recycling funding program in Australia. It is stimulating investment in infrastructure to meet our ambitious targets in recycling and resource reuse. It is doing that to ensure that we are extracting every last bit of value from our precious resources before they are ultimately discarded. The Government is determined to reduce the amount of waste that is unnecessarily clogging up our landfill sites.

Pursuant to standing order additional information provided.

Mr ROB STOKES: The Baird-Grant Government is focused on environmental reform through a renewed focus on resource efficiency and energy productivity. Unlike the Opposition, this Government does not support half-baked subsidies such as the Leader of the Opposition's Solar Bonus Scheme, which has left an ongoing legacy loss for the people of New South Wales. The last budget notes that the scheme will cost taxpayers more than \$200 million this year alone. Instead, this Government supports actions that will save energy and money, and preserve resources. This Government believes that energy and resource use is critical to modern environmental policy. The Minister for Resources and Energy and I are working across a number of transformative programs to encourage wise and thrifty use of energy and resources in powering our future growth. Former American Republican President Theodore Roosevelt said:

Conservation means development as much as it does protection.

The SPEAKER: Order! Opposition members who are not interested in this subject should leave the Chamber.

Mr ROB STOKES: He went on to say:

I recognize the right and duty of this generation to develop and use the natural resources of our land but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us.

Consistent with this way of thinking, in July the Government announced the Government Resource Efficiency Policy, an initiative to reduce the amount of money the Government spends on energy, waste and water. Under the policy, the State will save \$55 million annually for an investment of \$290 million over 10 years. These savings will be generated by common-sense reforms like improving the efficiency of public buildings, buying fuel-efficient cars and paying attention to waste. These ongoing annual savings can be directed to the sorts of things that the community wants the Government to spend its money and their resources on.

MEMBER FOR PORT STEPHENS

MEMBER FOR SWANSEA

Ms SONIA HORNERY: My question is directed to the Premier. Will he confirm that the member for Port Stephens, Craig Baumann, and the member for Swansea, Garry Edwards, are still endorsed Liberal candidates, despite allegation and evidence at the Independent Commission Against Corruption [ICAC] that they received illegal donations from property developers?

Mr MIKE BAIRD: I have said many times that the Independent Commission Against Corruption is undertaking inquiries and we await its findings. In the interim those members are not members of the parliamentary Liberal Party, because the Independent Commission Against Corruption is yet to determine its findings.

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

Mr MIKE BAIRD: We are following due process.

Mr Michael Daley: Point of order: My point of order relates to relevance. That was not the question. The question was: Are they still in the Liberal Party?

The SPEAKER: Order! The Premier has answered the question. I call the member for Maroubra to order for the third time for taking a spurious point of order.

Mr MIKE BAIRD: I have answered that question. It is interesting that the Opposition is focused on the Hunter and today seems to be talking about education. Those opposite have a clear approach to the Hunter: a track record of doing nothing. The Leader of the Opposition said that he wished the Opposition had a position on the rail line after 16 years in government, but the Opposition did nothing about it. This Government has taken action. Those opposite are making promises without any funding whatsoever. The plan of those opposite for rail lines is that there be fewer crossings across the country because they are dangerous.

The SPEAKER: Order! The Attorney General will come to order. I call the Attorney General to order for the second time. I have not thrown out the member for Wollongong yet.

Mr John Robertson: Point of order: My point of order relates to relevance. The question was about whether the members mentioned are the endorsed Liberal candidates.

The SPEAKER: Order! The Premier answered the question very clearly. The Premier has the call.

Mr MIKE BAIRD: People in the Hunter need to understand what they are dealing with when they are dealing with the Opposition. This is what the Opposition said:

A 500-tonne train cannot swerve to miss a trespasser on the track or a pedestrian on a level crossing, so its impact is devastating.

What is the Opposition doing announcing this plan when that is what was said? People cannot believe those opposite. Today the shadow Minister announced a safety fence for a local school, which is a good thing, but in 2008 the member asked the Government to take action on that fence. No-one will believe a word those Opposite say.

Mr John Robertson: Point of order: My point of order relates to relevance. Yelling will not make up for the Government's inadequacies.

The SPEAKER: Order! The Premier answered the question. The Leader of the Opposition will resume his seat.

Mr MIKE BAIRD: The Opposition is offering the people of the Hunter a pie when the Government is offering a plan.

The SPEAKER: Order! The member for Liverpool, the member for Keira and the member for Cessnock will come to order. I call the member for Keira to order for the second time. I call the member for Cessnock to order for the second time. I call the member for Liverpool to order for the first time.

Mr MIKE BAIRD: The shadow Cabinet has a problem because no-one who announces a policy puts funding next to it. To pay for these policies, will those opposite raise taxes, or cut funding for health or education? Or will those opposite borrow more money? That is what Labor does: Labor borrows more money and puts taxes up.

Mr Paul Lynch: Point of order: My point of order relates to relevance. Both the substance and the style of the Premier's answer have moved far from the question.

The SPEAKER: Order! Substance and style is not a point of order, as the member for Liverpool well knows. The Premier has the call.

Mr MIKE BAIRD: It is clear the people of the Hunter will not be taken for fools. Any policy announced by those opposite must be funded. Those opposite have no funding policy and their policies have been criticised by members of their own party.

The SPEAKER: Order! Opposition members will find themselves out of the Chamber if they continue to interject.

Mr MIKE BAIRD: This Government is delivering for the Hunter. We are doing what we said we would do, because the people of the Hunter deserve nothing less.

SMALL BUSINESSES

Mr ANDREW STONER: My question is addressed to the Minister for Small Business. What reforms is the Government undertaking to improve services for the State's nearly 700,000 small business owners?

Mr JOHN BARILARO: I thank the member for his very important question on behalf of the many small business owners of this great State.

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

Mr JOHN BARILARO: I acknowledge the outstanding work done by the member for Oxley as the Deputy Premier, Minister for Small Business, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, and Minister for Tourism and Major Events. The member was part of the leadership team under former Premier O'Farrell and alongside Premier Baird. The team set the policy framework in this State that led to this State once again being the number one State in Australia on many economic matrices. This leadership team is important for the many generations to come who will benefit from the legacy of its passion.

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

Mr JOHN BARILARO: I thank the member for Oxley for his leadership of The Nationals of New South Wales.

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

Mr JOHN BARILARO: He was the longest-serving Leader of The Nationals. I wish the member for Oxley all the best for the future and ask him to pass on best wishes to Cathy and their family.

The SPEAKER: Order! All members on one or two calls to order are now deemed to be on three calls to order. The member who next interjects will be removed from the Chamber for the remainder of the day. The Minister has the call.

Mr JOHN BARILARO: This is an important question on behalf of the 683,000 small businesses in this State run by mums and dads, and young leaders with the courage to risk investing in a small business that creates jobs and contributes to the local, State and national economies. Small businesses are the foundation, the fabric, of job creation in this State. Small businesses employ more than 50 per cent of workers. Small businesses look to the Government for opportunities to grow their businesses. Many small business owners mortgage their homes to create jobs in this great State. Many members on the government benches understand small business; they have been involved in small businesses, unlike those opposite who think small businesses are consulting firms to the unions or to the Labor Party. Those on this side of the Chamber have practical, hands-on experience of the issues facing small businesses in this great State.

This morning, in the company of the member for East Hills—a successful small business operator—I had the opportunity to be in the great electorate of East Hills to visit small businesses. The member for East Hills understands small business and is a strong advocate for it. We met with Paul from Revesby Chemmart and Tom and Cathy, owners of the Bon Appetit Deli. They were generous with their time and spoke about the issues faced by small businesses in their community. They were happy with some of the policies of this Government that have allowed them to continue to invest in their business. One of them had just invested further money in their business and they see their business thriving.

Those on this side of the House are a friend of small business, but it is important that we continue to engage and listen. The message from the small business community is very clear: Small businesses do not always see government as the answer to the solution; in most cases they see government as the obstacle. They want us out of their hair and out of their pockets, which means reducing red tape. Those opposite should not speak about red tape because the former Labor Government introduced the highest number of bills and

regulations than those introduced in any other State. Since coming to office in 2011 this Government has removed 205 legislative instruments and has put in place 37. That is a ratio of 5:1. Our red tape reforms have delivered more than \$500 million for small businesses in this State. We have removed fees on State contracts for businesses that supply goods and services to government, saving \$63 million a year.

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

Mr JOHN BARILARO: We introduced the Electronic Conveyancing (Adoption of National Law) Bill, which permits online conveyancing, saving \$46 million a year.

Pursuant to standing order additional information provided.

Mr JOHN BARILARO: We implemented the national business names register, which removes the need for businesses to register multiple times and pay multiple fees, saving more than \$22 million a year. Having listened to the private sector, we established Service NSW as a customer-focused one-stop shop because we know that time means money. Small businesses should not be bankers or financiers on behalf of government; that is why our 30 days to pay policy has resulted in 92 per cent of government agencies involved in a business relationship with small businesses paying those businesses within 30 days. Government agencies that do not pay on time have to pay penalty interest, which is appropriate: Government should pay its bills on time, which was not the practice of the former Labor Government.

Looking at the make-up and demographics of small business in this State, one-third of the owners of small businesses were born overseas. That is why it gave me great pleasure this morning to announce, along with my colleague and good friend the Minister for Citizenship and Communities, that the Community Migrant Resource Centre will deliver mobile small business advisory services in five languages. This service will provide specialist Small Biz Connect advisers who have Arabic, Vietnamese, Cantonese, Mandarin and Korean language skills.

The Government recognised that one-third of small business owners in New South Wales have difficulty understanding plain English contracts or information relating to business. That is why we have committed \$1.1 million over four years to the Government's multicultural small business advisory service. This Government is committed to supporting business owners from non-English-speaking backgrounds because it understands the important role they play in the small business sector. They bring with them a culture of hard work and investment, and their investment in and support of local schools and charities reaps benefits for the community. We are here to support small business in this great State.

CONTAINER DEPOSIT SCHEME

Mr ALEX GREENWICH: My question is directed to the Minister for the Environment. Will the Government work to support a container deposit scheme for New South Wales at State and national levels to reduce drink container litter and increase recycling rates?

Mr ROB STOKES: I thank the member for his question and for his commitment to and advocacy for reducing litter and improving recycling rates within his local community. These are two important objectives. Recycling, particularly kerbside recycling, has been very effective in increasing container recovery at homes, with current kerbside recycling rates of containers at 83 per cent. The challenge is with packaging waste away from the home, in public areas, parks, beaches, rivers and the like. That is where the Government's plans to reduce litter, particularly in public places, come into play. The Government recognises that a comprehensive approach is required in developing policy. A container deposit scheme is just one of the options the Government is seriously considering. The Government is reviewing ways to reduce litter and increase recycling.

Environment Ministers across Australia are analysing a number of options, including container deposit schemes, to better manage Australia's packaging waste. The Government established ambitious targets in this area under my predecessor, the Hon. Robyn Parker, the member for Maitland, who worked very hard as environment Minister to secure those targets for New South Wales. Our targets are 70 per cent for recycling municipal solid waste, 70 per cent for recycling commercial and industrial waste, and 80 per cent for recycling construction and demolition waste. As I mentioned in answer to a question earlier today, we have a package of funding to support these targets. The Waste Less, Recycle More initiative has funding of \$465.7 million over five years.

One of our other ambitious targets in the NSW 2021 plan is to make New South Wales the least littered State per capita by 2016. That equates to a reduction of 40 per cent in the number of littered items based on 2011-12 figures. Recently I was proud to rollout the second round of the NSW Council Litter Prevention Grants. Twenty million dollars of the \$465.7 million will go specifically towards reducing littering. Many of the applications for those grants related to the biggest single contributor to our litter waste stream—cigarette butts. My favourite of those applications related to a partnership between Wyong Shire Council and Take 3, which had an innovative initiative for reducing the impact of cigarette butts on that beautiful entrance waterway on the silvern Central Coast. The next most littered item in New South Wales is plastic. Unlike the superstar pop band sensation of the 1990s, Aqua, I do not believe that life in plastic is fantastic.

Mr Ryan Park: He is a good likeness, isn't he?

The SPEAKER: Order! Does the member for Keira have an interest in the subject?

Mr ROB STOKES: He is no Ken doll. Given its effect on the environment, and in particular marine life, plastic litter is squarely in the sights of the Government. Recent studies by the Sydney Institute of Marine Science indicated a growing threat from microplastics or microbeads, which are tiny elements of plastic that end up being ingested by marine creatures and can travel up the food chain, creating real challenges for environmental and, potentially, human health. To this end I have convened a working group to work towards a phasing out of microbeads—which are present in common household items and personal care products—by 2016.

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

Mr ROB STOKES: Another key source of plastic in our waterways is plastic drink and food containers. As the Government considers how best to address this enduring problem, our policy will be guided by the environmental outcomes available under different schemes, and the economic and social benefits and costs involved. To reiterate: Our approach to reducing litter will focus on using the best mechanism that will deliver the highest environmental outcomes without imposing unnecessary costs on consumers.

LOCAL GOVERNMENT REFORM

Ms MELANIE GIBBONS: My question is addressed to the Minister for Local Government. How is the Government driving local government reform in New South Wales?

Mr PAUL TOOLE: I thank the member for Menai for her question and for caring about local government in New South Wales. As a former councillor she understands the importance of having a strong local government sector in New South Wales. Results this week have shown that after three years of hard work and discipline by the Government New South Wales is now the number one State in Australia when it comes to economic performance. We have gotten on with the job of ensuring that communities across the State are getting what they asked for from the Government. We need strong local government.

The New South Wales Government and communities want to have confidence that councils are financially sustainable and that they can deal with infrastructure backlogs. Most importantly, they want councils to continue delivering quality services to their communities. That is why this week I was pleased to visit Coffs Harbour with the Premier. We were invited to attend and be the guest speakers at the Local Government NSW annual conference. The conference attendees were thrilled that the Premier had taken the time to attend the conference. For the first time in a number of years a Premier attended the conference and said that the Government wants to work side-by-side with councils across the State.

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

Mr PAUL TOOLE: We want to work with councils to ensure that we have a strong local government sector in this State. We want to be a partner with councils.

Mr Richard Amery: What does that mean?

Mr PAUL TOOLE: I will explain shortly. At the conference the Premier and I spoke about our Fit for the Future package, which was announced 43 days ago. Fit for the Future is a \$1 billion package to support councils across New South Wales.

Mr Richard Amery: I wish he'd stop talking about packages.

The SPEAKER: Order! The member for Mount Druitt will come to order. There is too much audible conversation in the Chamber. If Opposition members do not want to listen to the answer, they can leave the Chamber. The member for Bankstown will come to order. The member for Cessnock will come to order. The member for Toongabbie will come to order. Opposition members have short attention spans.

Mr PAUL TOOLE: Part of that \$1 billion package recognises that the way we live, do business and spend our leisure time has changed dramatically. That is why we are supporting councils. Forty-three days ago I gave a commitment; I said I would meet 50 councils in 50 days. To update the House, after 43 days I have met with not 50, 70 or 80 councils but 91 councils. We have invested significant work in the local government sector. We have Destination 2036, the Tcorp analysis, the infrastructure audit, the Local Government Acts Taskforce and the Independent Local Government Review Panel. The Fit for the Future package gives councils a choice about how they will shape the future for their communities. Under the package the Government will provide untied funding to councils to spend in whichever way they feel will benefit their community.

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

Mr PAUL TOOLE: In Sydney we will see financial incentives ranging from \$10.5 million to \$22.5 million; in regional communities the funding will range from \$5 million to \$13.5 million. Under the package, we will have a State financing authority. We have made a commitment to a streamlined rate variation process and better targeting of financial assistance grants. We have spoken about regional joint organisations in regional communities. As part of the Fit for the Future package we have announced that we will have four pilot areas. The take-up by councils across the State to be part of it has been strong. We have received submissions from 11 areas to be part of a regional joint organisation. We have supported councils through our Local Infrastructure Renewal Scheme, which involves 168 projects, including fixing country roads. I have also had my first ministerial advisory group meeting. The Government has listened. We have consulted, and we are implementing the reform to local government. We are helping councils to get fit for the future. [*Time expired.*]

Question time concluded at 3.14 p.m.

PETITIONS

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

Kiama Rail Service

Petition requesting additional carriages and seats on the 4.24 p.m. rail service from Central station to Kiama station, received from **Mr Gareth Ward**.

Edgecliff Interchange

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

Sydney Electorate Public High School

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

Westdale Shopping Precinct Speed Limit

Petition requesting a reduction in the current speed limit within the Westdale shopping precinct at the junction of Evans Street and Oxley Highway, Tamworth, received from **Mr Kevin Anderson**.

Shoalhaven District Memorial Hospital Parking Facilities

Petition requesting additional parking facilities at Shoalhaven District Memorial Hospital, received from **Mr Gareth Ward**.

Berry Ambulance Station

Petition requesting the construction of an ambulance station at Berry, received from **Mr Gareth Ward**.

Same-sex Marriage

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

Slaughterhouse Monitoring

Petition requesting mandatory closed-circuit television for all New South Wales slaughterhouses, received from **Mr Jamie Parker** and **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**.

Container Deposit Levy

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

TEACHER ACCREDITATION AMENDMENT BILL 2014

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

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

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Service NSW**

Mr MARK COURE (Oatley) [3.16 p.m.]: The following motion should be accorded priority:

That this House supports the establishment and rollout of Service NSW to improve customer service for residents and business across New South Wales.

The motion should be accorded priority because the New South Wales Government is delivering on its promise to provide easy access to government services and a strong focus on the customer experience—something that members opposite neglected for 16 years. The motion should be accorded priority because

the New South Wales Liberal-Nationals Government is accelerating the rollout of Service NSW centres and providing easy access to services more of the time across the State. We will have 36 Service NSW sites open by next July, and a 24/7 phone and online service is running already. Gone are the days of frustrating waits with government departments, long holds with call centres and an endless sea of red tape.

This motion should be accorded priority because the New South Wales Government is moving service delivery into the twenty-first century and ensuring that taxpayers' hard-earned money is spent wisely. The motion should be accorded priority because the Leader of the Opposition told the House on 2 May last year that when it comes to Service NSW the proof of the pudding will be in the eating. Well, actions speak louder than words. Service NSW has opened sites in Kiama, Haymarket, Tweed Heads, Dubbo, Orange, Parramatta, Tamworth, Wynyard, Gosford, Newcastle, Port Macquarie, Wagga Wagga, Chatswood, Wollongong and Queanbeyan; and it has opened sites in Lismore, Liverpool, Penrith and Blacktown in this year alone.

Mr Gareth Ward: You forgot Kiama.

Mr MARK COURE: No, I mentioned Kiama. Today, a Service NSW site opened in Hurstville. No wonder members opposite have been so quiet about Service NSW. They cannot stand a good news story. The motion should be accorded priority because of the 98 per cent customer satisfaction rate on easy access to government services. The Government is delivering for the people of New South Wales, and members opposite know it.

Hunter Education Funding

Ms SONIA HORNER (Wallsend) [3.19 p.m.]: I urge the House to afford this motion priority because the people of the Hunter are alarmed at the Liberal Party's wholesale cuts to schools, universities and TAFE. At a time when youth unemployment in Newcastle and Lake Macquarie is a staggering 13 per cent, this Government is making it harder for many young people to obtain an education and to get jobs skills. Recently, Christopher Pyne said that youth unemployment in Australia is not a crisis. I invite him to come to the Hunter and look around. If 13 per cent youth unemployment is not a crisis, I do not know what a crisis is. In the Hunter young people are feeling the pinch. When an area is in the middle of a youth unemployment crisis education is one thing the Government should not cut. It is a reckless miscalculation.

In relation to schools, I remember the Liberal Party promising a unity ticket with Labor on Gonski and the Prime Minister staring straight into the camera and saying, "No cuts to education." A year later, the Abbott budget has cut \$10 billion from New South Wales schools. As a former teacher, a former chalky, I know how schools struggle to squeeze a dollar out of a 5¢ coin. The Gonski funding deal is in shreds, and the Premier is letting Tony Abbott get away with it. Let us look at what is left of TAFE after \$800 million was cut by this Government and nearly 1,200 teachers and support staff were sacked. Nowhere have the Liberal Party's cuts to TAFE been felt deeper than in the Hunter. We have seen Hunter TAFE campuses forced to withdraw the Higher School Certificate syllabus, despite the fact that many of our students depend on this opportunity with four in 10 students not completing year 12.

We have seen government subsidies removed for fine arts courses. We have seen tourism and hospitality courses eliminated at Cessnock, metal fabrication and welding eliminated in my patch at Glendale and boat building eliminated at Newcastle. To make matters worse, this Government's drastic fee increases are set to hit on 1 January 2015. The Liberals have a vision to run TAFE as a business. Labor believes in running it as a service—and that is the difference. Finally, we have the disgraceful prospect of Tony Abbott proposing the complete deregulation of university fees. On Saturday the people will have a chance to stand up to the Liberal Party's cuts to education, and I urge people in Newcastle and Charlestown to vote Labor and send a message to the Liberals that cuts to Hunter schools, TAFE and universities will not be tolerated or forgiven. *[Time expired.]*

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

The House divided.

Ayes, 65

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

Noes, 19

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

Pairs

Mrs Hancock	Mr Lalich
Mr Roberts	Dr McDonald

Question resolved in the affirmative.

SERVICE NSW**Motion Accorded Priority**

Mr MARK COURE (Oatley) [3.30 p.m.]: I move:

That this House supports the establishment and rollout of Service NSW to improve customer service for residents and business across the State of New South Wales.

Quality service delivery is one of the key functions of government. If a party cannot provide quality services to the taxpayer at a low cost then it is not fit to run government. The people of New South Wales saw this clearly in the March 2011 election and kicked out a government that had stopped caring about them. We promised at the last election to deliver faster, simpler and more effective access to government services. We have delivered above and beyond on this commitment. We have gone from having more than 300 shopfronts, more than 8,000 different telephone lines and more than 800 different websites to having one central point for all contact and that is, of course, Service NSW. Since the launch of Service NSW in July 2013 we have secured more than six million customers, with customer satisfaction at 98 per cent. This is completely unheard of for a government department. We are responding to customer needs too. The centres are open from 7.00 a.m. to 7.00 p.m., which means there should be enough time for everyone to drop in and do what they need to do.

[*Interruption*]

You should listen to this; it is important.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Oatley will direct his comments through the Chair.

Mr MARK COURE: Concierges welcome customers and make sure documents are filled out before they reach the counter. There are self-service facilities to allow customers to undertake transactions online, customers can make appointments and there are more Roads and Maritime Services [RMS] transactions available for digital channels than ever before. Finally, much to the delight of members in this place, Seniors cards can now be applied for directly at Service NSW without the need for a justice of the peace to sign the form. I understand that more than 150 seniors are applying online for a Seniors card every single day. This morning I was proud to join the Premier and the Minister for Finance and Services to formally open the latest Service NSW one-stop shop in my electorate in Hurstville.

This is the first centre in the second round of 18 centres to be opened. I spent the last two years wearing a path in the carpet to the offices of the Premier and the Minister, going back and forth, fighting for a Service NSW centre in my electorate of Oatley. I am thankful to the Premier and the Minister for ensuring that residents in my electorate have access to quality government services at times that suit them. The people have spoken. Hurstville has seen very positive customer feedback since the opening on 26 September, with more than 6,000 customers already served.

Wait times on average are under three minutes and customer service satisfaction is an impressive 98 per cent. Again, 98 per cent is an extraordinary figure for customer service; it is completely unheard of. The rollout of Service NSW goes on. Across the State there are Service NSW centres in Kiama, Tweed Heads, Haymarket, Wynyard, Parramatta, Chatswood, Wollongong, Queanbeyan, Wagga Wagga, Newcastle, Dubbo, Tamworth, Port Macquarie, Gosford, Lismore, Liverpool, Blacktown and Penrith. By next July there will be a total of 36 Service NSW centres operating across New South Wales alongside the 24-hour, seven days a week telephone and internet services.

We are putting centres in places of current and future demand—in sites such as Armidale, Albury, Bankstown—the member for Bankstown should support this motion—Bathurst, Burwood, Bondi Junction, Broken Hill, Campbelltown, Coffs Harbour, Goulburn, Grafton, Maitland, Marrickville, Ryde and Wetherill Park. I know each and every member in this place cannot wait to have a Service NSW centre open in their electorate because they know what a fantastic benefit it is to the community. I congratulate the Premier and the Customer Service Commissioner, Michael Pratt, on the delivery of this important election commitment.

Ms TANIA MIHAILUK (Bankstown) [3.35 p.m.]: I move:

That the motion be amended by the addition of the following words:

"on the condition that it is not used as a smokescreen to cut jobs and that the Government guarantees that the rollout of Services NSW shopfronts does not result in any job losses, particularly across rural and regional New South Wales."

That is an excellent amendment.

Mr John Williams: Point of order: Broken Hill will have 10 new jobs with the establishment of Service NSW. It is a misleading amendment.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Ms TANIA MIHAILUK: I make it very clear—

Mr Mark Coure: Point of order: I alert the Deputy-Speaker to the fact that the clock is not working.

Ms TANIA MIHAILUK: I make clear what the Service NSW shopfronts actually involve. I know the member for Oatley read out an interesting list but I will read out a more interesting list, that is, a list of closed Fair Trading branches and—surprise, surprise—the list includes Hurstville. The areas that have lost a Fair Trading branch include Hurstville, Penrith, Blacktown, Liverpool, Parramatta, Sydney, Dubbo, Gosford, Lismore, Newcastle, Orange, Port Macquarie, Queanbeyan, Tamworth, Tweed Heads, Wagga Wagga, Kiama and Wollongong.

Mr Mark Coure: Point of order: My point of order is relevance. This motion is about Service NSW and nothing else.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Ms TANIA MIHAILUK: The point of order is nonsense because the opening of Service NSW shopfronts involves the closure of Fair Trading and Roads and Maritime Services [RMS] offices. That is clear; it was in the bill and is in the Act. Perhaps the member for Oatley should have read the legislation before he moved a motion to that effect. The member for Oatley might boast about a Service NSW shopfront being established now in Hurstville, but it is at the expense of a Fair Trading branch. He might also note that the Office of Environment and Heritage is about to transfer close to 500 employees from his electorate to the Parramatta electorate. I thought he would have fought hard to stop those types of job losses. He should certainly make it clear to the public and those families who work in the Office of Environment and Heritage why almost 470 jobs will be transferred from Hurstville to Parramatta. Let us not hide that fact from the residents of Oatley. I will raise some of the questions I asked the Fair Trading Minister in budget estimates. He made it clear that there would be job losses in rural New South Wales. He stated:

It is expected that the opening of Service NSW centres in Coffs Harbour, Grafton, Hurstville, Bathurst and Broken Hill will result in a decrease of 10 full-time equivalent employees.

