



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 7 March 2017

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LEGISLATIVE ASSEMBLY

Tuesday, 7 March 2017

Presiding Officers

ABSENCE OF THE SPEAKER

The CLERK: I announce the absence of the Speaker.

The DEPUTY SPEAKER (The Hon. Thomas George) took the chair at 12:00.

The DEPUTY SPEAKER read the prayer and acknowledgement of country.

[Notices of motions given.]

Notices

PRESENTATION

The DEPUTY SPEAKER: The time for the giving of Notices of Motions (General Notices) has expired. I remind members that some of the notices given this morning were far too long. Members from both sides of the Chamber should keep their notices to a reasonable length.

Ms Sonia Hornery: Mr Deputy Speaker, I always do.

The DEPUTY SPEAKER: I know the member for Wallsend does, but other members are yet to learn the same lesson.

Private Members' Statements

NORTHMEAD CREATIVE AND PERFORMING ARTS HIGH SCHOOL

Mr MARK TAYLOR (Seven Hills) (12:12): One of the most rewarding parts of being a local member of Parliament is the opportunity to represent and visit the many schools in my electorate. I am also pleased to be part of a government that is committed to the Gonski needs-based funding model. Under the Coalition, New South Wales was the first State in Australia to sign up to the Gonski model, and it has made a real difference. The opportunities and outcomes for students across the electorate of Seven Hills have been improved. The Minister for Education, Mr Rob Stokes, is committed to ensuring that public schools in New South Wales not only get their fair share but also maintain a strong focus on results in the increasingly competitive global marketplace for graduates.

I support the NSW Education Standards Authority's return to a more back-to-basics approach to improving the quality and depth of Higher School Certificate courses. The feedback I get from parents in my electorate is that they value fundamental knowledge of the basics of reading, writing and arithmetic. For many years now, teachers in New South Wales, and our education system more generally, have been the envy of other countries around the world. The New South Wales Government continues to deliver for local students. For example, schools across my electorate received a record \$1.7 million increase on last year's allocation of needs-based funding. This funding has been used to improve school facilities and greater discretion has been given to the people who know our schools best—namely, the school principals.

I take this opportunity to mention the great work that is taking place at the Northmead Creative and Performing Arts [CAPA] High School, one of the three public secondary schools in my electorate. The school was built in 1959 and since that time has attracted students from across Sydney who are looking to pursue a career in creative arts. The school is nestled on the banks of the Darling Mills Creek at Northmead and is a great sporting rival of Model Farms High School—my old school. The school is led by Principal Narelle Vazquez and its student leaders. Over the past 12 months Narelle suffered a serious illness and I now welcome her back. She does a wonderful job. Trent Drinnan and Molly Dallas have been appointed school captains for 2017 and comes from a well known local family and is a champion sportsman. Appointed as vice captains this year were Mitchell Farrugia and Stephanie Dellzeit.

The school has a reputation for excelling at a range of disciplines, not least in music, where the school has established involvement in a range of performance events, and instrumental and vocal ensembles that cater for every student's music course in years 7 to 10. By participating in the school's music program students develop technical skills and practice repertoire with the guidance of a specialist tutor in a group or through individual lessons. Each semester students are assessed on this repertoire in a concert-style recital where they have the

opportunity to perform for their peers, teachers and the community at large. The school is excelling not only in performing arts but also in sport. Just last year the high school was represented by seven students at New South Wales Combined High Schools events. This was across a number of different sports, including diving, gymnastics, cross country, softball, swimming and athletics. On behalf of the House I congratulate all of those students on their incredible achievements.

One-third of the teachers at Northmead Creative and Performing Arts High School have a postgraduate degree in their area of expertise, and this is certainly rubbing off on the students. Northmead Creative and Performing Arts High School will receive an additional \$133,000 in 2017. Northmead CAPA has consistently harvested exceptional talent, particularly in the performing arts, led by Ms Nadia Emery, the head teacher for creative and performing arts. In 2016 the school won the State final of the Wakikirri Indigenous story dance challenge. Additionally, the school won awards for best artwork on set, best direction and staging, best overall costume design, best storytelling and best Indigenous Australian story. It is only because of the supportive community, including choreographer Jenny Turner, that such performances can occur. The great work of teachers like Jenny is the reason the school is achieving great things in the community of Seven Hills.

TRIBUTE TO SISTER DIANA SANTLEBEN

Ms SONIA HORNER (Wallsend) (12:16): Sister Diana Santleben is a fixture of the Wallsend community. She has become such a recognisable part of our community that many were surprised when she revealed, "I wasn't born in Newcastle ... I came here 12 years ago to retire." A Catholic nun and refugee advocate, Sister Di has given her life in service to others, and on Australia Day this year her service was recognised when she was named Newcastle's Citizen of the Year. When asked by the *Newcastle Herald* how she would make use of her Citizen of the Year award, Sister Di encouraged all women in Newcastle to drop in and meet with female refugees at Zara's House, a support centre she helped to establish in Jesmond in 2016.

Zara's House is designed to provide a place for refugee women to put their skills into practise and develop supportive social networks. Zara's House will be a boon to Jesmond and the broader Wallsend community, and though its development is relatively recent, for many years Sister Di has worked closely with newly arrived refugees in the Newcastle region to help them acclimatise to their new home. So much for retirement! In 2006, Lochinvar's Sisters of St Joseph established Penola House, a refugee outreach and support service. Sister Di was an integral part of Penola House, and I had the pleasure of meeting with her there in October 2014.

In 2011 Sister Di and her fellow Sister of St Joseph, Betty Brown, were a crucial part of a push to start an investigation into the state of Newcastle's refugee housing. According to reports of the Australian Broadcasting Corporation [ABC], "There were several community protests after the sisters raised the alarm about sub-standard housing and exorbitant rents." There is much to admire about Sister Di: her tireless community spirit, her compassion, her resourcefulness and tenacity, and certainly her honesty. She is not afraid to give you her views—she does not keep them on the shelf—and she is very passionate about our local community. When the former member for Paterson demanded to know why Syrian refugees were not staying to fight against ISIS, Sister Di called him to task and said:

All we achieve by sending our children to die is dead children.

Sister Di was quoted as saying:

For how many generations will we go on in this way before we realise there is a better way to do things? Australia needs defending by being dignified and open and loving.

In a profile written by a local student for a feature-writing course and published on the blog "A Zimbabwean Girl Against the World", Sister Di revealed her dream for herself and for Australia. She said:

To ... go and retire in my garden because I don't have anything more to do. It's all finished. I just go Righto! There's no need to keep [it] going because everybody is being treated with respect. Everybody is getting on with their lives. Families are loving each other. Kids are growing up strong proud Australians and strong proud Muslims and strong proud Africans and strong proud doctors and nurses and businesspeople.

It is certainly an admirable goal. Perhaps the best measure of Sister Di's impact on the local community came when she was awarded Citizen of the Year. Looking into the hall on Australia Day, packed with freshly minted Australian citizens, she recognised many people she had worked with and who she had come to call her friends. Sister Di's boundless empathy and compassion is a constant reminder of a fundamental truth that we in Wallsend understand better than most. I salute Sister Di and wish her all the best as Newcastle's Citizen of the Year.

PORT MACQUARIE ELECTORATE VOLUNTEERS

Mrs LESLIE WILLIAMS (Port Macquarie) (12:21): I inform the House about a number of inspirational people in the Port Macquarie electorate who have passionately embarked on addressing the needs of vulnerable people in our community and supporting others to achieve their dreams. Hearing of each of their

ventures I had no hesitation in championing their visions. I am pleased that the New South Wales Government has been able to provide funding support to each organisation.

Erin Denham is an amazing young woman who can be aptly described as a "pocket rocket". Erin is a local teacher who has founded the Make A Difference Foundation, which aims to support underprivileged people on the mid North Coast in a very practical way. This not-for-profit community organisation is currently working hard to raise money to purchase an Orange Sky Laundry van, which is a very worthwhile venture that I fully support. The communities on the mid North Coast are not unlike most others around Australia in that there are people who, in most cases for no fault of their own, are living rough, either on the streets or having to find temporary sleeping arrangements through couch surfing. I know that many of them have received assistance in the past through local initiatives such as the provision of swags, but this new initiative will allow them a place to wash their clothes and, at the same time, engage with organisations that can provide assistance in other ways.

Through a series of community fundraising activities, Erin has raised \$19,000 to date, which will go towards the total cost of \$100,000 for the purchase and fit-out of an Orange Sky Laundry van. Orange Sky Laundry vans were the idea of the 2016 Young Australians of the Year, Lucas Patchett and Nickolas Marchesi. Lucas and Nickolas were keynote speakers at an event in Port Macquarie earlier this year held to raise awareness of the local Make A Difference Foundation and its goal to purchase a laundry van for the local community. The New South Wales Government has been able to assist Erin and her amazing team with \$5,000 through the Regional Communities Fund and I know this has provided the foundation with a real motivation to reach its goal. I look forward to continuing to support Erin and her committee with their fundraising efforts and I hope others will also, so that the homeless in our community are well cared for.

I am also pleased that the Absolutely Everybody Choir, which is Port Macquarie's adaptation of the School of Hard Knocks and the first choir in regional New South Wales, was also able to be supported with a funding grant of \$10,000. The choir, launched in February 2016 through the Port Macquarie Community College, already has around 30 enthusiastic participants made up of community members from all walks of life, including some with mental health issues and some with physical disabilities but all with a love of singing. Members learn to sing in harmony and the techniques of choir singing. I can assure members they have loads of fun in doing so.

Recently the choir had the opportunity to perform for the New South Wales Governor, His Excellency David Hurley, and his wife, Linda, at the Port Macquarie Base Hospital. They were so inspiring that they soon had Mr and Mrs Hurley and me, along with the local health district executive team, joining in with a creative rendition of *The Lion Sleeps Tonight*. I know it was a highlight of their visit to our region. It was just fantastic to take part in such a spontaneous reaction to a very special performance by the choir. The funding has been welcomed by the choir members and coordinators and will go towards buying musical instruments so that the singing can continue and our community can enjoy and share in their passion for music and fun.

Finally, I will highlight to the House the leadership of an extraordinary lady, Patricia Johnson, OAM, and her work with members of the Hastings Koalas Orchestra, who have forged an enduringly relationship with the residents of Handa in Japan. For the past 26 years Port Macquarie and the city of Handa have enjoyed a cultural exchange program based on increasing trade and economic development. During that time more than 300 Handa Higashi students have visited Port Macquarie to explore the local hospitality and experience the Australian way of life. The orchestra was formed in 1988 and includes people of all ages who are passionate about music and performing for the enjoyment of others. Orchestra members have had a long and distinguished career under Patricia's guidance.

They have toured extensively throughout Asia, Queensland and New South Wales sharing their passion and at the same time raising money for Rotary Lodge in Port Macquarie. The members always look very proud in their tailored uniforms, but unfortunately many of the uniforms have become a little worse for wear. When Patricia came to see me about the need for support to purchase new blazers for their upcoming visit to Handa, I had no hesitation in seeking funding of almost \$3,000 through the Regional Communities Fund. Their new uniforms look amazing and have arrived in time for their trip to Handa next month. I know that others in this House join with me in wishing them every success for their tour and acknowledge the tireless work of Patricia Johnson and her committee.

TRIBUTE TO JACKY BARKER

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (12:26): As the member for Lane Cove I am forever amazed, entertained and enthralled by the character and characters of my brilliant electorate. But Jacky Barker is a livewire, a standout character—and I do mean character. Jacky is a person who has mastered a lot and still always has the back of her fellow "Covers". In a packed yet evolving life, this lady has been a property legal manager, professional support manager, director and a social media consultant. She has not only mastered social media; she has nailed it.

Jacky Barker has described herself as a "mysterious person" but one who is "always up for a chat". She has combined her love of a chat and her mastery of social media through her social blog, "In the Cove". Okay, some call it a blog, while for others it is an e-newsletter. For me, it is compulsory reading. If someone has an idea Jacky puts it before the community through "In the Cove". If the power has gone down, or there is too much noise, Jacky Barker is on the case. I could probably add historian to her admirable achievements because through her blogging Jacky produces a modern-day slant on Lane Cove's history today.

It is remarkable, but a blog can take on a life of its own. Jacky's passion for her community is reflected in her every post on her blog. She uses her digital noticeboard to promote a neighbourly conversation on all things Lane Cove. She happily and positively connects Lane Cove residents with fellow residents. On her blog Jacky hosts a forum for Lane Cove community organisations to advertise their events, free of charge. This "mysterious person" will, first, investigate and then inform Lane Cove residents on issues that impact their day-to-day lives. Through "In the Cove" she encourages people to be local, shop local, eat out local and drink local. Is that not what all members of this House endorse?

Then there is the incredible community work that Jacky achieves through her blog. For example, Jacky uses "In the Cove" to work with the Delvena Women's Refuge to assist the refuge in sourcing donations that are then used when a family checks into the facility. Delvena has only limited staff and resources so it very much appreciates this voice to help source particular donations that relate to the families in need. Jacky Barker has raised funds for Delvena as well as Lane Cove and North Side Community Services. She has undertaken a road safety campaign and advocated for better signage at well-known dangerous intersections. When Jacky reports, people listen.

I have had the opportunity to show the transport Minister the issues with buses in Lane Cove thanks to Jacky's reporting. She has assisted me in helping to create more bus services and I am sure we will continue this work together on this issue. Jacky Barker is one of those persistent petitioners who strikes the right nerve. Jacky has raised awareness of recycling options in Lane Cove and helps promote the good works of the Lane Cove Bushland Society. Jacky regularly reunites owners with their lost pets and I applaud the fact that her record for finding and reuniting pooch and person is 22 minutes. Numerous small business start-ups in Lane Cove have welcomed the free promotion Jacky Barker has facilitated. Does this remarkable woman have much "me time"? Probably not.

The jovial Jacky loves Lane Cove. She is passionate about Lane Cove, loves to write about Lane Cove and wants to spread news about the people, businesses and events in Lane Cove. I would suggest that someone could learn more about Lane Cove from Jacky Barker than from just about any other source. In the world of politics we can be a little gun-shy of those who like to cut loose with a keyboard. But Jacky is an honourable blogger and personal relations machine for Lane Cove. To quote her—with some acknowledgement to television's Maxwell Smart: "Use your information for good and not evil". As the local member who has served my community at the council and State level for nearly 20 years I thank God that Jacky Barker lives and breathes Lane Cove. I commend her deeds, actions and words to this House and I am so very proud to announce that I have nominated Jacky Barker as my Local Woman of the Year for 2017.

TRIBUTE TO ALFRED "FRED" JOSEPH BORG

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (12:34): Today I speak about my former council colleague and dear friend the late Alfred Joseph Borg, or Fred, as everyone in the Macarthur region called him. I, like many others, was most saddened leading up to Christmas last year to hear that my good mate and neighbour who lived up the street had passed away suddenly from a heart attack and kidney failure. It is actually his birthday today and he would have been 74. Fred loved his community and in return his community loved him very much. He was a passionate advocate for our area and he never held back when it came to speaking up for our area, whether it was the major upgrade to Appin Road, the fight against mine subsidence or his strongest legacy, the 24 Hour Fight Against Cancer charity, which has raised millions to improve cancer health services for our area. Fred was there leading from the front. He was and still is, despite his passing, a remarkable community advocate who touched many lives.

The list of those who have spoken about Fred and his community and professional accomplishments is long—not surprising for a man who had worked so hard for our community over so many decades. Today I want to talk about Fred on a more personal level. To me he was much more than a colleague or a passionate community advocate. He was someone who, when he gave his word, always kept it and when I spoke in confidence to him gave me his trust. Fred was my friend. Despite his being more than 30 years my senior our age difference meant little in our friendship, which was based on honesty, mutual respect, trust and genuine enjoyment of each other's company. There was not one issue that I could not talk to Fred about, whether it was personal or professional.

Very few things gave me greater joy than to see Fred happy in his life. I clearly remember that when he told me he had met someone special in his life he was like a teenager in love as he spoke very fondly of Maria, whom he married early last year. On his wedding day his smile was worth a million dollars and like many married men he was punching above his weight. I was happy because my friend Fred was happy. In addition to marrying Maria the other thing that made Fred happy was going down to his little camper in South Durras. He told me the story of going to South Durras as a youngster with his family and that he had been back there each and every year. Every day he would go out to catch bream or morwong and at night he would go prawning on Durras Lakes.

Being in South Durras and being able to fish—out in his little camper and wearing his fishing hat—was Fred's little piece of heaven on earth. I can also attest that the best fish and chips I have ever had was Fred's morning catch that day. It was simply cooked with a bit of lemon and salt in the special batter he carried in his plastic bag. It was pan-fried over a metal plate on his gas cooktop just outside his camper. Undoubtedly, though, what added most to the taste of the meal was the laughter, the conversation and the level of affection and generosity that Fred showed Anna and me on our trip. It was a trip to South Durras that I can never have again, but it is also a trip that I will never forget.

Fred doted on me like a family member despite our different pasts, and I will always treasure the times he gave me a lift home from our council meetings. His Camry was always full of stuff and had paraphernalia all over the floor. We would chew the fat as we drove home together—he lived just up the road from me. I will miss not being able to walk up the street and knock on Fred's door to see how he is doing. I will miss not seeing him in his fishing hat or raising money in his 24 Hour Fight Against Cancer shirt. I will just miss my friend.

HEATHCOTE WOMAN OF THE YEAR BERNIE SPEDDING

Mr LEE EVANS (Heathcote) (12:35): I congratulate this year's Heathcote Woman of the Year, Bernie Spedding, who has for many decades dedicated her life to the teaching, performance and administration of her passion: gymnastics. As a 12-year-old, Bernie and one of her girlfriends joined Engadine Gymnastics Club. Each week they travelled from Sutherland to Heathcote High School by railmotor to practise. When Bernie left school to join the workforce, she stopped training with the club but in the early 1980s Bernie returned to Engadine Gymnastics as a coach. In 1986 Bernie became the head coach of Engadine Gymnastics, a position she has held ever since.

In the last couple of years, Bernie has become more involved with Gymnastics NSW and is now on the sport management committee of Gym for All as the team gymnastics coordinator. She sits on the Gym for All national committee and runs workshops and training seminars for team gymnastics in Queensland, Western Australia, South Australia, Victoria and New South Wales. She is also New South Wales regional supervisor for the outer city region and educational calendar organiser for Gymnastics NSW. Bernie also holds the following gymnastics coaching qualifications: men's artistic gymnastics; women's artistic gymnastics; gentle gym for the over-55s—she is one of only four coaches qualified in this field—kindy gymnastics; and the Gymnastics Australia LaunchPad program.

Even though Bernie is involved in all of those activities, she spends three days a week working as the head coach for Engadine Gymnastics performing the following duties: coordinating five part-time coaches; working out gymnastics programs for the year; training gymnasts for competitions at various levels throughout the year; training several members of the TeamGym group for the various competitions they have to attend to qualify for State and national competitions; and working out and choreographing several of the floor routines for team gymnastics competitions as well as being a competitor in our mixed open-age TeamGym group, which won gold medals at the 2016 State and national titles.

At the nationals our mixed open-age group won gold. With 16 teams competing, only two gold medals were awarded on the day. At the State competition, our mixed open-age group again won gold. Only four gold medals were awarded on the day, with 36 teams competing. Another exciting achievement was that, out of the four gold medals awarded, three were won by teams from the Sutherland shire. Sutherland Shire Council does not have a full-time competition gymnastics hall in its area, which requires extra effort by teams to attend training. There is no end to the list of Bernie's achievements. In all our electorates there are hidden gems who work selflessly for the community. Bernie Spedding deserves recognition and thanks for the generations of children who have prospered from her knowledge and expertise. I congratulate, thank and salute Bernie Spedding.

SYDNEY CENTRAL BUSINESS DISTRICT LOCKOUT LAWS

Ms JENNY LEONG (Newtown) (12:39): Today I refer to the vibe in Newtown which is under threat due to the Liberal Government's failure to support genuine solutions that lead to a vibrant and safe nightlife in our city. The recent report of the Bureau of Crime Statistics and Research demonstrates that the imposition of the lockout has had a significant impact on nondomestic assault numbers—within the lockout zones they are down

and outside the lockdown zones they are up. It is either a good thing or a bad thing depending on one's opinion, where one lives and what one does on Saturday night. This debate should not be divisive. Everyone is in agreement that there should be a vibrant and safe night-time culture and economy in Sydney. This reduction and displacement of violence shows that targeted local solutions are needed and the answer is certainly not more lockdowns.

The current top-down approach was imposed without consultation and has punished whole communities through the shutdown of night-life in some parts of the city. That has led to a dispersal of and an increase in aggression and assaults in other parts of the community. A collaborative response is needed to bring stakeholders and community members together to directly address the issues of alcohol-related violence and aggression. In 2015 Newtown held a public meeting in response to community concerns about public safety. The implementation of the lockdowns upon the central business district and Kings Cross shifted parties to other areas and changed the vibe in Newtown. I initiated the first community meeting in collaboration with the Newtown Neighbourhood Centre and the business precinct. The meeting was called to address community concerns regarding the Newtown vibe.

More than 150 local residents and visitors were in attendance. It was not a whinge fest; attendees put forward ideas. As a result the Newtown Vibe Roundtable was established which is co-chaired by me and Liz Yeo from the Newtown Neighbourhood Centre. Participants include the Newtown Local Area Command, Reclaim the Streets, the Newtown Precinct Business Association, the local liquor accord, the AIDS Council of New South Wales [ACON], the Marrickville and City of Sydney councils and local residents. For 18 months this locally led committee has responded to the challenges faced by the community. It does not claim to have solved all the issues the community faces but it has responded and attempted to minimise the impacts and changes in the area.