The Minister conceded also that since the establishment of Service NSW in rural and regional New South Wales Fair Trading staff numbers have moved from 158 to 130. There has been a consistent pattern of job loss over the last three years as these centres have been established across the State. The New South Wales Opposition will support the establishment of Service NSW shopfronts across this State, and particularly in rural and regional New South Wales, on the proviso and condition that there are not any job losses. Will this Government guarantee existing jobs, particularly full-time jobs, in Fair Trading and Roads and Maritime Services offices that are going to be shut down in the process when these centres become operational across the State?

The member for Oatley is so arrogant when he boasts about what is happening in Hurstville but he is not being honest with his own community and constituents about the number of job losses in Hurstville. As we know, and I will put on record, the Office of Environment and Heritage staff at Hurstville are being transferred to Parramatta. If the member for Oatley does not know that he should ask the relevant Minister why 470 jobs will be taken away from families and residents in Hurstville, where most of those employees reside, and moved to Parramatta. I do not think the member for Oatley is aware of that. The member might wish to talk to some people in State government offices— [*Time expired.*]

Mr CHRIS HOLSTEIN (Gosford) [3.40 p.m.]: It has been interesting to listen to the comments made by members during this debate. I will inform members of my experience with Service NSW because the proof of the pudding is in the eating. For 12 months we have had a Service NSW centre in Gosford and it has been nothing short of outstanding. Only last Friday, together with the Minister for Finance and Services, the Hon. Dominic Perrottet, and the Minister for the Central Coast, the Hon. Robert Stokes, I visited the centre to commemorate its 25 October 2013 opening. Since then, 89,000 customers have utilised the centre. Waiting times are short, with 98 per cent customer satisfaction. The statistics show that the people of the Central Coast have embraced Service NSW and the one-stop shop concept.

Combined with improved online access, one-stop shops have broken down the barriers of doing business with the New South Wales government. More than 800 government transactions can be made through the one-stop shop. It is amazing how well it works. As I said, the proof of the pudding is in the eating. The staff we have at the service centre in Gosford are good people. The service centre manager is Anna Grono, the service coordinator is Marie Drysdale, and the concierges are Michael Balderston, Jenny Batten, Kate Rowan and Deidre Naylor. They ensure that customers do not need to take a number or search for service staff. These people ensure that a customer's experience with government is one of satisfaction through service. Their dedication to the service of customers in sometimes complex and multifaceted issues is outstanding.

I commend the staff at the Gosford service centre. The centre is open from 7 o'clock in the morning to 7 o'clock at night during the week and from 9 o'clock to 3 o'clock on Saturdays. It has been a joy for the community to have that level of service. I will tell members something else about Service NSW and the staff at Gosford: their interaction with the community includes working with the Red Cross Blood Bank and Coast Shelter, which services the homeless; promoting the centre at camping and caravan shows, dealing with the chamber of commerce; holding Halloween events and community celebrations; and being involved in charities such as Jeans for Genes Day, Daffodil Day and Pink Ribbon Day. The staff at our service centre are doing an outstanding job working with the community as part of the community. In the coming weeks they will increase their staff numbers due to their success. This House needs to support— [*Time expired.*]

Mr CLAYTON BARR (Cessnock) [3.43 p.m.]: I am very happy to speak to the amendment as moved by the good member for Bankstown. The amendment takes a weak and opaque motion and gives it substance. In particular, the amendment refers to the need to secure jobs. Under this Government, something in particular

happens in its budgets. Those opposite do not read the budget, they are just handed notes. I am a fan of the budget and I enjoy a good read. Traditionally what happens under this Government is it changes a department by giving it a new name and moving staff.

Let me use the Brighter Futures program as an example. For that program, 400 staff were transitioned from one department to a new department but when they arrived only 250 were left. What happened to the other 150 staff? That is exactly what will happen with Service NSW. It is all about transferring lots of jobs and during the transition making them magically disappear. One may think that members of The Nationals would attempt to preserve jobs. They talk about the "decade of decentralisation" but they are supporting Service NSW centralisation through the motion as moved by the member for Oatley. Members of the Liberal Party, supported by The Nationals, will not be happy until every service and commodity is handled entirely in Sydney, with nothing for the regions.

If members do not believe me they should head out to Dubbo, where the Deputy Premier is meant to serve the community. In the surrounding areas of Dubbo, such as Gilgandra, Warren and Wellington, the communities are being starved of services and government and public sector jobs. Those jobs are being dragged into the centre of Dubbo. Dubbo is a beautiful city but the life of Dubbo should not be enhanced at the expense of Gilgandra, Warren and Wellington. That is what happens when the Government institutes centralisation. I ask Coalition members not to come into the Chamber and cry decentralisation when they are moving, endorsing and debating motions in support of Service NSW. Government members refuse to acknowledge the reality of Service NSW, that is, 470 full-time equivalent jobs cut to cater for Service NSW. Those jobs are going to disappear from regional New South Wales. I support the member for Bankstown and her amendment because it is about securing regional jobs.

Mr MARK COURE (Oatley) [3.46 p.m.], in reply: Service NSW centres have been established in Kiama, Tweed Heads, Haymarket, Wynyard, Parramatta, Chatswood, Wollongong, Queanbeyan, Wagga Wagga, Newcastle, Dubbo, Tamworth, Port Macquarie, Gosford, Lismore, Liverpool, Blacktown, Penrith, and today in Hurstville. Centres are being established in response to current and predicted demand. Over the next 12 months, centres will be established in Armidale, Albury, Bankstown, Bathurst, Burwood, Bondi Junction, Broken Hill, Campbelltown, Coffs Harbour, Goulburn, Grafton, Maitland, Marrickville, Ryde and, of course, Wetherill Park. Members on this side of the Chamber support service delivery. We also support jobs creation.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Cessnock has already made his contribution to the debate.

Mr MARK COURE: Government members support Service NSW in ensuring proper service delivery across this State, and particularly in remote regions. That is unlike the member for Bankstown. An article in the 12 October 2012 edition of the *Sydney Morning Herald* states:

It is known that Tania Mihailuk, the Bankstown Labor MP, has played a role in the push to unseat Barbara Perry amid allegations of branch—

Ms Tania Mihailuk: Point of order: My point of order relates to relevance. The member for Oatley should be more concerned about the fact that 470 people will lose their jobs in Hurstville.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Mr MARK COURE: Unlike the member for Bankstown, this Government is creating jobs. She is cutting one job in particular—Barbara Perry's. This Government supports service delivery and Service NSW while the Opposition simply opposes.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 21

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

Noes, 61

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

Pairs

Mr Lalich	Mr Baird
Dr McDonald	Mr O'Farrell
Mr Rees	Mr Roberts

Question resolved in the negative.

Amendment negatived.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 64

Mr Anderson	Ms Gibbons	Mr Piper
Mr Aplin	Ms Goward	Mr Rohan
Mr Ayres	Mr Grant	Mr Rowell
Mr Barilaro	Mr Greenwich	Mrs Sage
Mr Bassett	Mr Gulaptis	Mr Sidoti
Mr Baumann	Mr Hartcher	Mrs Skinner
Ms Berejiklian	Mr Hazzard	Mr Smith
Mr Bromhead	Ms Hodgkinson	Mr Souris
Mr Brookes	Mr Holstein	Mr Speakman
Mr Casuscelli	Mr Humphries	Mr Spence
Mr Conolly	Mr Issa	Mr Stokes
Mr Constance	Mr Kean	Mr Stoner
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 Page	Mrs Williams
Mr Evans	Mr Parker	
Mr Flowers	Ms Parker	<i>Tellers,</i>
Mr Fraser	Mr Perrottet	Mr Patterson
Mr Gee	Mr Piccoli	Mr J. D. Williams

Noes, 18

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

Pairs

Mr Baird	Mr Lalich
Mr O'Farrell	Dr McDonald
Mr Roberts	Mr Rees

Question resolved in the affirmative.

Motion agreed to.

Pursuant to resolution government business proceeded with.

LOCAL GOVERNMENT (ELECTIONS) BILL 2014

Bill introduced on motion by Mr Paul Toole, read a first time and printed.

Second Reading

Mr PAUL TOOLE (Bathurst—Minister for Local Government) [4.10 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Local Government (Elections) Bill 2014. The bill demonstrates the Government's continuing commitment to further reducing the costs of local council elections, improving their administration and enhancing their democratic outcomes by removing barriers to voter participation. The reforms proposed in this bill are based on the recommendations made by the Joint Standing Committee on Electoral Matters in its report tabled in March this year arising from its inquiry into the 2012 local government elections.

In its report the committee made 15 recommendations to improve the administration of council elections, and to remove barriers to candidate and voter participation. The recommendations have provided a powerful platform for the Government to build on its earlier reforms that saw the Local Government Act 1993 amended in 2011 to implement the Government's election commitment to return power to councils to conduct their own elections. The 2011 amendments resulted in many councils being able to achieve significant savings in the administration of their elections in 2012. The amendments also build on the reforms made by the recently enacted City of Sydney (Amendment) Elections Bill 2014 to introduce to the City of Sydney the same model of non-residential enrolment as is used in the City of Melbourne. These reforms were designed to ensure that business and other non-residential voters in the City of Sydney are given a voice that is more proportionate to their contribution to that city.

The proposed amendments contained in this bill and associated amendments to the regulation will allow business and other voters to give effect to that voice by increasing opportunities for all voters in the City of Sydney, and eventually other council areas, to exercise their vote by way of postal and pre-poll voting. The proposals contained in this bill may be grouped under two broad themes. The first group of amendments can be characterised as reforms that are designed to improve the administration of council elections and to reduce their costs. The second group of amendments are designed to remove barriers to voter participation at council elections.

I will now address each of the proposals in turn as they appear in the bill. The first proposal will allow councils the option of saving on the significant costs of holding a by-election to fill casual vacancies that arise in the first 18 months of their terms by instead using a countback system similar to the one used in Victoria. I also

note that the countback system has been successfully used in a number of other jurisdictions. The countback election, to be conducted in accordance with a process to be prescribed under the regulations, will apply to a casual vacancy in the office of a councillor if the casual vacancy occurs within 18 months after the date of the last ordinary election and the council at its first ordinary meeting following that ordinary election has resolved that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.

Countbacks will not be able to be used to fill vacancies in the offices of popularly elected mayors. Given the community leadership role of the mayor, it is important that the community be given the opportunity to elect a new mayor in such circumstances. Countbacks will also not be used where the original election was not contested. Similarly, if a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election, a by-election will be held to fill that vacancy. All councils will potentially benefit from this proposal. In the 18 months following the 2012 local government elections, 15 councils were required to hold by-elections to fill vacancies. To take two of these as examples, Hurstville City Council spent \$107,000 on its by-election and Singleton Council spent \$64,000.

These resources are diverted from meeting councils' other commitments to their communities. The use of a countback system therefore potentially delivers significant savings to councils. The bill also seeks to promote realistic planning by councils for the administration of their elections. Where a council intends to run its own election, rather than use the services of the Electoral Commissioner, 18 months before the election it must demonstrate to its community that it has the capacity to do so. If a council decides that its general manager will administer the election, the council will be required to publish on its website a resolution advising of that decision. In addition, the resolution will inform voters of the following: whether the general manager intends to administer the elections personally or to engage an electoral services provider to do so.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. Hansard is having difficulty hearing the Minister. Members who wish to have private conversations should do so outside the Chamber.

Mr PAUL TOOLE: If the general manager is to administer the elections personally, the resolution will inform voters whether the general manager has identified any persons to be appointed as the returning officer and substitute returning officer, and their names; and if the elections are to be conducted by an electoral services provider, the name of the provider. Importantly, if a council fails to comply with those requirements, the general manager will be required to publish a notice of that failure on the council's website. That is designed to compel councils to carefully consider their capacity to administer their own elections, together with the associated risks prior to making a decision to do so. Importantly, councils will be required to do so at a time when it will not be too late for them to resolve to engage the Electoral Commissioner to administer their election if they are unable to demonstrate this capacity. Notably, councils will be required to demonstrate to their communities that they have the capacity to successfully administer their own election and will be accountable to those communities for any failure to do so.

The next proposal in the bill is designed to assist councils that choose to administer their own elections and reduce the costs of doing so by requiring the Electoral Commissioner to provide the general manager of such councils with a printed and an electronic copy of the residential roll for the local government area concerned. Councils will pay for this service. This proposal also addresses the potential privacy implications of providing access to electronic electoral roll information to councils administering their own elections. In particular, the Electoral Commissioner will be obliged to provide information only in relation to the local government area of the council administering its own election. It will be an offence to use or disclose any information provided in a residential roll other than for the purpose of administering an election, or to use or disclose any such information for a commercial purpose.

The proposed offences will carry a maximum penalty of 1,000 penalty units, currently \$110,000. The last two proposals are designed to reduce barriers to voter participation in council elections. The first of these proposals removes the requirement for non-residential electors to re-enrol after each ordinary local government election in order to vote at the next election. Currently, under the Local Government Act, each non-residential roll lapses after the election for which it is prepared. New rolls are to be prepared for each new election. However, under the current provisions, these are to consist only of the names of non-residential voters who have re-applied for the inclusion of their names on the new rolls since the last election.

This serves as a significant barrier to non-residential voter participation in council elections, which is reflected in the indefensibly low numbers of non-residential electors who were enrolled for each council at the

last 2012 elections. Only 13 non-residential voters enrolled for Parramatta in 2012. In Newcastle eight non-residential electors were enrolled. In Liverpool and Fairfield the number was 28 and six respectively. This trend is inconsistent with sound democratic outcomes.

The proposed amendments will mean that non-residential electors will no longer need to make the effort to re-enrol prior to each council election in order to exercise their vote. They provide that as soon as practicable after the non-resident rolls lapse, the general manager is to prepare new rolls and keep them updated, thereby making them available for inspection for a longer period than is currently the case. The new rolls prepared by the general manager will include the names of the qualified persons who have applied at any time, not just since the last election, for the inclusion of their names on the rolls. The last proposal in the bill will enable the City of Sydney to determine whether voting at its election will be conducted exclusively by means of postal voting instead of attendance voting. Again, this will allow the City of Sydney to promote increased non-residential elector participation at its elections.

While the joint standing committee recommended that all councils be given the option to conduct their elections by universal postal voting, this will require significant system updates by the Electoral Commission before it can provide this service to its client councils. However, before the option of universal postal voting for all councils can be legislated, it will be important for the Electoral Commissioner, who will continue to be responsible for administering most council elections, to have the systems in place to support the implementation of this change. Therefore it is proposed that this option be given to the City of Sydney now and extended to all councils in the future. The benefits of universal postal voting to councils and communities in other jurisdictions in terms of cost and voter participation are compelling.

For example, in 2012 in Victoria, council elections conducted by way of universal postal voting had a turnout of 72.53 per cent compared to 63.62 per cent for other councils. The option of universal postal voting also reduces election costs. In Victoria councils using universal postal voting were able to achieve savings exceeding 16 per cent. It is further proposed to align the time at which the City of Sydney and other councils are required to make a decision on whether to conduct their elections by universal postal voting to the time they are required to make a final decision on the administration of their elections, that is, up to 18 months before the election, to assist councils to seek quotes. The council will also have the option of conducting individual by-elections, polls and constitutional referenda using postal voting.

Many other recommendations made by the joint standing committee that have been supported by the Government, such as the removal of the qualification requirements for postal and pre-poll voting for elections for the City of Sydney, will necessarily be achieved by way of amendments to the Local Government (General) Regulation 2005. In addition to these, substantial amendments are required to the regulation to prescribe procedures for the use of countbacks and universal postal voting. Work on this will commence shortly in close collaboration with the NSW Electoral Commission. In conclusion, the proposals in this bill represent a further step in the reform journey that will ultimately see a comprehensive overhaul in the way council elections are conducted in this State. Ultimately councils will benefit from these changes in terms of reduced costs and improved administration of council elections. Communities will also benefit from the improved democratic outcomes in terms of voter participation that the changes will deliver. I commend the bill to the House.

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

MOTOR ACCIDENTS (LIFETIME CARE AND SUPPORT) AMENDMENT BILL 2014

Bill introduced on motion by Mr Dominic Perrottet, read a first time and printed.

Second Reading

Mr DOMINIC PERROTTET (Castle Hill—Minister for Finance and Services) [4.25 p.m.]: I move:

That this bill be now read a second time.

The Motor Accidents (Lifetime Care and Support) Act 2006 established the Lifetime Care and Support Authority, which administers the Lifetime Care and Support Scheme. The scheme pays for all the reasonable and necessary treatment and care expenses of people who have been seriously injured in motor accidents in New South Wales. The kinds of injuries sustained by participants in the scheme include spinal cord injuries,

traumatic brain injuries, complex or multiple amputations, and serious burns or blindness resulting from a motor accident. The scheme covers all those so injured, regardless of fault. The primary purpose of the Motor Accidents (Lifetime Care and Support) Amendment Bill 2014 is to enable the Lifetime Care and Support Authority to enter into arrangements to exercise some or all of the functions of a relevant authority for the purpose of delivering treatment and care services to participants in the relevant authority's care and support scheme on its behalf.

Both "care and support scheme" and "relevant authority" are defined in detail in new section 43A of the bill. The immediate need for the bill arises because New South Wales wishes to assist the Australian Capital Territory by making arrangements to administer the Australian Capital Territory's newly established lifetime care and support scheme. However, new section 43A has been drafted broadly to allow the Government potentially to enter into arrangements with other relevant authorities operating care and support schemes that provide for the treatment and care of catastrophically injured people in the future. When the Government decides to enter into an arrangement with another care and support scheme, the bill allows for the relevant scheme to be specifically prescribed by regulation.

The Lifetime Care and Support Scheme is a leading scheme in Australia and is serving as a model for the development of the National Injury Insurance Scheme [NIIS]. To implement the NIIS for motor accidents, minimum benchmarks have been developed for State and Territory compensation schemes, modelled on the eligibility criteria in the New South Wales scheme. These benchmarks have been agreed by the seven jurisdictions, including New South Wales and the Australian Capital Territory. In order to meet its commitment to the minimum benchmarks, the Australian Capital Territory has enacted the Lifetime Care and Support (Catastrophic Injuries) Act 2014, which establishes an Australian Capital Territory lifetime care and support scheme for people catastrophically injured in motor accidents in the Australian Capital Territory, regardless of fault.

The scheme provides for a lifetime care and support scheme in substantially the same terms as the New South Wales scheme. The Australian Capital Territory has requested that the Lifetime Care and Support Authority assist it by administering the Australian Capital Territory lifetime care and support scheme, and the New South Wales Government has agreed to this in principle, subject to suitable arrangements being entered into. This bill will be of immediate utility in assisting the Australian Capital Territory scheme to operate. Once the legislation is enacted I will propose to Cabinet that it endorse an intergovernmental agreement [IGA] with the Australian Capital Territory.

The terms of the intergovernmental agreement will be directed towards ensuring that consistency between the Lifetime Care and Support Scheme and the comparable Australian Capital Territory scheme is maintained; minimising differences in the administrative arrangements that support these schemes; facilitating the provision of treatment and care to participants in the Australian Capital Territory scheme; ensuring that outcomes for participants in either scheme are broadly the same; and enabling the Government to prescribe the Australian Capital Territory lifetime care and support scheme so that the New South Wales authority can enter into a care and support arrangement with it, in accordance with new section 43A of the bill.

In anticipation of the Parliament supporting the enactment of this bill, preliminary negotiations on the terms of both the IGA and the agreement between the New South Wales and Australian Capital Territory authorities have taken place. It is not anticipated that administering the Australian Capital Territory scheme will impose a significant burden on service provision to New South Wales participants. The authority presently administers the provision of treatment and care services to more than 550 lifetime participants and 375 interim participants in the New South Wales scheme. In this context the expected number of participants in the Australian Capital Territory scheme will be between three and six people, with a range of zero to 12 people becoming eligible for participation in any given year. I am assured that the New South Wales authority is well equipped to assist the Australian Capital Territory.

The bill provides that each care and support arrangement the New South Wales authority administers is to have a separate account established for it in the New South Wales fund. Those accounts will need to be kept in sufficient funds to enable New South Wales to pay for services provided to participants in the scheme the subject of the care and support arrangement. The bill ensures that the fund is protected from any liability to pay for the treatment and care expenses of participants in schemes administered by the New South Wales authority under a care and support arrangement by clearly stating that "A liability of the authority under a care and support arrangement is not a liability of the Fund except to the extent that the liability can be satisfied out of money standing to the credit of the separate account established for the arrangement within the Fund."

I am advised that officials from Treasury and the Audit Office were consulted on aspects of the bill dealing with the administration of funds held in the New South Wales fund on behalf of another scheme. I expect that rather than being a burden to New South Wales, the opportunity to administer the Australian Capital Territory scheme will promote consistency and excellence in service provision to those who are sadly catastrophically injured on our roads regardless of whether the injury occurred in New South Wales or on the roads of our near neighbours in the Australian Capital Territory. The Government has also taken the opportunity in this bill to clarify that the authority may satisfy its liability to pay for expenses incurred in relation to an injured person's treatment and care by making a reasonable contribution to another type of expenditure that will meet the same treatment and care needs.

This amendment gives the authority flexibility in meeting a participant's treatment and care needs by making an alternative payment that achieves the same outcome, provided it is cost effective to do so. Examples of how this provision might be useful include where a participant would have to purchase a vehicle suitable to modify—or more usually get a loan to make that purchase—so that the authority can pay for appropriate modifications, but the authority may instead make a reasonable contribution to the cost of purchasing a vehicle that is already suitably modified as a cost effective alternative treatment and care need.

This provision could also enable the authority to make a reasonable contribution to the cost of purchasing a home that incorporates necessary modifications for a participant instead of paying a prohibitive amount for those modifications to be made to the participant's existing home. This amendment will ensure that the authority is able to spend available funds in a manner that is consistent with the authority's focus on meeting the reasonable needs of each individual participant in the most cost effective way possible. I commend the bill to the House.

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

MARINE ESTATE MANAGEMENT BILL 2014

Second Reading

Debate resumed from 16 October 2014.

Mr PAUL LYNCH (Liverpool) [4.33 p.m.]: I lead for the Opposition on the Marine Estate Management Bill 2014. The shadow Ministers with the carriage of this bill are the Hon. Steve Whan and the Hon. Luke Foley in the Legislative Council who will, perhaps, provide a more detailed analysis than me. The Opposition will not oppose the bill but reserves its position to move amendments in the Legislative Council. The objects of the bill are expressed to be as follows:

- (a) to provide for the management of the marine estate of New South Wales consistent with the principles of ecologically sustainable development in a manner that:
 - (i) promotes a biologically diverse, health and productive marine estate, and facilitates:
 - (ii) economic opportunities for the people of New South Wales, including opportunities for regional communities, and
 - the cultural, social and recreational use of the marine estate, and
 - the maintenance of ecosystem integrity, and
 - the use of the marine estate for scientific research and education,
- (b) to promote the co-ordination of the exercise, by public authorities, of functions in relation to the marine estate,
- (c) to provide for the declaration and management of a comprehensive system of marine parks and aquatic reserves.

The bill creates integrated management of the marine estate. The bill creates a Marine Estate Management Authority, and disbands the Marine Parks Authority, a Marine Estate Expert Knowledge Panel, the Marine Estate Management Strategy, threat and risk assessment, marine parks and aquatic reserves, enforcement, finance and other provisions. It revokes the Marine Park Act 1997 and the relevant sections of the Fisheries Act. Much of the bill relating to marine parks echoes the Marine Park Act 1997. In 2013 an audit was released that

announced a new approach to the management of the marine estate. One aspect of this bill is that it sinks the moratorium on marine park establishment or variation thus allowing the Government to both declare new parks as well as wind back positive existing zoning decisions.

The bill has two responsible Ministers, the Minister for the Environment and the Minister for Primary Industries. This reflects the arrangements in the previous Marine Park Act. This bill establishes some new architecture for marine management, most of which is not necessarily to be opposed. The devil, of course, will be in the details, in the regulations and in their application. The bill establishes a Marine Estate Management Authority, which is primarily an interdepartmental advisory body—one assumes to deliver better integration across departments on issues relating to marine management. There is the option for the Minister to establish a Marine Estate Expert Knowledge Panel to support the authority. The authority is charged with the development of a Marine Estate Management Strategy that will relate to the whole of the marine estate including coastal waters, estuaries, lakes, lagoons, wetlands and adjacent coastal lands strongly influenced by ocean processes.

The bill also encompasses the key recognised values of social, economic and environmental concerns. Every 10 years the Marine Estate Management Strategy is to be reviewed and assessed in terms of social, economic and environmental threats. Part 4 of the bill deals with threats and risk assessment, which encompasses those values. Part 5 reiterates most of the existing statutory provisions for the declaration, management and review of both marine parks and aquatic reserves. It provides that the primary purpose of marine parks and aquatic reserves is to conserve biological diversity, and maintain ecosystem integrity and function. However, the principles of ecologically sustainable development, research, education, appreciation, enjoyment and Aboriginal cultural values will also be incorporated into the purposes of marine parks.

The bill also makes changes to the original arrangements of how aquatic reserves and marine parks are managed, that is, aquatic reserves were managed under the Fisheries Management Act and marine parks under the Marine Parks Act. The Government argues that this was inefficient and led to inconsistent management approaches. The bill will now incorporate the management of both. Compliance measures are also carried over from the previous legislation, but will also allow for other authorised officers from within the Department of Primary Industries to undertake the policing of offences. This is currently undertaken by marine park rangers. Again, the Act provides for provisions to recover costs from infringements through civil proceedings.

However, there are some areas of concern. The first is the lack of mandated balance in the Expert Knowledge Panel. These provisions enable the Ministers responsible to establish an expert panel that is not subject to control and direction of the Ministers or the Marine Estate Management Authority in respect to the advice it provides to the authority. Under regulation the Act may make provision for the constitution and procedures of the expert panel. This may include the appointment of panel persons with expertise in the fields of ecological, economic or social sciences.

However, while there is a requirement to ensure that persons have experience in these fields, this could mean that the expert panel may be stacked in favour of particular interest groups, rather than being balanced. It does not identify the required number of panel members and those with necessary experience in ecological, economic or social sciences. Another concern is the increased emphasis on social considerations. This increased emphasis on social values in management and other decisions reflects the position of the Government. Positively I note that ecologically sustainable development has survived as a concept in the bill. As I have indicated, Labor is considering proposing amendments reflecting its concerns in the Legislative Council. However, it will not oppose the bill in this Chamber.

Mr ROB STOKES (Pittwater—Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning) [4.39 p.m.]: I support the Marine Estate Management Bill 2014, which delivers on the Government's commitment to transform the management of the marine environment, including our precious marine parks and reserves. This bill, and our reforms to management of the marine environment more broadly, is important because the people of New South Wales have a powerful and almost visceral affinity for our coast.

I congratulate the Minister for Primary Industries on delivering sensible framework legislation to provide for the management of the marine estate of New South Wales in a manner that promotes and recognises the environmental, social and economic importance of our coasts, beaches, headlands and coastal waters. Eighty per cent of New South Wales residents live within 50 kilometres of the coast and all of us arrived here, one way or another, across the ocean. We are a maritime people, and our coast inspires us, nurtures us and feeds us. It provides homes for many and beaches for all.

Our coast supports a variety of precious, diverse and fragile underwater and littoral ecosystems and the long ribbon of coastline embraces a plethora of coastal communities—from vast metropolis to small fishing settlements. It is a place of beauty that provides succour to local and international visitors alike, and it supports a prosperous saltwater economy, from shipwrights to chandleries, fishers, marinas, bait and tackle shops, surf shops and surf-craft manufacturers. Our coast is a hive of activity. It provides so much opportunity and so much hope for future prosperity. But so much focus brings a risk that we might, without proper integrated coastal zone management, be at risk of loving our coast to death from the cumulative impacts of threats and risks, such as overdevelopment, overfishing, sewage and stormwater pollution, even surf rage. As Tim Winton summarised:

Hunting and gathering are in my blood. But I've lived long enough to witness a diminution in the seas, and to notice a fragility where once I saw—or assumed—an endless bounty.

Today we have an obligation to ourselves and to future generations to make sure we do not love the coast to death and that we conserve its many and unique values. The challenge on our hands, the increasing pressure that the coast is under, is reflected in a book that I will have the honour of launching later this week, *Sydney Beaches: A History* by Caroline Ford, which captures beautifully the unique magnificence of our coast while also recording how development along the coast is intensifying and competition for access to space and resources is increasing. Dr Ford's book offers a compelling case for a more cohesive and comprehensive approach to coastal management.

Managing diverging uses of and ideas about the beach continues to be a challenge for coastal managers into the twenty-first century. Our Government is committed to this approach and this is reflected in the bill we debate today. A commitment to effective management of the coast is a hallmark of New South Wales Coalition governments both past and present. I note in this respect that the first ever coastal policy for New South Wales was delivered by the Greiner-Murray Coalition Government back in 1990. In particular, Nick Greiner's Government, with Tim Moore as Minister for the Environment, heard the communities' concerns about the coastal environment and embarked on an innovative program of action.

Transformative projects such as the commissioning of three deep ocean outfalls at Malabar, Bondi and North Head, and the Beachwatch program, which recently celebrated its twenty-fifth anniversary, reflected a new way of thinking about coastal management that listened to and responded to communities' deep concerns about issues such as marine pollution. This way of thinking was shared by local councils. In Sydney, for instance, the Sydney Coastal Councils Group, led by Geoff Withycombe and his great team, established a Stormwater Management Taskforce to produce a range of policies, codes and guidelines. This task force, which also recently celebrated its twenty-fifth anniversary, demonstrated the benefits that can be produced through a regional approach to integrated stormwater management as one aspect of integrated coastal zone management.

The importance of research cannot be overstated. We support organisations such as the Sydney Institute of Marine Science [SIMS] to ensure that science informs how we protect the coast and to ensure that it is a coast that is resilient to future events. For an example of the benefit that can be delivered from quality science we look no further than the microplastics in Sydney Harbour. When clear, scientifically credible evidence on this issue came to light we were able to act quickly. Within weeks of SIMS' research being completed the Government made a decision, on the science, to work towards the phase-out of microbeads in personal care products. The science puts us on a sure footing to work with other States, the Commonwealth and industry to deliver a resilient marine estate.

This bill reflects the Government's commitment to effective coastal zone management based on credible science. In particular, it gives clear recognition to the central role that ecologically sustainable development must play. Ecologically sustainable development is about ensuring development meets the needs of the present without compromising the ability of future generations to meet their own needs. As pressures continue to arise and new challenges emerge, the importance and fundamental relevance of this abiding principle will only increase. The objects of this bill ensure that ecologically sustainable development will be enshrined in coastal decision-making into the future.

When I look into the provisions of the bill itself I see specific sections such as proposed section 54, which reaffirms that mining is prohibited in marine parks and aquatic reserves, and that issues such as the vexed issue of sandmining along our coast can only be countenanced in these areas where there is a clear environmental motivation or imperative for why this sort of approach needs to be adopted. I am sure that will go a long way to ensuring that the communities' views on these vexed issues of mining in the littoral zone and particularly sandmining are addressed. The Government also recognises through the bill the essential role that environmental considerations and the environment Minister must play as part of coastal decision-making. There

is obviously a balance and that is at the heart of decision-making on resource and land-use decisions. We need to balance, factor in and properly consider all the economic, social and environmental factors. Obviously the bill emphasises that the environment Minister has a role in this discussion.

Under proposed section 5 of the bill for the first time the environment Minister now has a direct role in the creation of aquatic reserves. Practical steps like these ensure integrated consideration of the place of reserves in the broader marine estate. This new role for the environment Minister is part of the continuing evolution of the role since our first environment Minister, Jack Beale, came to office in the late 1960s. It was a Liberal-Nationals Government that first gave the environment a seat at the table. This bill is about our current Government continuing this proud tradition.

The governance measures for the marine estate ensure an integrated consideration of threats and risks to our saltwater economy and precious marine biodiversity. As Premier Greiner said when commissioning the Bondi outfall on 14 August 1991, "Out of sight [is] not out of mind." The Marine Estate Management Bill demonstrates this Government's clear commitment to the ecologically sustainable development of our coastal network. I commend the bill to the House.

Mr ALEX GREENWICH (Sydney) [4.47 p.m.]: The Marine Estate Management Bill 2014 creates a new Act for marine park and aquatic reserve management. New South Wales has immensely rich marine biodiversity that includes sea dragons, dolphins, whales, sharks, seals, Opera House seals, coral, crustaceans, molluscs, starfish and sea slugs, as well as numerous fish species, 70 per cent of which are only found in Australia. However, the future of life in our waters is at risk from climate change and ocean acidification, pollution, overfishing and a lack of safe havens for marine life to recover and rebuild. The 2009 New South Wales State of the Environment report identified 45 aquatic species and communities listed as vulnerable, endangered or extinct. Eight of the 23 key commercial fish species are currently overfished.

It has been widely reported that the world's commercial fisheries will collapse by 2048 if action is not taken now to protect aquatic species. New South Wales fishing industries will only survive if we protect our marine biodiversity. Science shows that marine parks and no-take sanctuary zones protect marine biodiversity and fish species. Over a thousand papers have been published on the topic and the scientific consensus is that marine parks are essential to maintaining biodiversity. Sanctuary zones, in particular, lead to dramatic increases in the number and size of fish, with effects spreading into adjacent areas, which are known to be the best fishing spots. But New South Wales has been going backwards in marine protection. I understand we are the only place in the world that has.

We have had recreational fishing permitted in shoreline sanctuary zones, a moratorium on new and expanded marine protections and some recreational fishing restrictions lifted in grey nurse shark critical habitat waters. The amnesty on shoreline recreational fishing was introduced before a six-month assessment of the practice by the independent expert knowledge panel began. If the move was not politically motivated, the Government would have waited for the panel's assessment before putting biodiversity at risk.

Sixty per cent of fishing happens from the shore and the cumulative impacts are massive. The amnesty makes New South Wales the only place in the world to allow fishing in areas set aside for recovery and it must be urgently lifted. I am relieved the marine park moratorium has not been provided for in this bill, notwithstanding the Minister's comment that the Government remains committed to it. The World Conservation Union target for sanctuary protection is 20 to 30 per cent of global waters but only 7 per cent of New South Wales coastal waters are protected in marine sanctuaries.

This year a Galaxy Poll found that 93 per cent of people in New South Wales support marine sanctuaries and that support only drops to just below 91 per cent among recreational fishers. Some recreational fishers loudly oppose no-take zones but their views do not reflect the wider population and fishing community's values. More importantly, their view is not in their interests or the State's long-term interests. I hope that the moratorium will be lifted and that Sydney will be assessed for marine protections under this new legislation. Sydney boasts more marine fish species than New Zealand, the Mediterranean and the United Kingdom but faces many threats.

I welcome the Minister's commitment in response to my March question in Parliament that the Marine Estate Management Authority would explore conservation and commence consultation on a Sydney marine park this year. The Marine Estate Management Bill bases marine parks and aquatic reserve management on a statewide Marine Estate Management Strategy setting out the vision and priorities for the marine estate based on

threats and risks. While there is community support for this approach, the bill fails to legislate obvious criteria for deciding new parks. Basing it on risks and threats will not be enough. We need the "comprehensive, adequate and representative" principle to underpin and drive the design of reserves so that we can fill the protection gaps such as in the Hawkesbury and Twofold shelves.

The objects in the bill are ecologically sustainable development; economic, social, cultural, scientific and environmental opportunities; coordination by public authorities; and a comprehensive, strategically managed system of marine parks and aquatic reserves. I welcome inclusion of the principles of ecologically sustainable development but the objects do not reflect the primacy of biodiversity and ecosystem function and the need to ensure marine life can recover and thrive. The bill reduces the consultation period for the declaration of a new marine park from 90 days to 60 days, which contradicts the Government's claim of improving consultation. Protections will also be subject to a review cycle of 10 years instead of five. Ten years is a long time and potentially major and permanent damage can be done during this period. I call on the Government to retain existing consultation and review periods.

However, I share community concern that the Minister for Primary Industries should not have a veto power over new marine protections. Biodiversity protection has always been the responsibility of the environment Minister and this has ensured that vital declarations for long-term sustainability are made based on science. The Minister for Primary Industries is accountable to industry, including fishing industries, and this could relegate environmental sustainability below industry demands and flies in the face of claims that this Government will base marine protection on science not politics. While industry should have a say and be consulted, the final decision on declaring marine protections must be about environmental sustainability and left wholly with the environment Minister. I strongly welcome maintaining the ban on mining in marine parks.

In November, Sydney will host the 2014 International Union for Conservation of Nature [IUCN] World Parks Congress at which over 4,000 delegates from over 160 countries representing parks from around the world will meet to share knowledge and innovation and set the agenda for future protected areas conservation. With our vast coast, New South Wales should be at the forefront of marine protection and should be able to contribute new protections and advancements in environmental sustainability at the congress. It is unfortunate that this bill did not take the opportunity to create progressive new protections. However, it does include important provisions that I hope will help this State protect our marine biodiversity for future generations.

Mr STEPHEN BROMHEAD (Myall Lakes) [4.53 p.m.]: I support the Marine Estate Management Bill 2014. This bill is of critical importance to my electorate. The electorate of Myall Lakes is internationally renowned as Australia's water playground. My electorate contains Bombah Waters, Myall Lakes, Smiths Lake, Wallis Lake, the mighty Manning River, which consists of 156 kilometres of navigable waterways, the only delta formation in the Southern Hemisphere, the tallest single drop waterfall in the Southern Hemisphere, Ellenborough Falls and 200 kilometres of beaches. This area is pristine and loved by many.

The population of this area quadruples during holiday periods because people from Sydney and other places love to experience the unique water playground. This bill is important to the people in my electorate. Numerous studies have shown the number one priority for my constituents is the environment, particularly the water environment. So many people in the community rely on the waterways and beaches for their livelihood, whether through commercial fishing, tourism, holiday accommodation or boating. Water plays an important role in their lives. It is this Government that has brought this bill forward and this Government is the one that cares about the environment. We have heard from the Minister that it was the Liberal-Nationals that first introduced an environment Minister. I note the member for Miranda has an illness; he is groaning on the other side of the House. Hopefully he will improve.

Mr Barry Collier: Why don't you give credit where credit is due for a change?

Mr STEPHEN BROMHEAD: I have not mentioned the Labor Party at all but since the member for Miranda has interjected I will have to mention the 16 shameful years when the member for Miranda was part of the shameful Labor Government that neglected regional New South Wales and drove the State into the ground. When Labor was elected New South Wales was the number one State in Australia but when they left office New South Wales was coming last in all economic indicators. Within 3½ years this Government has turned New South Wales around, despite the Opposition opposing every economic improvement proposed. This Government has looked after regional New South Wales. The member will still whinge, complain and whine as he always does.

The purpose of this bill is to make provision for the management of the New South Wales marine estate. Stretching north to south for approximately 1,250 kilometres the New South Wales marine estate includes one million hectares of estuary and ocean. Almost six million residents live within 50 kilometres of the New South Wales coastline. In June 2011 the Government commissioned an independent study audit of marine parks in New South Wales. The audit found that the management of the marine estate in New South Wales was fragmented and deficient—a legacy of the former Labor Government.

In February 2013 the Government released its response to the audit, which announced a comprehensive new approach to the management of the marine estate. This bill gives effect to the recommended approach. The bill provides for effective and integrated management of the whole marine estate for the first time in New South Wales. The new Act will be jointly administered by the Minister for Primary Industries and the Minister for the Environment—two Ministers looking after our marine estate. The objects of the bill are:

- (a) to provide for the management of the marine estate of New South Wales consistent with the principles of ecologically sustainable development in a manner that:
 - (i) promotes a biologically diverse, healthy and productive marine estate, and
 - (ii) facilitates:
 - economic opportunities for the people of New South Wales, including opportunities for regional communities, and
 - the cultural, social and recreational use of the marine estate, and
 - the maintenance of ecosystem integrity, and
 - the use of the marine estate for scientific research and education,
- (b) to promote the co-ordination of the exercise, by public authorities, of functions in relation to the marine estate,
- (c) to provide for the declaration and management of a comprehensive system of marine parks and aquatic reserves.

I turn to some specific clauses within the bill. Clause 7 establishes an advisory committee to be called the Marine Estate Management Authority. The authority consists of:

- (a) a person appointed by the relevant Ministers who is to be the Chairperson of the Authority, and
- (b) the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services, and
- (c) the Chief Executive of the Office of Environment and Heritage, and
- (d) the Secretary of the Department of Planning and Environment, and
- (e) the Secretary of the Department of Transport, and
- (f) a person appointed by the relevant Ministers to chair the Marine Estate Expert Knowledge Panel (if the Panel has been established).

Clause 8 sets out the functions of the authority, which include to advise the relevant Ministers on the management of the marine estate and in relation to any matter referred to it by the relevant Ministers; to undertake assessments of threats and risks to the marine estate; to prepare a draft marine estate management strategy for submission to the relevant Ministers in consultation with the relevant public service agencies; to advise the relevant Ministers on the implementation of the marine estate management strategy by public authorities; to promote collaboration and coordination between public authorities in their exercise of functions relating to the management of the marine estate; and to foster consultation with the community in relation to the management of the marine estate and the preparation of the marine estate management strategy.

Clause 9 enables the relevant Ministers to establish a marine estate expert knowledge panel. The panel may provide advice to the authority on any matter referred to it by the authority. A marine estate expert knowledge panel is not subject to the control and direction of the relevant Ministers or the authority in respect of any advice it provides to the authority. Regulations under the proposed Act may make provision for the constitution and procedures of the panel. However, in establishing any such panel the relevant Ministers must seek to include on the panel persons with expertise in the fields of ecological, economic or social sciences.

Clause 10 states the purpose of a marine estate management strategy, being to set the overarching strategy for the State Government to coordinate the management of the marine estate with a focus on achieving the objects of the legislation. Clause 11 provides that the authority is to prepare a draft marine estate

management strategy and submit the draft strategy to the relevant Ministers for approval. Such a strategy must state the vision and priorities for management of the marine estate, and include any other matters which the relevant Ministers may direct to be included in the strategy or which may be prescribed by the regulations.

Clause 18 provides for the periodic review of the marine estate management strategy. The relevant Ministers may cause a review of the strategy to be undertaken at any time, but must ensure a review is commenced as soon as possible after, in the case of the first review, 10 years has elapsed since the date that the strategy was approved, and in any other case, 10 years has elapsed since the conclusion of the previous review. A review under the proposed section is to be carried out by an independent person, body or panel appointed by the relevant Ministers. The relevant Ministers may set the terms of reference for such reviews. The person, body or panel conducting the review is to prepare a report on the review and to submit it to the authority. The authority is to consider that report and submit it, and any advice the authority has regarding the review, to the relevant Ministers.

Clause 19 deals with the implementation of the marine estate management strategy. The relevant Ministers are to have regard to the strategy in the exercise of their functions under the legislation. Public authorities are to have regard to the strategy to the extent that the strategy is relevant to the exercise of their functions. Clause 20 provides that the authority must ensure that an assessment of threats and risks to the marine estate is periodically carried out. The purpose of the threat and risk assessment is to identify threats to the environmental, economic and social values of the marine estate, to assess the risks associated with those identified threats, and to inform marine estate management decisions by prioritising those threats and risks according to the level of impact on the values derived from the marine estate. This bill creates the platform from which we can care for and nurture our marine estate and the people who live along our coastline. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [5.03 p.m.]: I speak on the Marine Estate Management Bill 2014 on behalf of The Greens. The bill contains a range of elements, but in general it changes the focus from marine parks and a primary conservation objective to a marine estate that stretches 1,250 kilometres down the New South Wales coast and three kilometres seaward from the coastline. It moves away from conservation as the primary aim and instead frames the marine estate as a saltwater economy that must take into account a diverse range of stakeholder groups, including the State's one million recreational fishers. The corresponding provisions of the Fisheries Management Act 1994 pertaining to the Maritime Parks Act 1997 are now included under the umbrella of the 2014 legislation, and decisions pertaining to the marine estate will now need to be signed off jointly by the relevant Ministers, who are defined to be the Minister for the Environment and the Minister for Primary Industries.

Everything now seems to be an economy and the commodification of everything, including nature, continues apace. Attempts to focus conservation are outside the normal exchange economy system and it is therefore anathema to some in the Government and the bureaucracy. However, I believe that conservation is important. The different paradigm that conservation inhabits does not necessarily involve a market exchange economy but an understanding of the intrinsic value outside the value in exchange. Apart from that broad point, we are addressing some fundamental changes in this legislation.

The first fundamental change relates to the objects of the legislation. The bill replaces conservation goals with not only management speak but also a different philosophical framework. It is stated that the facilitation of "economic opportunities for the people of New South Wales, including opportunities for regional economies" is to be promoted above "cultural, social and recreational use" and "maintenance of ecosystem integrity". That goes to the heart of the philosophical difference in this bill. It is about seeing the marine environment as part of facilitating economic opportunities. That is different from the way in which The Greens regard these areas. Of course, we understand that there should be the opportunity for people to exploit our natural resources. In fact, that is one of the great problems with our economy—the ever-increasing exploitation of finite resources. However, this bill creates a completely different philosophical framework for dealing with these areas—it sees them as resources.

The bill also establishes an overarching marine estate management system to coordinate the management of the marine estate in line with the desired objectives. I have a genuine question for the Minister: How will the Government determine the priority given to marine parks as provided for in the new bill, which now focuses on all waters three kilometres seawards from the coast? Is there a decision matrix? Is it based on particular evidence? What is the weighting and how is it determined? I am interested in understanding those aspects of the bill.

Members will not be surprised that this bill weakens the role of ecologically sustainable development principles in the decision-making process. It abolishes the functional powers of the Marine Parks Authority and replaces it with an advisory body—the Marine Estate Management Authority. It sounds like Landcom or a real estate agency. It also establishes a marine estate expert knowledge panel. The Minister for Primary Industries is taking the lead role in the administration and management of the Act and marine park rangers will be replaced by fisheries officers. Corresponding provisions in the Fisheries Management Act 1994 pertaining to the Marine Parks Act 1997—primarily aquatic reserves—will now come under the umbrella of the 2014 bill.

The review periods have been extended from five years to 10 years to provide certainty to commercial businesses. Surprise, surprise, community consultation periods have been scaled back from 90 days to 60 days. We have the corporatisation of these areas, the rollback of ecologically sustainable design principles and community, and the conservation goals have been replaced with the objective of providing economic opportunities for the people of New South Wales. That is The Greens' difficulty with the approach taken in this bill. It is problematic to have an Act that focuses primarily on marine parks and conservation superseded by a bill that focuses more broadly on all waters 1,250 kilometres north to south along the coast and three kilometres seawards.

Under this bill, the objectives and stakeholder groups would vary depending on the stretch of water being considered. Our concern is the dilution of other areas—and that is not a pun—in the way they are dealt with. I ask the Minister to elucidate why the Minister for Primary Industries is the lead administrator of an Act that holds responsibility for decisions on marine conservation issues, as the Minister in general represents the interests of those who view a marine estate as a commodity first; as an environment to be conserved it is well down on their list of priorities. I am sure a lot of clever people have come up with reasons why that should be the case. I would appreciate being given more detail. I do not like to be critical—

Mrs Leslie Williams: Then don't be.

Mr JAMIE PARKER: That is why I am asking these questions. I understand that the Government is trying to combine two areas, but I am not sure that is the right way forward. This bill takes marine estate areas—basically places that exist for economic exploitation, while down the list are conservation, tourism and other considerations—and puts them in the same category as marine parks. I do not believe that that will improve the ecological sustainability and ecosystem integrity of our marine parks. There will be further engagement on this bill in the other place, where it will be looked at in more detail.

This Government has a habit of weakening the role of ecologically sustainable development principles. Ecologically sustainable development has been deleted from Acts or pushed down the list of priorities when it comes to conservation goals. It must be recognised that our natural resources have to be carefully used and conserved. We are not advocating an end to the use of these areas, but when it comes to marine parks the priority must be marine conservation. The Greens are concerned that this management estate bill views our marine parks as part of the property of a glorified real estate agency, as the title suggests. We should have a higher order of concern about conservation values. The Greens stand for conservation above exploitation. Let us find a balance, and err on the side of conservation rather than exploitation when necessary.

Mr BRUCE NOTLEY-SMITH (Coogee) [5.12 p.m.]: I speak in support of the Marine Estate Management Bill 2014. The management of our precious marine estate is of particular importance to constituents in my beautiful seaside electorate of Coogee. It is an issue that is frequently raised with me when I am out in the community. The landmark reforms and framework set out in this bill allow the Government to deliver on our vision for a clean, safe, healthy and biologically diverse marine estate. These reforms provide for the establishment of a Marine Estate Management Authority that will report to the relevant Ministers—the Minister for Primary Industries and the Minister for the Environment—on the management of the marine estate. Importantly, the bill also provides for a Marine Estate Expert Knowledge Panel to be established to provide the authority with independent scientific advice.

The New South Wales Government is committed to better management of our State's greatest natural asset. To achieve this, it is absolutely necessary that decisions about the management of our marine estate are evidence based. While I am concerned about the impact of the current amnesty upon our marine environment, this bill allows the Government to get on with the job and do what Labor did not do; that is, to prepare a long-term, 10-year marine estate management strategy that is founded on robust, scientific and evidence-based research and advice.

The marine estate management strategy will set out the New South Wales Government's vision and management priorities for the marine estate. Assessment of these priorities will be carried out at least every 10 years to include the identification of threats and risks to the sustainability and wellbeing of our marine estate. Not only is expert scientific knowledge critical to the development of this long-term strategy but equally important is input from our community. In fact, earlier this year a statewide marine estate community survey was undertaken to inform this specific legislation.

The New South Wales Government will continue to consult with the community every step of the way, including in informing the regulations under this bill and on the development of the marine environment management plans. The Government is listening to the community and is committed to delivering the best possible long-term strategy to manage our marine estate. The Government is taking leadership on this important issue in setting out the vision and framework for a long-term strategy for the protection of our marine environment. The Government is committed to a strong evidence-based management plan to sustain and protect our coastal environment for future generations. It is essential that the community accepts that the declaration of marine estates is based on sound scientific advice and the rigours science brings to that assessment, rather than approaches under the previous Government. This Government is looking at a much more rigorous and robust approach that I believe will withstand criticism.

Our coastal beaches are special places in the hearts of everyone in New South Wales, particularly those who live on the coast. Central to this legislation is ensuring their wellbeing for future generations, particularly with respect to quality of life, living conditions and socio-economic and natural systems. Labor's approach to marine parks was and continues to be politically motivated; it continues to announce uncorroborated, ill-considered policies that result in nothing more than meaningless lines on a map. Labor has not consulted with the community or committed to an evidence-based approach. Conversely, this Government is getting on with managing our marine environment by placing scientific knowledge at the forefront of our plan and approach for the future.

I regularly come into this place and make very clear to Ministers the various issues in my electorate. I have taken them to task about a number of issues and I make no apologies for that. However, the reality is that with issues as important as these Ministers have no choice but to recognise the facts provided by scientists and to act on those facts while taking into account the wishes of the community. The member for Balmain talked about putting the economics of the marine estate ahead of conservation. Seaside communities rely heavily on tourism and the economics of the marine estate are tied up with conservation. The member for Coffs Harbour would know that the preservation of the marine environment is important to attracting visitors to such places. Those people are going in to bat for the preservation of marine environment. Economic considerations are not always the enemy of conservation.

The job is not done. This bill is merely the beginning of a process that is critical to the health and sustainability of our marine environment in the long term. I commend both Minister Hodgkinson and Minister Stokes for their commitment to this bill, for their commitment to a scientific, evidence-based approach and for their passion to prepare a long-term marine estate management strategy that will protect our marine environment for future generations. As someone who has lived my whole life in the idyllic and beautiful seaside locality of Coogee, I am proud that our Government will deliver these reforms. I commend this bill to the House.