Both the creative Friday Night Vibes events in Newtown Square and the local council's support for new taxi ranks on King Street are roundtable initiatives. The Greens support 24-hour public transport on weekends. It is well known that many of the issues and altercations occur when people have had too much to drink and cannot get home. Security staff in Newtown venues have participated in safer bars training and local venues are trialling ways to manage community safety through the liquor accord. The roundtable was valuable as a locally driven solution. Local people with local knowledge are finding solutions to problems in the area.

It is clear that more needs to be done. I will continue to do all that I can to protect the Newtown vibe. Next week there will be a follow-up public meeting to listen to the people who live, work and play in Newtown and to discuss the next move. The Greens oppose the central business district [CBD] and Kings Cross lockdowns. The Greens will continue to advocate for targeted solutions that address the issues of alcohol-induced violence, problem venues and aggressive, offensive behaviour. The Greens will question the Government's lack of action with regard to these issues.

Why did the Government delay implementing increased financial penalties on problem venues until after the recent lockdown review? Why is it now seeking to create loopholes that will allow venues with strikes against them to avoid greater penalties? The Greens have long advocated for substantial penalties for venues that breach liquor licences. These businesses must be held to account if they do not meet safety standards. There has been no strengthening of the responsible service of alcohol certification and compliance, and the drug and alcohol unit within the Department of Education has not been re-established.

The Greens believe stronger responsible service of alcohol [RSA] requirements and more education about harm minimisation strategies are key. The answer to addressing alcohol-related violence is not simply to stop everyone going out and it is not simply to shut down our night-life. The Newtown community knows that we can stay up all night. We also know that things in our area are changing, and that we need to be vigilant about protecting the Newtown we love. I assure Sydney's creative communities and everyone who likes to go out to party that The Greens will continue to work with them to keep Sydney vibrant, safe and open.

TAMWORTH ELECTORATE SENIOR CITIZEN OF THE YEAR

Mr KEVIN ANDERSON (Tamworth) (12:44): I pay tribute to and thank seniors of the electorate of Tamworth who do a fantastic job and who continue to contribute so much to our communities. On Monday we gathered at the Tamworth Town Hall to honour the nominees for the Tamworth 2017 Senior Citizen of the Year. I thank the Tamworth Regional Council for holding the event, which I attended with Deputy Mayor Helen Tickle, and councillors Juanita Wilson and Glen Innes. The theme of the 2017 Seniors Week is "Let's do more together", and that is exactly what seniors do. The nominations in the individual categories acknowledged the fantastic work being done by many people. The winner of the individual award for 2017 was Marianne Gaul, who does a magnificent job in our community. The other nominees included Gloria Sherwood, Bill Warburton, Libby Darling, and John Muller. The group nominees included the Tamworth Parkinson's Support Group, and the winner of the community group award was the Tamworth and District Seniors' Computer Club.

We must continue to support our seniors in every way that we can. I attend many events across the great Tamworth electorate and I see the same faces at each gathering. They are the people who continue to work for the community day in and day out. When we are looking for someone to take up a role, we invariably offer it to a retired senior because they do the best job and seem to be able to get more done. Whether it is in Tamworth, Barraba, Werris Creek, Nundle, Kootingal, Somerton, Attunga, Moonbi, Bendemeer, or elsewhere in the electorate, our seniors do a magnificent job, and we honour them each year for doing so. Our seniors' body of knowledge when contributing to our communities is significant. I again thank the Tamworth Regional Council for conducting the awards. I also thank all those who were nominated and pay tribute to the many seniors who do such a great job in the Tamworth community. We could not do without them.

PENALTY RATES

Mr DAVID MEHAN (The Entrance) (12:47): It is a matter of public record that most workers on the Central Coast rely on the award rate of pay to determine the wage they receive for the work they do. Those awards traditionally are set by industrial tribunals, and in the modern era by the Fair Work Commission. That is why the 23 February decision to vary six awards in the hospitality and retail sector on the application of a number of employer groups is of some moment for workers in my electorate, and particularly for young people. I asked my son, Tom, who works most weekends in the hospitality sector, what effect the decision would have on him and his friends. The response was twofold. Those who are now paid the correct penalty rates for weekend work will see their pay cut, which will have consequences in our community. If they are spending less in our community, there is less spending generally and less demand in the community, which is bad for the local economy overall.

If they are spending less in our community, there is less spending generally and less demand in the community, and that is worse for the local economy overall. There is another group that is already not being paid the appropriate award rate for working weekends. At best this decision will only legalise the actions of employers who are currently breaking the law. There is nothing to suggest that those employers whose illegal actions have been made legal by the tribunal will not now use the opportunity to cut those rates again in any event. Overall it is a bad outcome for people in my area.

With inequality as high as it is in this country, with wages growth at historic lows, with underemployment at record highs, with rents and home prices in general increasing and outpacing wages, cutting wages even further is bad news for the economy, and it is certainly bad news for people in my area. The decision, as I said, was brought about by an application by a number of employer groups. In general it reduces the Sunday penalty rate, which, for most of those awards, was double time to time and a half, in line with the Saturday penalty rate, but it also reduces public holiday rates. Under most of those awards the public holiday rate is double time and a half. The decision reduces that rate to double time and a quarter. In making the decision the commission said:

Compensating employees for the disutility associated with working on weekends and public holidays is a primary consideration in the setting of weekend and public holiday penalty rates.

The commission can go so far with its reasoning about disutility and lesser disutility nowadays with seven-day trading, which happens a lot in the retail sector. But in terms of public holidays I think there would be very few in the community and maybe fewer in this House who would suggest that public holidays are no longer days when everybody expects to spend some time with their family. In that regard this decision exposes what I would characterise as an elitist view by the commission, and some in government and in society, that for some reason those who work in the hospitality sector are not entitled to the same pay as other workers, particularly other workers in similar situations who are required to work weekends as part of their normal roster, such as emergency service workers and health workers.

The decision begs the question why one group of workers deserves a penalty rate cut while another group of workers for whom working seven days a week is the norm does not. It can be justified only if one compares the work of those workers to that of other workers through an elitist prism. This is a bad decision. Those who work on weekends and are directed to work on weekends—and have no choice as to whether they work or not—should be receiving a penalty payment for that work. This is a bad decision for my area.

TEMPORARY SPEAKER (Mr Lee Evans): I draw the attention of the member for Wollongong to Standing Order 54. Members should be seated and should not converse while another member has the call.

CENTRAL COAST ANIMAL CARE FACILITY

Mr ADAM CROUCH (Terrigal) (12:53): Recently the Central Coast Council made it a little bit easier to be a responsible pet owner by offering free microchipping. It offered this service at both of its animal care facilities, one of which is located at Erina in my electorate and the other at Charmhaven. Becoming a pet owner has many rewards, but it comes with great responsibility. Owning a pet can be beneficial to our health and wellbeing. Pets can keep us active and give extra comfort around the home, but they can also become costly if

certain steps are not followed. Dee, the current manager of the Erina facility, which is now named the Central Coast Animal Care Facility, won the tender and took over the facility on 1 July 2016.

I cannot speak highly enough of Dee and her amazing team. They do a great job of rehoming every dog that comes into their facility. She informed me that, since last July, they have rehomed more than 250 dogs and cats—but mostly dogs and, unfortunately, mostly around Christmas time. They rehomed 23 dogs and cats in July, 22 in August, 49 in September, 37 in October, 30 in November, 50 in December and 42 in January. Many of the dogs are taken from other high-kill pounds in Sydney, Dubbo and other regional areas. A small number is privately surrendered. An even smaller number are dogs that have done their time in the pound and have not been reclaimed. In the same time frame, more than 400 dogs were impounded. Through the tireless work of the group, more than 90 per cent of dogs were returned to their owners. Many owners had not provided updated contact details or changed their details when the dog was sold or given away. The remaining dogs, all found to be unchipped, were transferred to the care facility and put up for adoption.

In July 2016, 75 dogs were impounded, 72 were returned to their owners—that is, 96 per cent—and the three remaining dogs that were unchipped were transferred and put up for adoption. In August 2016, 54 dogs were impounded, 46 were returned to their owners—an 85 per cent return rate—with the eight remaining dogs unchipped and therefore transferred for adoption. They have such a good adoption rate because dogs are kept there until adopted. In September 2016, 54 dogs were impounded, 49 were returned to their owners and the five remaining dogs were unchipped and therefore transferred for adoption. In October 69 dogs were impounded, with 65 returned to their owners—that is, 94 per cent. The three remaining dogs were unchipped. I highlight that the dogs that were not rehomed were unchipped.

In November 73 dogs were impounded and 71 were returned to their owners. One dog was unchipped and was transferred for adoption. That dog's owner came to collect it and the dog was returned to its home. In December 2016, 76 dogs were impounded and 71 were returned to their owners. The remaining five dogs were all unchipped. Dee and her team attribute their high return rate to their efforts in trying to contact the owners. Not only do they call the number listed, but if the number is out of date they search the electoral rolls and reach out on social media sites to try to find them. They go above and beyond their duties. I encourage all other pounds to emulate them. Microchipping is the first step in responsible pet ownership and helps to identify a pet, should that pet go missing. By making sure that a pet is microchipped and registered, and that the owner's details are up to date—current address and phone number—owners can be reunited with their pet within hours.

The council and the State Government know how important this is. The Government has assisted councils, through grants, to provide free microchipping. Council have offered a free microchipping service on multiple occasions. Many pet owners are not aware that they risk a \$275 fine if their pet is not microchipped or if their details are not up to date. My wife, Jill, and I took our 12-year-old husky, Shadow, to the free microchipping day. She had been microchipped, but the microchip had moved from her shoulder to her elbow, so it took a bit of finding. We updated her contact information, so if Shadow goes missing she can be easily tracked and returned to her very worried owners. We were made to feel very welcome. There was a sausage sizzle, with a gold coin donation to the care facility. We were more than happy to contribute more than a gold coin. Shadow got to meet other dogs while she was there. I give full credit to Dee and her team. They put in a fantastic effort. Our motto on the Central Coast is, "If you love them, chip them."

KU-RING-GAI MEALS ON WHEELS

Mr ALISTER HENSKENS (Ku-ring-gai) (12:58): I speak in support of the work of Ku-ring-gai Meals on Wheels. At the weekend I was invited by the chief executive officer of our local Meals on Wheels, Ian Doyle, to attend their premises to celebrate the handover of a new refrigeration van. Those who attended included the Federal Minister for Urban Infrastructure and member for Bradfield, the Hon. Paul Fletcher; the Mayor of Ku-ring-gai, Jennifer Anderson; Councillor Duncan McDonald; a director of the local Meals on Wheels, David Thompson; the President of the Roseville Chase Rotary Club, Peter Lewis; Rotary project leader Peter McKeown; and various Rotarians representing the Rotary Clubs that contributed to the purchase of the van. The following clubs contributed: Beecroft, Carlingford, Hornsby, Lindfield, Ku-ring-gai, Turramurra, St Ives, Wahroonga, West Pennant Hills and the Rotary Foundation.

The handover of the refrigeration unit occurred at the local Meals on Wheels office at 7 Gilroy Lane, Turramurra. Meals on Wheels is located in the geographical epicentre of the Ku-ring-gai State electorate which is also very close to the first home in which my family lived in our local area at 16 Gilroy Road. When I lived in that house 21 years ago I had my first interaction with Meals on Wheels, firstly, smelling the beautiful meals being prepared in the kitchen near our home and, secondly, our next door neighbour Ruth was a client of Meals on Wheels. We discovered that she was a client of Meals on Wheels when our cat, appropriately named Phantom, one day ate her Meals on Wheels dinner, which caused my wife to hastily prepare an alternative meal.

The refrigeration van acquired by a joint venture between the local, State and Federal governments as well as the Rotarians will enable Meals on Wheels to provide more than the 2,500 meals daily that it currently prepares. The van will permit the transportation of food from bulk storage in the Hornsby industrial area to the Turrumurra kitchen. The van was acquired through a \$26,000 grant from the Federal Government, which was about half of its cost, a generous donation by Ku-ring-gai Council, and contributions from each of the Rotary clubs, with monies that were matched by the Rotary Foundation. When there was still a shortfall I requested the Premier to give a grant to Meals on Wheels to make the final amount, and thankfully the Premier obliged my request.

Ku-ring-gai Council has been a great supporter of Meals on Wheels for a long time, including the provision of premises at a favourable rent. I also mention Councillor Duncan McDonald, who has been closely associated with Meals on Wheels as a director, and now Jennifer Anderson, the mayor, has taken over his position. But the Rotarians were the driving force of the van acquisition and this project was a great coming together of two great voluntary organisations—Rotary that does so much for our community and Meals on Wheels.

I am also happy to inform the House that the State Government is further supporting our local Meals on Wheels service with the recently announced more than \$46,000 Community Building Partnership grant for a new walk-in refrigeration room. This refrigeration room will be a great benefit to our local Meals on Wheels service, not least because it will nearly cut in half the service's electricity bill, which will enable more money to be spent on front-line services. Ku-ring-gai Meals on Wheels is embedded in the fabric of our local community. The volunteer support service helps vulnerable residents stay in their homes, where most are happiest, by providing nutritious meals, social interaction and a friendly check on a client's wellbeing by its volunteers.

The service is inclusive across all socio-economic and cultural divides serving everyone from younger people with a psychological or physical disability to those older members of the community determined to stay independent for as long as possible. In addition, the service organises social events and arranges transport. The three services include: a meal, a safe wellbeing check and social cohesiveness. Many elderly or household people who are able to participate are encouraged to have their meal in a Meals on Wheels centre one day a week which allows them to meet other people, reduces social isolation and improves wellbeing.

As the centre caters for special needs, such as pureed food and disabled access, it plays a vital and supportive role in our community. The volunteers of Meals on Wheels and Rotary who work so hard for our community can never be adequately praised. In a time when people want to cause conflict and dispute in our society, our volunteer groups unite our community. By never being afraid to show that they care, Meals on Wheels brings our community together by looking after its vulnerable members. Thank you, Meals on Wheels, from a very grateful community.

WESTERN SYDNEY UNIVERSITY FAST FORWARD PROGRAM

Mr JIHAD DIB (Lakemba) (13:03): On Friday 3 March I had the pleasure of addressing students at the annual year 12 conference of Western Sydney University's Fast Forward program. More than 500 students from 42 schools have been participating in the program since they were in year 9 and came together for a conference with the theme "Life after year 12". This program is a wonderful initiative that aims to give students an insight into what university life will be like. It prepares them with the practical tools to make the idea of university a reality and also aims to expand the educational opportunities available for the greater Western Sydney region.

Fast Forward began in 2004 and this year approximately 3,000 students from years 9 to 11 participated in the initiative. The program is free of charge. It provides valuable resources, insight and information for young people wanting to make plans for their future. I began my address to the students with my own experiences of teaching and also told them the story of one of my students, Omar Sawan. Omar was called to the principal's office more times than I can remember, but no-one would know that if they were to meet him now. He is currently studying at the Western Sydney University and has been a benefactor of the program's approach to helping students realise their ability through guided steps. Omar often tells me that if it had not been not for the school believing in him he would not have made his way to university. I add that he would not be at university if it were not for the many pathways that it offers.

Being the first person in your family to attend university is significant. For many students it is not only a reality they are facing but also a heavy responsibility. As a teacher and principal, I saw firsthand how the Fast Forward program could inspire students to go to university by simply demystifying university and by creating and clearing paths for university entry. Empowering students to go to university and encouraging them to actively reach their full academic potential is a task that many teachers face every day. A student of mine once told me, "Kids like us don't go to university." As I recounted that story to the year 12 students on Friday, the gravity of that statement had not diminished. Indeed, many of the students in the auditorium needed to believe that they belong

at university, but they have lost faith. This program is important because it encourages students to feel that they are entitled to access university as a simple yet absolutely vital part of assisting them to reach their full potential.

Reaching out to those who lack willpower to pursue their academic achievements, not because it is too hard or because they have plans after school but simply because they have a perception that it is not for them, benefits everyone. This approach does not only encompass students wanting to go to university. Encouraging students to be the best they can at anything, whether it is university, pursuing a trade, enrolling in TAFE or a college, or in their working life after school has flow-on effects that can lift an entire community. I acknowledge the great work of all of the staff in the Office of Widening Participation at the Western Sydney University. I worked with them on many occasions before I came to this place. They do an outstanding job in organising the program and the conference and in creating a sense of belief in the students and in the schools.

Our role as members of Parliament is to ensure that opportunities exist for all young people. As they make the transition from school to work, or school to tertiary education, we must make sure that the transition is as successful as possible, whether it is by ensuring there are the right number of jobs available or that communities have adequate access to further education. We know that access to tertiary education has positive impacts on the whole of society. Economic and social benefits that impact the health and wellbeing of communities have been seen time and again.

Once again, I congratulate the Fast Forward program on taking active steps to provide a much-needed program for students in Western Sydney. I am always inspired by the possibilities of our future, by the value of education and by the way that lives can be changed when we believe in students. Rather than simply talking about aspiration we can create the ladders of opportunity that make it possible for people to get ahead in life. Well done to the Western Sydney University and good luck to the 500 students that I spoke to as they embark on the journey towards their Higher School Certificate, knowing that it is but one path in the great mystery of life.

UNANDERRA STATION EASY ACCESS UPGRADE

Mr PAUL SCULLY (Wollongong) (13:08): I take this opportunity—my first private member's statement—to draw attention to the need for the installation of lifts at Unanderra station. The people of my electorate consider the installation of the lifts to be an issue of basic fairness. People in the Illawarra and the local media simply ask the question: When is the Government going to make it easier for elderly and disabled people to access their local train station? As I said in my inaugural speech, at the moment the elderly and disabled must negotiate 72 steps before reaching the island platform at Unanderra station. Sadly, this issue is not new to the Chamber. It is also not an issue that is new to me. I have attended public rallies and supported calls for the lifts and I have helped people lift their bags up the stairs. Unanderra station has been difficult to access for too many people for far too long.

In 2015, video footage showed a disabled man, Bec Schmidt, who has suffered a stroke, and renowned playwright Wendy Richardson courageously trying to climb the stairs to catch a train. The Premier, who was the Minister for Transport at the time, said that the vision was "distressing" it was very distressing. The cameras may no longer be there to capture it, but each day the elderly and disabled continue to face the steep climb up those steps. It is time for playing petty politics about easy access lifts at Unanderra station to end. It is a matter of indisputable record that the former Labor Government allocated funding for the installation of lifts. It is also a matter of record that in its first budget this Government reallocated those funds to other projects under its transport action plan.

Last year the Legislative Assembly Committee on Community Services held an inquiry into access to transport for seniors and disadvantaged people in rural and regional New South Wales and published a report. The committee recommended that Transport for NSW publish a time frame of all access upgrades to train station infrastructure. For years now the Unanderra Access Group and others have been asking for some indication as to the likely time frame for access improvements, but without success. The report found that a "lack of access to bus stops and train stations can stop seniors and people with a disability from using public transport." A case study in that report highlighted the difficult experiences of seniors and people with a disability in accessing Wyee station near Lake Macquarie, which sound remarkably similar to those of passengers at Unanderra station. We are now awaiting the Government's response to that report.

Ironically, the toilet facilities at Unanderra station were recently upgraded for easy access but, unfortunately, those who would benefit most from such an upgrade cannot access the platform. It is time to end the 72-step struggle and for the Government to provide funding in its 2017-18 budget for the installation of lifts at Unanderra station. I commend the Unanderra Access Group and the Illawarra Disability Alliance for their continued advocacy. At every opportunity I will continue to pressure the Government to deliver the installation of these lifts. I am determined to see them built. Indeed, I can inform the House that I have secured a \$25 million funding commitment to install the lifts when New South Wales Labor is elected to office in March 2019. That

funding will be allocated in the first budget of the Foley Labor Government. I challenge this Government to match that funding commitment in the upcoming budget.

The elderly and disabled who live in suburbs such as Unanderra, Berkeley, Cordeaux Heights, Farmborough Heights and surrounding suburbs will not give up on this issue. It is not only locals who want the lifts installed. The Nan Tien Temple, which is the largest temple of its type in the Southern Hemisphere and the largest tourist attraction in Wollongong, is located at Berkeley. It attracts a couple of thousand visitors each year, many of whom travel from Sydney on public transport. The temple is particularly busy during Chinese New Year. I have witnessed visitors at Unanderra station looking at the stairs, obviously questioning their ability to climb them and then do the reverse when going home. Far too often, I have noticed them look, then walk back to a seat to wait for the next train to Sydney. I repeat: It is time to end the 72-step struggle. I look forward to the Government's matching Labor's funding commitment in its upcoming budget.

MOOREBANK INTERMODAL TERMINAL PROJECT

Ms MELANIE GIBBONS (Holsworthy) (13:13): Today I take the opportunity to update the House on the status of the proposed Moorebank intermodal. For some time now, I have been critical of this federally initiated development proposal. Indeed, my opposition to it dates from before becoming a member of this House, and I am still passionate about opposing it. On 5 November 2012 the Liverpool City Council set up the Liverpool No Intermodal Committee—one of the first decisions made by the then newly elected Liberal council. The committee membership allowed for up to five voting community members and five alternate community members to help provide greater local insights into the issue. As unbelievable as it may sound, one of the first acts of the newly elected Labor council, which was elected just last year, was to pass a motion to dissolve this committee—a committee that encouraged community participation on a topic of primary concern to many residents within our local area. Unfortunately, the motion passed with opposition from only Liberal councillors, who were unable to stop it.

A positive change occurred at the beginning of this year, when Councillor Hadchiti, a Liberal councillor and former deputy mayor of Liverpool, moved a motion to reinstate this valuable and important committee. The motion passed with support from the Liverpool Community Independents Team. Unfortunately, the motion did not go through without opposition. There was a long debate on the topic, and a vote that was pushed to a division. And—believe it or not—one of the Labor councillors tried to absent herself from the vote by leaving for a cup of coffee. This councillor was, in fact, the person who ran against me at the last State election for the seat of Holsworthy. I find it quite unbelievable that, for Councillor Kaliyanda, a cup of coffee has more priority than making a stand for her community on such an important vote, particularly when she declared during the election that this was an important issue for her. Obviously a cup of coffee matters more.

I hope Councillor Kaliyanda was not trying to dodge her responsibilities by not recording a vote, and I am pleased that the vote was delayed until her return. Unfortunately, and disappointingly, she voted with all Labor councillors to oppose the reinstatement of the Liverpool No Intermodal Committee. This highlights that Liverpool Labor members again have confirmed that they are against helping the community fight the intermodal. I am glad to see this community-focused committee has been reinstated by the Liverpool City Council through the hard work of Councillor Hadchiti, the Liberal councillors and the Liverpool Community Independents Team.

On an exciting note, during an inspection of the Moorebank intermodal site in October 2016 the NSW Scientific Committee managed to rediscover the existence of *hibbertia fumana*. This species was known to have existed in only three sites in New South Wales, and was presumed to be extinct. Very little is known about the species. Historically, it was more widespread, having been recorded as growing around South Head and Western Sydney. But it was believed to be extinct at those localities. The only known population of *hibbertia fumana* is now within the Moorebank Intermodal Terminal precinct and is potentially threatened by habitat loss and degradation.

The expected construction work on the proposed intermodal site would not be advantageous to the survival of the species. The plant is eligible to be listed as a critically endangered species as, in the opinion of the Scientific Committee, it is facing an extremely high risk of extinction in New South Wales in the immediate future. It must have been exciting for the scientific group that first came across the plant; it is not every day that you make such a find on a field inspection. I can imagine the excitement amongst the members of the team as they tried to identify the species and then, having identified it, knew that they were looking at a plant that was thought to be extinct. That is definitely not something that happens every day.

This scientific find alone proves that it is time to stop all planning on the site until further investigation determines the scientific and ecological values of this location to New South Wales. The scientific committee has found one extinct species and that leads to the question: Are there, on this site, more threatened species or species that are thought to be extinct? Let us not be too hasty to clear the site and construct Australia's largest inland port.

It is simply not the right thing to do. It is important to stall proceedings at the moment because, when *hibbertia fumana* was being rediscovered, three amendments were being sought to modify the concept plans for both proposed intermodal sites. One of the proposals is for the intermodal sites to be raised by approximately two metres by importing 2.2 million cubic metres of clean general fill. This raises real problems with drainage, noise, light spill and visual impact, and I call for studies into those impacts to be undertaken. The proposed Moorebank intermodal is the wrong fit for the local area that I passionately represent, and I am vehemently opposed to its construction.

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (13:18): I thank the member for Holsworthy for her contribution and I acknowledge her passionate advocacy on behalf of her community on this issue, on which she has a strong track record. Clearly, the position that she has taken has a lot of support within her community. The member for Holsworthy raised some very valid points that need to be considered before the project proceeds. Those points concern the scientific and ecological work that has been done with respect to the species that has been rediscovered and the risk that more species could be threatened or made extinct if this project were to proceed. I again thank the member for Holsworthy for her work on behalf of the community. On behalf of the House, I encourage her to continue to pursue this issue with gusto and dedication—as she has been doing—on behalf of the residents of her electorate.

BATLOW CIDERFEST

Mr DARYL MAGUIRE (Wagga Wagga) (13:19): A very exciting event will take place on 20 May 2017—the Batlow CiderFest. Members will recall that I have spoken in this House on a number of occasions about the great success of the CiderFest, which was the brainchild of Howard Tietze, who moved to Batlow and, along with a hardworking committee, instigated this wonderful event. Batlow is set in the foothills of the Snowy Mountains and visitors can spend the day savouring Batlow's own range of boutique ciders and comparing a range of regional ciders, local craft brews and cold climate wines. A wide range of ethnic cuisines will be on offer as well as other merchandise stalls and interesting exhibits. With two stages for entertainment, street performers, buskers and Wacky Apple Tarts leading the dance, there is something to please everyone.

Batlow CiderFest even has its own song, but this year they are going to record a number of songs, and local members are expected to participate, along with councillors and other people of note. It is a fun day. It is a fantastic event that began from very humble beginnings and has been supported by the New South Wales Liberal-Nationals Government. Over three years the Government has contributed \$10,000 per year, and on Thursday I joined the Batlow CiderFest committee to announce that the committee had received flagship funding from Destination NSW. This is an enormous boost to the community of Batlow, giving them the opportunity to promote a fantastic local product, as well as all the other fruits grown there, and provide export opportunities.

The Government will provide \$27,500 over the next three years and is the next step in funding that I actively encouraged the Batlow committee to apply for. I am delighted that both the Minister for Tourism and Major Events, and Assistant Minister for Skills, and the Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business are both in the House to hear this presentation. The message I am conveying is that regional communities such as Batlow and others have fantastic products that are sought after by countries around the world and, in particular, by the Asia-Pacific region. Every day inquiries are made to buy from our farmers Australian produce that is the cleanest and the greenest, including produce from Batlow.

As part of CiderFest a cider industry conference is held every year and, in its sixth year, the conference is branching out from concentrating on cider production to ask, "What happens next?" The industry has had strong feedback from other conferences that it has taken on board. A fantastic program is in place and lots of accommodation is available in surrounding towns such as Tumut and Tumbarumba. Such events cannot operate without sponsorship, and the New South Wales Government, through Destination NSW and the Department of Primary Industries, is supporting this event. Other sponsors of the event include Snowy Hydro, Snowy Valleys Council, Richard Breward Electrical Pty Ltd, Della Toffola Pacific, Brian and Diana Droscher, Sounds of the Mountains, Visy, and Hides Refrigeration Pty Ltd.

I have joined the Batlow community on numerous occasions. Between 5,000 and 8,000 people descend on Batlow for the CiderFest. The event begins at about 10.00 a.m. and ends about 4.15 p.m. It is a great day. I encourage members and people across the community who are interested in cider to attend and to sample a new boutique product that is capturing the interest of people across Australia and the world. Cider's origins are old, but importantly the product is being revived and supported by our Government through its contribution of three years of funding for Batlow CiderFest, with \$27,500 for each year. This funding is welcome, and I appreciate that both responsible Ministers are in the Chamber to show their support for this wonderful community festival.

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (13:24): I acknowledge the member for Wagga Wagga, the Parliamentary Secretary, for his wonderful contribution extolling the virtues of the Batlow CiderFest, which will be held on 20 May. Unfortunately, I will be unable to attend this year as I will be in another tourism mecca in rural and regional New South Wales—Broken Hill. I guarantee that I will attend the festival next year. The member highlighted the importance of this Government supporting events such as Batlow CiderFest to help grow rural and regional tourism.

In rural and regional New South Wales tourism is currently worth more than \$14 billion a year and the sector employs tens of thousands of people. Triennial funding gives events like the Batlow CiderFest certainty, which is critical to ensuring that such events grow. As the Minister for Tourism and Major Events, I hope Batlow CiderFest will grow from attracting thousands of visitors to perhaps reaching the 10,000-visitor mark. The more visitors, the more overnight stays and the more money that flows through to local businesses. I thank the member for Wagga Wagga for his advocacy, and I wish everyone a successful Batlow CiderFest 2017.

Visitors

VISITORS

TEMPORARY SPEAKER (Mr Adam Crouch): I welcome the visitors to the gallery this afternoon, especially those who are guests of the Deputy Premier.

Private Members' Statements

TRIBUTE TO BERT EVANS, AO

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (13:25): Today I honour a man with an unparalleled history of achievement and service to the vocational education and training sector in New South Wales. Bert Evans, AO, who passed away on 25 February 2017, was an outstanding supporter of vocational education and training. Today in the gallery we have recipients of the Bert Evans Apprentice Scholarships program, and these beneficiaries have some great stories to tell of how the scholarship has changed their lives. Bert's son, Russell, is also in the gallery today. I pass on our condolences to the family. Bert Evans has left a lasting imprint on this State.

Bert was a strenuous advocate of apprenticeships and traineeships, and was passionate about the potential for training to create opportunities for young people and to transform people's lives. Over recent years Bert demonstrated this commitment as the New South Wales Apprenticeships Ambassador, a role in which he displayed great leadership and passion. As ambassador, Bert met regularly with employers to encourage them to increase their take-up of apprentices. He also spent time talking to apprentices to understand their needs and to ensure that they had the necessary support to succeed in their careers. However, it was in his role as Chair of the Vocational Education and Training Advisory Board, the key source of independent advice to the New South Wales Government on skills, that he had the biggest and most lasting impact.

Chairing the board from 1996 until 2013, Bert led reforms that commenced the opening up of the New South Wales training market, including increasing the choice of provider for employers of apprentices and trainees. He also developed the principles of industry-standard vocational education for school students that is now part of the Higher School Certificate [HSC] for more than one-third of New South Wales HSC students and drove initiatives to improve training and job outcomes for Aboriginal people. Bert was a champion of regional New South Wales. As chair of the board he demonstrated a key understanding of the needs of regional communities.

He held the conviction that the board's advice to government would be credible only if it took account of the impact of government policies and programs on regional communities. As such, under his leadership, the board visited all regions of the State, from Bega to Bourke, and even far reaches such as Wentworth and Dareton, to talk with employers, students and the community about their needs and issues and their expectations of government. He was committed to building more innovative relationships between businesses and TAFE institutes and other providers, and to see that all people in regional and rural areas have the opportunity to gain skills linked to jobs.

From 1997 to 2011 Bert was also Chair of the Vocational Education and Training Accreditation Board, NSW [VETAB], which he liked to describe as the toughest job he had ever had. In that role Bert drove a quality agenda targeting poorly performing training organisations to protect the rights of students. Often taking unpopular decisions and actions, Bert's strong leadership of VETAB was defined by his efforts to clean up the security industry and his battles with the Commonwealth to achieve rigorous control of the international student market.

The values Bert promoted in this area have been built into our own quality assurance of Smart and Skilled here in New South Wales.

Bert's commitment to skills grew from his experience leading industry through extraordinary reforms that have become the bedrock of Australia's modern economy. Over 15 years as the chief executive officer of the Metal Trades Industry Association [MTIA], now the Australian Industry Group, Bert was a champion of the accord between business, unions and governments that opened up the Australian economy and transformed Australian workplaces—the great industrial and economic reforms of the 1980s. Central to his vision of workplace and industrial relations reform was a progressive industry policy that valued and invested in labour and gave workers a fairer go through training, career pathways and workplace regulation.

Bert was convinced that skills would make the difference. With tariffs stripped back it would be the skills of our workforce that would drive growth. For Bert this was not just about industry productivity but about a concern for individual wellbeing. Skills and qualifications meant better jobs, better wages and better quality of life. These values, crafted in his career in industry, defined his leadership in vocational education and training where he tirelessly promoted VET as a training pathway to great jobs. Bert's industry achievements were recognised through the Australian honours system. In 1984 he was made a Member of the Order of Australia and in 1996 he was further honoured as an Officer of the Order of Australia.

In the training sector Bert was flattered to receive the Lifetime Achievement Award at the Australian Training Awards in 2013. However, he was greatly moved when in May 2014 the New South Wales Government established the Bert Evans Apprentice Scholarships in his honour. This \$2.4 million program provides financial support for apprentices dealing with significant barriers in completing their qualifications. Bert was an outstanding patron for these scholarships and was heartened to see their positive impact on some of the most disadvantaged yet inspiring, determined and resilient apprentices we have here in New South Wales.

Since 2014, 237 apprentices have benefited from the scholarships and almost \$2 million has been distributed to them to ensure they can complete their qualifications. For many of these apprentices this wonderful scholarship meant the difference between continued struggle and disadvantage and the first step on the pathway to a meaningful and rewarding career—apprentices such as one Aboriginal teenager from Western Sydney who had been in and out of foster care since the age of nine. This amazing young person showed incredible drive and strength to overcome this disadvantage. The scholarship has helped him buy a car that has been essential to him making it as a licensed plumber. Then there is the single mum training in electro-technology at TAFE who travels more than 200 kilometres a day to and from work, sometimes travelling up to six hours a day, so determined is she to complete her apprenticeship.

In my backyard in the Monaro another single mum of twin six-year-old girls is able to take on an apprenticeship in automotive and light vehicle technology only with thanks to a Bert Evans Scholarship. Bert personally invested a massive amount of time, energy and emotion leading the panel assessing applications for these scholarships. He saw the scholarships for what they really are—a fantastic opportunity to truly change lives. The outcomes for these scholarships are clear: 83 per cent of recipients complete their apprenticeship, which is very high compared to apprenticeships as a whole. On Bert's retirement from the MTIA former Prime Minister John Howard wrote:

[Bert's] career and achievements are a testimony to a remarkable man and provide a salient example of what can be achieved with a constructive approach to Industrial Relations.

Professor John Buchanan from the Workplace Research Centre of the University of Sydney has described Bert as a "giant of Australian industrial relations from the 1970s to the 1990s." Whilst we have lost a great Australian he will not be forgotten. The Bert Evans scholarships will live on as a testament to his contribution and will continue, in his name, to provide young people, particularly those who are disadvantaged, with the ability to better their lives and make a contribution in their own right. The people of New South Wales have been privileged to benefit from his wisdom and passion over the past 20 years. He will be sorely missed. Vale, Bert Evans.

TEMPORARY SPEAKER (Mr Adam Crouch): I thank the Deputy Premier, on behalf of the New South Wales Parliament, for his condolences on the passing of Bert Evans and for outlining his amazing contribution to the people and young students of New South Wales.

I will now leave the chair. The House will resume at 2.15 p.m.

Visitors

VISITORS

The SPEAKER: I extend a very warm welcome to Gunnedah Shire Council Mayor Jamie Chaffey as well as to the Director of Planning and Environmental Services, Andrew Johns, who are guests of the

Parliamentary Secretary for Regional Roads, Maritime and Transport, and member for Tamworth. I also welcome students and teachers from St Mary Star of the Sea College, guests of the member for Wollongong.

Commemorations

CENTENARY OF FIRST WORLD WAR

The SPEAKER (14:19): The world war that started as a result of disputes about the power of ruling monarchies and empires, ignited by that shot in Sarajevo, would result in a few short years in the destruction of four great empires and dynasties. Only the British would survive. The first to fall was the Russian Empire led by the Romanovs, a 300-year-old dynasty studded with enormous figures such as Peter the Great and Catherine the Great. By 1917 their empire was weak, poorly led, and subject to repeated defeat at the hands of the German and Austro-Hungarian forces.

On 8 March 1917—almost exactly 100 years ago—the pent-up dam of hopelessness, resentment, starvation and repression burst with a mass protest by civilians in Petrograd, now St Petersburg, demanding the abdication of Tsar Nicholas II and an end to the war. The Russian armies joined the revolution and within just one week it was all over. The Tsar abdicated and a new civilian and democratic government was formed. The Allies rushed to recognise this new government, striving to ensure that it was prepared to continue to fight and secure the eastern front against the Central Powers.

It is of course impossible to understate the magnitude of what happened on those Russian streets exactly a century ago. We all know what was to follow: the subversion of the civilian government by the Bolsheviks; Lenin packed in a train by the Germans to lead the Soviet revolution; the Russian armistice with Germany; the execution of the royal family followed by the formation of the Soviet Union—and all that that was to entail for the peoples who became subject to it. In their turn, the German, Austro-Hungarian and Ottoman empires and dynasties would be swept away like the Russians, and the consequences of a single shot fired by a nationalist in protest against a multicultural and multiracial European polity would be far greater than anyone could ever have imagined.

Lest we forget.

Ministry

MINISTERS ABSENT DURING QUESTIONS

Ms GLADYS BEREJIKLIAN: I inform the House that this week I will answer questions in the absence of the Minister for Education.

Bills

**ABORIGINAL LAND RIGHTS AMENDMENT (LOCAL ABORIGINAL LAND COUNCILS) BILL
2016**

RETAIL LEASES AMENDMENT (REVIEW) BILL 2016

MOTOR RACING LEGISLATION AMENDMENT (NEWCASTLE 500) BILL 2017

**TRANSPORT ADMINISTRATION AMENDMENT (INDEPENDENT TRANSPORT SAFETY
REGULATOR) BILL 2017**

Assent

The SPEAKER: I report receipt of messages from the Governor notifying His Excellency's assent to the abovementioned bills.

Question Time

PENALTY RATES

Mr LUKE FOLEY (Auburn) (14:23): I direct my question to the Deputy Premier, the Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business. Does the Government support the decision of the Fair Work Commission regarding Sunday penalty rates that will reduce the take-home pay of hundreds of thousands of New South Wales workers, many of whom are employed in small businesses?

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:24): I thank the Leader of the Opposition for his question about the cost of doing business across the nation, acknowledging that small businesses are the biggest component of our economy, and the need to ensure that small businesses, not only in this State but also across the nation, have the ability to create jobs. I and other members on this side of the House are committed to creating an

environment that allows for jobs growth. Members have heard me say before how important it is to ensure that we support those individuals who have the courage to invest in businesses and to grow jobs. Government members can talk about the more than 250,000 jobs that have been created in this State since 2011 as a result of the hard work, investment and courage of small business owners. This Government acknowledges the importance of the small business sector and the need to stop reaching for its pockets, to cut red tape, and to make it easier for small business operators to do business in this State. The Leader of the Opposition's question relates to the decision handed down by the independent Fair Work Commission in respect of penalty rates. This is a Federal issue.

The SPEAKER: Order! Members who continue to interject will be placed on three calls to order and removed from the Chamber.

Mr JOHN BARILARO: The Federal Leader of the Opposition, Bill Shorten, was the Minister responsible for establishing the Fair Work Commission and charged it with making decisions—based on facts and evidence—about how we can support small businesses in this nation. The commission, which is the independent umpire, has examined the evidence and the facts and has made a determination. I understand that the Federal Government's yet to respond to that determination. Despite that, the Labor Party is on the front foot with a scare campaign—which it is known to do—and is rehashing the WorkChoices scare campaign. The Federal Government still has not responded to the commission's decision. When I was a young man—a long time ago—I worked at Woolworths on a Sunday and behind a bar at night.

The SPEAKER: Order! Members will be placed on calls to order if they continue to yell and scream. The behaviour of the member for Canterbury, the member for Bankstown and the member for Kiera is unacceptable.

Mr JOHN BARILARO: I acknowledge that I did so because of the penalty rates.

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

Mr JOHN BARILARO: I have said that publicly.

The SPEAKER: Order! I call the member for Canterbury to order for the second time. If she continues to interject she will soon be on three calls to order and be removed from the Chamber.

Mr JOHN BARILARO: If members were to listen to the rest of my answer they would realise where I was going. The Government accepts that penalty rates were part of the industrial relations landscape for businesses in this nation for decades, but it also accepts that the world has changed. Young men and women expect to be able to shop or to go to a cafe or restaurant when they want; they are looking for a 24/7 response from businesses.

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

Mr JOHN BARILARO: I understand the impact this will have on young people. However, we must have the courage to have the conversation. We should be looking at how to change the industrial relations landscape in this State to minimise the impact of this determination and to ensure that it rolls out gradually. That must be done by examining the facts and the evidence. If the Federal Government supports the Fair Work Commission's determination—keeping in mind that this is a federal issue—and the commission has said that it will create more jobs, there will be more employment opportunities for young people in this State. Members opposite falsely have claimed that hundreds of thousands of people will be affected by this determination.

Many businesses operate under enterprise bargaining arrangements that include the wages and conditions that will apply to their employees. We support small business in this State. As I travel the State, visit communities and speak to small business, I appreciate that the penalty rates issue has been on the agenda of this nation for decades. What will happen next is the Federal Government will need to respond but as the State Government we are doing everything we can to create jobs in this State. We are supporting small businesses and that is the focus of the New South Wales Government.

COMPULSORY THIRD PARTY INSURANCE

Mr BRUCE NOTLEY-SMITH (Coogee) (14:29): My question is addressed to the Premier. What is the Government doing to help drive down the price of green slips?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:29): I thank the member for Coogee for his question. I appreciate that he, like most of us in this place, wants to ensure a reduction in the cost of living expenses for all of our constituents. I am very pleased to say that we are acting on that because unfortunately over the last decade green slip prices have increased by 85 per cent in Sydney, with average Sydney motorists now paying more than \$700 for their green slips and country motorists—

Mr John Robertson: Did anyone ask the insurance companies why?

The SPEAKER: Order! Perhaps the member for Blacktown should listen—he might learn.

Ms GLADYS BEREJIKLIAN: Under you guys the insurance companies profited 30 per cent. You guys thought it was good enough to have insurance companies—

The SPEAKER: Order!

Ms GLADYS BEREJIKLIAN: Under those opposite, I should say, they thought it was okay for an insurance company to profit 30 per cent on green slips. They thought it was okay.

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

Ms GLADYS BEREJIKLIAN: Not only are Sydney motorists paying on average \$700 for their green slips but country motorists are paying nearly \$500 for their green slips. This massive increase over time has been simply unfair for motorists.

Mr Stephen Kamper: Over the last five or six years.

The SPEAKER: Does the member for Rockdale disagree with something so far? The member will cease interjecting.