Mrs LESLIE WILLIAMS (Port Macquarie—Parliamentary Secretary) [5.20 p.m.]: I speak in support of the Marine Estate Management Bill 2014. The marine parks audit was clear that management of the marine estate was fragmented and lacked a strategic narrative. The audit recommended improvements to managing the New South Wales marine estate as a whole, including marine parks. In response, this Government is implementing a whole new approach, which is fundamentally based on the development of an overarching marine estate management strategy. The bill provides a legislative framework for the new approach and requires that a strategy be prepared as soon as possible after the Act commences. The strategy will set out the vision and priorities for coordinated management of the marine estate to achieve the objects of the new Act.

The objects of the Marine Estate Management Bill 2014 are to provide for the management of the marine estate, consistent with the principles of ecologically sustainable development; to facilitate economic, social, cultural environmental and scientific opportunities; to promote the coordination of functions by public authorities; and to provide for a comprehensive system of marine parks and aquatic reserves. To do that, the strategy will outline the management priorities for the estuaries, coastline and marine waters of New South Wales. Those priorities will be informed by the outcomes of a threat and risk assessment of the marine estate. Under the bill, this assessment must be carried out at least once every 10 years.

The results of a statewide survey, commissioned by the Department of Primary Industries in early 2014, also will inform the strategy. The survey identified that the health of the marine estate is a core value underpinning many of the social, cultural and economic values we derive from it. Maintaining this core value will be a key focus of the new strategy. It will outline the priority threats for the marine estate and identify opportunities for how those could be managed. The strategy will help decision-makers identify the most cost-effective and equitable management actions to avoid or manage priority threats and risks. It will do this by establishing common principles that support integrated planning and implementation. This will help ensure public resources are targeted where they are needed the most.

Delivery will be through existing programs or through new programs recommended in the strategy. It will also take into account the implications of other related reform programs including the coastal reforms, the Crown Lands Management Review and improvements to the New South Wales planning system. The strategy will be drafted by the Marine Estate Management Authority, which will seek the advice of the Marine Estate Expert Knowledge Panel. The authority will also seek the views of all tiers of government, marine estate interest groups and, importantly, the broader community during its development. Under the bill, the authority must consult by publicly exhibiting the draft strategy and seeking the advice of Local Land Services, which will assist with regional implementation. The supporting regulations, once developed, will outline the consultation requirements in more detail.

The bill requires the authority to submit a copy of the draft strategy to the Minister for Primary Industries and the Minister for the Environment for approval. The strategy must be independently reviewed at least once every 10 years after the first strategy is made and at least once every 10 years after the completion of the first review. However, under the bill, the Minister for Primary Industries and the Minister for the Environment can require an independent review of the strategy at any time after it has been made. They can also set the terms of reference for a review. It is expected that the terms of reference could include considering how the strategy is being implemented and whether the strategy itself needs updating.

The bill allows the Minister for Primary Industries and the Minister for the Environment to amend, replace or revoke the strategy. It ensures that the best available scientific information is available to the Ministers to inform such a decision, using the outcomes of the independent review and/or an updated threat and risk assessment. The bill requires the Minister for Primary Industries and the Minister for the Environment as well as public authorities to have regard to the strategy in the exercise of their functions. In this way the strategy will guide the long-term management of the marine estate, including marine parks. In summary, the strategy will support a shared understanding of what key risks and priorities are for this Government to deliver on its vision for a healthy coast and sea managed for the greatest wellbeing of the New South Wales community now and into the future. I commend the bill to the House.

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

MENTAL HEALTH AMENDMENT (STATUTORY REVIEW) BILL 2014

Second Reading

Debate resumed from 14 October 2014.

Mrs BARBARA PERRY (Auburn) [5.25 p.m.]: On behalf of the Opposition I speak in debate on the Mental Health Amendment (Statutory Review) Bill 2014. The Opposition will not be opposing the bill but I will raise some matters that we would ask the Minister to address in his reply. First, I place on record my thanks to the Minister and his staff for the briefing I obtained. I asked a number of questions and I received good, open and fair responses, which were helpful to the Opposition. I also thank Kristina Cimino for her assistance. In issues concerning mental health and disability it is often helpful if we can iron out any issues. It has been a very good process and it should happen more often.

Extensive consultation has taken place in relation to matters that form part of the bill. An extensive consultation process began in March when the Government issued a discussion paper, which raised some pertinent issues around the five-year statutory review. As a result of that, stakeholders, consumers, carers and many other people put in submissions—more than 95 submissions were received—and a number of face-to-face consultations took place. A parliamentary report was released in May, which summarised the submissions. As would be expected, I have spoken to a number of the stakeholders. This is not necessarily a criticism, but I believe that some stakeholders would have liked to have seen the final bill before it was laid on the table.

The consultation process was, in large part, conducted properly. I am labelling the point about the importance of the consultation process because the New South Wales Mental Health Act 2007 has a direct and profound impact on people with mental illness and their families, friends and carers, health professionals, the emergency services and the general community. As the Minister indicated in his second reading speech, the outcome of the review is contained in the tabled report. It is pleasing to note that the policy objectives of the New South Wales Mental Health Act 2007 remain largely valid and provide an appropriate legislative framework for the mental health system. That is important but it does not mean that we should not look at improvements or do the best we can for everyone involved, particularly those who are suffering with mental illness.

A number of issues arose during consultation and led to amendments to the Act. Those amendments are before us today. The proposed amendments attempt to strike a balance between the rights of consumers, carers, practitioners, the community and emergency services, all those mentioned at the beginning of the review report. It is not easy to strike a balance and it may not be right for everyone. The implementation of the legislation will prove the success or otherwise of the amendments. How will it be implemented? What guidance and training will be provided? It will also depend largely on the regulation that will subsequently accompany the Act and any policies that reflect the legislation's intent. That is not an easy task.

In the spirit of getting the best outcome, perhaps consultation should take place on the regulation and the implementation of the provisions in the bill. The objects of the bill, which are well enunciated, broadly fall into four categories. The headings in the bill, particularly in relation to the schedules, are helpful. The first heading, "Care, capacity and consent", is about supported decision-making. I have spoken to stakeholders about those provisions. The Minister, in his second reading speech, focused on recovery principles. That is important because the literature and research across the world is heading in the direction of recovery and evidence-based methods. It is important to change the language and the recovery principles are enunciated in the legislation. Although the recovery principles were already being implemented to some extent, they were not fully entrenched in legislation. The bill reflects the aim of people actively participating in their own treatment. For example, proposed new section 3 (a) in schedule 1 states:

- (a) to provide for the care and treatment of, and to promote the recovery of, persons who are mentally ill or mentally disordered

Section 68, Principles for care and treatment, states:

Insert "and be supported to pursue their own recovery" ...

Section 68 provides further:

- (h1) every effort that is reasonably practicable should be made to obtain the consent of people with a mental illness or mental disorder when developing treatment plans and recovery plans for their care, to monitor their capacity to consent and to support people who lack that capacity to understand treatment plans and recovery plans.

Although it is a matter of semantics, section 68 was included in the Mental Health Act 2007. The next time we consider mental health legislation perhaps those aims should be included in the objects of the Act. They now form the basis of enshrining consumer rights in legislation, although consumers always had these rights. The bill emphasises the principles of recovery as provided in the amendments and I have talked about the issue of balance. As I said earlier, the bottom line relates to supported decision-making. I am concerned that the bill does not provide enough guidance about supported decision-making nor information as to how that will happen.

I anticipate that supported decision-making will be reflected appropriately in the policy and regulation that support the legislative framework. As one stakeholder told me, the legislation has as its core "the concept of the best possible care and treatment in the least restrictive environment, enabling the care and treatment to be effectively given". To strike the balance will require sensitive implementation and a culture change. That will not be easy to achieve. I am concerned also that a mental health service could nominate or determine a principle care provider. Perhaps the Minister can provide clarification. I will not go through the definitions of "principle care provider" and "designated provider". I simply note that the concepts are contained in the bill, which the Minister went through in some detail. The definitions are set out at schedule 1 [44], which relates to sections 72A and 72B.

Although the legislation provides restrictions on the nomination of principle care providers by a particular service, I would like to know the circumstances in which it will happen and what guidance will be provided in terms of exercising that power, so to speak, under that section. I ask the Minister to address that

concern in his reply. A situation may arise where the principle carer nominated by a facility could be a person who the consumer does not want as principal carer but may feel intimidated to reject. The relationship between the consumer and the nominated principal carer, unbeknownst to the person at a facility who is nominating a carer, may be the reason the consumer is very unwell at that stage. It is important to understand what that means and in which circumstances it will occur.

Secondly, the bill strengthens the rights of carers and family and, as I said, I am concerned about schedule 1 [44] to the bill. I am concerned about item [71], which extends the advocacy role of official visitors. As we know, official visitors do an amazing job. When I was the Minister Assisting the Minister for Health (Mental Health) they were important in my understanding of how the system worked and I was very grateful to them, and to Jan Roberts and the team. The consultation paper pointed out very rightly that official visitors have a very important understanding of the system and effectively are the oversight body for the system. They not only helped me understand the workings but also they brought some very important issues to my attention that needed to be looked at. They have a very clear and defined role.

Schedule 1 [71] to the bill extends the advocacy role of official visitors—I am not clear whether it is as a mediator between the principal or designated carer, the treating team and the consumer. Schedule 1 [71] and [76], which deal with section 134A, do not match up. Is it intended merely if the principal carer or designated carer requests to see an official visitor or, given the notes in item [71], is it intended that there will be an advocacy role for the official visitor? If that is the case, I do not believe it is the role of an official visitor to mediate between, carers, mental health professionals and consumers. I think that is a conflict and I would be very concerned if that is the intent of the legislation. It would put the official visitor in a very difficult position of either supporting or not supporting the treating team. I am not sure that is not the intent and I think it should be looked at.

Importantly the bill identifies new protections for consumers. There is a new requirement for voluntary patients to be reviewed by the Mental Health Review Tribunal at least once every 12 months if there are continuous voluntary and involuntary residents in mental health facilities. I also note the statement of rights for voluntary patients, which is also given to involuntary patients. The increased use of audiovisual links is very important. I have seen it operating firsthand in rural and remote areas. Teleconferencing is one of the good things that the former Government introduced and this Government has built on. The submissions identify that it is part of the process. It is not always the be-all and end-all, but it helps to have that support. I know how important it is for audiovisual links from remote areas to specialists and how much confidence it gives for the treatment of their patients.

The bill strengthens the provisions with regard to young people 16 years and under. One of the good things that has been done in relation to mental health in this State is to identify and treat young people as early as possible, but a lot more work needs to be done. I am sure Patrick McGorry will talk to the Minister as he did with me. When a young person is desperately unwell, I note that if there is to be electroconvulsive therapy [ECT] administered to any young person under 16 years of age a psychiatrist who has child and adolescent expertise will have to provide an assessment. That young person will be represented by a lawyer, probably from Legal Aid. The bill also requires the Mental Health Review Tribunal to arrange a hearing to review the appropriateness of the proposed ECT.

When people in the community who are not familiar with the mental health system hear about ECT they are worried because it is an unknown to them. I understand that each year not many young people are administered ECT. I am aware of and know that the protocols around ECTs for adults or young people are quite stringent. Again ECT for a young person must be a last resort. We must ensure that the protocols and use of ECT are well documented and transparent, and that it is used appropriately. When the consultations first occurred I received many letters suggesting that I not support ECT for young people under 16 years of age, as has occurred previously. I have formed the view that on balance an ECT could save the life of a young person or any person—it is an important treatment of last resort.

In relation to the strengthening of protection for consumers, schedule 1 [26] states that the Mental Health Tribunal may defer the discharge of a person on a successful appeal against a refusal to discharge the person for a period of up to 14 days. Item [26] refers to section 44 appeals against discharge refusals. A number of stakeholders are concerned about the insertion of section 44 (6) in particular and say it is a strange amendment from a civil rights perspective. When a patient or a consumer has successfully appealed against refusal to discharge they can then be subject to the tribunal deferring the discharge for a period of up to 14 days.

Currently that happens, but the difficulty is that it is misleading to a patient and may cause conflict with the treating team if a person is detained after a successful appeal. Often it does not happen with a successful appeal. Previously it has happened when there have been adjournments, but to have adjournments does not make it right. If a person is well enough to leave they should be able to leave. If a person has gone through an appeal process and they have been determined fit to be discharged, they should be discharged immediately.

Often a person is offered the opportunity to remain as a voluntary patient until the discharge is suitably arranged but when we are talking about least restrictive care, least restrictive means that anyone, particularly anyone who has won an appeal, should be discharged. I know from my experience as the former Minister Assisting the Minister for Health (Mental Health) that discharge happens only when practitioners and others, including carers, can be assured the person has somewhere safe to stay and that they will not be homeless. We must ensure that practitioners in this area have the necessary resources to start discharge planning from the moment a person is admitted, not at the other end, because that is where the problem lies.

People are often so busy doing the fundamentals that it is difficult for them to do the discharge planning up-front. We need a culture change so that discharge planning is undertaken up-front rather than at the end of the process. New section 38 (5) (a) states that a patient can be discharged into the care of a designated carer. However, people who have won appeals, for example, should be discharged immediately, meaning their treatment and care planning should be done earlier if that is the reason they are being asked to stay voluntarily. They are my comments on strengthening protection for consumers. As the Minister pointed out in his second reading speech, the bill allows for other people in certain circumstances to make assessments. The Minister also stated:

... prompt action to increase the number of declared mental health facilities across New South Wales.

I do not have a problem with increasing the number of declared mental health facilities as that is necessary. We must ensure that they also have the expertise and training to deal with people suffering mental health issues. The Minister further stated:

I thank the NSW Police Force and the Ambulance Service of NSW for working with the Ministry of Health to identify priority sites for inclusion as declared mental health facilities.

I assume the Government is still talking about those things and because nothing else has been mentioned I assume all those will be public emergency departments. However, if there is to be a change and any private facilities are declared mental health facilities, the community should be made aware so that the process is transparent. I understand that currently only public emergency departments will be declared as mental health facilities, including the new ones to be added to the relevant schedule. As the shadow Minister I received a number of letters in relation to psychosurgery. I am probably being a bit bold in saying that at this stage, on balance, the Government has made the right decision about not having psychosurgery, but we should keep an open mind. Victoria does about nine psychosurgeries a year, but the jury is still out on that. Even though there have been some good reviews we should keep an open mind. I quote from a letter I received from a psychiatrist who expressed certain concerns:

These ideas, because that is all they are, [psychosurgery] must never be allowed to become accepted as a rational form of treatment. In particular, psychosurgery must never be permitted where the patient has been detained under the Mental Health Act. There could never be informed consent for an involuntary patient. I would further say that nobody in the community could give genuine informed consent because orthodox psychiatry would never explain what it means to have no model of mental disorder.

There were many concerns from those who are opposed to it. However, when I say we should have an open mind about psychosurgery, one stakeholder who has written to me made this important point:

Whilst the definition of psychosurgery has been amended, the practice is still prohibited, and the Bill has not made possible deep brain stimulation (sometimes used for Parkinson's Disease) which has been found beneficial for some patients with severe obsessive-compulsive disorder (OCD) who do not respond well to medication or cognitive-behavioural therapy, and may provide some relief from the recurrent, distressing thoughts and/or repetitive behaviours of the anxiety disorder. This treatment is supported by expert neurologists, and the prohibition means the patients will have to continue to travel from NSW to access such treatments if they so wish.

We should not wait until the next review to consider this matter. The matter should be ongoing and there should be open dialogue with the community. On balance I believe that the Government has attempted to bring all of those matters together in a way that is fair and reasonable. Some people may ask: Does it go far enough? Obviously it does not have measures around seclusion and restraint, which are ongoing controversial issues in

the mental health community. Could it have gone further in relation to supported decision-making in the sense of less restriction? Perhaps it could, but it is difficult to do this. However, I commend the Government for attempting to do it in a very positive way. I commend the bill to the House.

[*Business interrupted.*]

EDUCATION AMENDMENT (NOT-FOR-PROFIT NON-GOVERNMENT SCHOOL FUNDING) BILL 2014

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

MENTAL HEALTH AMENDMENT (STATUTORY REVIEW) BILL 2014

Second Reading

[*Business resumed.*]

Mr JOHN FLOWERS (Rockdale) [5.58 p.m.]: I contribute to the Mental Health Amendment (Statutory Review) Bill 2014. The bill will amend the Mental Health Act 2007, the principal Act, as follows:

- (a) to include in the principles for the care and treatment of people with a mental illness or mental disorder a requirement to consider the views and expressed wishes of those people in developing treatment and recovery plans and a requirement relating to obtaining consent, where reasonably practicable, to such plans,
- (b) to extend the reach of existing requirements to consult with and inform carers of persons with a mental illness or mental disorder by enabling a person to nominate more than one carer for that purpose and recognising a category of individuals who are principal care providers,
- (c) to enable a voluntary patient to be detained in a mental health facility for up to 2 hours for the purpose of a review by a medical officer to ascertain whether the patient should be detained in the facility for assessment,
- (d) to provide for alternatives to personal examination or observation of a person by a medical practitioner where such examination or observation is not possible for the purpose of determining whether to detain the person in a mental health facility for assessment or to hold a mental health inquiry,
- (e) to enable community treatment orders to be made in additional proceedings and to make further provision about consultation on and notice of community treatment orders,
- (f) to tighten the requirements to be met for administering electro convulsive therapy (*ECT*) to persons under the age of 16 years,
- (g) to amend provisions relating to non-psychiatric treatments to remove provision for voluntary patients and for greater consistency with similar provisions in other legislation,
- (h) to require persons under the age of 16 years to have legal or other representation in any proceedings before the Mental Health Review Tribunal (the *Tribunal*).

By way of background, the Government has reviewed the Mental Health Act 2007 and consulted extensively with consumers, families and carers, health professionals, service providers, carer networks, emergency services, academics and government agencies. The review and consultation were undertaken to ensure that adequate protection was provided to such persons in the community from potential serious harms caused by mental illness. The outcome of the review was that the policy objectives of the Act remain largely valid and provide an appropriate legislative framework for the mental health system in the future.

The bill acknowledges recovery in the treatment of mental illness and provides that consumers of mental health services actively participate in treatment decisions and have their views and preferences respected as much as possible. These changes align with current national and international trends towards a more consumer-led approach to mental health treatment. It is vitally important that individuals with a mental illness are involved in their treatment decisions. This bill proposes to amend section 68 of the Act to add an additional principle of care and treatment which clarifies that every reasonably practicable effort should be made to obtain the individual's consent to treatments and recovery plans. There are, however, situations where a person with a mental illness does not have the capacity to consent to the principles of care and treatment.

This bill provides that in these circumstances the individuals should be assisted in understanding their treatment and recovery plans. This bill recognises the importance of carers and families, and strengthens the

provisions relating to their role within the Act. Carers often feel ignored and frustrated when trying to navigate the mental health system to ensure that their loved ones receive the support and care they need. Carers and families play a vital role in monitoring, treating and supporting those with a mental illness. The bill enables greater carer involvement in treatment decision-making and provides better dissemination of information, including being entitled to provide input to clinical decisions about their loved ones.

The primary carer provisions in section 71 of the Act will be amended, including replacement of the term "primary carer" with the term "designated carer", to reflect the fact that this position does not always provide a primary care role for the individual. Consumers will now be able to nominate up to two designated carers and specify their access to information. This reflects the common occurrence that people with a mental illness often have more than one carer providing them with support. In addition, the bill identifies a new type of carer at section 72A, "the principal care provider", who is the person primarily responsible for providing care to the individual.

All persons in New South Wales have a right to seek mental health treatment. However, the decision to admit a person for treatment is a clinical judgement made at the time of presentation. Concerns were raised that sometimes there are poor outcomes for persons who are taken to declared mental health facilities and who are involuntarily admitted or who are discharged into the community. The specific concern raised was that the views of others such as families, carers, and police and ambulance officers are not always adequately taken into account by the assessing medical practitioners when making decisions regarding involuntary treatment under the Act. The bill addresses these concerns, and the amendment to section 72B strengthens mental health assessment processes by requiring clinicians, when determining whether a person should be detained in a mental health facility, to seek and consider the views of consumers, carers, family members, treating community psychiatrists or general practitioners and emergency service providers.

The bill proposes a new requirement in section 9 of the Act for voluntary patients who have been in a mental health facility for more than 12 months to have a Mental Health Review Tribunal hearing. This hearing will review the case and determine whether the person has the capacity to consent to stay as a voluntary patient and whether the patient is likely to benefit from future care or treatment as a voluntary patient. It is vitally important that all patients, whether voluntary or involuntary, know their rights. Under the current legislation all involuntary patients are to be provided with a statement of rights. [*Extension of time agreed to*].

Under new section 74A all voluntary patients will also be provided with a statement of rights that articulates their rights regarding the provision of treatment, access to information and advocacy, and appeal mechanisms. The Government is working to ensure that prompt action is taken to increase the number of declared mental health facilities across New South Wales, particularly in rural and regional New South Wales. This will ensure that those who face mental ill health and their carers do not have to travel so far to access medical treatment.

Under new sections 19A and 27A, more clinicians will be empowered to undertake assessments, including medical practitioners from another facility or local health district and accredited persons. Accredited persons are experienced and specifically trained, and appointed health practitioners may be nurses, psychologists or social workers who supplement the number of doctors in emergency departments and community settings. The Government and the Minister are to be congratulated on undertaking this review of the Mental Health Act. The outcome of the review will be added protection from serious harm for people suffering from mental illness. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [6.10 p.m.]: The object of the Mental Health Amendment (Statutory Review) Bill is to amend the Mental Health Act 2007 in a number of ways to make mental health treatments more accessible and more flexible, and to improve the involvement of carers in the treatment process. A number of consequential amendments are made that reflect various other changes made in this bill. Having a mental illness is a serious problem that, unfortunately, affects more than three million Australians—a number we cannot take lightly. Many of these individuals feel trapped, isolated, overwhelmed and helpless at times. That is why we need to ensure that our mental health system is topnotch and provides the best quality care to some of the most vulnerable in our State.

There is no doubt in my mind that improving the state of the mental health treatments and facilities in New South Wales is of paramount importance to the State's future and the wellbeing of our people. This bill provides increased protection to the rights of any individual who is suffering with a mental illness while providing the appropriate protection to any such person within the community from any potential serious harm

that could be caused as a result of their mental illness. I am advised that a great deal of community consultation has been undertaken about the proposed changes in this legislation and that a large volume of responses and recommendations were presented from a large variety of sectors.

One key issue that was identified is the treatment and facilities available to individuals in rural New South Wales who are suffering with a mental illness. For many of the State's rural residents, access to mental health treatment and facilities has been lacking for some time. It has often meant that people have had to travel for onerously long periods to see specialist doctors. Such travel often falls into the too-hard basket because of the time and cost involved in travelling such distances on a regular basis.

This bill acknowledges such difficulties and the proposed amendments will ensure that individuals in rural New South Wales will have increased access to the required facilities to receive treatment and assistance as a result of the introduction of more declared mental health facilities and the use of video-link technologies. Such technology can be used to facilitate assessment and to provide a range of treatment options by allowing a patient to liaise directly with a healthcare professional without the need to travel such long distances. The increased number of facilities and the ability to video link to a healthcare professional will surely decrease the burden on our more rural countrymen and will give them swifter access to the mental health facilities they deserve.

Further amendments to the legislation give an individual who is suffering with a mental illness the ability to nominate an additional designated carer. This change makes sense given that many patients who are suffering with any kind of illness often have multiple carers, depending on the degree of assistance they require. Additionally, the patient will be given the opportunity to designate the level of access the additional carer may have, which can reflect the carer's roles, responsibilities and the patient's requirements. This open system helps to break down one incredibly frustrating wall encountered by carers in the course of providing treatment and assistance on a daily basis. Keeping carers informed and up-to-date is vital to their role and to the patient's treatment. Making carers jump through hoops while hindering their ability to provide the assistance they are there to provide does not make much sense.

New regulations have been introduced for when electroconvulsive therapy options are being considered for the treatment of children under the age of 16 years. Although electroconvulsive therapy is seldom used, it is important to note that an assessment by a psychiatrist with child and adolescent expertise must be provided. Additionally, the Mental Health Review Tribunal is to conduct a hearing to consider whether the proposed treatment is appropriate for the young person, even if informed consent has been provided. This will ensure that there is no mismanagement in the treatment of the young people in the State who may be suffering with a mental illness. Further amendments in the legislation clarify circumstances pertaining to gaining the consent of an individual prior to any treatment commencing. Every practicable avenue will be exhausted before a decision will be made concerning a patient's treatment and recovery plans. Additionally, an individual's capacity to provide consent will be closely monitored throughout the treatment process to ensure that it is the correct choice.

With regard to involuntary treatment, New South Wales will maintain and undertake the appropriate measures when the patient is believed to be "at risk of serious harm", and when no other appropriate care of a less restrictive kind is reasonably available. However, a change has been made with regard to patients receiving a statement of their rights. This previously would be provided only to involuntary patients. Amendments in the legislation ensure that every involuntary patient will receive a copy of their rights. Great emphasis has been placed on input from the patient, his or her carer or carers, family members and treating doctors concerning treatment and what course of action should or could be taken to provide the most suitable and appropriate treatment to the patient at all times.

This bill makes a number of amendments that will bolster the quality of services provided to those suffering with a mental illness in New South Wales. It helps to break down some walls confronting carers and family members who are giving their all to ensure that their loved one gets the best treatment possible. Rural communities have also won in that they will now have greater access to more mental health services and treatments. I commend this bill to the House.

Ms MELANIE GIBBONS (Menai) [6.17 p.m.]: I support the Mental Health Amendment Statutory Review Bill 2014. It goes without saying that the rights of individuals requiring health support must be respected and protected. Wherever possible, an individual should be consulted about their treatment and recovery plans, have their views respected and give consent. Individuals undergoing mental

health treatment often face significant general health challenges that require surgery. Consent to surgical non-mental health treatment is a complex issue for both voluntary and involuntary patients. Voluntary patients who have the capacity will continue to be able to make their own decisions regarding non-mental health treatment.