Ms GLADYS BEREJIKLIAN: I hope that does not mean the Labor Party does not support this reform.

The SPEAKER: That is why I asked the question.

Ms GLADYS BEREJIKLIAN: I hope the interjections do not mean the Labor Party does not support this reform.

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

Ms GLADYS BEREJIKLIAN: Motorists and households simply deserve better. The current scheme has become the least affordable in the country. Just 45 cents out of every dollar in green slips is actually being returned to injured road users. This cannot continue. The rest is chewed up in scheme costs that include insurance company profits and legal fees. Those opposite knew there was a problem when they were in government but of course they did nothing about it. They knew that insurance super profits were over 30 per cent and they did nothing about it.

In early 2016 the New South Wales Government undertook a comprehensive review of the compulsory third party [CTP] scheme. I pay tribute in particular to the Minister for Finance, Services and Property and his team because it has been nearly two years since we started this work and it has resulted in a fantastic outcome for both motorists and households today. Reforms to CTP are urgently needed to provide better financial protection for people injured on our roads, better value from premiums paid by motorists and, of course, greater protection and certainty for those who are injured. Today I can announce the outcome of the Government's good work. It will deliver a saving of around \$120 on average across New South Wales for each CTP motorist. Fairer and cheaper green slips for taxis also will result. We estimate that in Sydney taxis will save up to \$3,000.

The SPEAKER: Order! Opposition members will cease interjecting.

Ms GLADYS BEREJIKLIAN: In our regions we estimate cabbies will save about \$1,700 or thereabouts. But of course what these changes mean is faster access to benefits for people who are injured in a motor vehicle crash. It will also mean a crackdown on fraud. It will also reduce insurer profits and legal costs because the Minister for Finance, Services and Property has ensured that in the legislation there will be restrictions on what insurance companies can make—something you did not do when you were in government.

Mr John Robertson: You have been asleep at the wheel for six years.

Ms GLADYS BEREJIKLIAN: Don't they protest-eth too much?

Mr Gareth Ward: Yes. They thought green slips was a preference deal.

Ms GLADYS BEREJIKLIAN: They do not like good news. And of course what is especially heartening is our reforms will ensure that more of what goes into the scheme is going to injured people. The 45¢ in the dollar is simply not good enough. Our reforms will ensure that more money collected will go to those who need it the most. [*Extension of time*]

We know this is not only good for motorists; it is great for households. And of course we want to reduce fraud in the system. Unfortunately there are people who think it is okay to rip off the system. We are giving greater

power to the regulator to investigate and prosecute fraud. I am really pleased to advise that after long discussions with the Government and in particular the good work done by the Minister for Finance, Services and Property, a number of stakeholders who previously had not been in favour of such reform—the Law Society, the New South Wales Bar Association and also the Australian Lawyers Alliance—have actually now supported the Government's reforms.

Those opposite have a lot to say about the cost of living but they do nothing about it. We on this side of the House are taking action not only in this area but also in many areas. Last year when we produced the budget we made a comparison of the cost of living pressures. We compared New South Wales to the rest of the States. New South Wales was best in class for almost every category except for the cost of running a car. I am very pleased to say that today with these reforms we are making sure that New South Wales motorists not only get reduced green slip costs but the cost of living pressures on our households are reduced. I judge from the interjections from those opposite that they have a problem with people paying less. I say to those opposite: Do the right thing by your constituents and support this important reform.

PENALTY RATES

Mr GUY ZANGARI (Fairfield) (14:36): My question is directed to the Minister for Corrections. Following the recent Fair Work Commission decision on penalty rates, will he give an assurance that the Government will not seek to reduce the penalty rates that workers in the corrections system are currently entitled to in his next pay negotiation?

The SPEAKER: Order! Opposition members will cease interjecting. There is too much audible conversation in the Chamber. I call the member for Kiama to order for the second time.

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (14:37): What a very bizarre question from someone who clearly does not even understand the industrial relations service here in New South Wales!

Mr Michael Daley: No doubt we will get a very bizarre answer.

Mr DAVID ELLIOTT: I acknowledge the interjection from the Deputy Leader of the Opposition and acknowledge his major contribution to the union movement, which I think is probably zero. I also acknowledge the fact that this question has absolutely nothing to do with the Fair Work Commission's decision, but it gives me an opportunity to say something very constructive about our corrections workers. I welcome the question and I thank the member for the opportunity to talk about the fact that this Government is spending a record \$3.8 billion in corrections in New South Wales.

Ms Jodi McKay: Point of order: It is Standing Order 129. I did not hear "and related matters" in that question. What I heard was a question about penalty rates.

The SPEAKER: Order! The member will resume her seat. The Minister answered that part of the question in one sentence.

Mr DAVID ELLIOTT: I did. I said that.

The SPEAKER: That is right. The Minister has answered it and he remains relevant. There is no point of order. The member for Strathfield will resume her seat.

Mr DAVID ELLIOTT: I refer the shadow Minister to my original comment.

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

Mr DAVID ELLIOTT: If these are the question time tactics of those opposite for the week, it is going to be a very long one, because they clearly do not understand the way the Fair Work Commission works.

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

Mr DAVID ELLIOTT: They clearly do not understand the difference between State awards and Federal awards. They clearly need to be reminded of the fact that this Fair Work Commission was initiated by their side. They want to question the way that governments in Canberra and Macquarie Street respond to an inquiry that was initiated by their side. The umpire has made a ruling and they do not like it. I can assure the shadow Minister, the member for Fairfield, that under my watch, corrections officers will be looked after, and they have been looked after.

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

Mr DAVID ELLIOTT: Every time a corrections officer is injured in the line of duty in New South Wales, I ring them. Unlike the shadow Minister, I visit prisons and prison officers.

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

Mr DAVID ELLIOTT: Unlike the shadow Minister, I have never taken a donation from their union.

Mr Guy Zangari: Point of order: It is Standing Order 129, relevance.

The SPEAKER: Order! I have ruled on relevance already. The Minister is talking about penalty rates.

Mr Guy Zangari: What do donations and unions have to do with penalty rates and the next pay negotiations?

The SPEAKER: Order! The member for Fairfield will resume his seat. The Minister remains relevant. The member for Kiera will come to order.

Mr DAVID ELLIOTT: To quote my kids, one more time for the dummies: This was a Fair Work Commission initiated by the Labor Party. If they are going to spend the entire week questioning this side of the Chamber about a decision and an inquiry that was initiated by their side only because their side does not like it, it will be a long week. Under my watch, corrections officers are enjoying a record \$3.8 million of infrastructure spend in their portfolio, about which Opposition members have never bothered to question me. Under my watch, corrections officers will enjoy a \$237 million investment in reducing recidivism, which is a question Opposition members are yet to ask me.

The SPEAKER: Order! Opposition members will come to order or find themselves out the Chamber until tomorrow regardless of what is on for the rest of the day.

Mr DAVID ELLIOTT: Under my watch, corrections officers are enjoying job security par excellence, which they have not done in the time of this Government or the Labor Government. We are making a record investment not only in infrastructure but also in reducing reoffending and educating inmates. We have made reforms that will double the number of inmates being exposed to literacy programs, which will see them going back into the community with the opportunity to re-engage, get jobs and, more importantly, make a positive contribution.

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

Mr DAVID ELLIOTT: I ask the shadow Minister to take a quick lesson on industrial relations laws in this State.

REGIONAL APPRENTICESHIPS

Mrs LESLIE WILLIAMS (Port Macquarie) (14:42): My question is addressed to the Deputy Premier. How is the Government investing in apprentices across the State, particularly in regional New South Wales?

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:42): I thank the member for Port Macquarie, who understands the importance of vocational education and training and the importance of an apprenticeship.

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

Mr JOHN BARILARO: An apprenticeship is the key to a long-lasting job. I remind the House that as at December 2016 enrolments were at their highest level since 2010. In 2015, the former Premier announced at least 1,000 apprentices would be employed by the New South Wales Government to deliver our record infrastructure program. I inform the House that we have exceeded that target of 1,000 and we now have 2,000 apprentices who have been employed since the beginning of 2017. Earlier today I spoke in this place about the legacy of Bert Evans, who championed the potential for training to create opportunities for young people so they could transform their lives.

It was an absolute honour to talk about Bert Evans in front of the many recipients of the Bert Evans scholarships, who are in the gallery today. Their stories explain why Bert Evans was passionate about apprenticeships in this State and this nation. It was also an honour to talk about Bert Evans in front of his son, Russell. The Bert Evans scholarship was introduced in 2014 to assist apprentices across New South Wales who have experienced hardship in their personal circumstances but who have shown a positive attitude and unwavering commitment to their education, while applying themselves in their training and workplace.

Applications for 2017 Bert Evans scholarships are underway for employers across the State. The scholarships are worth \$5,000 each year for up to three years and assist apprentices with accommodation expenses,

purchasing a car, travel, training, purchasing equipment or a computer, or protective clothing. My message to training providers and employers in New South Wales is if they know of deserving apprentices, encourage them today to apply for a Bert Evans scholarship. Since 2014, 237 apprentices have benefited from Bert Evans scholarships valued in excess of \$2 million. That \$2 million has been distributed so that young people not only start apprenticeships but also complete them. We know that an apprenticeship adds value not only to a job and career but also to a great lifestyle.

We have a number of scholarship recipients in the public gallery. I acknowledge the following recipients: Melissa Petrovic, Melissa O'Sullivan, Stephen Norris, Aden Wolfe and Adrian Hardiman. They are examples of the great young men and women who have benefited from a Bert Evans scholarship. More importantly, they have made a commitment to change their lives. I especially mention Aden Wolfe. Aden had a difficult and violent childhood. He depends on his mother, who is the sole supporter of his extended family, for transport. Aden is trying to obtain his P-plates and a vehicle of his own. It takes him more than four hours to get to and from work. His long-term goal is to establish his own business so that he can give back to members of his family and improve their position in life.

Kurtis Nocelli, from the electorate of the member for Port Macquarie, is not in the House today, but he is studying a certificate III in automotive electrical technology. Kurtis is an example of a hardworking and deserving recipient. When his father was diagnosed with cancer, Kurtis decided to forgo university to remain at home to work in his father's business. He has two additional jobs to help contribute to the family's living expenses and his father's medical expenses. Kurtis will use the funds of the scholarship to buy much-needed tools and to assist with his travel costs, thus easing the financial stress on his family. Each year, approximately 50 scholarships are awarded, including 10 in regional New South Wales. Bert Evans sat on the panel to evaluate the apprentices that were not only worthy of the scholarship but also worthy of the support of this Government, and it was a struggle to draw a line under 50. In the last round 66 scholarships were awarded. Today the Bert Evans scholarship continues to support the most deserving young people in this State.

PENALTY RATES

Mr MICHAEL DALEY (Maroubra) (14:47): My question is directed to the Minister for the Environment. Following the recent Fair Work Commission decision on penalty rates, will the Minister give an assurance—

Mr Andrew Constance: Who wrote this question? Which union boss wrote this question?

The SPEAKER: Order! Government members will come to order. The Minister for Transport and Infrastructure, and the Premier will come to order.

Mr MICHAEL DALEY: Keep chopping those Anzac trees down, mate.

The SPEAKER: Order! The member for Maroubra will ask his question.

Mr MICHAEL DALEY: I am trying to. The Minister should get his chainsaw out. That is what he is good at. Following the recent Fair Work Commission decision on penalty rates, will the Minister give an assurance that the Government will not seek to reduce the penalty rates that her workers and the National Parks and Wildlife Service are entitled to in the next round of pay negotiations?

Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (14:48): I thank the member for Maroubra for his question. There is a lot of tedious repetition on the other side of the House today. We know for whom the member for Maroubra speaks. You do not speak for Labor or for the New South Wales community. Every time you speak in this Chamber it is in the interests of your union mates.

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

Ms Jodi McKay: Point of order: The Minister should direct her comments through the Chair.

The SPEAKER: Order! The Minister will direct her comments through the Chair.

Ms GABRIELLE UPTON: I am happy to direct my comments through the chair. I have had early fruitful, productive and constructive discussions with unions that represent important workers in our national parks. They do an amazing job. Many of them assist when bushfires ravage communities across New South Wales. Not only our fires do that job; workers in national parks make an active effort to help people in New South Wales when there is a threat to their communities. As I said earlier, I met with those unions last week. It was a productive and good meeting. As the new Minister for this portfolio it gave me an opportunity to hear what they had to say about what was needed for them to do a better job on the ground in our national parks—such a great part of our

community experience across New South Wales. I am pleased to report that staff raised a number of issues relating to their situation and to the State awards. I will continue to have discussions with them. I am pleased to be building a productive relationship with them. I am always happy to meet with them to discuss matters relating to their working conditions as they apply in New South Wales.

COMPULSORY THIRD PARTY INSURANCE

Mr ALISTER HENSKENS (Ku-ring-gai) (14:51): My question is addressed to the Minister for Finance, Services and Property. How is the Government delivering a fairer and more affordable green slip scheme for New South Wales motorists?

The SPEAKER: Order! Members will come to order.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (14:51): I thank the member for Ku-ring-gai for his question and for his great involvement in the reform of the scheme, which has produced a great win for the motorists of New South Wales. It is a great win for those injured on our roads because they will get protections that they have never seen before. The owners of 5.3 million cars will get a serious reduction in the cost of green slip premiums. As the Premier said earlier, under those opposite we saw the beginning of a rapid escalation in the cost of green slips in New South Wales. Over the past 10 years alone the cost of green slip premiums increased by 85 per cent, which blows the consumer price index [CPI] out of the water.

Mr Guy Zangari: You have been in government for six years.

Mr VICTOR DOMINELLO: I hear the interjections of members opposite that we have been in office for six years. I thank them for their interjections, but I can work out the maths. John Della Bosca, a great luminary of those on the other side of the Chamber and someone for whom I have a great deal of respect, said to me—and I am sure he said this to many members opposite—that reforming green slips was like the first 30 minutes of *Saving Private Ryan*. That is why those opposite did nothing about it. They realised it was too complicated; it was too hard. They could not secure the wins that we have now secured for motorists and those injured on our roads. Complicated schemes like this take time to fix up.

Those on the other side of the Chamber left the scheme in a mess. The Government has worked hard with stakeholders to achieve this victory on behalf of the motorists of New South Wales and those injured on our roads. Today is a great day because the Berejiklian-Barilaro Government has delivered on its promise—to introduce a reform package that would reduce premiums. As the Premier said, motorists will see significant reductions in premiums. Sydney motorists who drive on Victoria Road or Parramatta Road will see reductions in premiums of the order of about \$180, which is significant.

Motorists in the country will see important reductions in premiums of the magnitude of \$50, coming from an already low base. But that is not all. In this reform package the Government has delivered on its promise to reduce super profits. I hear Opposition members interjecting about super profits on our watch, but they speak with forked tongues. Last year super profits were at a high of 13 per cent which is unacceptable. This Government said they would be reduced to 8 per cent. How high were super profits under Labor's watch? It was not 13 per cent: in 2000: it was 31 per cent; in 2001 it was 28 per cent; in 2002 it was 27 per cent; and in 2003 it was 30 per cent. When those opposite crow about reform they talk only about super profits, which speaks volumes about their hypocrisy and their lack of understanding of the complexity of issues driving up premiums.

Mr Anthony Roberts: Just apologise.

Mr VICTOR DOMINELLO: As the Leader of the House suggests, those opposite should just apologise. This Government will put an end to super profits. As the Premier said, this Government will introduce legislation that will give greater power to the regulator to claw back super profits and to ensure the profits end up in the pockets of motorists by way of a reduction in premiums. This Government will also reduce fraud. Fraud and exaggerated claims add up to \$75 to every premium. In the scheme redesign the Government is making sure that it takes fraud and exaggeration incentives off the table. That benefit will be delivered to motorists and to those who are genuinely injured on our roads. But there is more. This Government will deliver benefits more quickly to those injured on our roads. [*Extension of time*]

Under Labor, only 6 per cent of benefits were delivered in the first year to those injured on our roads, and that increased to 22 per cent by the second year. Under our reforms, those injured on our roads will receive 55 per cent of the money in benefits by the first year, and that will go up rapidly to 65 per cent of all benefits paid by the second year. This Government is providing money to those injured on our roads at the time that they need it most—at the time of the accident. The Government has had extensive consultation on this matter. What do the

stakeholders say? I have a joint letter from the Law Society, the Bar Association and the Australian Lawyers Alliance.

Mr Gareth Ward: Frame it and table it.

Mr VICTOR DOMINELLO: I will read it. It states:

The profession believes that the 2017 model is a significant improvement on previous proposals. The new scheme will retain acceptable levels of support for the more seriously injured, while delivering the premium reduction for motorists that the Government seeks.

The consultations went beyond the lawyers to the Taxi Council. I have a letter from the Taxi Council dated 6 March, which states:

The proposed reforms achieve significant savings for taxis. It will also achieve competitive neutrality across the point-to-point transport sector through the introduction of a per kilometre risked base scheme.

That letter goes on to thank the Government for the consultation and reform process. There is more to come. During the second reading debate there will be more acknowledgements from entities such as the NSW Council of Social Service [NCOSS] because, as I said at the outset, today heralds a new era. It is a victory for motorists and a victory for the injured people of New South Wales.

PENALTY RATES

Ms TANIA MIHAILUK (Bankstown) (14:59): My question is directed to the Minister for Family and Community Services. Following the recent Fair Work Commission decision on penalty rates, will she give an assurance that the Government will not seek to reduce the penalty rates that staff in the Department of Family and Community Services are currently entitled to in the next pay negotiations?

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (14:59): Is that the best that Opposition members can do?

The SPEAKER: Order! The member for Bankstown asked the question. She and Government members do not need to carry on. The Minister has the call.

Ms PRU GOWARD: I am delighted to be asked a question by the shadow Minister. In the two years that I was Minister for Mental Health—the member for Bankstown was then the shadow Minister for Mental Health—how many questions did she ask me? Was it five? Was it four? Was it three? No—it was absolutely zero because the shadow Minister has never had any interest in policy.

Ms Tania Mihailuk: Point of order: My point of order is relevance under Standing Order 129. I might remind the Minister that she misled Parliament two years ago, so there is no point asking her questions because she lied.

The SPEAKER: Order! The member for Bankstown will resume her seat. I call the member for Bankstown to order for the third time. She will be removed from the Chamber if she continues to disrupt with her display. It is not impressive.

Ms PRU GOWARD: After all this time it is wonderful that the shadow Minister decided to ask me a question and she took an interest in my reappointment. She churned out a press release—the usual sloppy Tania press release—which was full of errors and in which she could not even spell my name.

The SPEAKER: I cannot hear the Minister because of interjections from Government members.

Ms PRU GOWARD: One might have thought with such a sensitive and important portfolio as this—

The SPEAKER: Order! The member for Bankstown is on her final warning. I direct the Deputy Serjeant-at-Arms to remove the member for Bankstown from the Chamber under Standing Order 249.

[Pursuant to standing order the member for Bankstown left the Chamber, accompanied by the Deputy Serjeant-at-Arms.]

Ms PRU GOWARD: It is clear that the member for Bankstown will not hear my description of her commitment to this portfolio. In this incredibly important portfolio I was not asked a question about child protection and our most vulnerable children and I was not asked a question about social housing.

Ms Jodi McKay: Point of order—

Ms PRU GOWARD: I was not asked a question about a Federal Government responsibility. The shadow Minister for Mental Health does not give a damn about kids but she cares a great deal about scoring political points.

The SPEAKER: Order! The member for Strathfield will resume her seat. The Minister has concluded her answer.

PETROL PRICES

Ms KATRINA HODGKINSON (Cootamundra) (15:02): My question is addressed to the Minister for Innovation and Better Regulation.

The SPEAKER: Order! I would like to hear the question. Members will come to order.

Ms KATRINA HODGKINSON: How is the New South Wales Government helping consumers save money on petrol? Is the Minister aware of any alternative policies?

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (15:03): I thank the member for Cootamundra for her question, her interest in cheaper petrol for consumers and her interest in cost of living pressures faced by New South Wales citizens. More than five million vehicles are registered in New South Wales and around three-quarters of those are passenger vehicles—the vehicles people drive every day between work and home, to drop off the kids at school and to shop for groceries. Fuel prices are a big impost on the family budget, which is why the Liberal-Nationals Government introduced FuelCheck—an online, real time fuel price monitoring system that provides consumers with more choice and helps them save money. A well-informed consumer is a powerful consumer. FuelCheck gives New South Wales consumers the tool they need to instantly find out the best place for them to fill up. In its first six months FuelCheck received more than 1.3 million hits from motorists who have used it to compare fuel prices and find the best deal.

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

Mr MATT KEAN: Service station operators have nowhere to hide. The real time price guide provided by FuelCheck means that motorists always know who has the cheapest fuel.

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

Mr MATT KEAN: The days of filling up and then finding a cheaper fuel price down the road are over. A quick search on the FuelCheck system can find a 30¢ difference in fuel prices in a single suburb. Recently premium 98 fuel was 167.9¢ a litre at Coles Express in Ramsgate while it was 137.9¢ a litre at the Budget service station in Kogarah. With those price variations, motorists who fill up their 45-litre tank once a week can save around \$700 a year. With 2,171 service stations registered in New South Wales it is compulsory for each and every one of them to log on and update their prices on FuelCheck.

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

Mr MATT KEAN: Now that FuelCheck is embedded in New South Wales, I am giving service station operators fair warning that if they advertise false prices or fail to update their prices on FuelCheck, they will face the possibility of heavy fines. Their consumers are watching them. Motorists have reported more than 850 instances where the price on the sign or bowser does not match what is showing on FuelCheck. FuelCheck is all about transparency and information. I can report that an analysis of the first six months of FuelCheck has confirmed that, compared to the major brands, independents and small petrol retailers remain the best value for consumers, with Budget Yagoona the cheapest place to fill up with E10 over the past six months.