In circumstances where a voluntary patient is not capable of giving consent, the Guardianship Act 1987 will now apply. Under the Mental Health Act, the secretary of the Ministry of Health or the Mental Health Review Tribunal could provide consent for an incapable voluntary patient. This will change. The reason for the change is to align the legislation with general provisions that apply to any other patient who lacks capacity.

[Quorum called for.]

[The bells having been rung and a quorum having formed, business resumed.]

As I was saying, this will change. The reason for this change is to align with general provisions that apply to any other patient that lacks capacity. The secretary of the Ministry of Health may now only consent to the performance of a surgical operation on an involuntary patient, who is incapable of providing consent, where the designated carers agree in writing. Broader consideration will also be given to whether it is desirable to perform the surgical operation, having regard to the overall welfare and interests of the patient. In situations where an involuntary patient has capacity, but either refuses to give consent, or neither gives nor refuses to give consent, an authorised medical officer of a mental health facility may apply to the Mental Health Review Tribunal for consent. The bill removes the ability of the secretary of the Ministry of Health to provide consent in these instances.

Due to the sensitivities involved with a competent involuntary patient refusing to consent, it is more appropriate for the Mental Health Review Tribunal to make this determination. This is because the Mental Health Review Tribunal is a specialist body that most likely would have already been involved in previous decisions relating to the care, treatment and detention of the patient. These amendments will have special significance for young people. I am sure we can all agree that the rights of young people with a mental illness require ample protection. Unfortunately, there are occasions when a young person suffering from chronic mental illness requires electroconvulsive therapy [ECT]. While mental health legislation has allowed for the provision of ECT to young people in New South Wales since 1990 subject to very strict restrictions and criteria, it is important to note that ECT is rarely given to young persons in New South Wales. When it is used, it is almost always as a last option in an attempt to save a young person's life, or where it is indicated as the most effective treatment.

The majority of participants during the consultation processes were of the view that ECT should remain a treatment option for young persons, but that the safeguards around its use should be strengthened. The Act has therefore been amended to provide that if ECT is proposed as a treatment option for any person under 16 years of age, an assessment by a psychiatrist with child and adolescent expertise must be undertaken. The Act currently requires the tribunal to hold a hearing where ECT is proposed for an involuntary patient. The bill will require the Mental Health Review Tribunal to hold a hearing when it is proposed to provide ECT to any young person—be they voluntary or involuntary.

However, the Mental Health Review Tribunal must consider the views, if known, of any designated carer, principal care provider or parent in the case of an ECT administration inquiry for a person who is under 16 years. Those with a mental illness are amongst the most vulnerable members of our society, even more so when they are a young person. The proposed amendments protect the rights of an individual to provide consent to their treatment and care, but to be adequately represented and protected when they do not have the capacity to provide this consent.

Extensive public and focused consultations were undertaken with a wide range of stakeholders as part of the review of the Act, including mental health consumers, families, carers, service providers, the Official Visitors Program, Mental Health Review Tribunal, NSW Mental Health Commission, emergency service partners, government agencies, Medical Services Committee and the wider community. Eight community consultation forums were held across New South Wales and more than 500 people attended these forums. A discussion paper was publicly released and 95 written submissions were received, and a number of additional targeted consultations on key issues arising were conducted.

Key stakeholders, including the Mental Health Commission, Mental Health Review Tribunal, consumer advocacy groups, the Attorney General, NSW Police Force, the Ambulance Service and the Medical

Services Committee, were consulted on the development of relevant provisions during the drafting of the bill. A meeting of the expert reference group, which includes representatives from the peak consumer and carer organisations, was also held to discuss the proposed amendments.

I think everyone in this House can recognise the difficulties faced and the wonderful work undertaken by carers and family members of those dealing with mental health issues. They rely heavily on mental health legislation to access information, and the amendments proposed aim to strengthen their rights. Carers and families of those with mental health issues featured prominently in the consultation. While those who are suffering from a mental illness still have the right to restrict the types of information that can be provided to designated carers and principal care providers, this legislation allows for expanded involvement of carers and families when that consent has been given.

In unfortunate circumstances where an individual does not have the capacity to make decisions regarding their care and treatment, it is carers and family members who are integral to the process. The Act has been amended so that the term "primary carer" will be replaced by "designated carer". This means consumers will now be able to nominate up to two designated carers who will be entitled to receive certain information about the consumer's care and treatment and provide input and advice on the next steps. We recognise that having two designated carers means there may be times when the carers do not agree on certain matters, such as providing consent for surgical operations. Where there is no consensus between designated carers, an application can be made to the Mental Health Review Tribunal to review and provide consent to the proposed surgical operation.

In addition, a new type of carer is identified in the Act, the "principal care provider". This is the person who primarily provides care for the consumer. The Act will allow for this person to receive certain information, such as admission and discharge advice, which is vitally important for their role in supporting the consumer. Principal care providers may be identified during the admission processes or can self-nominate to the authorised medical officer or director of community treatment. Currently, principal care providers are usually not identified until the discharge planning process. Guidance will be provided to the authorised medical officers on how to identify a principal care provider, so that information can be shared as early as possible to ensure greater involvement by the care provider.

We on this side of the House recognise the extraordinary work of families and carers of people with mental illness. It is for this reason that we have strengthened the rights of families and carers. This was brought to my attention again recently when the Minister for Mental Health and I visited Liverpool Hospital's mental health service, one of the busiest psychiatric units in the country. We watched an eight-minute presentation on *Changing Minds—The Inside Story*, which was broadcast on the ABC and is by production company Northern Pictures. It is a brilliant production highlighting the care given by clinical director Dr Mark Cross and his team. It also challenged the stigma and taboos relating to mental health. It is important for our community to be involved in these matters. The ABC's Twitter feed was busy during the three nights of broadcast which also got conversations going. This bill can only help to ensure people who are struggling and need our assistance continue to be cared for. I commend the bill to the House.

Mr KEVIN HUMPHRIES (Barwon—Minister for Natural Resources, Lands and Water, and Minister for Western NSW) [6.27 p.m.]: I add to the debate on the Mental Health Amendment (Statutory Review) Bill 2014. I had the honour of being named the first Minister for Mental Health in the New South Wales Government. The creation of the first stand-alone mental health ministry demonstrated that there has never been a Government more committed to making mental health services more accountable and accessible, and in doing so more committed to improving the lives of those amongst us touched by mental illness. The Liberal-Nationals Government has done more on this front in its 3½ years in government than was demonstrated in the last decade. This commitment has been very strongly demonstrated in the current Minister for Mental Health, Jai Rowell, and I commend him on his vision and dedication to the important reforms being undertaken in this area.

I have a very longstanding interest in this bill and have advocated for many years for the changes contained in it. On becoming Minister for Mental Health in 2011, one of the first things that I did was to meet with members of the Waterlow family. I was struck by the tragedy of the Waterlow case, but also by the family's commitment to helping others learn from the circumstances that led to their tragedy. I made a commitment to the Waterlow family and their supporters that the review of the Mental Health Act 2007 would address whether the existing Mental Health Act adequately takes into account the views of carers when practitioners decide

whether to involuntarily admit or discharge a person under the Act. The issues raised in the Waterlow case have been part of the discussion papers and consultation forums arising out of the review, and I am very pleased to see they have been addressed in this bill.

As the House is aware, extensive consultation was undertaken when the Mental Health Act 2007 was reviewed. Eight community consultation forums took place across New South Wales, including in regional centres such as Orange, Lismore, Broken Hill and Albury. It is no surprise that people with mental health issues require access to treatment and services in order to manage and treat their condition. While services are easily accessible in metropolitan areas, people from smaller regional and rural locations have to travel greater distances for assessments and services. The New South Wales Liberals and Nationals have made enormous progress in closing the gap in metropolitan and regional mental health services and ensuring that geography is no longer a barrier to treatment. These amendments will build on the good work that has been done in this area.

The amendments before the House are further proof that the New South Wales Liberals and Nationals are passionate about improving access to mental health services for people in rural and regional areas in all parts of the State. The amendments empower more clinicians to undertake form 1 assessments under the Act, including authorised medical officers from another facility or local health district, and accredited persons authorised by the medical superintendent for a specific facility. Accredited persons are experienced and specially trained and appointed health practitioners who may be nurses, psychologists or social workers. They supplement the numbers of doctors in emergency departments and community settings and are able to allow a person to be involuntarily taken to and initially detained in a declared mental health facility for assessment.

The issue of accredited persons being allowed to undertake form 1 assessments for the continued detention of a person at a declared mental health facility was raised repeatedly during consultations as a possible solution to address access equity problems, particularly in regional and rural areas, and there was strong support by participants for this amendment to be made. Another way in which we are increasing access to timely assessment and emergency mental health care is by increasing the use of audiovisual link technology to facilitate assessments under the Act, thereby preventing unnecessary long-distance transport for a form 1 assessment. Regulations can prescribe what type of medical practitioner can undertake an assessment via audiovisual link, however, it is anticipated that it will be authorised medical officers and psychiatrists working from another mental health facility.

As part of the consultations undertaken when reviewing the Act, issues surrounding the number of declared mental health facilities in rural and regional areas were raised. The New South Wales Government is working to ensure prompt action is taken to increase the number of declared mental health facilities across New South Wales, particularly in rural and regional areas. I commend the Minister for his work on that issue. This will ensure that those who face mental ill-health do not have to travel as far to access mental health treatment, especially when involuntary treatment is required.

Increasing the number of declared mental health facilities is an issue that affects not only individuals with mental health issues and their carers but also those responsible for transporting the individual, such as New South Wales police and the Ambulance Service of NSW. I join the Minister for Mental Health in thanking New South Wales police and the Ambulance Service of NSW for working with the Ministry of Health to identify priority sites for inclusion as declared mental health facilities. The amendments provide further proof of this Government's commitment to rural and regional New South Wales. I am confident that the amendments will ensure that access to mental health assessment and treatment is improved for people in rural and regional New South Wales. I remind everybody that mental health is everybody's business. I commend the bill to the House.

Mr GREG PIPER (Lake Macquarie) [6.33 p.m.]: I make a brief contribution in debate on the Mental Health Amendment (Statutory Review) Bill 2014. I acknowledge the Minister for Mental Health, who is in the Chamber, and the member for Barwon, who was the inaugural Minister for Mental Health in New South Wales. I note the interest and involvement of other members, including the member for Auburn, who I met in the grounds of Morisset Hospital in my electorate. Morisset Hospital is an older-type mental health facility and I recognise that we need to contemporise our treatment of people with mental health problems. The member for Auburn was supportive of the bill, but I particularly acknowledge that the Minister gave the crossbench and the independents the opportunity to have some insight into the objectives of this bill.

The bill amends the Mental Health Act 2007 and introduces provisions and changes that will be very important to persons directly affected by mental illness—the affected person, their carers, their families and

their friends, as well as the mental health professionals, the allied health professionals and the service providers. The amendments have come about following what appears to be very extensive consultation with the community. To have 500 people attend eight meetings across the State is a very good result. Whilst I was not in attendance at the meetings the consultation appears to me to be a very genuine attempt to drill into the issues that should be examined in any review of the legislation.

The notion of improving the role of the consumer in making decisions about their treatment is not new, but it is certainly not universally applied and it will be an approach much more consistently implemented in the most beneficial way by being recognised and mandated as a principle in this legislation. The Minister pointed out that it is vitally important that individuals with a mental illness are involved in their treatment decisions. It is important in that, if for no other reason, to do otherwise would be an assault on one's dignity and sense of self-worth. Failing to involve consumers in such fundamental decisions is to potentially exacerbate problems intrinsic to their underlying illness. Many persons who present with mental illness have very significant issues with their self-worth, which have often been brought about by the actions of other people or by externalities. It should be acknowledged that self-worth is a fundamental issue in mental health and that it is important that the person presenting with mental illness is respected as an individual.

We know that many families struggle with dealing with the reality of their loved one's treatment. I note the involvement of others in the assessment process, such as families, carers, police and ambulance officers. Those people are there at the worst possible times when someone is presenting with a mental illness. I should put on the record that, while it is not contemporary by any measure, I have a background as a psychiatric nurse. It is not new that other people who have an understanding of what is really going on have been cut out of the process and have not been able to give meaningful advice or have their advice listened to or acted upon. This bill specifically attempts to address that issue.

Other measures in the bill should be acknowledged, including an improvement in the ability for people in regional areas, who we know have struggled, to access mental health professionals and engage with those who can provide the necessary care. A 12-month review of somebody who may be an involuntary patient in a mental health facility has been raised in the bill. I note that we do have checks and balances to ensure that people are not lost within the system. I acknowledge that the bill is not setting out to change the world, but it is an important part of the process. I think it is an honest attempt to carry out the required statutory review and to bring meaningful change and improvements to the Mental Health Act. I acknowledge the Minister and the Government for their efforts, and I commend the bill to the House.

Mrs LESLIE WILLIAMS (Port Macquarie-Parliamentary Secretary) [6.40 p.m.]: I support the Mental Health Amendment (Statutory Review) Bill 2014. While the outcomes of the review into the Mental Health Act 2007 found that the policy objectives of the Act remain largely valid, this bill aims to improve oversight arrangements and align with best practice in mental health service delivery and treatment. People with mental health issues are amongst the most vulnerable members of our society. It is vital that this legislation gives individuals control and decision-making power over their treatment wherever possible. The Act as it currently stands needs to be modernised to reflect a recovery-centred approach and to include self-determination, empowerment and inclusion to which all people with a mental health issue are entitled.

This bill amends sections of the Mental Health Act 2007 to ensure that it is fit for purpose, reflects contemporary language, improves operational clarity and, as mentioned, aligns with best practice. The bill broadly provides support for those living with a mental illness to participate in decision-making and treatment decisions, strengthens the rights of carers and families, strengthens protection for consumers, and increases access to timely assessment and emergency mental health care, particularly in rural and regional New South Wales. More clinicians will be empowered to undertake assessments, including accredited persons and authorised medical officers from another facility or local health district.

Regardless of our personal circumstances, I am sure everyone in this place can acknowledge that living with a mental illness is difficult. Recovery and maintaining control over decision-making are a struggle for many for a variety of reasons, be they related to symptoms, medication, trauma or the myriad other issues that people with a mental illness face each day. The Act as it currently stands has some recovery-focused elements, including the requirement that consumers receive care and treatment in the least restrictive environment possible and are involved in discharge planning and allowing for involuntary treatment in the community. However, a number of proposed amendments to the Act will strengthen further the concepts of supported decision-making and empowerment of individuals with a mental illness.

The amendments omit the word "control" from the objects of the Act, reflecting the intent that individuals, when they have the capacity, will be free to make their own decisions regarding care and treatment. We are seeking to amend the principles for care and treatment to provide that all consumers should be consulted about their treatment and recovery plans and have their views and preferences respected. As such, consent to treatment should be sought wherever possible. There currently exists a capacity toolkit that provides information for clinicians regarding how to support consumers in this process. The consumer is provided with all relevant information to enable them to make the decision by communicating in an appropriate way to the person and ensuring that the person feels at ease.

Pursuant to this legislation being passed, the New South Wales Ministry of Health will be considering the use of these toolkits across the State. In addition, the ministry will continue to develop mechanisms to strengthen consumer engagement in the development of care plans. We recognise that in some unfortunate situations an individual does not have the capacity to provide consent. Should this be the case, these amendments allow for the individual to be supported to make decisions where possible and allows for designated carers and family members who are integral to this process to assist the individual in this process. In some circumstances a person has the capacity to make a decision yet may present a risk of harm to themselves or others and therefore requires involuntary treatment. In these cases, New South Wales will maintain the concepts of "risk of serious harm" and "no other appropriate care of a less restrictive kind being reasonably available" as the thresholds for involuntary treatment.

In recognition of the importance of consumer-led treatment, the bill provides that every effort should be made to obtain the consent of consumers when developing treatment plans and recovery plans for their care, to monitor their capacity to consent and to support people who lack that capacity to understand treatment and recovery plans. Like many in this House, I hear of the challenges faced by members of my local community who are living with a mental illness and often it is their family and carers who seek our assistance in times of crisis. I reassure the community that mental health and the need for increased services and support in the Port Macquarie electorate is at the top of my mind, and I make no apology for continuing to be relentless in my advocacy for improved support and services.

In early 2012 I announced that \$50,000 had been provided by the New South Wales Government to undertake a Clinical Services Plan for Mental Health in the Hastings-Macleay area to ensure alignment between clinical services provided and the needs of local communities. The Mid North Coast Local Health District Mental Health Clinical Services Plan 2013-2021, endorsed by the governing board in September 2013, provided the opportunity to review population needs against current service capacity and to plan for the development of acute and non-acute inpatient and ambulatory services. Preparation of the plan involved collaborative advice from key stakeholders, including service providers and consumers, to enable a clear direction for service requirements over the coming decade and beyond. The plan noted the need for increased mental health inpatient bed capacity on the mid North Coast and the enhancement of acute services for older persons.

Additionally, the plan remarked on the current 12-bed inpatient unit at Port Macquarie Base Hospital, which vindicates my ongoing discussions with the Minister for Health and the Government about future provision for upgrades and expansion in this space. There is also a need to enhance the capacity of community mental health teams to meet the demand of the growing population on the mid North Coast. This includes support and services for older persons, which is a substantial cohort in our local population. The recommendations in the plan highlight the scope for improvement in areas such as the provision of integrated services to address the needs of older persons with dementia and psychogeriatric conditions.

The Port Macquarie community is leading the way in the development of dementia-friendly communities in Australia. As the chairperson of the local steering group, I understand very well that a coordinated approach involving inpatient and outpatient services, residential aged-care facilities and a range of non-government organisations is fundamental. Another key area that needs attention, and which is also underscored in the recommendations of the Clinical Services Plan, is the enhancement of capacity for early psychosis services and particularly those appropriately focused on young people. I concur with the suggestion in the plan that Ellimatta Lodge at Port Macquarie, which is located adjacent to the Community Health Centre, would be a potential location for the expansion of youth and family services.

That is why I am pleased that the Minister for Mental Health, the Hon. Jai Rowell, will be accompanying me on Tuesday on a visit to Ellimatta Lodge to discuss opportunities for the expansion of appropriate mental health services in this space. I have also asked the Minister to join me at Endeavour Clubhouse to meet on site with committee members with whom I have continued to work closely over recent

months to investigate funding options. I have spoken at length with Minister Rowell on this issue. Like me, he understands the frustrations of the Endeavour Clubhouse committee, which is keen to offer mental health services at the facility. A range of measures could be implemented to fund the service, including developing partnerships and working with non-government service providers to operate from the building.

The clubhouse model has been successfully adopted in other areas of New South Wales. Recently I visited the Billabong Clubhouse at Tamworth to further investigate funding options that may be duplicated in our local area. Again, I assure the community that enhancing and increasing mental health support and services remains among my highest priorities. In conclusion, the Mental Health Amendment (Statutory Review) Bill 2014 empowers individuals with a mental illness and strengthens their rights to be involved in decision-making wherever possible. I acknowledge the Minister in the Chamber and the previous Minister, the inaugural Minister for Mental Health, the member for Barwon, and I commend the bill to the House.

Mr JAI ROWELL (Wollondilly—Minister for Mental Health, and Assistant Minister for Health) [6.46 p.m.], in reply: First, I acknowledge all those who have cared or currently care for somebody with a lived experience of mental illness. I thank members for their contributions to this debate, in particular the member for Auburn, who spoke as the shadow Minister for Mental Health. This is one area that should be, and is, above politics, and I thank the member for her contribution. I take this opportunity to wish her mother a speedy recovery, and thank the member for her compassion and commitment to issues around mental illness. I thank also the members representing the electorates of Rockdale, Fairfield, Menai, Barwon, Lake Macquarie and Port Macquarie for their contributions to the debate.

I will acknowledge a number of other people for progressing this important issue. The former Minister for Mental Health began the review of the Mental Health Act during his time as Minister and taught us that mental health is everybody's business. I thank him for his hard work, friendship and guidance. His work in this portfolio will be remembered for generations. I am proud to share this vision as we reform mental health services in New South Wales. I thank the many people who attended the consultation forums and made written submissions. Indeed, some 500 people attended, including consumers, families and carers, health professionals, service providers, carer networks, emergency services and academics. I thank also the expert group which provided clinical and consumer views.

I thank the major stakeholders, including the NSW Mental Health Commission, the Mental Health Review Tribunal and the Official Visitors Program. I thank my hardworking staff, who share with me a passion for service delivery and helping some of the most vulnerable in our society. I am proud of all of them and I cannot thank them enough for the countless hours of work they do above and beyond the call of duty on mental health issues. I thank Kristina Cimino, senior policy advisor in mental health, who does a fantastic job and is committed to mental health reform. I am constantly impressed by her dedication and thank her for her work, in particular the introduction of these amendments. She is absolutely amazing, and I know she could have been working in another portfolio but she had a calling to this one. Someone else's loss is certainly my gain.

Kathryn Rankin, Chief of Staff, like the rest of the office is committed to mental health service delivery. I thank Kathy for her commitment, for establishing the office when I was first appointed to the ministry and for steering the ship. Michael Shaw, Deputy Chief of Staff, has been working with me for many years and has promised to work with me for at least another 25 years. He is just the most amazing person and is extremely insightful. I will be forever grateful for his service and see great things for his future, albeit with me. Aiden Cromarty, Media Adviser, does a great job and is committed to raising awareness about reducing stigma around mental illness. He calls things as they are and knows someone in every town across rural and regional New South Wales.

Kathryn Steinweiss, Policy Adviser, who has also been with me for a long time, is compassionate and hardworking. She is a great young lady who takes her work seriously and I am lucky to have her in our office. Scott Percival, Parliamentary Liaison Officer, is a young talent who has worked with me for the past few years and loves working for the community. I thank Scott for his constant support. I thank Simmone Daly, former Ministerial Liaison Officer, and Rona Flanagan, current Ministerial Liaison Officer, for their work. I am very honoured and lucky to have such a great team and I know we are all part of the same journey in transforming the lives of people with a lived experience of mental illness.

There are many more people to thank and I cannot name everyone here but I do thank Rebecca Vink for her efforts in progressing this legislation. I thank everyone in the Ministry of Health including Secretary Mary Foley, Deputy Secretary Ken Whelan, Chief Health Officer Dr Kerry Chant, Director of the Mental

Health Drug and Alcohol Office Peter Carter, Beth Kotze, Andrew McAllister, Leah Upcroft, Chris Leffers and countless others who work with me and my office in achieving outcomes for the people of New South Wales.

I propose to address a number of issues raised by the member for Auburn, the shadow Minister. I agree with the member for Auburn that we must continue to strive to improve the objects of the Act and I believe these amendments do just that. I appreciate her support for the bill's focus on recovery for people suffering from a mental illness. As to the power of the Mental Health Review Tribunal to delay discharge and make community treatment orders during appeal hearings, I acknowledge the concerns of the member for Auburn about a person being delayed from being discharged for up to 14 days by the tribunal, as set out in schedule 1, item [26] to the bill.

Under current legislation, the Mental Health Review Tribunal cannot make a community treatment order or delay the person's discharge for up to 14 days when hearing an appeal. The amendments to the bill allow this and bring the legislation in line with the tribunal's powers to defer, discharge or make a community treatment order as part of other reviews. This amendment was supported by the Mental Health Review Tribunal and the Mental Health Commission. It is never the aim to detain people longer than is absolutely necessary, in line with the concept of "least restrictive care".

I appreciate the concerns of the member for Auburn about guidance and supported decision-making. I am happy to confirm that this issue will be dealt with by policy and operational procedure and staff adequately trained to be able to provide the support. In relation to a facility deciding on or nominating care providers, schedule 1 [44] section 72A to the bill provides that a principal care provider is the individual primarily responsible for providing support or care other than wholly or substantially on a commercial basis. This reflects the current test in section 71 relating to designated carers and does not include health service facilities acting as a principal care provider. In addition, a consumer can continue to exclude a principal care provider from receiving information if they so wish.

The member for Auburn spoke about Official Visitors as referred to in schedule 1, item [71] to the bill. I acknowledge her concern regarding the role of Official Visitors as outlined in items [71] and [76]. The intention of these amendments is to involve principal care providers as well as designated carers to raise issues about their care and treatment with Official Visitors, which the Official Visitor would then investigate. It is not for the Official Visitor to act as an advocate if there is a dispute between a carer and a consumer. I note the views of the member for Auburn in relation to psychosurgery. I am happy to advise that this Act still allows for a process whereby regulatory exemption to the ban may occur for procedures such as deep brain stimulation for Parkinson's disease, for example. Should evidence emerge in the future that supports the efficacy of any psychosurgery procedure in the treatment of mental illness or mental disorders it will be assessed and looked at.

As I said in my second reading speech, this bill will strengthen the rights of consumers to actively participate in their treatment planning and have their views and preferences respected. It also strengthens the provisions for carers and families to enable them to be involved in treatment and decision-making and to receive information on their loved one's diagnosis and treatment in order to ensure they can provide the best care and support possible. I am proud this legislation provides increased protection for those with a mental health issue. They are some of the most vulnerable people in our society. The bill strengthens protection of young people receiving treatment, people being assessed by video link, and long-stay voluntary patients.

Importantly, this bill will increase access to mental health assessment, particularly in rural and regional areas, by allowing more clinicians to undertake assessments, including medical practitioners from another facility or local health district and accredited persons. I am proud to be the Minister for Mental Health, having taken on the role from the Hon. Kevin Humphries. This Government is committed to reforming the mental health sector and aligning it with world's best practice. 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 Jai Rowell 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.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Bills

Mr ANTHONY ROBERTS (Lane Cove—Minister for Resources and Energy, and Special Minister of State) [6.56 p.m.]: I move:

That standing and sessional orders be suspended to provide for the following speaking time limits for the second reading debate on the Local Government Amendment (Red Tape Reduction) Bill 2014:

- (1) Leader of the Opposition or member deputed—10 minutes;
- (2) one Opposition member—10 minutes;
- (3) two Government members—10 minutes each; and
- (4) Minister in reply—unspecified.

Mr PAUL LYNCH (Liverpool) [6.56 p.m.]: The Opposition disagrees with this motion. It is a reflection of the incompetence of this Government that it is trying to ram through legislation with restricted time limits at the end of the session. It is an indication of its lack of intellectual capacity and lack of organisation. The Opposition opposes the suspension motion.