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

Mr MATT KEAN: For the benefit of the member for Cootamundra, outside Sydney the cheapest E10 has been Metro Fuel, Barmedman. I know that the member for Cootamundra will be delighted with that result.

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

Mr MATT KEAN: I note that this is not the only policy approach to dealing with cost of living pressures in New South Wales. In fact, this morning I read a piece in the *Daily Telegraph* by Jason Tin outlining the Labor Party's plans to deal with cost of living pressures.

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

Mr MATT KEAN: It is a policy that the Labor Party calls free money. Allegedly, this policy was developed by an organisation called NSW Labor's Economic Committee. At first I thought this must have been a satirical piece but Jason Tin asserts that this committee exists. The story reports that a group within Labor's Left

or socialist faction is pushing for the establishment of a universal basic income, better known colloquially as Labor's free money scheme. [*Extension of time*]

Clearly, the Labor Party wants the people of New South Wales to rest assured that even whilst in opposition it is trying to work out new ways to trash the economy. It is worth reminding the House at this point that one of Labor's proudest sons of the New South Wales Left faction is none other than the Leader of the Opposition. We all know that he has had his deep struggles with the socialist objective and today we realise why. I am happy to acknowledge that NSW Labor, like the Coalition Government, has drawn on policy ideas from the world's best and brightest thinkers. Members on this side of the House have looked at places such as Singapore and Hong Kong in gathering information about a project such as the Sydney Metro. For improving our education system we have looked at places such as South Korea. But New South Wales Labor in designing its back-to-the-future, free money scheme has looked at Cuba, North Korea and Paul Lynch's library.

Mr Luke Foley: Point of order—

The SPEAKER: Order! Ministers will come to order.

Mr Luke Foley: My point of order goes to relevance. We know the policy of the left wing of the Liberals is free money for Michael Photios.

The SPEAKER: Order! The Minister has the call. Members will come to order.

Mr MATT KEAN: In a world where so much is changing, it must be comforting for everyone in New South Wales to know that New South Wales Labor never will. [*Time expired.*]

PENALTY RATES

Ms JODI McKAY (Strathfield) (15:10): My question is directed to the Minister for Transport and Infrastructure. Following the recent Fair Work Commission decision on penalty rates—

The SPEAKER: Order! Government members will come to order. The shadow Minister is entitled to ask a question. We will wait until members on the frontbench cease interjecting. The member will be heard in silence. I call the Minister for Counter Terrorism to order for the first time.

Ms JODI McKAY: Following the recent Fair Work Commission decision on penalty rates, will the Minister give an assurance that the Government will not seek to reduce the penalty rates that State Transit bus drivers are currently entitled to in his next pay negotiations?

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:12): Oh dear, those opposite had a busy strategy meeting this morning. There must have been a stop work meeting halfway through, because they have worked out a theme. Is it not tremendous? I am trying to wrack my brain about who wrote today's questions for those opposite, because I do not think there is a brain amongst them who would have figured out these questions.

Ms Jodi McKay: Minister, has anyone spoken to you about body language?

The SPEAKER: The member for Strathfield should listen to the answer.

Mr ANDREW CONSTANCE: Obviously, down at Unions NSW they are very busy as they have taken to writing the Leader of the Opposition's question time strategy. I remind those opposite that we are the party of the workers in this State. We are out creating jobs, building infrastructure and delivering services.

The SPEAKER: Order! I remind Opposition members that a number of them are on three calls to order.

Mr ANDREW CONSTANCE: Those opposite are looking at what is happening in Canberra and trying to tie it to New South Wales. The bottom line is that we will continue to work very well with the New South Wales public service to deliver great outcomes for the people of this State. I was interested in some information I received before question time in relation to an all-star celebrity panel. This panel is appearing at a dinner for Luke Foley and guess who.

Ms Jodi McKay: Point of order: My point of order is under Standing Order 129. It took me a long time to ask my question, and it would be good if the Minister could answer my question on penalty rates.

The SPEAKER: I will hear further from the Minister to determine relevance.

Mr ANDREW CONSTANCE: When I mentioned the word "celebrity", look who jumped up. "I'm a celebrity ... get me out of here. Here I am; look at me, look at me."

Ms Jodi McKay: Point of order: The Minister may remember the last time that was presented in this House, and I ask him to withdraw his comment.

The SPEAKER: Order! There is no point of order. The member for Strathfield will resume her seat.

Mr ANDREW CONSTANCE: It is all camera, no action. I am not going to withdraw that remark; that is silly. We know the member for Strathfield wants to be a celebrity but cannot be. There is an all-star celebrity panel organised as a fundraiser for guess who. "Metal man", the member for Prospect—another celebrity.

Dr Hugh McDermott: Point of order: Last week Ministers were sad about not getting a Christmas card from me. Now they want to come to my fundraiser. Sorry guys, you are not getting invited.

The SPEAKER: Order! The member for Prospect will resume his seat. This is not a debate.

Dr Hugh McDermott: We know what this is about. The Minister is constantly talking to Paul Murray because he wants to be on the show, but Paul Murray will not let him.

The SPEAKER: Order! I place the member for Prospect on three calls to order. This is his last warning.

Dr Hugh McDermott: Minister Perrottet is texting his best mate Sam Crosby, getting his advice. What a joke.

The SPEAKER: Order! I direct the Deputy Serjeant-at-Arms to remove the member for Prospect from the Chamber under Standing Order 249.

[Pursuant to standing order the member for Prospect left the Chamber, accompanied by the Deputy Serjeant-at-Arms.]

The SPEAKER: Order! I will not ask members three or four times to resume their seat.

Mr ANDREW CONSTANCE: The all-star celebrity panel is made up of Luke Foley and Mark Latham. What is the Leader of the Opposition doing hanging out with Mark Latham, of all people? They are raising money for the member for Prospect. I believe Paul Murray might or might not be the adjudicator.

Ms Kate Washington: Point of order: It is Standing Order 129. What the Minister is saying is entirely irrelevant.

The SPEAKER: I am trying to listen to what the Minister is saying. If members would stop interjecting, I could hear and rule on the point of order.

Mr ANDREW CONSTANCE: The reason I am raising this panel is that the invitation says they are going to debate the issues. I am sure penalty rates will come up, but my point is: Why is the Leader of the Opposition going to fundraisers with Mark Latham, given his views? Why did the Leader of the Opposition agree to that?

Mr Luke Foley: Point of order—

Mr ANDREW CONSTANCE: Do you have a personal explanation? We know what the Leader of the Opposition is on about.

The SPEAKER: Order! The Minister will resume his seat.

Mr Luke Foley: I will tell members about the Minister's celebrity panel. The members for Kiama and Holsworthy were the only two votes he had.

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

FIRE AND EMERGENCY SERVICES LEVY

Mr KEVIN CONOLLY (Riverstone) (15:17): My question is addressed to the Treasurer, and Minister for Industrial Relations. How is the Government ensuring that Fire and Emergency Services are funded fairly and efficiently?

Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (15:17): This is a government that is committed to fairness and putting people first. That is why today we introduced the fire and emergency services levy, henceforth to be known as FESL. This levy forms one of the most significant pieces of tax reform in New South Wales for generations. It represents a fair way of funding Fire and Rescue NSW, the Rural Fire Service [RFS], the State Emergency Services [SES] and the volunteers who serve us all. The truth is that on this side of the House, we are by far the most progressive government that this State has ever seen. We know that the complicated, unfair and outdated systems of the past need to change.

Currently, the emergency services levy is applied only to those who have insurance on their properties. They are being unfairly taxed by paying for the bulk of the emergency services that each of us across this State uses each and every day. As a result people are actively discouraged from taking out insurance. These are bad

outcomes: fires and emergencies do not discriminate and any of us could use the services at any time, as recent events, particularly in regional and rural New South Wales, have shown. Ultimately we are committed to ensuring that these frontline emergency services are funded appropriately and fairly, which is why we have introduced the fire and emergency services levy legislation into the House today.

This new levy is property based, which means that everyone who owns a property and depends on the protection of emergency services pitches in, not just those who have insurance. The fire and emergency services levy will be calculated on unimproved land values. Properties will be broken down into classifications: residential, farmland, industrial, commercial and public benefit land. Residential and public benefit landowners will pay lower rates. Property owners in regional New South Wales will be especially better off.

Mr John Robertson: What happens if you pay your insurance now and then get hit up for another 12 months?

The SPEAKER: Order! The member for Blacktown will come to order. This is not a debate.

Mr DOMINIC PERROTTET: I will address the interjection. There has been a taper over some substantial period of time.

Mr Clayton Barr: No, there isn't.

Mr DOMINIC PERROTTET: There actually is. Once again: do your homework. Just as with everything else, you are not across your brief.

[*Interruption*]

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

Mr DOMINIC PERROTTET: Do not be mentored by that man! A key tenet of this Government is to protect the most vulnerable in our society, so we have ensured that pensioners and veterans will receive concessions. We also have ensured that hardship relief will be available for those people who need it. Importantly, this reform will not change any of the funding that supports our emergency services. There will be no change to funding contributions from State and local governments. We have made these provisions because, as in every policy we on this side of the House put forward, we put people before politics.

The SPEAKER: This is my final warning to the member for Blacktown.

Mr DOMINIC PERROTTET: A significant amount of work has gone into making sure we have the best tax system possible. The move from an insurance-based levy to a property-based levy is one that all other mainland States have embraced. We have looked carefully at the experience of other States so that in New South Wales we could get the best outcome. That is why in 2013 we appointed Professor Allan Fels to report on Victoria's transition to a property-based levy. We also have listened to the Victorian Bushfires Royal Commission, the Henry tax review and the Independent Pricing and Regulatory Tribunal [IPART], all of whom have recommended this change.

The current system is driving up the cost of insurance policies. It is no wonder that New South Wales is currently Australia's most underinsured State. Some 36 per cent of people in New South Wales do not have contents insurance, compared to 25 per cent nationally. People are being priced out of insurance and this needs to change. The fire and emergency services levy will save the average fully insured residential property owner \$47 per year. When other States have passed this reform, underinsurance dropped by 10 per cent, and we want to see a similar drop here. That would put us back in line with the rest of the nation.

We want to see the benefits of the fire and emergency services levy passed on to the citizens of this State. That is why we have already appointed professors Allan Fels and David Cousins to oversee the removal of the old system from insurance policies. Their task, an important task, is to ensure that the savings from this reform are passed on to consumers in the form of cheaper insurance. Insurance companies that do not pass on these savings will be liable for a penalty of up to \$10 million. Speaking of Victoria, there was bipartisan support for this reform there because both sides of politics could see the benefits that would follow. The same benefits will come to New South Wales. [*Extension of time*]

It will be a fairer and more efficient way to fund our emergency services; it will address the problems of underinsurance; it will, importantly, protect the most vulnerable in our society; and it will ensure that the savings go to the citizens of New South Wales. Every part of this policy puts people before politics. That is why it will deliver the best outcome for the people of this State.

*Documents***PARLIAMENTARY ETHICS ADVISER**

The SPEAKER: In accordance with clause 6 of the resolution of the House relating to the Parliamentary Ethics Adviser, I table a copy of correspondence from the Parliamentary Ethics Adviser enclosing advice provided to Mr Mike Baird, former Premier, dated 1 March 2017.

*Committees***PUBLIC ACCOUNTS COMMITTEE (PAC)****Report: Examination of Auditor-General's Performance Audit Reports December 2014 - June 2015**

Mr BRUCE NOTLEY-SMITH: As Chair: I table the report of the Public Accounts Committee entitled "Examination of Auditor-General's Performance Audit Reports, December 2014—June 2015", Report No. 4/56, dated March 2017. I move:

That the report be printed.

Motion agreed to.

LEGISLATION REVIEW COMMITTEE**Report: Legislation Review Digest No. 32/56**

Mr MICHAEL JOHNSEN: As Chair: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 32/56", dated 7 March 2017. I move:

That the digest be printed.

Motion agreed to.

Mr MICHAEL JOHNSEN: I also table the minutes of the committee meeting regarding Legislation Review Digest No. 31/56.

*Members***PARLIAMENTARY SECRETARIES**

Mr ANTHONY ROBERTS: On behalf of Ms Gladys Berejiklian: I inform the House that on 21 February 2017 Kevin John Anderson ceased to be Parliamentary Secretary for Regional Roads and Transport and was then appointed Parliamentary Secretary for Regional Roads, Maritime and Transport.

*Petitions***PETITIONS RECEIVED**

The CLERK: I announce that the following petitions signed by fewer than 500 persons have been lodged for presentation:

Pet Shops

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

Powerhouse Museum, Ultimo

Petition requesting the retention of the Powerhouse Museum in Ultimo and the expansion of museum services to other parts of New South Wales, received from **Mr Alex Greenwich**.

Ferry Services

Petition requesting new inner city ferries, received from **Mr Alex Greenwich**.

Elizabeth Bay Marina Ferry Service

Petition requesting the inclusion of a new ferry service as part of the Elizabeth Bay marina upgrade, received from **Mr Alex Greenwich**.

Social Housing

Petition requesting that the Sirius building be retained and its social housing function be continued, received from **Mr Alex Greenwich**.

Inner City Social Housing

Petition opposing the sale of public housing in Millers Point, Dawes Point and The Rocks, received from **Mr Alex Greenwich**.

Business of the House

BUSINESS LAPSED

The SPEAKER: I advise the House that in accordance with Standing Order 105 (3), General Business Order of the Day (for Bills) No. 2 and General Business Notices of Motions (General Notices) Nos 1276, 1278 to 1307, and 1309 to 1326 have lapsed.

Motions Accorded Priority

COMPULSORY THIRD PARTY INSURANCE

Consideration

Mr DARYL MAGUIRE (Wagga Wagga) (15:26): My motion should be accorded priority. It notes that Labor's compulsory third party [CTP] scheme delivered the highest green slip costs in the country, acknowledges the Government's CTP reforms will cut green slip prices by around \$120, and welcomes the Government's commitment to addressing the cost-of-living pressures facing New South Wales families. I am sure that all members in this House would agree that the New South Wales compulsory third party insurance scheme is a vital safety net for everyone who uses New South Wales roads. Before the scheme was established, people could be personally sued for injuring another person on the road. If you were injured, you received no medical treatment and care to help you recover.

I think everybody would agree, however, that the CTP green slip scheme is broken. The cost of this scheme is spiralling out of control and it is making car ownership less affordable for families. The State's five-million-plus vehicle owners pay the highest green slip premiums in the country, with the average premium now being \$635. This represents an increase of 85 per cent in the past 10 years. Without reforms, premiums are set to increase even further by the end of 2017. The average premium for a Sydney metro vehicle is projected to be \$703 by December 2017. The country premiums are set to rise to \$482. This is very bad news for the people of my electorate and regional New South Wales.

The reforms proposed by the Government and announced by the Premier today will reduce green slip premiums by at least \$100. They will deliver premium reductions by decreasing the costs of running the scheme—insurer profits will be slashed, legal fees further regulated and administrative processes streamlined. The motion should be afforded priority because New South Wales has reached the point where the green slip premiums are becoming a real household budget issue, particularly for families with one or more vehicles. Many people in New South Wales, including my constituents and yours, Madam Speaker, are not fortunate enough to live near public transport. They rely on their vehicle to go to work, to go to school, to socialise and to be with family and friends. For them, a car is an absolute necessity. It is therefore vital that the Government reduce premiums. I urge members to accord this motion priority because it is important for motorists that we reduce the cost of motoring and deliver real outcomes for the people of New South Wales.

LAND AND PROPERTY INFORMATION SERVICE

Consideration

Mr CLAYTON BARR (Cessnock) (15:29): My motion deserves to be accorded priority because it calls on the Government to abandon the sale of Land and Property Information's [LPI] land title registry unit because of the serious risk it poses to the New South Wales land title system. I take the Premier's lead in this regard in saying that housing affordability is the biggest issue facing this State. However, there are a few dirty little secrets that need to be revealed about the privatisation of the LPI with regard to housing affordability. First, the new fees and charges imposed in preparation for the privatisation of the LPI have increased the cost per block and per unit by between \$5,000 and \$10,000.

While the Premier says she wants to bring stock to the market to drive down the cost of housing, she has implemented a fees and charges regime designed to fatten the pig for sale. As I said, that will increase the cost of every block or unit by between \$5,000 and \$10,000. In addition, the Premier has forgotten to mention the goods and services tax [GST] implications. We know that GST is charged when a service is run by a private entity whereas when it is run by a government body it is not charged. That will mean a cost increase of 10 per cent.

Ms Gladys Berejiklian: Wrong, wrong, wrong.

Mr CLAYTON BARR: I will get to the Premier's rebuttal. We know that the titles registry turnover last year was \$190 million, and 10 per cent of that is \$19 million. The Government can either issue ratepayers and

homebuyers with a \$19 million annual GST bill or it can roll it over to fatten the pig for the sale. If the Government does roll it into the sale process, the bidders will reduce their bids by 10 per cent. The Premier knows that that is true. The Government says that it will raise about \$2 billion from the sale of the LPI, but it should reduce that by 10 per cent. The bids will be decreased by that amount because the buffoons opposite forgot the GST. The bids will be reduced by \$200 million to \$250 million, which is reckless in the extreme.

That is not all. We talked last week about another dirty little secret; that is, the jobs that will be lost to New South Wales. The concession deed clearly states that after 12 months the successful bidder will be able to move jobs out of this State, and even offshore. It also explains the conditions that will apply if the operator chooses to bring the agency back to New South Wales. After 12 months, 400 jobs will be lost from this State. There is yet another dirty little secret. We know that every time a government anywhere in the world has outsourced or privatised its land title agency home owners have been required to take out title insurance, which costs about \$1,000 per title. The Minister mentioned the support he has had for this proposal from the Law Society. Who supports this sale? Not the Law Society, not the Real Estate Institute of New South Wales, not the Guild of Surveyors, and not the former Surveyor General. The Premier must stop this sale today. [*Time expired.*]

The DEPUTY SPEAKER: The question is that the motion of the member for Wagga Wagga be accorded priority.

Ayes47
 Noes35
 Majority..... 12

AYES

Anderson, Mr K
 Barilaro, Mr J
 Brookes, Mr G
 Coure, Mr M
 Dominello, Mr V
 Fraser, Mr A
 Grant, Mr T
 Henskens, Mr A
 Johnsen, Mr M
 Maguire, Mr D
 Patterson, Mr C (teller)
 Petinos, Ms E
 Roberts, Mr A
 Speakman, Mr M
 Tudehope, Mr D
 Williams, Mr R

Aplin, Mr G
 Berejiklian, Ms G
 Conolly, Mr K
 Crouch, Mr A
 Elliott, Mr D
 Gibbons, Ms M
 Gulaptis, Mr C
 Hodgkinson, Ms K
 Kean, Mr M
 Marshall, Mr A
 Pavey, Mrs M
 Piccoli, Mr A
 Rowell, Mr J
 Taylor, Mr M
 Upton, Ms G
 Williams, Mrs L

Ayres, Mr S
 Bromhead, Mr S (teller)
 Constance, Mr A
 Davies, Ms T
 Evans, Mr L
 Goward, Ms P
 Hazzard, Mr B
 Humphries, Mr K
 Lee, Dr G
 Notley-Smith, Mr B
 Perrottet, Mr D
 Provest, Mr G
 Sidoti, Mr J
 Toole, Mr P
 Ward, Mr G

NOES

Aitchison, Ms J
 Car, Ms P
 Crakanthorp, Mr T
 Donato, Mr P
 Foley, Mr L
 Harrison, Ms J
 Hornery, Ms S
 Leong, Ms J
 Mehan, Mr D
 Parker, Mr J
 Scully, Mr P
 Washington, Ms K

Atalla, Mr E (teller)
 Chanthivong, Mr A
 Daley, Mr M
 Doyle, Ms T
 Greenwich, Mr A
 Haylen, Ms J
 Kamper, Mr S
 Lynch, Mr P
 Minns, Mr C
 Piper, Mr G
 Smith, Ms T F
 Zangari, Mr G

Barr, Mr C
 Cotsis, Ms S
 Dib, Mr J
 Finn, Ms J
 Harris, Mr D
 Hoenig, Mr R
 Lalich, Mr N (teller)
 McKay, Ms J
 Park, Mr R
 Robertson, Mr J
 Warren, Mr G

PAIRS

O'Dea, Mr J
 Stokes, Mr R

Watson, Ms A
 Catley, Ms Y

Motion agreed to.**COMPULSORY THIRD PARTY INSURANCE****Priority**

Mr DARYL MAGUIRE (Wagga Wagga) (15:39): I move:

That this House:

- (1) Notes the Opposition's CTP policy delivered the highest green slip costs in the country.
- (2) Acknowledges the Government's CTP reforms will cut green slip prices by around \$120.
- (3) Welcomes the Government's commitment to addressing the cost-of-living pressures facing New South Wales families.

I say at the outset that I am disappointed the Opposition chose to vote against this important motion to discuss this issue. These reforms will bring about much-needed change and affordability. The costs of the scheme are spiralling out of control and making car ownership less affordable for families. Why is this reform a priority? It says a lot about members opposite that they cannot see why delivering a saving to New South Wales vehicle owners of at least \$100 a year on average is a priority. How out of touch they are with community sentiment. For the past 12 months the Government has consulted extensively with the community and industry about the compulsory third party [CTP] scheme, and the overwhelming view is that the system needs to be reformed.