Question—That the motion be agreed to—put.

The House divided.

[In division]

The DEPUTY-SPEAKER (Mr Thomas George): Order! It is outrageous for a member of Parliament to stand behind the bar of the Chamber and interject. As the member for Auburn knows, she must be in the Chamber to comment on the business before the House.

Ayes, 51

Mr Anderson	Mr Gulaptis	Mr Rowell
Mr Aplin	Ms Hodgkinson	Mr Sidoti
Mr Ayres	Mr Holstein	Mrs Skinner
Ms Berejikian	Mr Humphries	Mr Smith
Mr Bromhead	Mr Issa	Mr Speakman
Mr Brookes	Mr Kean	Mr Spence
Mr Casuscelli	Dr Lee	Mr Stokes
Mr Conolly	Mr Maguire	Mr Stoner
Mr Coure	Mr Marshall	Mr Toole
Mr Dominello	Mr Notley-Smith	Ms Upton
Mr Edwards	Mr O'Dea	Mr Ward
Mr Elliott	Mr Page	Mr R. C. Williams
Mr Evans	Ms Parker	Mrs Williams
Mr Flowers	Mr Perrottet	
Mr Fraser	Mr Piccoli	
Mr Gee	Mr Provest	<i>Tellers,</i>
Ms Gibbons	Mr Roberts	Mr Patterson
Ms Goward	Mr Rohan	Mr J. D. Williams

Noes, 16

Mr Barr
Ms Burney
Ms Burton
Mr Daley
Mr Hoenig
Ms Hornery

Mr Lynch
Ms Mihailuk
Mr Park
Mrs Perry
Mr Piper
Mr Robertson

Ms Watson
Mr Zangari

Tellers,
Mr Amery
Ms Hay

Pairs

Mr Baird
Mr Constance
Mr Hazzard
Mrs Hancock
Mr O'Farrell

Mr Collier
Mr Furolo
Mr Lalich
Dr McDonald
Mr Rees

Question resolved in the affirmative.

Motion agreed to.

CONSTITUTION AMENDMENT (PARLIAMENTARY PRESIDING OFFICERS) BILL 2014**MULTICULTURAL NSW LEGISLATION AMENDMENT BILL 2014****RURAL FIRES AMENDMENT BILL 2014**

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

MARINE ESTATE MANAGEMENT BILL 2014**Second Reading**

Debate resumed from an earlier hour.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. Members leaving the Chamber will do quickly and quietly.

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries) [7.07 p.m.], in reply: I thank members representing the electorates of Pittwater, Liverpool, Sydney, Myall Lakes, Balmain, Coogee and Port Macquarie for their contributions to this debate. I appreciate the support shown for this reform. The Marine Estate Management Bill 2014 will provide for effective and integrated management of the whole marine estate for the first time in New South Wales. It is clear that the way our waters and coasts are managed in New South Wales has to change. When the New South Wales Liberal-Nationals Government was elected in March 2011 we inherited a marine estate management regime that was in disarray as a result of years of mismanagement from those opposite.

The development of this bill has been more than three years in the making. In June 2011 the New South Wales Liberal-Nationals Government delivered upon a key election commitment by commissioning the Independent Scientific Audit of Marine Parks in New South Wales, which was conducted by Professor Bob Beeton from the University of Queensland. This audit found that management of the marine estate in New South Wales was fragmented and deficient. In February 2013 we released the New South Wales Government's response to that audit, which announced a comprehensive new approach to the management of the marine estate in line with the recommendations from Professor Beeton. This new approach is about establishing a foundation for robust scientific- and evidence-based management of the marine estate into the future. It is about ensuring a thorough and triple bottom line assessment process that will consider social, economic and environmental impacts, in the context of the entire marine estate.

Importantly, the bill will allow for the establishment and development of the Marine Estate Management Authority, the independent Marine Estate Expert Knowledge Panel, and the Marine Estate

Management Strategy. The bill includes key improvements to the existing legislative architecture for marine parks and aquatic reserves relating to the need to have regard to the strategy and threat, and risk assessment when declaring a park or reserve; the making of management plans and associated management rules in the regulations; notifications; compliance and enforcement; fees; creation of a new Marine Protected Areas Fund; and abolition of the Marine Parks Authority and Marine Parks Advisory Committee. This whole-of-government strategy is absolutely key if we are to focus resources where they are needed most. In relation to the make-up of the Marine Estate Expert Knowledge Panel and the suggestion that its membership had the potential to be skewed to favour one consideration over others, clause 9 clearly stipulates:

In establishing (the Marine Estate Expert Knowledge Panel) the relevant Ministers must seek to include on the Panel persons with expertise in the fields of the ecological, economic or social sciences.

The Marine Estate Expert Knowledge Panel has been operating for more than a year, and the current panel consists of six expert members: two in the area of social sciences, two in the field of ecology, and two economics experts. Very clearly this reform is not about skewing towards any one viewpoint. Rather, it is about adopting a truly balanced approach to management into the future—an approach that considers economic, social and environmental values and issues. In relation to the continuation of a moratorium on declaring new marine parks, the Marine Parks Amendment (Moratorium) Act 2011 put in place a five-year moratorium on declaring new marine parks, or expanding the boundaries of existing marine parks, altering or creating new sanctuary zones, and reviewing marine park zoning plans.

The Marine Parks Amendment (Moratorium) Act 2013 removed the moratorium on altering or creating new sanctuary zones and reviewing marine park zoning plans. This was to facilitate developing and piloting the new approach to managing the New South Wales marine estate. The continuation of a moratorium remains strongly supported by the Government at this time. Another misconception that has been floated in relation to this bill is that it will now allow for the Minister for Primary Industries to administer the Marine Estate Management Act. That is incorrect.

Marine parks have been administered jointly since the Marine Parks Act commenced in 1997. It has always been the case, as it should, that the Minister for Primary Industries and the Minister for the Environment have joint responsibility for marine parks. This bill will not provide the Minister for Primary Industries with unilateral authority to declare a marine park. These sorts of decisions will only be made jointly. Neither Minister has the power of veto over the other. The bill includes provisions relating to the declaration and management of a comprehensive system of marine parks and aquatic reserves.

For the most part, the bill continues the existing provisions for management of marine parks and aquatic reserves that are presently in the Marine Parks Act and Fisheries Management Act. This will ensure that marine parks and aquatic reserves continue to be special places valued by the community for their role as conservation havens. In relation to the review process moving from five to 10 years, this is to provide greater certainty for stakeholders. There would be less certainty, for both stakeholders and the community, with the shorter five-year time frame. In relation to recreational line fishing from ocean beaches and headlands within sanctuary zones, unlike those opposite, the New South Wales Liberal-Nationals Government is undertaking a robust and rigorous approach to the assessment of recreational line fishing from ocean beaches and headlands within sanctuary zones.

The Government introduced an amnesty on recreational line fishing in these areas while a comprehensive risk assessment of the activity was undertaken. The Government is currently considering this expert advice, which will inform an evidence-based decision regarding recreational line fishing, which will be in line with the reforms that this bill seeks to legislate. In relation to consultation, 60 days is the minimum statutory period for consultation, and it is intended that consultation occur at key stages throughout the development of marine park and aquatic reserve management plans, not just on the draft plan.

During the implementation of the bill extensive community consultation will be critical to the success of the Marine Estate Management Strategy. This reform is not about putting economic interests ahead of conservation. However, for the first time in a very long time we have a Government in place that is truly considering the decisions it makes using a triple bottom line approach: an approach that considers economic, social and environmental impacts, including impacts on the local community of any decisions; scientifically backgrounded ecological impacts; and impacts on the local economy. Our reforms stand in stark contrast to the non-strategic and politically motivated management of the marine estate in the past.

For too long there has been a non-strategic approach to the management of the marine estate in New South Wales. Our new approach will provide a strategy for maximising social, economic and environmental, values and benefits associated with the marine estate. It will better coordinate service delivery to reduce red tape and increase effectiveness across the management of marine parks and aquatic reserves, fisheries management, boating, shipping and coastal land use planning. And it will introduce best practice evidence-based marine park and aquatic reserve planning, declaration and management. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Ms Katrina Hodgkinson 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.

LOCAL GOVERNMENT AMENDMENT (RED TAPE REDUCTION) BILL 2014

Second Reading

Debate resumed from 14 October 2014.

Mrs BARBARA PERRY (Auburn) [7.18 p.m.]: Gagging debate on the Local Government Amendment (Red Tape Reduction) Bill 2014 is a disgrace. This Parliament is about debate, if nothing else. This is an important bill that has important repercussions and debate should not be limited to two speakers from either side of the House. It is inappropriate. I want it placed on the record for the community to see and understand that this Government has gagged debate prior to the second reading of the bill. There was no reason to do it. Is it that those opposite want to leave early? What is the reason they want to gag this debate? There was no reason given—what a disgrace! This bill is a disgrace. It seeks to water down certain provisions in the Act that will result in less transparency and accountability. It does not surprise me that this Government, when it concerns donations laws—

Mr Gareth Ward: Point of order: Standing Order 76, relevance. I remember your Government doing this three times before breakfast. You hypocrite. Do not come into this Chamber and lecture me about this.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Mrs BARBARA PERRY: This is a Government that does not take heed of concerns about donations laws and this afternoon introduced legislation regarding a proposal in relation to voting rights for councils.

Mr Gareth Ward: Point of order: Standing Order 76. The fact that the Opposition has not prepared for this debate is not my fault. The fact that members opposite are manifestly unprepared and are prepared to dribble in this House is not appropriate. I ask you to have the member resume her seat or bring her back to the leave of the bill.

Mrs BARBARA PERRY: The member is time wasting.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Kiama will resume his seat. There is no point of order.

Mrs BARBARA PERRY: Given that we have only a short time to debate this matter, I will comment on the tendering proposals in this bill. Previously councils have been able, in an open and transparent way, to deal with tenders. The Government wants to remove the requirement that exists under section 377 of the Act and delegate that power to the general manager. Section 377 provides for councils to exercise this function through

the Regional Organisations of Councils [ROCs]. The Minister talked about ROCs in his second reading speech. Mention of ROCs does not extend to Schedule 1 [2] to the bill and the relevant part of the regulation, which deals with procurement and tendering. They are the related sections.

I do not understand why the Minister has amended this legislation to make it referable to ROCs. Section 377 does not refer to ROCs and that process is not formalised in any way. It is of concern that a second reading speech links the tendering process to ROCs when it is not formalised. It is inappropriate. This is about tendering more generally. I understand what the Minister said about regional organisations of councils, procurement and the savings that could be made, and about future joint organisations. However ROCs already facilitate councils coming together to organise tenders. The Western Sydney Regional Organisation of Councils does that with its asphalt contracts and it does create savings.

The reason for including the tendering provisions in this legislation would be clear if it were not for the fact that it provides a more general power of delegation. That power has not been limited to regional organisations of councils; it will be used by councils to delegate decision-making about tenders. That flies in the face of the evidence presented to the Independent Commission Against Corruption and its paper on tendering. The Minister is misleading the House in saying that that power is limited to ROCs when it is more general. It will allow any council to delegate to its general manager its power to determine tenders. That is inappropriate when we are dealing with large sums of money. The increase in the threshold to \$250,000 is also very concerning. The Minister has not provided any evidence to justify making this change. The \$150,000 threshold is more appropriate and, once again, transparency comes into play. Making the threshold \$250,000 will not make the process any more transparent.

Local government has a social obligation to support people with disabilities and I am concerned about Australian Disability Enterprises [ADEs], which are like employment agencies. They are exempt from local government and State Government panels. The preference would be for ADEs to be endorsed by local government or a State Government panel. If they were, there would be no need for a separate exemption and it would ensure that due diligence was carried out. ADEs are important but they must still be subject to due diligence processes.

The Opposition is also concerned about the provisions watering down advertising requirements. I do not understand why the Government has included those provisions. This bill is supposedly designed to cut red tape, but it does nothing. The Minister has not presented any evidence suggesting that these provisions will assist councils or the community. The bill makes reference to not requiring advertisements in local newspapers about categorisation of land as an area of cultural significance. That will have particular impact on Aboriginal communities. That is not designed to cut red tape; it is about not giving people information and it is abhorrent.

Schedule 2 [7] provides that councils are not required to advertise in a local newspaper that supply is being restricted because of a shortage of water. That is outrageous. Councils will also no longer be required to advertise changes to wards, notices of meetings, annual financial reports, notices of elections, calls for nominations, and declarations of uncontested elections. Schedule 2 [1] waters down the requirement to notify the community because it leaves it to councils to determine how they want to provide information. That has been stipulated in legislation in the past.

I am particularly concerned about the impact that this legislation will have on Aboriginal heritage and cultural artefacts. Repealing the requirement to advertise locally is most inappropriate. This bill does nothing to assist local government. I am not convinced that it will reduce red tape because the Minister was not clear about what it will do. More importantly, it is typical of this Government's approach to local government and its lack of transparency. This legislation has nothing to do with reform; it is all about closing down councils.

Mr Paul Toole: I remember you as the do-nothing Minister.

Mrs BARBARA PERRY: The Minister should hear what local councils say about him. This is a nothing piece of legislation. It is all about lack of governance and lack of community input. It ensures that the community is blind to what is really going on.

Mr ADAM MARSHALL (Northern Tablelands) [7.25 p.m.]: I support the Local Government Amendment (Red Tape Reduction) Bill 2014. I welcome this bill because it introduces a number of reforms that will make the work of our local councils a little easier. It picks up a number of recommendations made by the Local Government Acts Taskforce and the Independent Local Government Review Panel. I mention that at the

outset because of a comment made by the member for Auburn. The genesis of these reforms goes back a number of years to when the current Minister for Local Government, the member for Bathurst, and the previous Minister for Local Government, the member for Ballina, embarked on something that had never before been done by a State Government and local government, certainly not in my time in local government and now in this place.

This Government embarked upon a conversation and asked what the local government sector wanted. It wanted the task forces to be established to do some serious work about what action the Government could take to make doing business in local government easier. Government members know that when local government's work is made easier it can apply more resources to provide services and infrastructure for local communities. The member for Auburn was critical of the bill, but I am pleased to note that she mentioned the Local Government Act 1993. I recall that at a Local Government and Shires Association of NSW conference I attended a number of years ago the Minister thought we were still using the Local Government Act 1919. We have moved on, and I am very glad that we have. This bill is about helping local government to move on and it makes some very pragmatic and sensible reforms.

I speak from a country perspective on this bill. Most country councils are members of regional organisations of councils or what will soon be joint organisations. Organising joint tendering and procurement is now cumbersome and onerous, but this bill will make it much easier. That is very important because councils in my electorate have been calling for changes to that process for some time. They all want to save money and to work together. The Local Government Act 1993 requires a great deal of work, effort and time, and therefore expense, to achieve desired outcomes. This bill will make that much easier and quicker. Surely members on both sides of the House want to make it easier for local councils to serve their ratepayers. I certainly do.

The bill also makes a smart change to increase from \$150,000 to \$250,000 the threshold for which councils must call tenders. That is sensible reform because times have changed since the general regulation was introduced in 2005 with that dollar figure attached. I have not had a chance to research the compounding impact of the consumer price index [CPI] over the years since, but certainly that threshold is no longer relevant. Today, \$150,000 does not buy what it did in 2005. It is appropriate to lift that threshold. We could debate endlessly whether the figure should be \$250,000, \$300,000 or \$200,000, but I support increasing it, as do councils in my area.

Finally, I shall touch on the final valid point of the member for Auburn regarding the insertion of new section 735B of the Local Government Act and the requirement to publish certain notices, advertisements and other material. Obviously, the section will make it compulsory for councils to advertise and publish on their website and in at least one other medium at the council's discretion. Similarly to the member for Auburn, when I first read that provision I queried exactly what form it would take. Will it allow, potentially, unscrupulous councils—thankfully, none are in my electorate—

[Interruption]

I can inform the member for Heffron that they are all good councils.

Mr Ron Hoenig: That you know of.

Mr ADAM MARSHALL: No, they are all good country councils in my electorate, as the member knows from his days in council.

Mr Ron Hoenig: Is Richard Torbay the mayor?

Mr ADAM MARSHALL: That is well before my time; though I know he is a good mate of the member.

Mr Paul Lynch: The Liberal Party's greed.

Mr ADAM MARSHALL: Don't distract me. The provisions allow for compulsory advertising on councils' websites and in one other medium. I have talked to the Minister's office and the Minister about my concerns. I am happy to put on record that from those discussions I have been assured that, if this bill is passed, a circular will be issued to councils to guide them on how to advertise on their websites and what procedures should be followed to ensure that the mediums chosen to advertise ensure that the community is properly

advised of appropriate matters and changes. Those of us who have been in local government know that putting every notice in the local newspaper is not always the best or most efficient way to communicate with your community.

Depending on the issue, sometimes it is better to use another medium to capture more people in the community or a certain section of the community. This provision gives councils that flexibility. I am glad for the safeguard of the circular to ensure that councils are prevented from trying to subvert community involvement in decisions. Finally, I acknowledge that the President of Local Government NSW, Keith Rhoades, is in the gallery. I thank him for being present. I acknowledge Minister Paul Toole and the previous Minister, Don Page, who, of course, started this process. I am happy to commend the bill to the House.

ACTING-SPEAKER (Mr Lee Evans): I formally acknowledge in the public gallery councillor Keith Rhoades, President of Local Government NSW. Welcome to the Parliament.

Mr RON HOENIG (Heffron) [7.33 p.m.]: No-one takes issue with reducing red tape for local government, or some of the provisions in the Local Government Amendment (Red Tape Reduction) Bill 2014. This Parliament enacted the Local Government Act 1993, which removed much of the red tape that the 1919 Act had imposed on local government. Since 1993 this Parliament has continued systematically to add red tape, and statutory and regulatory obligations upon councils throughout this State so as to make much of the Act unworkable. The Parliament is the reason that provisions in the Act are unworkable. The Minister seeks to remove some of that red tape regarding advertising and other obstacles in the Act. He should be commended for doing so. However, he should not be commended for trying to rush a bill through this House or the Parliament because that is when errors occur—sometimes substantial errors.

Mr Michael Daley: Like they did with the one-punch bill.

Mr RON HOENIG: As happened with the one-punch bill. Why does a bill to remove red tape from local government have to be dealt with so urgently? Why did it require the suspension of standing orders today to rush the bill through? Why was the bill introduced only after a cursory conversation with Keith Rhoades, the President of Local Government NSW? Why does removing red tape require such grave urgency? One always smells a rat with bills of great urgency because they have to be scrutinised properly—sometimes for drafting errors and sometimes for deliberate errors. This bill contains a significant provision that could be a recipe for corruption in local government. Corruption occurs chiefly in two areas: planning and procurement. Section 377 of the 1993 Act prohibited councils from delegating the acceptance of tenders. If councils call for tenders, they have to be accepted by council. That ensures public transparency so that acceptance of tenders cannot be hidden.

It is admirable for the Minister to propose raising the price of tenders. If he had consulted the Opposition, we would have said, "Don't put in a figure. Do it by regulation so that you can move it on a yearly basis without having to have legislation." It is commendable that he wants to increase the figure from \$150,000 to \$250,000, but what happens when a council, by resolution, wants to delegate a staff member to accept a \$50 million contract where there is no report, no public scrutiny and no decision made by councillors? It is a recipe for corruption. Even worse is that the authority could delegate to someone outside the council to accept the tender. The General Secretary of the Liberal Party could have delegated to him the power to accept a tender from North Sydney Council if it so wished. That is the reason the provision exists in the Act. If the Government had consulted and not rushed this bill through, this issue would have been flagged.

I request that the bill be considered in detail because of that provision. I foreshadow that I will move an amendment to delete schedule 1 [8] and remove the tiny words "Omit section 377 (1) (i)." That provision is buried in this bill; nobody probably knew about it. The United Services Union knew about it and wrote to the shadow Minister for Local Government. I acknowledge that the Minister is trying to fix procurement problems, but a division of opinion exists between Local Government NSW and the various Regional Organisations of Councils [ROCs]. Local Government NSW wants to run its procurement process as there is a return for it and the ROCs have been running joint purchasing arrangements for some decades. The current bill is inefficient because every time a ROC accepts a tender on behalf of, say, 10 or 12 councils, each council must, by resolution, accept that tender. This provision makes the process unworkable.

I take no issue with fixing that anomaly. The President of Local Government NSW does; he does not like that idea because he has his vested interests and the ROCs have theirs, but I do not intend to intrude. The Minister is to be commended for wanting to achieve that, but it could be resolved through other ways without

removing acceptance of tenders from general managers. The bill should recognise ROCs; it should contain a statutory provision that enables ROCs to accept tenders on behalf of councils without them having to go back to council. Other ways exist to do that without going down this particular path.

In fairness to the Minister, this legislation was rushed into the House for debate. I asked him to check this subclause, because it may not be what he intended; it may be something the bureaucrats slipped in on behalf of general managers trying to gain greater political control of councils. No doubt the Minister will deal with my concern when the bill is considered in detail. This is what happens when a bill like this is rushed through. Legislation like this should be done on a bipartisan basis in consultation with Local Government NSW and the United Services Union.

I am the last person to tell the Minister that Local Government NSW is the most efficient organisation in New South Wales. In my view it is well resourced and it should have provided better advice to local government Ministers for some years. Ministers have minimal resources as their department is small, so Local Government NSW should provide better support mechanisms for the Minister of the day. This issue has given rise to a conflict between Local Government NSW and the ROCs. Other than that, with a little nous, a little time and consultation the Government could get legislation like this right. However, this bill is not right.

Why the hurry to get these provisions through Parliament? Will the Government try to get this bill through the upper House as soon as it leaves this Chamber and then take it by taxi to Government House to get the Governor to sign it into law so a council will not have to put an advertisement in next week's local paper and so save \$400? Is that the basis of the rush? Does some procurement by a ROC require this legislation to be passed in a hurry? What contract will be signed by a council director after the passage of this legislation helps to realise huge savings as a result of this power being taken away from elected councils?

Councillors are left with very few powers. One of the hardest things they do is supervise the financial arrangements of the council, because the day-to-day management is done by general managers. One of the reserve powers of elected representatives, and through them the community, is requiring transparency of tenders. That is the only protection this process has. City of Sydney council—the council loved by the Government—potentially signs \$50 million contracts and some rural councils deal with road contracts that are worth millions of dollars. These contracts should go out to tender and councillors should make the decisions. I would have thought the former mayor of Burwood, the member for Drummoyne, would have known that. He had to appear before an Independent Commission Against Corruption [ICAC] inquiry so he knows how terrifying it can be when the ICAC starts looking into things.

Mr John Sidoti: I inherited it.

Mr RON HOENIG: The member says he inherited it. He did a good job of solving the problem. Members might ask: What was the problem? It was a procurement problem—an expenditure of funds that the mayor did not know about.

Mr DONALD PAGE (Ballina) [7.43 p.m.]: I support the Local Government (Red Tape Reduction) Bill 2014. These reforms are a small part of a much bigger reform package that was telegraphed by the State Government in its Fit for the Future package announcement on 15 September. As the former Minister, I know that a lot of consultation and work have gone into completing the package. I acknowledge the presence in the gallery of the President of Local Government NSW, Keith Rhoades. I acknowledge his contribution to the consultation process that occurred when he was President of the Local Government Association with Ray Donald, and subsequently President of Local Government NSW. During that time there was a lot of constructive conversation. The local government sector requested that we look at these things and the Government was happy to do so. The Government recognised that it and local councils had to do some things.

The Government has to reduce red tape wherever it can, which essentially is what this legislation is about. It is about making sure that councils can survive financially and that the Government gets rid of unnecessary regulation. I agree with the assertion of the member for Heffron that the Local Government Act as it stands has become too regulated—in fact, I think it has been amended about 267 times. There is a crying need for reform of the Act as well as other reforms. The Local Government Acts Taskforce made a number of recommendations, some of which are embodied in this bill. It is important to understand the background to this bill and to acknowledge that the Government is trying to free up regulatory arrangements so local government can operate in a more efficient and effective manner.

Local councils have to do some things as well. They accept that this is part of the deal and that if we are to reform the sector there has to be a cooperative arrangement between the State Government and the local government sector. The State Government has a productive relationship with the local government sector, which was not the case under the Labor Government. At that stage the relationship was what I would describe as poisonous. The proposals in the bill will facilitate more efficient procurement for councils by reducing the unnecessary regulatory burden, red tape and compliance costs for councils. The bill proposes a new policy framework for tendering that will deliver the simplest, least expensive and most effective results for councils in the achievement of their operational and strategic objectives. It will make joint purchasing arrangements less onerous and provide opportunities for councils to achieve efficiencies through economies of scale and to obtain best value for money.

The bill contains a number of measures to achieve that. These include allowing councils to delegate the functions of accepting tenders to other entities, such as the Regional Organisations of Councils (ROCs) and future regional joint organisations. This will remove legislative constraints on councils engaging in regionally based procurement and allow them to collectively utilise strategic procurement to drive broader regional economic development objectives. When I was Minister, on almost every occasion when I talked to one of the ROCs they would raise the issue of procurement. As the member for Heffron and the member for Northern Tablelands indicated, ROCs want to tender but have to go back to council to get permission to do so by getting a council resolution. It is a bureaucratic process that should not be required in this day and age. This legislation goes part of the way towards addressing this issue. Whether regional joint organisations should be acknowledged in the legislation is a matter for future legislation. That would be part of a bigger package in the future.

The legislation also allows councils to join the State Government in supporting registered Australian disability enterprises by being able to procure from them directly without having to invite tenders. That matter was also raised with me when I was Minister. I was asked why local government had to operate under different rules from the State Government when it came to dealing with registered Australian disability enterprises. This legislation essentially puts those enterprises on the same footing with local government—as they are with the State Government—which is a good thing. The legislation also allows councils to continue to benefit from the use of State Government procurement by clarifying that councils may continue to purchase goods and services under the prequalification schemes of the NSW Procurement Board without the need to invite tenders.

Councils will also continue to be able to achieve savings by utilising standing offers established by other prescribed entities such as the local government procurement without the need to tender. The legislation allows councils that have been assessed as having sufficient strategic capacity and scale and have become fit for the future to utilise other more cost-effective procurement strategies for purchases under \$150,000 than those currently prescribed under the Local Government Act and the Local Government (General) Regulation. Given the Government has announced reforms to local government which will enable councils to engage in regional economic development on a broader scale, the proposals in the bill provide the timely and necessary foundation for such engagement.

In conclusion, the lifting of the threshold from \$150,000 to \$250,000 is common sense. It has not been adjusted for a long time. It is arguable whether it should be in regulation or not. The bottom line is that the threshold needed to be lifted. I have had that matter raised with me on many occasions. These reforms represent a promising start to a much more ambitious reform journey. I look forward to future reforms that these amendments foreshadow. I commend the bill to the House.

Mr PAUL TOOLE (Bathurst—Minister for Local Government) [7.50 p.m.], in reply: The Local Government Amendment (Red Tape Reduction) Bill 2014 will support local government across New South Wales. I acknowledge the president of Local Government NSW and commend him for the work he has done over the past few days for the Local Government NSW Annual Conference. I also acknowledge the work that he does on behalf of councils across the State. I thank the member for Auburn, the member for Heffron, the member for Northern Tablelands and the member for Ballina for speaking in debate on this bill.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Bankstown will resume her seat.

Mr PAUL TOOLE: Yesterday at the local government annual conference I spoke to various councils, many of whom I have visited on roadshows, and I was told clearly this is what they want. They have been asking for the provisions in the bill for a number of years. The Government is partnering with councils to reduce red tape. It is a burden that has been imposed on them and they want it reduced so that they can put their

resources back into their communities. The Opposition has implied that this legislation is brand new; it is not. It is a result of the work of the Local Government Acts Taskforce and it has been under scrutiny by the Independent Local Government Review Panel. The Government has made it clear from the word go what it was doing—this is a bill that reduces red tape.

The Opposition's idea of supporting councils is to give them more work, more red tape and not support them through the process. This Government cares about communities, but the Opposition clearly does not. Councils were ignored by the Opposition for a long time and now they do not believe anything the Opposition says. We are partnering with councils to reduce red tape. The bill promotes regional and collaborative procurement by removing the existing prohibition on the ability of councils to delegate the acceptance of tenders. In practice this means that where councils undertake joint procurement that requires a tendering process, each of the participating councils is required to separately resolve to accept the tender.

Yesterday when I met with the ROCS at the conference and I spoke about the bill I was told, "Minister, this is a great idea. We have been asking for this for a long time. Thank you. You are listening. We are asking you to deliver this." I said it would be coming to the Parliament in the near future and I gave a commitment to the president of Local Government NSW that we would meet him this week. However, there is an overwhelming response to this happening. When councils look at tenders for ROCS—and we are looking to form regional joint organisations—they have to wait for up to two to three months for council meetings to be held and a determination made. They want to get on with the job of working for their communities. We are looking at forming regional joint organisations.

[Interruption]

ACTING-SPEAKER (Mr Lee Evans): Order! Members who interject from outside the Chamber will be removed by the Serjeant-at-Arms. This is their last warning.

Mr PAUL TOOLE: The Fit for the Future package has been received positively. It was suggested that we would have four pilot regional joint organisations. Expressions of interest have been received from 11 areas and that means that up to 80-plus councils have put in for a regional joint organisation. Councils have indicated that they want this requirement and we should be supporting them through the process. They should not have to endure the burden of waiting for a long time for these decisions to be determined. The threshold for tenders is being raised from \$150,000 to \$250,000. Members who have been involved with councils will know that it does not take councils long to rack up a figure of \$150,000.

The bill will make it easier for them to do business on behalf of the communities that they represent. Yesterday at the conference everyone applauded when it was mentioned because it is what they want. Members opposite can shake their heads, but the bill will support local governments through the process of raising the threshold. Councils cannot deal directly with registered Australian disability enterprises and there are some great organisations that councils should be able to deal with directly. This is important because community groups can then work with councils and undertake valuable work. The bill supports businesses in our local areas that may employ people with a disability and those opportunities should be welcomed.

Mandatory newspaper advertising is an issue of concern. It is important that councils advertise and inform the community about what is happening. But this is the twenty-first century and we must be aware that a number of councils have other means of communicating with their communities. We should allow them to use these measures to communicate with their communities. The proposals will allow councils to publish and advertise information on their websites, in a newspaper or in such other manner the council considers appropriate for the purposes of bringing the advertised matter to the attention of all potentially interested persons. It is another issue I have consulted councils about and they are very supportive of the proposal.

In relation to reducing red tape, we asked councils to look at various administrative burdens in publishing and reporting various policies every year. For example, councils may need to report every year on an expenses policy. We are saying that if the policy does not change, after the first 12 months of having the policy reported to the Office of Local Government there is no need—unless substantial changes are made to that document—to report it every year. The member for Shellharbour shakes her head; she may not like councils, but we are trying to reduce red tape and support the councils in what they are doing. I commend the work of the former Minister for Local Government, the member for Ballina. He has been through this process also and I have had discussions with him about it. He too concurs that this is an important matter that councils have been asking for. 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.

[Business interrupted.]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Speaking Times

Mr ANTHONY ROBERTS (Lane Cove—Minister for Resources and Energy, and Special Minister of State) [8.02 p.m.]: I move:

That standing and sessional orders be suspended to provide for the following arrangements for the consideration in detail on the Local Government Amendment (Red Tape Reduction) Bill 2014:

- (1) Speaking time limits as follows:
 - (a) mover of the amendments—one period of up to five minutes;
 - (b) Minister or member deputed—one period of up to five minutes; and
 - (c) mover in reply—one period of three minutes.
- (2) The moving of proposed amendments together and dealt with in one question.

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

Motion agreed to.

LOCAL GOVERNMENT AMENDMENT (RED TAPE REDUCTION) BILL 2014

[Business resumed.]

Consideration in detail requested by Mr Ron Hoenig.

Consideration in Detail

The DEPUTY-SPEAKER (Mr Thomas George): By leave, I will propose the bill in groups of clauses and schedules.

Clauses 1 and 2 agreed to.

Mr RON HOENIG (Heffron) [8.04 p.m.]: I move:

Page 3, Schedule 1 [8], lines 37 to 38. Omit all words on those lines.

It is a discrete amendment and it is designed to repair what I consider to be either an oversight or an error that has substantial repercussions. As I said in my contribution to the second reading debate, this provision gives carte blanche to any council to delegate acceptance of any tender to either a staff member or any outside organisation. It is fundamentally contrary to the whole premise of the 1993 Act. The reason we did not call a division on the motion to shorten our time for speaking in the debate—and I raised this matter with the Minister and the Leader of the House prior to this issue being debated—is that I genuinely believe as a barrister that the Government is making a substantial error. Nothing that the Minister intends to do with this bill is disagreed with.

I agree with trying to accept tenders from the Regional Organisation of Councils [ROCs] and making them efficient. If the Government wants to exempt ROCs from the prohibitions contained in section 377 it could have proposed a section or a subsection that said that. But the Government is rushing this bill through; the Government has given me the amendments with a few minutes notice. I cannot come up with that sort of provision. I can only move quickly an amendment to remove what may well be a recipe for corruption that could occur in local government.

I am sure that is not the Minister's intention, I am sure it is not the Government's intention and it is not the Local Government Association's intention. In my view, it is an error made in haste. I will not beat anybody over the head with it. The Minister might be intent on achieving something but we are legislators; we are making the law that impacts on every council in New South Wales and we have to get it as right as possible. This amendment might cause the Government a problem in achieving its aim, but the Government should go away and come back next Tuesday with a different form of wording and get it right.

Mr PAUL TOOLE (Bathurst—Minister for Local Government) [8.07 p.m.]: The member for Heffron says that this bill is being rushed through. It is not. This bill has been laid on the table for more than a week and the Opposition has had an opportunity to look at it. I am very happy to discuss this matter with the member for Heffron and if there are changes to be made they can be looked at and made in the upper House. It is the member for Heffron who is rushing the bill through and trying to make a decision on the run. We will not support the amendment.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Auburn that she is on three calls to order.

Question—That the words stand—put.

The House divided.

Ayes, 50

Mr Anderson	Ms Gibbons	Mr Provest
Mr Aplin	Ms Goward	Mr Roberts
Mr Barilaro	Mr Gulaptis	Mr Rohan
Ms Berejiklian	Mr Hartcher	Mr Rowell
Mr Bromhead	Ms Hodgkinson	Mr Sidoti
Mr Brookes	Mr Holstein	Mrs Skinner
Mr Casuscelli	Mr Humphries	Mr Smith
Mr Conolly	Mr Issa	Mr Speakman
Mr Coure	Mr Kean	Mr Stokes
Mr Dominello	Dr Lee	Mr Toole
Mr Doyle	Mr Maguire	Ms Upton
Mr Edwards	Mr Marshall	Mr Ward
Mr Elliott	Mr Notley-Smith	Mr R. C. Williams
Mr Evans	Mr O'Dea	Mrs Williams
Mr Flowers	Mr Page	<i>Tellers,</i>
Mr Fraser	Ms Parker	Mr Patterson
Mr Gee	Mr Perrottet	Mr J. D. Williams

Noes, 16

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

Pairs

Mr Ayres	Mr Furolo
Mr Baird	Mr Lalich
Mrs Davies	Dr McDonald
Mr O'Farrell	Mr Rees
Mr Piccoli	Ms Tebbutt

Question resolved in the affirmative.

Motion agreed to.

Amendment negatived.

Schedules 1 and 2 agreed to.

Consideration in detail concluded.

Third Reading

Motion by Mr Paul Toole agreed to:

That this bill be now read a third time.

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

Pursuant to resolution private members' statements proceeded with.

PRIVATE MEMBERS' STATEMENTS

COUNTRY SHOWS

Mr DARYL MAGUIRE (Wagga Wagga—Parliamentary Secretary) [8.19 p.m.]: Tonight I inform the House about the great contribution country shows make to rural communities. Indeed, in my electorate of Wagga Wagga we have recently had a number of shows. Earlier this month we had the great honour of His Excellency General the Honourable Sir Peter Cosgrove, AK, MC (Retd), accompanied by Her Excellency Lady Cosgrove, officially opening the 150th Wagga Wagga Show. Sir Peter told the huge crowd that he had visited Wagga Wagga many times over the years and said it was always a joy. He was reported in the local media as saying:

Rural shows are great for the community to get together and bounce ideas off each other, present their produce and hard work ... I am delighted to be here, it's a wonderful thing to think of these 150 years of community gathering with pride and industry to show what a community does.

Juleesa Smith was announced as Wagga Wagga Showgirl 2014. The community came together to celebrate all that is good about living in rural Australia. I had the great honour of opening the Lockhart Show. I looked at all the displays and the work of the hardworking committee under the chairmanship of Liam Smith. We also opened the new secretary's shed, to which the New South Wales Liberal-Nationals Government had contributed \$40,000 for construction. The shed needed renovation so the community got together and built a completely new structure, with the assistance of Bendigo Bank. Bendigo Bank has been a godsend for rural communities in respect of the dividends it pays. I had the great honour of joining Bendigo Bank, the committee president and Miss Show Girl to open the show. Improvements have been made to the Lockhart showgrounds, and the magnificent stadium has been repaired. The stadium was in disrepair but through government contribution and funding the committee has made great inroads into the repairs and maintenance of Lockhart showgrounds.

As members know, Lockhart has been in the news recently. It was a reason for the community to get together and we enjoyed the occasion. Indeed, we were honoured when the new Governor, General David Hurley, visited Lockhart for the Spirit of the Land Festival. It was a great occasion to have the Governor at the showgrounds for the Lockhart picnic races and to view the magnificent ironworks and sculptures that are now renowned throughout Australia—indeed, dare I say throughout the world. There is huge prize money available for these magnificent sculptures made of farm yard junk. The craftsmanship and the imagination of these people are inspiring. I encourage people, at the next opportunity, to visit Lockhart and look at the work that occurs there.

Last weekend I visited the Rock Show, where president Jim Payne was awarded volunteer recognition. Indeed, Joy Schultz, who has been the secretary for some 25 years, received recognition for her outstanding

contribution to the Rock Show. That is another example of a community pulling together and bringing together the produce and all that is good about regional New South Wales. When it comes to shows we rely on people with leadership to direct the show society.

In that regard, we suffered with the loss of Patrick Richard Keast, who was well-known in the Junee Reefs area. He held the highest office with the show societies. We lost him, and the community mourns his passing. He made an enormous contribution to the show society movement. While there has been great celebration, communities have come together to talk about matters that are important to them through the show society movement. We have suffered loss but we have benefitted through the great contribution of people such as Patrick Keast, Joy Schultz, Jim Payne, Liam Smith and all those who continue to bring about everything that is good about show societies.

The DEPUTY-SPEAKER (Mr Thomas George): As a member from regional and rural New South Wales, I thank the member for Wagga Wagga for highlighting the value of country shows to rural and regional areas. He had the honour of opening the Lockhart Show. I know that members of this House and people throughout the State were saddened by the tragedy that struck Lockhart about six weeks ago. Opening the show was an honour for the member for Wagga Wagga. I am sure the community appreciated the opportunity to come together on that special occasion.

ILLAWARRA GROWTH AND INFRASTRUCTURE PLAN

Ms ANNA WATSON (Shellharbour) [8.24 p.m.]: I shall make some brief remarks on two issues during the time available to me. The State Government released the draft Illawarra Growth and Infrastructure Plan on 9 October. It was one of the strangest public releases of an important document that I have seen in a while. The last time the Government did something similar was when it released the Illawarra Regional Transport Plan. And there was nothing new in that plan, despite endless delay of up to 12 months. It appears that there is little of newsworthy value in the draft Illawarra Growth and Infrastructure Plan. I had been expecting the Minister for the Illawarra to make a big thing of this strategic plan. But it was quietly released with little fanfare on the back of the official opening of the GPT shopping centre in Wollongong.

In nearly 100 pages, the draft plan narrates the progress of the Illawarra region, but it does no more than that. The draft plan is simply a host of re-announcements. There is no funding attached to any of the infrastructure projects mentioned in the plan. In nearly 100 pages the only things I can see are more plans for more plans. The massive new greenfield housing developments at West Dapto, Tallawarra and Calderwood have been reclassified into a new name, the West Lake Illawarra development. So these areas get a new name and the announcement of a new plan.

These new release areas will be subject to the development of a so-called infrastructure coordination plan. There is no further detail in the plan about what that new plan is supposed to do. Of the very well-known infrastructure projects mentioned in this plan, all of them are stuck in a futuristic time warp. One of the most important projects, the Albion Park rail bypass, which is worth \$600 million and will finally relieve a congestion pinch point, has been put off for up to at least a decade. Road improvements necessary to improve accessibility for Dapto and West Dapto residents to the M1 motorway by construction of new on and off ramps along Kanahooka, Fowlers and Emersons roads have been put off for a decade or more, according to the Government's draft plan.

So slow are the Government's infrastructure plans for Dapto and West Dapto that it announced funding towards the new Fowlers Road Bridge from the proceeds of the Port Kembla sale, but nobody has seen the money. I believe the money is stuck in a Government bank account somewhere. Last week the Minister for the Illawarra announced some further funding towards this project. But the works will not start anytime soon because Wollongong Council is stuck in concept design stages. It is unlikely that we will see any work on the Fowlers Road to Fairwater Drive extension started in the next two years.

For the record, it is timely to acquaint the House with the results of funding by the former State Labor Government, which provided Wollongong Council with a \$25 million interest-free loan in 2010. The Cleveland Road improvements near Dapto High School have been completed. Unfortunately, neither the Minister for the Illawarra, the member for Kiama, nor the Lord Mayor of Wollongong—the Government's poodle in the region—had the good grace to give the last State Government credit for this major infrastructure work. Similarly, the former Federal Labor Government provided \$14 million towards road improvements along Shone Avenue, which has already seen the construction of a new bridge and further work is underway now. I have said

before that the Dapto and West Dapto areas have the potential population base to have their own State electorate over the next two decades. But this Government's draft plan shows that it is simply not up to the task of providing the new infrastructure that the southern Illawarra region requires to meet the expectations of this area's growing population.

That brings me, in conclusion, to reflect briefly on the Government's proposal to sell off the State's poles and wires. The member for Kiama is the latest in a conga line of Coalition members running around in the local media in their electorates suggesting that they will get funding for their pet projects from the \$20 billion that the Government figures it will get for the same. Last week the member for Kiama was quoted in the *Lake Times* newspaper suggesting that the Albion Park rail bypass, which I spoke of earlier, would be a prime candidate for some funding from the sale of the poles and wires.

The problem, of course, is that Coalition members are promising more than the Government can afford. Already the Government has publicly indicated that it will fund a North Shore harbour crossing, which will cost between \$10 billion and \$15 billion. It has promised a northern beaches tunnel, estimated to cost nearly \$2 billion. WestConnex is estimated to cost a further \$6 billion to \$8 billion. On top of all this, Government members are promising the F6 extension, as well as new rail lines, new hospitals and new sports infrastructure. The Government's attempt to sell off the poles and wires is the biggest con job and people will be awake to it by March next year.

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [8.28 p.m.]: I always love private members' statement because members get to talk about their wonderful communities. However, I am hearing only negatives and all the plans that Labor failed to deliver during its 16 long years in office. If I had half an hour I could tell members about all the wonderful projects across this great State, whether they be hospitals, train infrastructure, road infrastructure or schools. We are delivering. We have a plan; those opposite do not have a plan. I am disappointed that the previous speaker did not take the opportunity to promote all the good things that she should be doing.

THE HONOURABLE ANDREW STONER, MEMBER FOR OXLEY

Mrs LESLIE WILLIAMS (Port Macquarie—Parliamentary Secretary) [8.29 p.m.]: This evening I take this opportunity to pay tribute to the member for Oxley, my dear friend and colleague Andrew Stoner. Andrew's achievements in this place and his dedication to The Nationals and regional New South Wales are huge. At the time that Andrew became Leader of the NSW Nationals after the 2003 election, The Nationals held only 12 seats in the Legislative Assembly. Independents comfortably held the seats of Port Macquarie, Tamworth and Dubbo, whilst Labor still retained the seats of Monaro, Bathurst, Tweed and Murray-Darling. The Nationals were facing renewed predictions of our electoral demise at the hands of the Independents and there were calls for a merger with the Liberal Party. These were dark times for The Nationals.

However, Andrew remained optimistic and determined to pursue a new direction for the party, one that would make us more appealing to voters in the larger regional towns and cities. At his first election as leader this paid off. In 2007, The Nationals won both Tweed and Murray-Darling from Labor. This result was driven not by a weakness in Labor but by the renewed strength of the NSW Nationals. In 2007 I was not successful in my campaign to become the member for Port Macquarie. Independent Rob Oakeshott was at the height of his popularity, as were his Independent colleagues in Tamworth, Dubbo and Northern Tablelands. With the rise of these regional Independents, The Nationals were faced with an enormous political hurdle to overcome.

Between 2007 and the next election in 2011, Andrew Stoner brilliantly executed the case against the regional Independents in Parliament and in our communities. The proposition was simple: In a Liberal-Nationals government Independents would not have a voice at the decision-making table. He stood by me, Troy Grant in Dubbo and Kevin Anderson in Tamworth time and time again, supporting and mentoring us in our campaigns. The outcome of this effort and the pursuit of the incapable Labor Government was the strongest result for the NSW Nationals since the 1930s.

In 2011 we won back the seats of Monaro, Bathurst, Port Macquarie, Tamworth and Dubbo, all but wiping out the Independents who only four years before had threatened to sound the end of The Nationals in many of our large regional centres. In a subsequent by-election and with Andrew now Deputy Premier, we even managed to return the once Independent heartland of Northern Tablelands to the fold of The Nationals. We as a party now represent more than 92 per cent of this State, more than at any other time in our history. We are in our

strongest position in the Legislative Assembly since 1938 and our party room has swelled to 26 members. This remarkable turnaround is testament to the effectiveness of Andrew as the parliamentary Leader of The Nationals.

Despite holding the offices of parliamentary Leader, Deputy Premier and Minister in the O'Farrell and Baird governments, Andrew is first and foremost the member for Oxley. Since 1999 Andrew has diligently served the communities of Oxley. From Kempsey to Dorrigo, Bellingen to Wauchope and everywhere in between, Andrew has been doing the hard yards to make sure that they get access to the services and infrastructure that they deserve. The Oxley electorate has been front and centre in the first term of The Nationals and Liberals State Government, not least because Andrew has been the second most senior member of this Government.

In recent years, Andrew has delivered millions of dollars of funding for his electorate—close to \$10 million in funding for the Waterfall Way to undertake repairs after the floods and to make it safer, \$40 million for the Kempsey Hospital redevelopment, \$5 million awarded to Bellingen River District Hospital, nearly \$4 million to improve the Oxley Highway, and \$1.5 million in extra equity funding for local schools. This is to name just a few of his larger achievements. He has delivered millions of dollars to smaller community projects across Oxley and supported local communities to realise their full potential. When Andrew became the member for Oxley unemployment was at 18.5 per cent, according to the 1996 census. In 2011, at the census it was 8.6 per cent. That is a remarkable turnaround. Andrew Stoner has a track record of delivering for Oxley, for The Nationals and for regional New South Wales, and for that he should be congratulated.

On a personal note, Andrew was the person who recognised my commitment to my local community. He held the view that I had much to offer politics in New South Wales. He stood by me as a mentor during my three attempts to become the member for Port Macquarie and subsequently provided both opportunity and guidance. For that, I am eternally thankful. Now, when faced with some personal family issues, Andrew has done what he always does, that is, put others first—in this case his wonderful wife, Cathy, and their six children. On behalf of the people of the Port Macquarie electorate, the mid North Coast and regional New South Wales, I wish Andrew every success and happiness in the future. I thank him for a job well done.

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [8.34 p.m.]: I thank the member for Port Macquarie for her contribution and join her in giving thanks to the former Deputy Premier and former Leader of The Nationals, the Hon. Andrew Stoner. His service to his community has been absolutely outstanding. As the member for Oxley he secured millions of dollars of funding for infrastructure, roads, hospitals and schools for his electorate. That is a credit to him and his community. He has a great track record on delivering. When members leave Parliament we reflect on their career and achievements. I would like to thank all members for their contributions to their communities.

DEATH OF THE HONOURABLE EDWARD GOUGH WHITLAM, AC, QC, A FORMER PRIME MINISTER

Mr GUY ZANGARI (Fairfield) [8.35 p.m.]: This evening I pay tribute to the late Hon. Edward Gough Whitlam, AC, QC, former Prime Minister and former Federal member for Werriwa. Unfortunately, five minutes will not be enough to cover the full achievements of his lifetime, but I am sure my parliamentary colleague Nick Lalich will provide more information in a private member's statement in the not-too-distant future.

The only thing larger than Gough's legacy was the man himself. He was a gentleman and he was loved by more Aussies than were the rock stars of his day. Gough paved the way for a new era in Australian politics and is seen as one of the most influential leaders the Australian Labor Party has ever had. Throughout Gough's reign a number of groundbreaking policy changes were implemented, including free university education, the inception of universal health care and legal aid programs. His government also abolished military conscription. Gough was a strong advocate for multiculturalism and played a vital role in connecting the needs of our multicultural groups with the government agenda.

Although Gough was larger than life, he always made time for the Australian people. I can vividly recall the many times I met him throughout the course of his vast career. I know that Australians take for granted the opportunities we are given to meet our leaders, especially our prime ministers. Whether or not they are a Labor or Liberal prime minister, our country is distinguished from others in that that our prime ministers have been and continue to be accessible to all communities. Outside my parliamentary duties I have met prime ministers of this nation since Billy McMahon, and that is because our prime ministers always make time for the Australian people, even the average Joe or Joanne off the streets.

The first time I met Gough Whitlam was at the Channel 7 studios in Epping after the airing of the Mike Willesee *Current Affairs* news program. For a young boy of that era, it was like meeting a rock star. To this day, my parents remind me of that meeting. It was a proud moment for them to see their young son talking to Gough Whitlam, an inspirational leader of the day. Gough asked me my name, how old I was and what school I attended. He even asked me if I spoke Italian. I said, "Si", to which he replied, "Bravo ragazzo", which means "good boy". Well, how do you think a young boy would feel after that chance encounter to meet such an iconic man?

Many years later as a Labor Party member I met Gough at numerous Australian Labor Party functions where he was the guest of honour. At those many functions there was always an outpouring of wild applause and emotion when Gough entered the room. With every grand entrance that Gough made, the room would erupt with a sea of camera flashes. People would stand on chairs or anything else they could use for a height advantage to ensure they got to see him up close and personal—although they did not need to get extra height leverage as Gough would stand at least a good foot above the rest of the crowd. You could not miss him.

Over the years I have had the privilege of sitting down with fellow Labor Party branch members in Cabramatta and Werriwa reminiscing about the good old days and hearing the iconic stories that came from meetings and events that Gough had attended. I, along with many community members, have been privileged to hear the wonderful stories that will never make it to print as they are sacred and dear to the local community and, in particular, the local branches. I have heard many stories from local community members, and a large number of stories have come from the member for Cabramatta, Nick Lalich. I eagerly look forward to the member for Cabramatta's tribute to Gough Whitlam. Gough's dismissal as Prime Minister, I am sure, elevated him to the status that no other former Prime Minister will ever reach in this country, not in my lifetime anyway. Although Gough was not Prime Minister for long, he certainly achieved a lot in a short space of time.

One other great meeting I had with Gough was immediately after my wife, Melissa, and I returned from our honeymoon. We were at a luncheon at Drummoyne Rowers Club where Gough was the guest of honour. My dear friend the former member for Reid John Murphy kindly told Gough that Melissa and I were newlyweds. Upon hearing this, Gough boisterously bestowed upon us his blessing for a long and healthy marriage and made sure everyone knew about it. We took a photo together, of course, and since that day 19 years ago we have proudly displayed that photo. In fact, that photo sits on my desk in my electorate office in Fairfield. A signed "Its Time" poster, which has become synonymous with Gough Whitlam, is hanging proudly near my desk in my office in Parliament House. In his time, Gough bestowed his wisdom upon us all. He was loved by many Australians on both sides of the political spectrum. We will miss you, Gough. I offer my sincerest condolences to the Whitlam family. Rest in peace, Edward Gough Whitlam.