This reform is not only necessary; it is reform that is long overdue. New South Wales motorists pay the highest green slip prices in Australia—and that is not good enough. Over the past decade, the average Sydney metropolitan green slip price has risen by more than 85 per cent, with fraud adding approximately \$75 to the cost of every premium. If fixing that is not a priority for this Parliament, I do not know what is. This is a system in which 55¢ in every green slip dollar is going on costs associated with insurers, lawyers and administration. That leaves only 45¢ going to the injured people the scheme is meant to help.

The Government recognises that reform is necessary and urgent for New South Wales households. The reforms not only will arrest the rapid rise in prices; they will ensure that green slip prices will fall significantly. Across the State the average decrease will be more than \$100 per green slip and in metropolitan Sydney it will be significantly higher. Remember that for many households with more than one vehicle these savings will be multiplied. This has been debated for far too long. It is now time to make the system right. My colleague the Hon. Victor Dominello, Minister for Finance, Services and Property, has done an outstanding job arriving at a solution that is accepted by the legal community. It is a big achievement to find common ground with a key stakeholder group that has in the past fought tooth and nail against CTP reform.

The Law Society of New South Wales has stated in the media today that it is confident proposed changes to compulsory third party insurance will see proper protection for those injured—getting the job done for New South Wales motorists and providing a strong safety net for people injured on our roads. That is what New South Wales motorists want to hear. A typical family with two cars in the Sydney metropolitan region will save approximately \$300 per year. A family on the Central Coast that might have three cars will pocket more than \$350 a year in savings. This is a great victory for the State's motorists. There is not a moment to lose in putting these reforms forward for consideration.

It is not just the household budget that is important when it comes to these reforms; people injured on our roads will also get their benefits paid much faster. Under the existing scheme, injured motorists wait three to five and even up to 10 years in some cases to settle their claims. The changes in this reform package recognise that providing early support and benefits to injured people allows them to recover more quickly and return to enjoying the best quality of life. That is why under the reforms injured people will start receiving benefits very soon after lodging a claim. In short, these reforms will ensure that injured people get what they need when they need it.

Significantly, these reforms will provide up to six months of benefits set by law to all people injured on our roads, regardless of fault. In itself, this is a major change for the better and will provide substantive support for an additional 7,000 people injured on the State's roads each year. By minimising the often complex and time-consuming investigations and negotiations, substantial costs will be removed from the green slip scheme. Under the new scheme, approximately 57¢ of each green slip dollar will go to injured people and 65 per cent of benefits will go to those with more serious injuries, which is up from less than 50 per cent under the current scheme. All in all, these reforms are a fantastic win for the five million motorists of New South Wales. I commend the reforms to the House.

Mr RYAN PARK (Keira) (15:44): Today is a big pay day for big insurance companies. That is the reality of what is happening here. This Government cannot guarantee premiums will go down. It cannot guarantee that injured motorists will be assisted better. The Government has failed to address the issue of the huge super profits generated by insurance companies through the premiums motorists are forced to pay. This Government is always focused on looking in the rear-vision mirror—never about being better than it was yesterday and never about reforming a system to improve it for motorists. The reality is that very large insurance companies make very large profits to the tune of one-fifth of every dollar that we and our constituents pay for compulsory third party [CTP] insurance. Almost one-fifth of every dollar goes directly to the profits of those massive insurance companies. This is quasi-reform that does not tackle the elephant in the room, which is obviously the huge profits that are being generated.

I acknowledge the work of my colleague the shadow Minister for Innovation and Better Regulation, Yasmin Catley, the member for Swansea. Unfortunately she is not here today but her work on this has been nothing short of outstanding—so much so that this reform is really the Government's plan B. The Government's plan A was a full-on assault on the common law rights of injured motorists. It was Yasmin Catley working side by side with the State's legal fraternity that thankfully saved that reform from going through. I put on record my congratulations to her and acknowledge her hard work on this. Those of us on this side of the House believe we can reduce premiums by tackling fraud, weeding out dodgy lawyers and addressing the super profits of insurers that, as I have outlined, take almost 19¢ of every dollar in premiums to keep for themselves as profits.

Our fear is that the current Minister, like the former one, is beholden to people such as Michael Photios and the powerful insurance lobby group and will not make the reforms needed to drive down premiums while protecting injured workers. Opposition members know that, as the member for Wagga Wagga said, CTP has a big impact on household budgets. It is a huge impost, in fact. Under this Government everything is going up, up, up. The cost of living is becoming a real problem, particularly in Sydney but also in regional and rural areas where employment opportunities are not as available. It is of great concern that the Government has not done more to address the growing problem of the cost of living. I would have liked to see a much tougher cop on the beat to make sure that these supposed reductions in premiums are delivered.

This Government has an ability to talk big but deliver very little actual reform. All of us want premiums to be reduced, but plan A of this reform was an attack on injured workers that would have had huge impacts on the unfortunate victims of car accidents and fatalities on our roads. That is not what we want. We remain suspicious any time a government or insurer says that this is good news for motorists, particularly when this Government has presided over one of the largest increases in the cost of living over the past few years. We remain suspicious that those reforms will not deliver the savings that the Government is proposing.

Mr STEPHEN BROMHEAD (Myall Lakes) (15:49): I am pleased to support the motion moved by the member for Wagga Wagga and I am pleased to be among members on this side of the House who care about New South Wales families. We are taking this issue on rather than throwing stones and engaging in the usual Labor Party scare campaigns, which add nothing to the discussion. We are cleaning up Labor's mess. The Liberal-Nationals are for the workers, the families and the drivers of New South Wales. Labor is beholden to insurance companies and unions. Labor is the architect of the scheme we are getting rid of. What did insurance companies get in the first 10 years of this scheme? They received \$10 billion of super profits in addition to what they told Bob Carr they would get. Labor is the architect of super profits of up to 30 per cent. Under our reforms the super profits will go down to 8 per cent.

The member for Keira said it is pay day for insurance companies. Under Labor their pay day lasted for 16 years. We are reforming this system and bringing about a reduction in compulsory third party costs. The member for Keira said he wants to see the scheme delivered. He said that this Government talks but does not deliver. We have delivered the North West Rail Link, the South West Rail Link, the Pacific Highway upgrades, and regional hospitals. This Government was the first to sign up to Gonski and the National Disability Insurance Scheme. He should look at what this Government is doing in schools and what it is doing for frontline services in health and education. This Government is delivering. Labor had 16 years of promises and 16 years of failure. This scheme is great for families and workers. The scheme impacts almost every household in New South Wales and it was left to deteriorate under members opposite.

I congratulate Minister Dominello on identifying and calling out the problems, which include injured people having to wait years to settle their claims to receive compensation, less than half of the money collected in premiums going back to injured people, prices increasing beyond inflation year after year, and fraud and exaggeration plaguing the scheme. It is clear the scheme under Labor was broken. It was not serving motorists and injured workers as it was designed to do. The scheme has the support of the Law Society, who represent the injured; the Australian Lawyers Alliance; the NSW Bar Association; the Insurance Council Australia; and the taxi

industry. The member for Keira spoke about the Labor Party member who met with lawyers to bring about this change. I did not see the member for Swansea at a single meeting with lawyers or stakeholders.

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (15:53): I am always amused when I hear my colleagues opposite talk about being the party for the workers. That is an oxymoron. The third point of the motion moved by the member for Wagga Wagga states:

(3) Welcomes the Government's commitment to addressing the cost-of-living pressures facing New South Wales families.

Let me introduce a simple economic concept—the marginal propensity to consume. That is, lower paid workers who earn more will spend a higher proportion of their marginal income on goods and services, which will allow more goods and services to be produced, more jobs to be created and more wages to be earned. However, those opposite now support pay cuts to the lowest paid workers, which places the greatest cost of living pressure on those on low incomes. Those workers spend more of their hard-earned low income—

Mr Troy Grant: I think you have got the wrong motion.

Mr ANOULACK CHANTHIVONG: I note the interjection of the former Deputy Premier. He obviously has not read the motion because the third point talks about the cost of living pressures. We are talking about issues that matter, particularly to those on low incomes. Government members spoke about being the party for the workers. They forgot a few words before those magical words—they are the party for reducing the pay of lowest paid workers and for increasing casual workers. They are the party that is silent when it comes to supporting people who work more hours but earn less. This is not right.

If we want to talk about the cost of living pressures, we must talk about how people earn their income, particularly young and old people who work on Sundays. When I go to Bunnings on a Sunday, I see young and old people working hard. Those people rely on their Sunday penalty rates to relieve the cost of living pressures. It is not good enough that members opposite call themselves a party for the workers. They should be defending the rights of those hard workers on low incomes who have given up their valuable time because the only thing they have to trade is their own labour. This party has slashed their incomes and it is silent on the cost of living issue that matters most to those on low incomes. I have never heard a bigger oxymoron than Government members saying they are the party for workers.

Mr DARYL MAGUIRE (Wagga Wagga) (15:56): In reply: I thank the member for Keira, the member for Myall Lakes and the member for Macquarie Fields for their contributions. First, I address the comments by the member for Keira regarding super profits. Under Labor's regime, it was 30 per cent. Under this Government, it is 8 per cent. The member for Keira made an interesting claim when he suggested that the member for Swansea had an effect on this legislation. It was an outrageous claim to suggest that she had an effect. A committee is in place and members of the committee have had opportunities to put forward recommendations. As the member for Myall Lakes suggested, the member for Swansea did not even turn up. It is also outrageous to suggest that the Government would set policy to please an individual. It was an appalling aspersion on members of this Government to suggest that it would do such a thing.

The contribution by the member for Macquarie Fields had absolutely no relevance to this debate. He is trying to poison the discussion about green slips with an issue that is in the domain of the Federal Government and was instigated by his leader, Bill Shorten. It is the decision of an independent tribunal that is being debated. His contribution should have been made in another place at another time during a debate relevant to the issue that he raised. These reforms are important. They are delivering better outcomes for motorists across New South Wales, including lowering costs and looking after those who are injured. It is an important reform that the Labor Party could never undertake because it was too hard and too difficult. It was also outrageous to claim that this is pay day for insurance companies. History will show that super profits were driven down, as Government members have said. I thank members who made a contribution to enable the Minister to introduce this legislation to Parliament, which will deliver outcomes. We have made a tough decision. Labor left the hard decision to address this reform to us. Sadly, Labor did not debate this issue on the floor of the House. They chose another issue, which shows how opportunistic they can be. This is a very good reform which has been welcomed by the motorists and the legal fraternity. It will be welcomed by people who will, sadly, be injured on our roads. They will have a better future under this legislation. I commend the motion to the House.

The DEPUTY SPEAKER: The question is that the motion as moved by the member for Wagga Wagga be agreed to.

The House divided.

Ayes49
Noes32
Majority..... 17

AYES

Anderson, Mr K
 Barilaro, Mr J
 Brookes, Mr G
 Coure, Mr M
 Dominello, Mr V
 Evans, Mr L
 Goward, Ms P
 Hazzard, Mr B
 Humphries, Mr K
 Lee, Dr G
 Notley-Smith, Mr B
 Perrottet, Mr D
 Piper, Mr G
 Rowell, Mr J
 Taylor, Mr M
 Upton, Ms G
 Williams, Mrs L

Aplin, Mr G
 Berejiklian, Ms G
 Conolly, Mr K
 Crouch, Mr A
 Donato, Mr P
 Fraser, Mr A
 Grant, Mr T
 Henskens, Mr A
 Johnsen, Mr M
 Maguire, Mr D
 Patterson, Mr C (teller)
 Petinos, Ms E
 Provest, Mr G
 Sidoti, Mr J
 Toole, Mr P
 Ward, Mr G

Ayres, Mr S
 Bromhead, Mr S (teller)
 Constance, Mr A
 Davies, Ms T
 Elliott, Mr D
 Gibbons, Ms M
 Gulaptis, Mr C
 Hodgkinson, Ms K
 Kean, Mr M
 Marshall, Mr A
 Pavey, Mrs M
 Piccoli, Mr A
 Roberts, Mr A
 Speakman, Mr M
 Tudehope, Mr D
 Williams, Mr R

NOES

Aitchison, Ms J
 Car, Ms P
 Crakanthorp, Mr T
 Doyle, Ms T
 Harris, Mr D
 Hoenig, Mr R
 Lalich, Mr N (teller)
 McKay, Ms J
 Park, Mr R
 Scully, Mr P
 Washington, Ms K

Atalla, Mr E (teller)
 Chanthivong, Mr A
 Daley, Mr M
 Finn, Ms J
 Harrison, Ms J
 Hornery, Ms S
 Leong, Ms J
 Mehan, Mr D
 Parker, Mr J
 Smith, Ms T F
 Zangari, Mr G

Barr, Mr C
 Cotsis, Ms S
 Dib, Mr J
 Greenwich, Mr A
 Haylen, Ms J
 Kamper, Mr S
 Lynch, Mr P
 Minns, Mr C
 Robertson, Mr J
 Warren, Mr G

PAIRS

Hancock, Mrs S
 O'Dea, Mr J
 Stokes, Mr R

Foley, Mr L
 Catley, Ms Y
 Watson, Ms A

Motion agreed to.

*Bills***FIRE AND EMERGENCY SERVICES LEVY BILL 2017****First Reading**

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

Second Reading

Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations)

(16:06): I move:

That this bill be now read a second time.

I seek leave to table an Exposure Draft Fire and Emergency Services Levy Regulation for the information and reference of members to assist this House in its consideration of the bill.

Leave granted.

Document tabled.

The Fire and Emergency Services Levy Bill will establish a fairer way of providing the funds needed by our fire and emergency services—Fire and Rescue NSW [FRNSW], the NSW Rural Fire Service [RFS] and the New South Wales State Emergency Service [SES]. This bill will abolish the insurance-based emergency services levy [ESL] and introduce in its place a fire and emergency services levy [FESL]. Why are we making the change? Under the existing insurance-based emergency services levy [ESL] most of the cost of our fire and emergency services is borne only by people who insure their properties. Once the fire and emergency services levy is introduced, the contribution will be spread across every property in New South Wales. It is a fairer way of raising the same amount of money for the vital services that protect life and property.

This important reform will also help to address the serious issue of non-insurance in New South Wales, which leaves 36 per cent of households in the State without contents insurance and 5 per cent without building insurance. This compares with an average of around 25 per cent for contents insurance in other States, meaning New South Wales has the highest level of non-insurance of all the States. This can have devastating consequences for families and businesses in the event of a natural disaster such as bushfire or flood. Without insurance, entire livelihoods can be lost, leaving people without the means to rebuild and start again. The current insurance-based ESL increases the cost of household premiums by about 20 per cent, and commercial premiums by about 30 per cent.

For too many households insurance is simply unaffordable. Our reform is a change for the better. Under the fire and emergency services levy, the cost of insurance will be lower for everyone. In 2016-17, \$785-million of ESL is payable by insurers, who pass this on to insurance customers in their premiums. Once GST and associated duties are accounted for, the abolition of the existing insurance levy will reduce the cost of insurance across New South Wales by around \$938 million in the 2017-18 financial year. As well as making insurance more affordable, this reform provides a fairer way of funding our fire and emergency services. Currently everybody benefits from fire and emergency services, but only people who buy insurance contribute to those services through the insurance levy. Under the land-based levy, every property owner in New South Wales will make a contribution to these vital services. This system will also bring New South Wales into line with all other mainland States, which have already moved away from an insurance-based levy to a land-based levy.

Importantly, this bill maintains and secures the funding for the fire and emergency services. The Government appreciates the vital work of our fire and emergency services, the staff and the volunteers, and will continue to ensure they receive the funding which they need. To be clear, this reform deals only with the source of funds for fire and emergency services. Funding levels for fire and emergency services will not be affected in any way. The funding generated by the fire and emergency services levy will simply replace the current insurance-based levy, and spread the cost more fairly. The bill preserves the intent of the existing legislation for determining the amount of funding passed to the three fire and emergency services and continues to pay contributions to the agencies on a quarterly basis.

I emphasise that this reform is budget neutral for the Government. I am pleased to inform the House that the significant majority of fully insured households will pay less fire and emergency services levy than they currently pay in ESL. The average saving will be \$47. New South Wales households and businesses will no longer pay the \$79 million in GST currently applied to the ESL, resulting in a saving for everyone. Importantly, we are making sure there is the right assistance for those who need it.

This bill is the outcome of a long and carefully considered reform process. The Government committed to review the way the fire and emergency services are funded as part of the 2011 election. We recognised that there were strong arguments for moving away from the insurance-based ESL. It does not make sense to have a system that discourages people from buying insurance, leaving them exposed to catastrophic financial risks from fire and other emergencies. It also does not make sense that everybody benefits from fire and emergency services whilst only those with insurance contribute. We conducted a four-month public consultation in 2012, receiving more than 500 submissions, with a majority of those submissions being in favour of abolishing the ESL.

We looked at what other States have done. Queensland abolished its insurance-based levy in 1984, replacing it with a property-based levy. South Australia did the same thing in 1999, and Western Australia followed in 2003. More recently, Victoria responded to the 2009 bushfires royal commission by abolishing its insurance-based levy and introducing a fire services property levy in 2013. These reforms have been initiated and supported by both Labor and the Coalition across the Commonwealth. In Victoria, the most recent State to transition to a property levy, the reform received bipartisan support. I understand Victoria's legislation passed through both Houses with absolute majorities. We are the last mainland State to undertake this important reform.

In developing our reform package we have learnt from the experience in Victoria. Most importantly, we have put in place a regime to manage the transition of insurance prices and, importantly, to ensure that the benefits of repealing the insurance-based ESL are passed on to consumers. Finally, as we prepared this bill, we entered into a process of consultation with Local Government NSW and council representatives to ensure that the new

arrangement would work effectively with existing council rates systems. I thank Local Government NSW—the peak body for councils—and all of the council representatives who participated in these discussions.

As part of this reform effort the Government also has consulted with a wide range of peak bodies such as the emergency service agencies, the Rural Fire Services Association, the SES Volunteers Association, Local Government Professionals Australia, the Insurance Council of Australia, the National Insurance Brokers Association, the Shopping Centre Council of Australia, the Australian Retail Association, the Retail Council, the NSW Business Chamber, the Sydney Business Chamber, the NSW Farmers Association, the NSW Property Council and the Combined Pensioners and Superannuants Association, the Volunteer Fire Fighters Association, as well as many others. I take this opportunity to thank everyone who was involved for their valuable input.

The fire and emergency services levy will generate revenue equal to 81 per cent of the estimated costs of the fire and emergency services, which is the same amount as currently generated by the insurance levy, including associated stamp duty. The remaining 19 per cent of fire and emergency services costs will continue to be met through existing arrangements including contributions from councils and the New South Wales Government. Different rates of land will be levied for different property sectors—residential land, farmland, industrial land, commercial land and public benefit land. Government land will be exempt and, following consultation with the local government sector, local government land will also be exempt.

Vacant residential, industrial and commercial land will receive a 50 per cent reduction in their levy. Pensioners will receive a \$50 reduction in their levy. This reduction will be indexed to the CPI. Some landowners who are in difficult financial situations may not be able to pay and a hardship policy will be in place. The Government has made a decision to maintain current sector revenue contributions in the fire and emergency services levy. This means that the current share of revenue contributed by the residential, non-residential and farm sectors will remain unchanged. While contributions from different property sectors have been maintained, the average fully insured property will benefit by the broadening of the base to include those not currently paying ESL.

The fire and emergency services levy for individual properties will be based on a fixed and ad valorem rate, with the ad valorem rate changing each year to achieve the required revenue target for funding emergency services. For residential and public benefit land, the fixed fee per property will be \$100. For farmland, commercial and industrial land, the fixed fee will be \$200 per property. The ad valorem rates for each sector will be revised each year to ensure that the total revenue raised matches the funding needs of the fire and emergency services, and to ensure that each property sector contributes its specified share. The fire and emergency services levy will be collected by local governments alongside council rates. The levy will appear as a separate line item on council rates notices. Just as occurs with council rates, landowners can pay annually or quarterly. Councils will be responsible for transferring the funds received each quarter to the Office of State Revenue. The fire and emergency services levy will be levied on the same unimproved land values that are used for the purposes of council rates.

At present, councils update these land values every three or four years, as they operate on different cycles. To ensure that a consistent set of land values is used for the purposes of the fire and emergency services levy, the bill provides that councils will move to a common three-year cycle of land values, commencing in 2017-18. The Government will support councils as they implement these changes. Local governments will be reimbursed for all reasonable start-up and ongoing costs. The Government has prepared an operating manual for use by council staff, and it has rolled out a comprehensive training program. It has put in place mechanisms to ensure that insurers pass on the savings associated with the abolition of the ESL to consumers. The insurance monitor legislation was passed by the New South Wales Parliament in June 2016, providing for penalties of up to \$10 million for insurers that engage in price exploitation or misleading or deceptive conduct regarding the effects of this reform.

Professor Allan Fels, AO, and Professor David Cousins, AM, the Insurance Monitor and Deputy Monitor, are closely watching insurers, and have issued guidelines establishing that the ESL should be abolished from any new policies or renewals commencing after 1 July 2017. The Insurance Monitor is available to anybody who is concerned that an insurer is failing to pass on the full benefits of the abolished ESL. Professors Fels and Mr Cousins played the same role in Victoria as part of a similar reform in 2013.

This is an important and significant reform. However, in some ways it is a very simple reform. The Government always has been concerned to make sure that the new arrangements would be fairer than the existing insurance system, and this bill delivers on that promise. This reform has received bipartisan support in other States because it is fair and it is the right thing to do. It will make insurance premiums more affordable and make the funding of our emergency services fairer. I commend the bill to the House.

Debate adjourned.

FINES AMENDMENT BILL 2017**Second Reading**

Debate resumed from 14 February 2017.

Mr CLAYTON BARR (Cessnock) (16:20): I lead for the Opposition in debate on the Fines Amendment Bill 2017 and state from the outset that we do not oppose the bill. In fact, I note that, saving any hidden or unforeseen secrets within the bill, this is a good bill and I am happy to support it. The main purpose of the bill is to amend the Fines Act 1996 to allow the Commissioner of Fines Administration to do two important things: firstly, to take civil enforcement action against a fine defaulter, who is an individual, without first suspending or cancelling the fine defaulter's driver licence or vehicle registration; and secondly, to take enforcement action to recover an amount payable under a confirmed order for restitution made by the Commissioner of Victims Rights against an offender or another person.

In addition to the two important powers for the Commissioner of Fines Administration that I have just noted, this bill also makes eminently sensible changes to the Victims Rights and Support Act 2013 related to the enforcement and recovery of restitution amounts by the Commissioner of Fines Administration. I believe this is the most sensible part of this bill. In effect this change will relieve Victims Services and Support and the Commissioner of Victims Rights of the responsibility of chasing restitution owed. Restitution is, of course, the money owed by a perpetrator of a violent crime to pay for, in part or in whole, the compensation paid to the victim. The victim is paid as quickly as possible out of the Victims Compensation Fund. The victim does not have to wait until the offender is pursued for payment. However, the Victims Compensation Fund has a deep financial interest in recouping from the offender as much of the moneys owed as possible, and this will allow this responsibility to be transferred to the specialists at the Office of State Revenue via the Commissioner of Fines Administration.

Instead of being a burden of Victims Services and Support, this service will be freed up to do what it does best—that is, look after the victims. At the same time, the Commissioner of Fines Administration and the Office of State Revenue will do what they do best—that is, seek to chase down the restitution moneys. The Commissioner of Fines, as a result of this bill, will be able to pursue the payment of compensation fines and/or restitution debt in forms that may not require the cancellation of a driver licence and/or car registration. As a regional member of this House I know how important this change is, because if in a regional area people have their car confiscated or lose their driver licence, that is the equivalent of giving them a significant sentence that does not compare in any way, shape or form to the same sentence for a person in a major metropolitan area, where people would still have access to public transport to get to and from work. I enthusiastically support this change.

This legislation will enable the commissioner to determine other means of recovering the debt if cancellation of licence or registration is unlikely to achieve the desired result. In regional areas the current arrangement could mean that someone loses their job because they have lost their licence or registration, and that most definitely would not achieve the desired result. In regional New South Wales, where public transport is less prevalent, this will provide a lifeline to ongoing employment and income generation, which will allow the offender to make good to the Crown by making the payment and making a more positive contribution to society.

The Minister said in his second reading speech that currently each year approximately 1,500 to 2,000 restitution orders are issued to a value of approximately \$20 million. The Minister also said that each year only \$4 million of the \$20 million is recovered. The Minister further said that over the past 12 months a trial of this new method, as outlined in the bill, of outstanding fine recovery has been enacted, and it has realised recovery of 70 per cent, which is a terrific success. Instead of directly targeting an offender's car licence or registration, this bill will give wider enforcement powers, such as garnishee orders, property seizure, charges on land, instalment arrangements and work and development orders. It also will include the power to access prison earnings in the event that the offender goes to jail.

If I could identify one concern with this bill—and it should be a concern that we all share, given the potential for flow-on effects and costs that could be incurred through other government services—it is this: In pursuing any outstanding debt it is crucial that we do not cripple a person and his or her family by taking away their last remaining dollars and cents. Wielding the power to recover outstanding amounts can be a noble cause when an offender has plentiful means with which to pay the outstanding amount, but that same power must be used with extreme caution when the offender has limited means with which to pay.

There should be no doubt that many of the defaulters who fail to pay the fine or restitution are in critical financial crisis at the time that the offence occurs or the judgement is handed down. They most likely will be in the same financial crisis at the time that the Commissioner of Fines Administration pursues them for payment. For some people \$10 per week or a garnishee amount of \$20 will be neither here nor there. For other families this could be the difference between eating and not eating. In these extreme circumstances the pursuit of the original

fine or restitution might in fact lead to or cause further crimes, such as driving an unlicensed or unregistered vehicle, petty theft or further violence as a result of stress and anxiety.

I know some members will describe me as a bleeding heart or being soft on crime, but that does not undermine my beliefs. The criticism of others only serves to highlight that we need to take into account the various difficulties that members of our community and society experience. We should note that there are possibly hundreds of thousands of New South Wales citizens living on the breadline. I would appreciate it if the Minister, in his reply to this debate, could identify the limits that apply to the enforced recovery of moneys owed by a family or individual in deep financial stress. I have explained why that is a concern, and I would appreciate the Minister addressing this issue in his reply. I have previously spoken to the Minister about this issue. The New South Wales Opposition will not oppose this bill.

Mr MARK TAYLOR (Seven Hills) (16:28): I contribute to debate on the Fines Amendment Bill 2017 and state from the outset that I support this legislation. This bill amends two Acts. First, it amends the Fines Act 1996 and, secondly, it amends the Victims Rights and Support Act 2013. In essence this bill is about ensuring efficiency of process and improving outcomes in the fulfilment of restitution orders. It is so important that we ensure that the victims of serious crime are supported to the fullest extent that the State can afford. This bill increases the capacity of the State to support these victims, as fewer resources are wasted in administrative processes, and restitution orders will be made sufficiently flexible so as to ensure that they are fulfilled.

The member of the Opposition who just spoke outlined those circumstances quite eloquently. In simple terms, the Fines Amendment Bill 2017 increases the amount of victim compensation, reduces the burden on the hardworking duty-payers and ratepayers of New South Wales, and ensures that justice is done by making fine defaulters pay back what they owe. Before I go any further, I think it is important to remind the House of the current state of restitution order compliance in New South Wales, just as the Minister did last Tuesday in the second reading of this bill. Between 1,500 and 2,000 restitution orders are made annually, requiring a payment of some \$20 million. Currently, only one-quarter of this is ever repaid. That is simply not good enough for the people of New South Wales. It does not enforce justice, it does not reduce recidivism, it does not support victims and it places additional strain on the duty-payers and ratepayers of this State.

I am confident that the reforms made in this bill will starkly increase the fulfilment rate of restitution orders. During a 12-month trial, the Office of State Revenue enforced 1,000 restitution orders worth \$10.55 million by applying the same enforcement measures currently available for the payment of fines. By the end of the trial, 70 per cent of the outstanding debt was either paid or under active management through an instalment or "time to pay" arrangement or order. This bill will permanently transfer the recovery of restitution debts to the Office of State Revenue. This is a good reform for the people of New South Wales. The Office of State Revenue [OSR] is the State's specialist debt recovery agency and is best equipped to ensure that we see a dramatic increase in restitution order fulfilments from the level achieved under the administration of such debt recoveries by Victims Services.

Thanks to the work of the former Minister for Finance, Services and Property, the Hon. Dominic Perrottet who is now the Treasurer, fines not only are payable at the comprehensive Service NSW centres but also can be managed through an efficient online system or using mobile devices. This eliminates significant administration costs which were previously being duplicated when restitution orders were being administered by both Victims Services and Roads and Maritime Services. This is just another area of service delivery which this Government is improving for the duty-payers and ratepayers of New South Wales. This bill provides that the administration costs associated with a restitution order are to be paid before deposits are made into the Victims Support Fund. By lowering administration costs, this bill ensures that more funds will be made available to support victims of serious crimes—without the need for any increase in the amount payable by the fine defaulter.

In New South Wales, if you do the crime, you will pay the fine. But this does not always necessarily mean making restitution orders stricter as in most cases the fine defaulter does not have the funds to immediately fulfil a restitution order. In some cases, where fine defaulters come from a particularly disadvantaged background or live in a rural or regional area, taking away their motor vehicle would inhibit their ability to continue or to find work, and therefore to fulfil their order—not to mention to support their family. Regardless of whether the fine defaulter is otherwise a recipient of government benefits, they may apply for a "time to pay" order. This will ensure that those on low incomes are not disincentive-ised from taking up or beginning paid employment. Giving defaulters more of a chance to fulfil their restitution gives the State more of a chance to recover the funds and creates more of a chance that victims of serious crimes will be compensated appropriately for their terrible experiences and appropriately cared for. This bill gives the Commissioner of Fines Administration the ability to exercise discretion in determining the arrangements by which the fine defaulters will pay New South Wales back for what they have done.

In the amendments made to the Fines Act 1996, civil enforcement action may be taken before, or without, taking away the defaulter's driver licence or vehicle registration, if the commissioner is satisfied that civil enforcement action is preferable. In fact, regardless of whether the fine defaulter does or does not drive a motor vehicle, the commissioner can now approve civil enforcement action to be taken if the commissioner is satisfied this action is preferable. Further, if a fine defaulter has been imprisoned for a related or unrelated crime, the commissioner may, for the purposes of enforcing payment of a restitution order, make an attachment order in relation to any earnings made by the fine defaulter whilst in prison. The commissioner also will have the power to cancel such an attachment order at any time for any good reason. This level of discretion and flexibility afforded by the bill will improve outcomes for all the parties involved in these cases, including the victims of crime.

It is clear that this new approach will increase the rates of restitution fulfilment, especially in lower socio-economic and regional areas. It also will likely reduce recidivism rates, as defaulters will feel that they have been given not only a genuine chance to attempt to make right their wrongdoing but also the physical and financial mobility to get their life back on track—and perhaps re-enter the workforce if they do so. The alternative approach to this bill would be to make it more difficult for fine defaulters to fulfil their orders and make them more likely to harbour resentment against the system. Such resentment makes a continued life of crime that much more likely. This alternative approach would mean fewer funds available for victims of serious crime, a greater burden on the people of New South Wales and, perhaps worse, a possible increase in crime rates. The great paradox and, in my view, achievement of this bill is that by permitting the Commissioner of Fines Administration more discretion and flexibility, and therefore providing the perpetrators with greater flexibility, we are being tougher on perpetrators and improving the integrity of the system.

Amendments made to the Victims Rights and Support Act 2013 ensure that the additional discretion afforded to the Commissioner of Victims Rights also will mean greater efficiency of process. The commissioner may confirm an order for restitution without conducting a hearing if the defaulter has not lodged an objection within 28 days of being served with the notice and, in addition, the commissioner can automatically do so if the fine defaulter seeks a "time to pay" order. This common sense amendment streamlines what can otherwise be a fragmented process, but it is not without its checks and balances either. [*Extension of time*]

If the commissioner confirms an order for restitution following an objection by the defendant, the commissioner is not to refer the matter to the Commissioner of Fines Administration for the making of a court fine enforcement order before an application to the tribunal has been made or, if an application has already been made, before the application is finally determined. This is an integrity measure which will ensure procedural fairness is achieved in the enforcement of an order for restitution. In my view, this will enhance and not diminish this bill in its delivery of reforms which will achieve better outcomes for the people of New South Wales. These reforms will ensure that defaulters will end up paying for their wrongdoing and fulfilling their restitution orders—no matter what their personal circumstances and no matter how long the commissioner gives them to pay.

This bill is all about being tough but fair with fine defaulters so that we can be more accountable to the duty-payers and ratepayers of New South Wales and more generous to the victims of serious crimes. I thank the Minister for Finance, Services and Property for his hard work in preparing this bill. This bill may seem, on the face of it, to be merely administrative and merely aimed at efficiency of process, but in fact this bill has at its heart the aim of providing assistance to victims of crime. I say that because it is not about delivering money to those victims; it is about assisting by achieving greater efficiency in the justice system.

Of course, the greater the efficiency we have in that system the greater will be the efficiency of the public sector of this great State. It also will mean that we will be able to look after the innocent and unfortunate victims of crime. Ultimately, we will be able to provide them with the care, services and support that they deserve. They deserve and will always get this Government's support. With the Government working in tandem with the good police of this State and with legislation like this, the future for unfortunate victims of crime in New South Wales is looking slightly rosier. Of course, it will always be in good hands under this Government. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) (16:40): The object of the Fines Amendment Bill 2017 is to amend the Fines Act 1996 and the Victims Rights and Support Act 2013 to transfer the responsibility for enforcing victims' restitution debts to the Commissioner of Fines Administration. The essence of this legislation has been trialled over the past 12 months, and that trial has been somewhat successful. Each year, 1,500 to 2,000 restitution orders are issued to the value of \$20 million with only \$4 million being recovered through traditional means, which is only 20 per cent of the target. The trial found that this new method increases the success rate with 70 per cent of debt being paid or under an active management plan, which is a vast improvement.

The enactment of this legislation will result in better outcomes for everybody, not only the Government. It will provide for more flexibility in the pursuit of payment of compensation debts and/or fines. The old method of cancelling a driver licence and/or vehicle registration could become a thing of the past for some because there

will be much more flexibility in the management of debts. The legislation allows for the commissioner to determine other means of recovering the debt, especially if the cancellation of an individual's licence or vehicle registration is unlikely to achieve the desired result. This is particularly true for those in regional New South Wales where public transport is less prevalent and the cancellation of a driver licence or vehicle registration could hinder their ability to settle a debt. These amendments also can be seen as a lifeline to ongoing employment and income generation.

The bill also provides for wider enforcement powers to be used, such as garnishee orders, property seizure, charges on land, instalment arrangements, and for work development orders to be utilised to recover debt. In addition, the bill provides for access to prison earnings in the event that the offender goes to jail. The essence of this legislation makes sense and it will allow for greater flexibility in managing and recovering debts and fines while allowing for a better outcome for everyone involved. Given the resounding success of the recent trial, I am optimistic that this legislation will do good and will provide greater flexibility to the customers of the Office of State Revenue. As stated by the member for Cessnock and shadow Minister, the Opposition will not oppose the bill.

Mr STEPHEN BROMHEAD (Myall Lakes) (16:43): I support the Fines Amendment Bill 2017 and congratulate the Minister responsible, the Hon. Victor Dominello, on introducing it. The object of the bill is to amend the Fines Act 1996 to allow the Commissioner of Fines Administration to take civil enforcement action against a fine defaulter who is an individual without first suspending or cancelling the fine defaulter's driver licence or vehicle registration, and to take enforcement action to recover an amount payable under a confirmed order for restitution made by the Commissioner of Victims Rights against an offender or another person, which is referred to as a "restitution amount". The bill also makes amendments to the Victims Rights and Support Act 2013 related to the enforcement and recovery of restitution amounts by the Commissioner of Fines Administration.

In his second reading speech, the Minister explained that the main purpose of the bill is to transfer the responsibility for enforcing victims' restitution debts to the Commissioner of Fines Administration. In 2013, the Government introduced a new victims support scheme to replace the Victims Compensation Scheme, which had been subject to unsustainable cost blowouts and protracted delays in providing compensation to victims of crime. While the system of support payments was reformed, the new scheme retained provisions from the old scheme that enabled payments to be recovered, by means of restitution orders, from offenders who were responsible for the relevant acts. These restitution orders can be enforced only as a judgment debt, requiring the application to a court, which is generally uneconomic because most offenders have little or limited capacity to pay. Only about 20 per cent of the amounts payable under restitution orders were being recovered, and a substantial proportion of the debt is written off after a number of years. The Government therefore initiated a trial, also commencing in 2013, of enforcement of restitution orders as fines under the Fines Act 1996.

Following the success of that trial, the Government decided that the Office of State Revenue should have permanent responsibility for enforcing restitution order debts using fine enforcement processes. While the full extent of the success of the trial might not be maintained as the backlog of aged debt is brought under management, it is clear that using the Office of State Revenue to recover this debt will provide a net benefit to the community by relieving taxpayers of some of the burden of funding victim support payments. It also will allow Victim Services to concentrate on its core business of providing support services to victims of crime. Under the 12-month trial, the Office of State Revenue enforced 1,000 restitution orders worth \$10.55 million by applying the same enforcement measures available for fines. By the end of the trial period, 70 per cent of the debt either was paid or was under active management through an instalment payment arrangement or a work and development order.

The additional restitution debt collected under the trial exceeded the additional costs incurred by a factor of 78.5 to one. Based on trial results, it is estimated that an additional \$5 million will be recovered from offenders in the first full year of operation, and an additional \$12 million to \$15 million a year will be recovered within three years. Because the Office of State Revenue is the State's specialist debt recovery agency, it has a number of advantages in collecting debts, including complex debts like those under restitution orders where the debtors often have multiple debts or joint debts with co-offenders. Collecting restitution debts as fines makes sense given that more than 70 per cent of restitution debtors involved in the trial already owed fines to the Office of State Revenue. The Fines Amendment Bill also provides an opportunity to streamline the process by which a restitution order is confirmed by the Commissioner of Victims Rights. I now turn to the provisions of the bill. Proposed section 112C, entitled "Restitution amounts taken to be court imposed fines" provides:

- (1) For the purposes of this Act, a restitution amount is taken to be a fine imposed by a court.
- (2) Accordingly:
 - (a) the Commissioner may make a court fine enforcement order under Division 3 of Part 2 for the enforcement of a restitution amount, and

- (b) enforcement action may be taken in respect of that amount under this Act.
- (3) The court fine enforcement order may be in a form that is appropriate to the circumstances of the case.
- (4) A reference in Division 3 of Part 2 to the registrar of the court is taken, in relation to a restitution amount, to be a reference to the Commissioner of Victims Rights.

112D Application of Act to restitution amounts

This Act applies to restitution amounts in the same way as it applies to fines imposed by a court, subject to the following:

- (a) Divisions 1 and 2 of Part 2 do not apply,
- (b) Division 6 (Imprisonment) of Part 4 does not apply,
- (c) Part 6 does not apply,
- (d) any other modifications provided for by this Part or by the regulations or by the *Victims Rights and Support Act 2013*.

112E Time to pay orders

- (1) A person may apply for time to pay a restitution amount, and a time to pay order may be made in relation to a restitution amount, whether or not the person is in receipt of a Government benefit.
- (2) A requirement imposed by this Act that an applicant for time to pay must be a person who is in receipt of a Government benefit is to be disregarded for the purposes of this Part.
- (3) Accordingly, a restitution amount is to be referred to the Commissioner for the making of a court fine enforcement order if the person seeks a time to pay order in relation to the restitution amount.

112F Joint and several liability

If 2 or more persons are jointly and severally liable to pay a restitution amount:

- (a) a separate court fine enforcement order for the restitution amount may be made against any of those persons, and
- (b) any person against whom an order is made is liable to pay any enforcement costs payable under the order made against him or her.

Division 2 Attachment of prison earnings

112G Enforcement by attachment of prison earnings

- (1) The Commissioner may, for the purpose of enforcing payment of a restitution amount, make an attachment order in relation to a person's prison earnings.
- (2) An **attachment order** is an order that authorises deductions to be made from a person's prison earnings and applied towards payment of a restitution amount payable by the person.
- (3) An attachment order may be made only if:
 - (a) a restitution amount payable by a person has not been paid as required by a court fine enforcement order, and
 - (b) the person is serving a sentence of imprisonment or children's detention for a relevant offence in connection with which the order requiring payment of the restitution amount was imposed.
- (4) An attachment order is to be in the approved form.
- (5) The Commissioner is to serve notice of an attachment order on the appropriate custodial officer.
- (6) An attachment order may be made in the absence of, and without notice to, a fine defaulter.
- (7) This section does not limit the Commissioner's functions under Part 4.

112H Deductions under attachment order

- (1) An appropriate custodial officer may make deductions from a person's prison earnings as authorised by an attachment order.
- (2) The deductions are to be paid to the Commissioner.

Under new section 112I an attachment order may be cancelled in certain circumstances. This is important legislation for our community. It is important for victims of crime that it be sustainable. I commend the bill to the House.

Mr GREG PIPER (Lake Macquarie) (16:54): It is wonderful to be able to contribute to this fine bill, the Fines Amendment Bill 2017. It seems like a long time since we have come together in this House with such bonhomie over a bill. It takes me back to the heady days of the Library Amendment Bill. I am not sure if this bill covers library fines. It is great to see all members of the House coming together in accord in support of this bill. I will be brief, as the member for Myall Lakes has so well articulated each of those most important clauses of the

bill. I make it very clear from the outset that I too support the bill but I wish to make a couple of brief points which the Government may consider. The points already may be embedded in the bill but I have not been able to see clearly how they will be dealt with.

I am informed that in the Lower Hunter, which includes my electorate of Lake Macquarie, several hundred financial restitution orders are made each year in the local courts. Of these, the University of Newcastle Legal Centre estimates that only about a quarter are actually paid in full by those ordered to pay them. That situation is probably fairly common throughout the State. In most cases the restitution has been ordered by a court against someone who has damaged property, usually to the home of their victim but at times also to their cars or personal property.

As the Minister pointed out when introducing the bill, often an offender enters into an agreement to pay off the debt. To do that, they need some form of regular income. I am informed that the most common cause of default on those financial agreements comes from the offender losing work or income at least in part because their driver licence or car registration is cancelled. In Lake Macquarie, many people have to travel long distances to their place of work. The region does not enjoy reasonable or good public transport like electorates such as those in Sydney and other cities including the Illawarra and Newcastle proper. It is a perverse situation—a bit like cutting your nose off to spite your face. On one hand we have our courts ordering an offender to make financial recompense for their actions and on the other we have a government agency taking away their means to earn the income to do this.