PRINCE OF WALES HOSPITAL HYBRID OPERATING THEATRE

Mr BRUCE NOTLEY-SMITH (Coogee) [8.40 p.m.]: It gives me immense pleasure to announce that I have secured funding for an important project which can now be undertaken at the Prince of Wales Hospital in my electorate. Some time ago the Prince of Wales Hospital Foundation approached me and sought my support for the construction of a hybrid operating theatre on the hospital campus. The total cost for the construction, fit-out and equipment is approximately \$2.5 million. A hybrid operating theatre, or suite, is designed to allow open surgery with new endovascular techniques, all enabled by high-tech imaging systems that are installed in the operating theatre itself rather than in a traditional x-ray room or catheter laboratory. This is a relatively new concept in operating theatres, bringing together in one room all of the imaging facilities that one sees in a coronary catheter laboratory.

Last week I inspected one of these theatres at Prince of Wales Private Hospital. It has been operating for a few years now and the clinical outcomes of patients, including patient comfort, are exceptional. Vascular surgeon Dr Ramon Varcoe talked me through a number of procedures that this level of technology affords surgeons, and it is truly amazing to hear what has been achieved. I thank the Minister for Health, the Hon. Jillian Skinner, for her support of this project and for securing the funding for it to be realised. In fact, it is anticipated that construction can start during the upcoming Christmas period and the theatre will be operational in February. Not only is Jillian the Builder getting on with yet another construction project, she is doing it in double quick time.

I thank the Prince of Wales Hospital Foundation, especially Wendy Farrow and Lulu Zalapa, for bringing to my attention the need for this facility and for their tireless work supporting this great hospital. As I toured the Prince of Wales public and private hospitals last week, I was alarmed to hear that many other public

hospitals in New South Wales already have this facility and yet Prince of Wales has been neglected for years. It is a disgrace, for which the former Labor Government should hang its head in shame. It is just another example of how the Labor Party took my electorate of Coogee for granted. Staff told me that they had been worn down by the uncaring attitude of the former Government and the senior health bureaucrats the Labor Party appointed to run the health district—or should I say run down the health district. Thankfully those days are over.

The Labor Party-appointed chief executive officer of the district has been shown the door, as has the chairman of the district board, and they have been replaced with competent and effective leaders. Competent management that puts the care of patients first has replaced the chaos and dysfunction that those Labor Party lackeys wreaked on our hospital system. It disturbs me that the New South Wales Labor Party, which professes to be a champion of public health care, could treat not only my constituents but also the incredibly hardworking staff at this amazing hospital with such contempt and disdain. We have seen it time and time again.

Last year, just before the Federal election, the now Labor member for Kingsford Smith was splashed across the pages of the local newspaper proclaiming a commitment of \$30 million for the hospital. The hospital never received the cheque and, given Labor's record on keeping election promises, it is a sure bet that it never will see that money. But one thing the hospital staff and patients and my constituents can be sure of is the delivery of this new hybrid operating theatre. When I make a promise I keep it. I reiterate how grateful I am to the hardworking staff at Prince of Wales Hospital, the clinicians, nurses, doctors, support staff and administrators who are all doing a fantastic job.

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [8.45 p.m.]: I congratulate the member for Coogee on his advocacy and tireless work representing his community and making representations on their behalf to the Minister for a hybrid operating theatre at Prince of Wales Hospital at a cost of \$2.5 million. It is only through his hard work, effort and continual advocacy for the constituents of Coogee that this project has come to fruition. I congratulate also the health professionals at Prince of Wales Hospital on the wonderful work they provide to the people of that area.

ASHFIELD BAPTIST CHURCH GOODMAN HALL

Mr CHARLES CASUSCELLI (Strathfield) [8.46 p.m.]: Most people would equate churches with places of public worship. Most people would agree also that churches are no longer just places of public worship but have now become part of our community. They are centres of outreach for some of the most disadvantaged and vulnerable people in our communities. Churches provide services to migrants, women who are in difficult circumstances, youths, victims of domestic violence, the lonely and the elderly and some provide childcare services. Churches have become places to meet, places for caring and places for people to connect with a more caring community.

Ashfield Baptist Church's Goodman Hall was officially opened last month, following its recently completed renovation which included a new kitchen, paid in part by courtesy of a New South Wales Government Community Building Partnership grant. I was invited to unveil a plaque on behalf of the Government commemorating the upgrade of these facilities which provide so many wonderful services to the broader members of the community. Those services do not just target people of faith; they reach out to all members of the community regardless of religious affiliations.

In this instance, Goodman Hall of Ashfield Baptist Church received \$47,000 in two stages to renovate its kitchen and to help with the upgrade and landscaping at the rear of the hall; \$40,000 as part of the 2011 Community Building Partnership program, which went towards the construction and fit-out of a new stainless steel kitchen; and a further \$7,000 through the 2013 Community Building Partnership program for landscaping works, including the purchase of outdoor furniture, a barbecue, fencing and play equipment, which I am told has been put to very effective use by the local community. The transformation of the kitchen from an uninviting place with antiquated facilities is remarkable. The before-and-after photos give an idea of the need for the renovation of Goodman Hall. In fact, before, it was typical of many places in our community that require significant renovation.

I am delighted that the Government was able to make a significant contribution towards the project. It is a further demonstration of the important role community grants play in delivering better facilities, such as public places of worship, churches and community halls. I pay tribute to the tireless work undertaken on behalf of the Ashfield community by Reverend John Morrison and the congregation of Ashfield Baptist Church. John Morrison is to be commended for taking on such a worthwhile renovation project and I am sure the Ashfield

community will continue to benefit from these improved facilities for years to come. I commend the project and the facilities as well as the services on which those facilities are based which reach out to so many different people in our community, including the most vulnerable, the disadvantaged and the most in need.

In fact, in the past three years 13 churches across Ashfield, Burwood, Croydon, Enfield and Strathfield have received in excess of \$560,000 courtesy of the New South Wales Government in Community Building Partnership grants for a range of projects which have enabled church communities to undertake repairs and refurbishments of facilities on their grounds. The 19 projects funded under the program received contributions ranging from as little as \$7,000 for landscaping to \$77,000 for a hall upgrade and installation of a wheelchair accessible toilet block.

Many communities other than mine benefit from the churches which participate so well in their local communities. In total more than \$900,000 has been provided in the form of Community Building Partnership grants in the Strathfield electorate over the past three years to help local churches and community groups to improve their ageing infrastructure. I am pleased to say that the New South Wales Government will provide a further \$400,000 in grants in the Strathfield electorate this year. The applications for this round closed in July. I wish I had more money to fund all 14 projects in the submissions received because they each have merit. But, as I keep telling applicants, although funds are limited the healthy total amount reflects the attention that this Government gives to local communities for service provision.

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [8.51 p.m.]: I thank the member for Strathfield for his tireless work in his community and his dedication to the 19 projects that he mentioned. The amount of \$560,000 is a lot of money. The member has done extremely well. Many organisations have limited capacity to raise funds and I often hear what a wonderful job the member for Strathfield is doing. Churches are not just a place of worship; they are outreach centres for other activities. When I was mayor of Burwood the wonderful St Paul's Anglican Church used to hold auditions for the Joan Sutherland Foundation. Again, I congratulate the member for Strathfield on everything he does for his community. He is truly the pinnacle of a great local member.

CLARENCE ELECTORATE HEALTH SERVICES

Mr CHRISTOPHER GULAPTIS (Clarence) [8.52 p.m.]: The delivery of health services remains the number one priority in my electorate of Clarence. When it comes to health I will fight tooth and nail to ensure that my electorate receives the services that my constituents deserve. The fact that we live in regional New South Wales where transport options are limited makes the delivery of health services all the more vital. During the term of this Government the Commonwealth and this Government have spent significantly in my electorate.

The Commonwealth Government committed \$19 million and the New South Wales Government committed more than \$500,000 for stage one of the Grafton Base Hospital upgrade. This resulted in the construction of a new operating suite and an expanded emergency department as well as surgical services upgrades including three new operating theatres, a recovery area, a new central sterilising department, a day surgery unit and a range of new equipment. Stage two of the Grafton Base Hospital upgrade was also jointly funded by \$4 million from the New South Wales Government and \$6 million from the Commonwealth Government and has resulted in the expansion of the hospital's medical imaging department and the development of six new orthopaedic surgery beds. The New South Wales Government provided a further \$800,000 to relocate pathology services and the pharmacy department to newly built accommodation at Grafton Base Hospital.

Maclean District Hospital received a new subacute wing and \$300,000 was spent upgrading Casino Hospital with the expansion of the operating theatre recovery unit, the addition of three new beds to the medical ward, the relocation of monitored beds and the creation of on-site career medical officer accommodation. In addition, \$6 million was spent building the long-awaited Yamba Community Health Clinic, with the State Government contributing \$1.2 million and the balance coming from the Commonwealth. I thank the Government for the delivery of these health services to my electorate but we have great health needs in Clarence because it is a large electorate. Small towns are scattered from one end of the electorate to the other and we have limited transport options. I am here fighting for two health projects that are high priorities for my electorate and the Northern NSW Local Health District. The two projects are the construction of a Health One Centre at Coraki and the development of an Ambulatory Care Centre at Grafton Base Hospital.

Both of those projects are priorities that have been endorsed by the local health district board and they are two of the top five priority projects included in its Asset Strategic Plan. These two health infrastructure projects will provide the local health district with the required facilities from which it can provide enhanced services to the Coraki and Grafton communities. Both projects have strong support from local clinicians and residents. In Coraki the local health district is proposing to develop a Health One Centre following the closure of Campbell Hospital at Coraki in October 2011. It is proposed to accommodate a general practice clinic and community health and health promotion services. It will act as a health hub for the community, providing both in-centre and outreach services. The local health district has identified an appropriate site on the former Campbell Hospital campus upon which the Health One Centre can be constructed at an estimated cost of \$4 million.

The second priority is the development of an ambulatory care centre at Grafton Base Hospital. Such a development would bring together and enhance the outpatient and allied health services that are provided at the hospital. It would also enable the hospital's renal dialysis unit to be relocated from inappropriate accommodation on the third floor of the hospital to a ground floor location in purpose-built facilities. Thirdly, it would allow a labyrinth of old and run-down buildings, which are providing sub-optimal accommodation for staff and services, to be replaced by modern functional space.

The renal dialysis unit on the third floor currently occupies two four-bed rooms, so this project would allow for eight extra beds to become available at the hospital without building new acute services infrastructure. The ambulatory care centre will allow more hospital services to be provided on a non-admitted basis. This is consistent with models of care currently being promoted by the Ministry of Health. Together these enhancements will delay the requirement for the construction of a new hospital ward block. Also the provision of more services on a non-admitted basis will facilitate the better integration of health care provision in Grafton, thus making the delivery of health services to that community more sustainable. It is estimated the total cost of the project would be \$12 million.

An amount of \$50 million has been set aside in the budget under the Restart NSW fund for regional health. My priority as the member for Clarence is my constituency. The best way to look after my constituency is to ensure that their health needs are met. These are two very important regional health infrastructure projects that deserve funding under Restart NSW to ensure the equitable delivery of health services across New South Wales

MISCONDUCT IN PUBLIC OFFICE

Mr GARETH WARD (Kiama) [8.57 p.m.]: Ever since I was a teenager I have had an interest in politics and public affairs. From then to now I have been inspired by Australian democratic institutions and my belief that people should expect the best from what is an honourable and respectable profession of public service. However, the actions of but a few have caught the attention of many and seriously damaged the community's trust and confidence in democratic institutions. This Parliament must do better. At the outset I make this vital point: Corruption and abuse of public office should concern all of us who serve. Regardless of political persuasion, it is the obligation of every member of Parliament to uphold the highest standards to ensure that the communities of this State believe their leaders are worthy of the important positions they hold.

As much as one would not wish to see the provisions used, it is my strong view that the law should contain a criminal statutory framework that will punish those who abuse this trust. Those who abuse their office for personal and private gain must be brought to justice. In these instances it is vital not only that justice be done but it must be seen to be done. Today I call on this Parliament and its leaders to bring about the means and mechanisms to ensure that justice is done and is seen to be done. The New South Wales Crimes Act does not presently contain an offence for misuse of public office. Whilst part 4A of the Crimes Act does deal with corruptly receiving commissions and other corrupt practices it appears these sections exclude members of Parliament from their reach.

The authority on this question lies in *Sneddon v State of New South Wales*. The law of misconduct in public office as it relates to members of Parliament lies in the common law. Common law offences are created by judges, but given that the tenor of this debate is about the standards the public expects from their elected representatives—from us—it is appropriate that this Parliament, not someone else, determine what standards it believes are appropriate. I call on the Government to introduce amendments to the Crimes Act that will see the

introduction of a new offence of misconduct in public office. This offence has existed in the common law for almost 200 years. The elements of this offence were recently considered by the Victorian Court of Appeal in *R v Quoch*. In this case the court found that misuse of public office arises when:

1. a public official;
2. in the course of or connected to his public office;
3. wilfully misconducts himself; by act or omission, for example, by wilfully neglecting or failing to perform his duty;
4. without reasonable excuse or justification ... and
5. where such misconduct is serious, not trivial, having regard to the responsibilities of the office and the officeholder, the importance of the public objects which they serve and the nature and extent of the departure from those responsibilities.

In her submission to the ICAC oversight committee of this Parliament, Commissioner Megan Latham said:

The offence is increasingly prosecuted in NSW but there has been no authoritative adoption of the Victorian formulation of the offence in this State, or otherwise, an authoritative formulation of the offence binding upon a NSW court.

Whilst this offence carries a fine and possible imprisonment, there is presently no clarity around the maximum length of the term of imprisonment. To continue the Victorian example, the Victorian Parliament has legislated for a maximum of 10 years imprisonment for the misuse of public office. But it is not merely corrupt public officials whom I wish to target. Those who bribe or seek to defraud a public authority or public officials should also be regulated through statute. The common law offence of bribery has been described as:

... receiving or offering an undue reward by or to any person in a public office, in order to influence that person's behaviour in that office and to incline that person to act contrary to the known rules of honesty and integrity.

Unlike the common law offence of the misuse of public office, bribery and conspiracy to defraud has no specific penalty. Again I quote Commissioner Latham, who said:

The importance of legislating the offence of bribery is heightened by uncertainty around whether the statutory corrupt commission offences found in Part 4A of the Crimes Act apply to members of parliament who are not ministers of the Crown.

I also agree with Commissioner Latham in her calls for the need for a section of the Crimes Act to deal specifically with public officials who have been found to have had a personal or private interest in a contract with the public authority by which they are employed or engaged. The Fifty-fifth Parliament has voted record funds to the ICAC. But it is clear that shining a bright light into the dark areas of public administration is simply not good enough. Whilst the likes of Obeid may have been found to have acted corruptly on multiple occasions, public scorn and ridicule simply are not enough; nor will the public tolerate the appearance of individuals seeming to thumb their nose at the people of our State and get away with it.

I call on the Government to do two things. First, I call on the Government to act on the recommendations of Commissioner Latham with respect to new crimes as they relate to members of Parliament. Secondly, I call on the Government to ensure that the Director of Public Prosecutions [DPP] has adequate resources to specifically prosecute those members of Parliament found to have acted corruptly—whatever side of politics they may be from. Now that the ICAC has handed down its recommendations, the DPP must be allowed to do his job. If additional resources are required the Government should provide them. But this issue is not merely limited to dollars; it is about the intestinal fortitude to do what is right and to use the power that exists in this Parliament to bring about the changes the public rightly expects and demands. I thank the House.

Private members' statements concluded.

Pursuant to resolution matter of public importance proceeded with.

DIWALI HINDU FESTIVAL

Matter of Public Importance

Mr GUY ZANGARI (Fairfield) [9.03 p.m.]: In Australia and around the world Hindus, Sikhs, Jains and some Buddhists will be spreading light, love and learning during their Diwali celebrations. Diwali, also known as Deepavali or the Festival of Lights, is a five-day festival that usually falls between mid-October and

mid-November each year. The festival signifies the victory of light over darkness, good over evil, knowledge over ignorance and hope over despair. But it is the values of Diwali—reflection and renewal, sewa and sacrifice, celebration and charity, a commitment to family, community and country—that speak to us all.

The festival occurs over a five-day period, with the main night of celebrations held on the darkest, new moon night of the Hindu Lunisolar month of Kartika. Diwali is a joyous festival that helps bring together friends, families and communities while being full of entertainment, celebration and a variety of cultural traditions. On the eve of Diwali, Hindu families will clean and decorate their homes in preparation for the days of celebration to follow. On the night of Diwali, the family will dress in their finest or newest clothes and participate in the lighting of candles or lamps inside and outside their home before participating in the family prayers—Puja—to Lakshmi, the goddess of wealth and prosperity.

Nowadays a lot of the lighting is done by bright electric lights—definitely a more modern approach. The more lights that are illuminated, the easier it will be for the goddess Lakshmi to find her way home. Following the prayers and lighting of the way for Lakshmi, there will be fireworks—a lot of fireworks, and everyone loves the fireworks. Following this, the family will feast together and then exchange gifts between family members and close friends. Diwali literally translates as "row of lamps" and the traditions associated with Diwali have been found to date back as far as 50AD to 100AD, to an autumnal festival for the dead—an origin similar to that of Halloween.

Here in Australia we celebrate Diwali each year, with a number of Diwali festivals held across the nation. This year in Sydney the Hindu Council of Australia hosted its Diwali celebrations in Parramatta and in Martin Place, Sydney. The first fair was held in Martin Place on 26 September 2014 and comprised workshops, competitions and dancing. The Parramatta fair was held on 19 October and included various stage performances, multicultural dance performances and competitions, rangoli competitions, kids and youth activities, food stalls, art and cultural exhibitions, fireworks, burning the effigy of the demon king Ravana and much more.

We have an incredibly vibrant Hindu community throughout New South Wales and each year they continually outdo themselves in every Diwali celebration. More than 20,000 people attend the celebrations each year. The celebrations continue to grow, and members should not miss them. Given the large multicultural society in which we live, one will find people from all walks of life attending and participating in the traditional Indian celebrations and enjoying everything the festival has to offer. Many of us in the New South Wales Parliament today will have noticed the decorations on the front of Parliament House that embrace the cultural tradition of lighting one's home for Diwali in the hope that it will help guide Lakshmi to us over the course of the Diwali celebrations. I congratulate the Hindu Council of Australia on hosting another year of successful Diwali celebrations, and I wish the community of New South Wales a prosperous year ahead.

Dr GEOFF LEE (Parramatta) [9.08 p.m.]: First, I thank the member for Fairfield, Guy Zangari, for bringing to the attention of the House these important Diwali celebrations throughout Australia and the world. We saw a wonderful display of multiculturalism when last night, for the first time, the Premier and the Minister for Citizenship and Communities, Victor Dominello, together lit the sails of the Opera House to celebrate the Hindu Festival of Lights, Diwali. Of course, the Festival of Lights is the triumph of light over dark, good over evil and knowledge over ignorance. It is not just celebrated in India amongst its 1.6 billion people; it is celebrated right around the world, including in Australia.

I place on the public record my thanks to President Shubha Kumar and Dr Akshaya Kumar, Chairman of the India Club, and Professor Nihal Agar, Chairman of the Hindu Council of Australia, for their efforts in campaigning consistently for the lighting of the Opera House to celebrate this important Diwali event every year. As we know, the Indian community is the fourth largest migrant community in Australia today, with Hindi the ninth most widely spoken language. More than 290,000 people born in India have settled in Australia since 1991 and last year more than 19,000 Indian immigrants chose to take the pledge and become Australian citizens. Well done to those people. In 2012-13 more than 24,000 Indian students came to Australia to study. We welcome all international students, not only the Indian students but also many others from around the world.

As we know, Parramatta is the capital of Western Sydney but it is also home to Little India, or Harris Park, where close to 50 per cent of the area's residents were born in India. The Rosehill area is home to the Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha [BAPS] Temple, which is a fantastic Hindu temple. The BAPS mission in diverse communities around the world is to strive for a better society through individual development, to instil values, to promote spirituality, to cultivate skills, to nurture growth and to preserve Indian culture and the Hindu ideals of faith, unity and selfless service. Last year it was my privilege to

visit BAPS temples or akshardhams in Delhi and Gujarat, where I saw firsthand the good work they are doing in those communities. On Friday I will again visit the BAPS Temple to celebrate Diwali with the devotees. I look forward to that, as I always look forward to visiting the BAPS Temple.

Last week I again had the honour of representing the Minister for Citizenship and Communities, Victor Dominello, at the Hindu Council of Australia Deepavali celebrations in Parramatta Park at which the member for Fairfield spoke glowingly. I thank members of the Hindu Council and organisers for hosting the festival on that Sunday afternoon, which was attended by approximately 20,000 people. What a fantastic celebration it was. I again thank for his kind invitation the Chair of the Hindu Council, Professor Nhal Agar, Sanjeev Bhakri, and Bhagwat Chauhan, the program's coordinator. It was a fantastic event.

Last Saturday I was privileged to attend the Council of Indian Australians [CIA] Deepavali fair which was held in The Ponds community. I thank Subba Rao Varigonda, who is the President of the CIA, for this thoughtful invitation. As I said at that time, and as I like to say on occasions, The Ponds may be the epicentre for them, and it is very nice, but Parramatta is clearly better! This is a wonderful time of the year when we celebrate Deepavali. Last Friday night I was delighted to join guests at the India Club's Diwali party at Castle Hill. Again I say that while Castle Hill is quite nice, clearly Parramatta is a lot better! The Indian Festival of Lights showcases our rich diversity and traditions and exemplifies New South Wales as a State that has embraced multiculturalism.

Certainly anyone who saw the wonderful celebrations of Parramasala right throughout Harris Park, or Little India, and throughout Prince Alfred Park would appreciate the strong cultural heritage that Parramatta brings to the diversity of our nation and contributes to our nation's true strength. In conclusion, I will be welcoming the Hon. Narendra Modi, who is the Prime Minister of India, when he arrives in Australia next month to attend the G20 Summit.

Ms ANNA WATSON (Shellharbour) [9.13 p.m.]: It is a pleasure to contribute to the discussion on the matter of public importance concerning Diwali, which, as the member for Fairfield and the member for Parramatta informed the House, is also known as the Festival of Lights. It is one of the most ancient, important and enjoyed festivals in India. Deepavali literally means a row of lamps and symbolises driving out darkness with light as well as overcoming evil with good. It is associated with Lakshmi, the goddess of wealth, and marks the beginning of the financial and new year in India. People start the new business year at Diwali and most Hindus will say prayers to the goddess for a successful and prosperous year. As I stated earlier, lamps are lit to help Lakshmi, the goddess of wealth, to find her way into people's homes and bless them for the year.

Traditionally, Diwali is celebrated for five days at the beginning of the Indian winter season and is called the darkest night of the year, so lamps are lit to brighten the moonless night. To Hindus, darkness represents ignorance, and light is a metaphor for knowledge. Therefore, lighting a lamp symbolises the destruction, through knowledge, of all negative forces such as wickedness, violence, lust, anger, envy, greed, bigotry, fear, injustice, oppression and suffering. But, generally speaking, Diwali signifies the triumph of light over darkness, good over evil, knowledge over ignorance and renewal of life through harmony and unity. We should use the lights of Diwali and the goodwill that comes with them to drive out darkness, discrimination and hatred that creeps in and threatens to destroy the very foundations upon which this great nation has been built.

We should recognise and celebrate the diverse communities that comprise the rich cultural fabric of our communities and of our country. In Australia and throughout the world, Hindus, Sikhs, Jains and some Buddhists will be spreading light, love and learning during their Diwali celebrations. It is also great to see that Diwali has become an annual celebration for people beyond those communities who come together to join the festivities and even host events. Our great multicultural nation is woven from many threads. It is on occasions like Diwali that we really see just how such vibrant cultures and communities make up our unique but diverse social fabric. But it is the values of Diwali—reflection and renewal, sewa and sacrifice, celebration and charity, a commitment to family and community and country—that speak to us all. Our nation is enlightened by the traditions of others.

As a nation, we are very lucky and indeed are enriched by those cultures. Our nation is strengthened just by sharing those values. As the member for Fairfield and the member for Parramatta have said, Diwali is a special celebration but it is also a time of contemplation. It is an occasion for deepening the bonds of friendship and goodwill. It is a time for special spiritual devotion and commitment to cleansing the heart, mind and soul. I join with the member for Fairfield in congratulating the Hindu Council of Australia.

Mr GUY ZANGARI (Fairfield) [9.16 p.m.], in reply: In concluding the discussion on the matter of public importance concerning Diwali or Deepavali celebrations across our great country and throughout the world, I particularly thank the member for Parramatta and the member for Shellharbour for their contributions to the discussion. The member for Parramatta touched upon the wonderful display of multiculturalism in the centre of Sydney and enlightened us that the Government lit up the Opera House in recognition of Deepavali, which was a wonderful event. He went on to say that the Indian community in Australia is the fourth-largest multicultural community and that Hindi is the ninth most commonly spoken language. He also said that since 1991, 290,000 people from India have settled in New South Wales and have made this State their home.

It is not the first time the member for Parramatta has referred to Harris Park being Little India, which is something of which we can all be proud because the community has blessed us by contributing so much to our society. It is wonderful that we can enjoy their culture, spirituality, sense of friendship and compassion towards each other by visiting Harris Park and other places where those communities may be found throughout New South Wales. The member for Parramatta also referred to the many temples in his electorate and the frequent visits he makes. He has been invited on many occasions and has been welcomed with open arms. I am sure he will welcome the Prime Minister of India when he visits Parramatta.

The member for Shellharbour referred to prayer and how important it is for the community during this time. She also spoke about darkness representing ignorance but, more importantly, that light represents knowledge, hence the lighting of candles. The more light we have, the more blessed we will be, which I am sure will be welcomed by all of us. Deepavali is a fixture on our calendar and we are so lucky to be enriched by the celebrations associated with Deepavali. It is a time for reflection and renewal but, more importantly, it is an opportunity to spend time with family, to contemplate things we can do better in our lives and to give thanks. On behalf of all members of this House, I wish all members of the Hindu community, the Sikhs, the Jains and the Buddhists all the best for the Deepavali celebrations for 2014.

Discussion concluded.

**The House adjourned, pursuant to resolution, at 9.19 p.m. until
Thursday 23 October 2014 at 10.00 a.m.**