As the recent Office of State Revenue trial has shown, giving debtors more flexibility in how they pay their debts gets better results and leads to more of those debts being settled, which is the best outcome for all parties concerned. Instead of moving to cancel a debtor's driver licence and freezing a debtor out of any means of transport, we should be providing them with other means to properly repair the damage they have caused. This bill does not remove those options but it provides some alternatives which may be used to get a better result. It seems a common sense approach to me, although some concerns have been raised regarding the intention to speed up the court processes and shorten the period in which recompense is made.

Under this amendment, garnishee orders could be made on income or assets before an order is made to cancel a driver licence or car registration. This process could happen far more quickly than a licence can be cancelled and could leave a debtor with less chance to get an appropriate amount of notice or legal advice before the action is taken. I trust that this is not the case but, if so, it might be appropriate for the Chief Commissioner of State Revenue to provide a time frame or a notice to the debtor of the impending action.

This amendment appears to have broad support so I do not intend to repeat some of the remarks already made. I note that this bill will better streamline a number of existing processes and systems, provide a more effective framework for these types of restitutions and provide a more flexible process which will get better results for victims. I believe the bill is thoughtful and provides for common sense and practical solutions which will provide better outcomes for victims, perpetrators and taxpayers by reducing regulatory burden. I commend the bill to the House.

Mr ALEX GREENWICH (Sydney) (16:58): I make a brief contribution to the Fines Amendment Bill 2017, which removes the requirement to suspend a driver licence or cancel a motor vehicle registration as the first line of enforcement action for someone who has defaulted on their fines and allows restitution debts to be enforced as fines. Fines present major difficulties for disadvantaged people. Those whose income barely covers day-to-day expenses such as rent, electricity and food struggle to pay back fines. While socially and economically disadvantaged people have fewer means to pay fines, they are more likely to be fined for offences such as drinking in public places or not having paid the right public transport fare. Money owed for fines by disadvantaged people can escalate rapidly because they may have less capacity to manage the fines processing system and they may find having to access the courts and seek legal advice or special consideration challenging.

Last month a woman who lives in community housing contacted my office about her car parking fines that had reached several thousand dollars. The bill would allow civil enforcement options to be taken against debt defaulters without having to take action through Roads and Maritime Services first. This would provide more flexibility in collecting fines, helping to tailor a more appropriate fine payback process for vulnerable people who may be unreasonably disadvantaged from the loss of a licence or vehicle registration. It also would avoid adding the automatic \$40 fee imposed by Roads and Maritime Services when it takes action to recover the money owed by a defaulter. This is an important change in making the fines system more reasonable and fair to those who suffer real hardship as a result of fines.

I raise one concern about this change that was brought to my attention by the Redfern Legal Centre. The Redfern Legal Centre runs a free legal advice and advocacy service for people experiencing money problems and it deals with many vulnerable people who are in debt due to accumulated fines. Redfern solicitors are concerned

that the bill fails to specify what information the commissioner must know about the personal circumstances of the fine defaulter before making a decision about whether civil enforcement action is preferable before other more serious action is taken. The bill does not include any guidance on what information the commissioner must know. I ask the Minister to respond to this concern and to ensure that the process is comprehensive and guarantees fairness.

I also support transferring recovery of restitution debts to the Commissioner of Fines Administration, given the trial showed that this significantly helps reduce those debts. It is particularly helpful for prisoners to make a fresh start on release from prison if they are not burdened with heavy debt. However, there is concern that because the Office of State Revenue will speed up the enforcement process of restitution debt, individuals might have less time to seek legal advice before more serious action is taken, such as a garnishee order for wages or bank accounts. I ask that the Government monitor access to legal help in the transfer of enforcement of these debts and that it makes changes, if needed. A New South Wales Sentencing Council interim report from 2006 identified more than 17,000 offences that come under the penalty notice system. This creates many occasions for vulnerable people to incur fines that lead to hardship. I support the additional flexibility that this bill introduces to the enforcement system to help people reduce the burden of debt.

Mr ALISTER HENSKENS (Ku-ring-gai) (17:02): At law school it is often said that justice delayed is justice denied, but it could be said in the context of the Fines Amendment Bill 2017 that enforcement delayed is justice denied. There is no point in issuing an order for a debt if it cannot be enforced. It is a hollow right, which is as if someone did not have the right at all. The great achievement of the bill is better recovery of debts because recovery is equally important to the existence of the right to recover a debt. It is significant that the right is given to victims of crime who, through no choice of their own, have suffered a wrong by somebody committing a criminal offence. It is only right that this Government, in recognition of the harm done to those victims of crime through no fault of their own, is better able to assist them to recover restitution debts.

The current position is that those restitution debts can be recovered only as a judgement debt, which requires an application to be made to a court of law. Victims of crime, by and large, are people who may not have the resources and the know-how to negotiate and navigate the court process relating to the recovery of a debt. This bill gives them a helping hand to achieve justice, which has been denied to them as victims of crime. The statistics the Minister referred to in his second reading speech were sobering, to say the least. The Minister referred to the current state of affairs whereby each year between 1,500 and 2,000 restitution orders are made requiring the payment of approximately \$20 million, of which only \$4 million is recovered. Interestingly, during a 12-month trial of the system that is to be put in place under this bill, the Office of State Revenue enforced 1,000 restitution orders worth \$10.55 million by applying the same enforcement measures that are available for fines. Significantly, by the end of the trial period 75 per cent of the debt either was paid or under active management through an instalment payment arrangement or work and development order. The system used in the trial, which is being put in place under this bill, had conspicuously improved results from the current system by which victims of crime recover their restitution debts.

It is not surprising that that would be the case. My experience as a lawyer has shown that the greatest delay in starting to recover a debt means that the level of recoverability is almost always less than if there is a speedy system for the recovery of the debt. The Byzantine ways in which one has to recover a judgement debt through the process of the court system necessarily means that there is delay in notifying the judgement debtor that one is serious about enforcing the debt. One of the advantages of the system being put in place under this bill is that there is a more timely enforcement—which the Minister described as resulting in an earlier engagement with customers, being the judgement debtors—and high recovery rates. That must be the case because experience shows that early and timely engagement with the judgement debtor will have much higher chances of success.

The bill includes other advantages. A victim of crime will have better access to data under this system than they had under the existing law. The ability to consolidate multiple fine debts for individual debtors, including the matching of restitution orders with existing customers of the Office of State Revenue, are some of the other advantages under this bill. Wider enforcement powers also are available to the Office of State Revenue than was the case under the current system. The administration of restitution orders still will remain the responsibility of Victims Services and Support within the Department of Justice. The bill amends the Victims Rights and Support Act 2013 to separate those functions relating to enforcement and debt recovery, but there are necessary protections in the amendments and those protections will ensure that privacy and other matters relevant to the protection of victims are maintained.

The bill will streamline the process by which a restitution is confirmed, including a requirement for the Commissioner of Victims Rights to serve a debt notice on a person, advising them of the consequences of a failure to pay. These are important measures to protect the rights of victims. The current provision allows a liability to make a restitution payment to be offset against the same person's entitlement to receive financial support, or a

restitution payment is updated to allow the entitlement to be paid to the Office of State Revenue in satisfaction of the person's debts. The bill also authorises the expenses incurred by the Commissioner of Fines Administration, in recovering restitution debts, to be paid from the Victims Support Fund, and requires all restitution debts recovered by the commissioner to be paid into the fund. That maintains the current position whereby expenses incurred by the Commissioner of Victims Rights, in administering restitution orders, are paid from the Victims Support Fund, and also will ensure that the fund benefits from all additional debts collected.

This is good legislation. This is truly innovative legislation, which is enabling the tools already available to government for the recovery of other debts to be utilised by vulnerable victims of crime to ensure that they are afforded justice in circumstances when they would not otherwise be afforded that justice. It is showing a commendable and caring attitude by this Government to victims of crime. That is quite appropriate given, as I have said, that the victims are in that position through no fault of their own. It reflects something that is often missed in the rhetoric of the Opposition—that this is a Government that looks after the vulnerable in our community. I refer to our social housing policies as an example of the way vulnerable people are being protected. *[Extension of time]*

The effects of the social housing initiatives of this Government are often lost on the Opposition. As I have said previously in this House, members of the Opposition would rather protect a handful of tenants who are living in the brutal architecture of the Sirius building than allow that asset to be recycled to provide public or social housing for many more people. The Government is interested in protecting vulnerable people through this bill and other measures. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) (17:13): In supporting the Fines Amendment Bill 2017, I note the hardworking Minister. This is a very important bill, which members from all sides will support. Of course, the bill is to amend the Fines Act and to allow the Commissioner of Fines Administration to take civil enforcement action against a fine defaulter who is an individual, without first suspending or cancelling the fine defaulter's driver licence or vehicle registration, and to take enforcement action to recover an amount payable under a confirmed order for restitution made by the Commission of Victims Rights against an offender or another person.

The bill also makes amendments to the Victims Rights and Support Act 2013, related to the enforcement and recovery of restitution amounts by the Commissioner of Fines Administration. The bill is important because if a penalty notice is not paid by the due date of the penalty reminder notice, or a court fine is not paid by the due date, it must be enforced by first applying Roads and Maritime Services [RMS] licence and registration sanctions. If an RMS sanction is applied an enforcement fee of \$40 is added to the unpaid fine. Available RMS sanctions include suspension of a driver licence and vehicle registration, and restrictions on other business dealings with RMS. If RMS sanctions do not result in payment of a fine within 21 days the Office of State Revenue may then commence civil debt recovery action, such as garnishing wages or money held in a defaulter's bank account, registration of a charge over land, or making a property seizure order, which is enforced by the Sheriff.

The Fines Amendment Bill 2017 will permit civil fines enforcement action to be taken without first imposing RMS sanctions if those sanctions are unlikely to be successful or would have an excessively detrimental impact on the fine defaulter. This will reduce unnecessary costs incurred in attempting licence restrictions when the Commissioner of Fines Administration knows that such action is unlikely to be successful. It also will allow the Commissioner of Fines Administration to refrain from using licence sanctions against fine defaulters who are known to be vulnerable due to the person's economic or employment circumstances. New section 112E refers to time to pay orders. It provides:

- (1) A person may apply for time to pay a restitution amount, and a time to pay order may be made in relation to a restitution amount, whether or not the person is in receipt of a Government benefit.
- (2) A requirement imposed by this Act that an applicant for time to pay must be a person who is in receipt of a Government benefit is to be disregarded for the purposes of this Part.
- (3) Accordingly, a restitution amount is to be referred to the Commissioner for the making of a court fine enforcement order if the person seeks a time to pay order in relation to the restitution amount.

As we have heard, in 2013 the Government introduced a new Victim Support Scheme to replace the Victims Compensation Scheme, which had been subject to unsustainable cost blowouts and protracted delays in providing compensation to victims of crime. While the system of support payments was reformed, the new scheme retained provisions from the old scheme that enabled payments to be recovered by means of restitution orders from offenders who were responsible for the relevant acts. These restitution orders can be enforced only as a judgement debt, requiring application to a court, which is generally uneconomic, as most offenders have limited capacity to pay.

Only around 20 per cent of the amounts payable under restitution orders were being recovered, and a substantial proportion of the debt is written off after a number of years. The Government therefore initiated a

trial—also commencing in 2013—of enforcement and restitution orders as fines under the Fines Act 1996. Following the success of that trial the Government decided that the Office of State Revenue should have permanent responsibility for enforcing restitution order debts using fine enforcement processes. While the full extent of the success of the trial might not be maintained as a backlog of aged debt is brought under management, it is clear that using the Office of State Revenue to recover this debt will provide a net benefit to the community by relieving taxpayers of some of the burden of funding victim support payments. This is a very important bill because it will also allow Victims Services to concentrate on its core business of providing support services to victims of crime. I thank the Minister and his staff and I commend the bill to the House.

Mr MICHAEL JOHNSEN (Upper Hunter) (17:19): It gives me great pleasure to speak in debate on the Fines Amendment Bill 2017, the main purpose of which is to transfer enforcement of victims' restitution orders to the Office of State Revenue and improve the fines enforcement process. A restitution order made under the Victims Rights and Support Act 2013 enables all or some of the compensation paid to a victim of a violent crime to be recovered from the offender. Each year between 1,500 and 2,000 restitution orders are made requiring payment of around \$20 million, but only \$4 million is recovered.

Currently, Victims Services can enforce these orders only as a judgement debt, requiring application to the court. Such action is generally uneconomic because most offenders have limited capacity to pay. During a 12-month trial the Office of State Revenue enforced 1,000 restitution orders worth \$10.55 million by applying the same enforcement measures available for fines. By the end of that trial period 70 per cent of the debt either was paid or under active management through an instalment payment arrangement or work and development order. The Government therefore decided to permanently transfer the recovery of restitution debts to the Office of State Revenue. This will provide an improved debt recovery performance as part of this Government's strategy of utilising the advantages of the Office of State Revenue as the State's specialist debt recovery agency.

The Fines Amendment Bill 2017 will authorise the Commissioner of Fines Administration to recover debts arising from offenders failing to pay amounts payable under victims' restitution orders. This initiative takes advantage of the position of the Office of State Revenue as the specialist debt recovery agency. Under the Victims Support Scheme, financial support or a recognition payment awarded to the victim of an act of violence is made from the Victims Support Fund. The provision of support for victims of crime has been reformed, but the burden of paying that support falls primarily on taxpayers and not, unfortunately, on the offenders. The convicted offender may be ordered to pay back all or some of the payment, but only around 20 per cent of the amounts payable under restitution orders under the old Victims Compensation Scheme have been recovered.

This bill provides that a restitution amount is deemed to be a fine imposed by a court for the purposes of the Fines Act 1996. This means that the powers of the Commissioner of Fines Administration that the Office of State Revenue uses to enforce fines against fine defaulters also can be used against victims' restitution debtors. This includes the suspension or cancellation of the debtor's driver licence or vehicle registration, property seizure orders, garnishee orders, charges on land and community service orders. The amendments specifically prohibit use of the power to imprison a fine defaulter from being applied to restitution debts. However, if the offender is in prison the commissioner can authorise the making of deductions from the person's prison earnings under an attachment order. Most of these enforcement actions were used by the Office of State Revenue under a trial of enforcing victims' restitution debts, which resulted in a significant improvement in the amount of outstanding debt recovered from offenders.

More than 70 per cent of the debt referred to the Office of State Revenue under the trial either was paid or remains under active management through an instalment payment arrangement or work and development order. In part this was because more than 70 per cent of debtors were existing customers of the Office of State Revenue, meaning that 25 per cent of the debt was able to be incorporated into existing payment arrangements. This highlights one of the advantages of the Office of State Revenue in collecting debts where the debtors often have multiple debts. The Office of State Revenue is also experienced in dealing with the joint debts with co-offenders, where two or more persons are jointly and severally liable for payment under a restitution order. It was mentioned earlier that this reform may seem like a mere administrative change. In fact, this bill goes a long way to ensuring that victims of crime—who should never have been victims—are looked after as best as they possibly can be. Importantly, it also ensures that as a State we will ensure that perpetrators of crime pay their way. We have to send the signal to society that if people are going to perpetrate a crime—

Mr Christopher Gulaptis: Do the crime; pay the time.

Mr MICHAEL JOHNSEN: That is it—do the crime and pay the time.

Mr Christopher Gulaptis: Pay the fine.

Mr MICHAEL JOHNSEN: And also pay the fine. That is exactly right. Those are great words from the member for Clarence. If we want to bring back and maintain a level of fairness and indeed civility in our society it is important that people who intentionally commit crimes and leave victims in their wake understand that there are consequences. If those consequences are incarceration or a loss of privilege through their licence or their property then so be it. I see no problem in making sure that perpetrators of crimes are held to account by society through its government. We must ensure that victims of crime are looked after as well as they can be. On that basis, I commend the bill to the House.

Mr CHRISTOPHER GULAPTIS (Clarence) (17:26): I make a small contribution to debate on the Fines Amendment Bill 2017. This bill is exactly what the punter in New South Wales wants to see. Citizens want the Government to put victims front and centre and ensure that perpetrators pays the victims' costs. For too long the taxpayer has been picking up the tab for offenders who have essentially got off scot-free after wreaking havoc in the community. This bill builds on the Government's reforms of 2013 that introduced a new Victims Support Scheme to replace the Victims Compensation Scheme, which had been subject to unsustainable cost blowouts and protracted delays.

The Victims Compensation Scheme was established in 1987 and revamped in 1996, but by mid-2010 the scheme that was meant to help victims of violent crime was subject to protracted delays in providing compensation to those victims. Victims were waiting an average of at least 30 months before receiving any money. Growth in demand under the scheme almost had doubled in the previous five years, leading to unsustainable cost blowouts. The Auditor-General identified in 2009 that the then Government needed to take action to deal with the backlog of claims, but the previous Labor Government did little to stem the ballooning liability of the scheme. The failings of the old scheme were obvious. I am pleased that this Government is taking action to address them by replacing the Victims Compensation Scheme with a new scheme designed to provide genuine assistance to victims of violent crime.

In 2013 the Government established the new Victims Support Scheme, which focuses on providing a package of practical and financial support that is tailored to victims' individual needs. Assistance is provided to victims at the time they need it, while still providing a payment in recognition of the trauma experienced by victims of crime. What is most impressive about the provisions of this bill is that the Government steps in to help victims of crime at exactly time they need the support. Most importantly, victims are able to be paid up-front from the Victims Support Fund rather than having to wait for two or three or more years. The Commissioner of Victims Rights and staff within Victims Services and Support in the Department of Justice assist victims to quickly access appropriate help under the Victims Support Scheme by assessing victims' immediate needs and preparing an appropriately tailored support package, including counselling, financial assistance and referral to local trauma agencies, meaning a total support package is provided for victims.

Having reformed the system of support for victims of crime, the Government is now turning to reform those aspects of the scheme that enable payments to be recovered from offenders who are responsible for the relevant acts. It is important to make offenders pay for breaking the law and ignoring the welfare of other members of society. This will allow Victims Services and Support to concentrate on its core business of providing support services to victims of crime. Under the Victims Support Scheme, the Commissioner of Victims Rights makes a restitution order requiring the convicted offender to pay back all or some of the victim support payments paid to the victim to ensure that offenders contribute to the assistance of their victims. It is about time that offenders were made responsible for their actions, and that is the aim of this bill. The bill aims to ensure that perpetrators of crime pay for the pain inflicted upon their victims and the cost to society of their crimes. If the offender does not comply with a restitution order, the current scheme allows only the commissioner to recover the unpaid amount as a judgement debt.

The new reforms are based on a trial, also initiated by the Government in 2013, of enforcement of restitution orders as fines under the Fines Act 1996. Following the success of that trial the Government decided that enforcing restitution order debts using fine enforcement processes should be made a permanent feature of the Victims Support Scheme. Using the Office of State Revenue to recover this debt will provide a net benefit to the community by relieving taxpayers of some of the burden of funding victim support payments. It is only right that offenders make restitution for the crimes they have committed. Based on trial results, it is estimated that an additional \$5 million will be recovered from offenders in the first full year of operation, and an additional \$12 million to \$15 million per year within three years. But most importantly, these reforms will increase the extent to which offenders convicted of violent crimes are contributing to the assistance provided to their victims. This is exactly the sort of legislation that punters in New South Wales want: support for victims and punishment for offenders. The offenders will be punished by having to contribute to the welfare of the victim. I commend the bill to the House.

Mr GARETH WARD (Kiama) (17:33): In contributing to the debate on the Fines Amendment Bill 2017, I commend the Government and the Minister for Finance, Services and Property, Victor Dominello, for not only advancing such a critical piece of legislation to provide good governance but also providing equity to the victims of violent crimes. The bill amends the Fines Act 1996 to require the Commissioner of Victims Rights to refer unpaid restitution amounts to the Commissioner of Fines Administration and to require the Commissioner of Fines Administration to enforce restitution orders as court fines.

The bill amends the Victims Rights and Support Act 2013 to remove the current provisions for enforcement of restitution orders, permit the Commissioner of Victims Rights to serve a debt notice advising of the consequences of non-payment and require unpaid restitution orders to be referred to the Commissioner of Fines Administration, including for the purpose of making time-to-pay arrangements. The bill also amends the Fines Act 1996 to allow the Commissioner of Fines Administration to take civil enforcement action, being a property seizure order, garnishee order or charge on land, without first imposing driver licence or vehicle registration sanctions, if those sanctions are unlikely to be successful or would have an excessively detrimental impact on the fine defaulter.

I note the remarks from the Opposition spokesperson and thank Opposition members for their support. This bill gives much-needed teeth to the Victims Rights and Support Act 2013 by streamlining the process and improving the rate of collection from 20 per cent to upwards of 70 per cent. How is this done? The Government initiated a trial, which was a resounding success. Some of the figures include that more than \$10.5 million was collected for the Victims Support Fund, more than 70 per cent of the debt either was paid or under active management and the additional debt collected exceeded the additional costs incurred by a factor of 7.5 to one. I further commend the Office of State Revenue for showing that innovation indeed can occur in processes like this. This is a fantastic result, which could lead to up to \$5 million more over the first full year of implementation and an additional \$12 million to \$15 million per year within just three years, all in the form of restitution for victims. This is a win for victims and a win for taxpayers.

This legislation is also expanding the flexibility through which restitution orders may be enforced. This amendment to the Fines Act 1996 allows restitution orders to be issued jointly against two or more persons for which they are each jointly and severally liable. This is an important function which will give greater flexibility to the Government to pursue individuals. Moreover, this legislation will provide better data, more timely enforcement, more comprehensive engagement with other offices such as the Office of State Revenue and wider enforcement powers. This bill is making smart and common sense decisions faster and giving flexibility to the commissioner of each respective body. If Roads and Maritime Services [RMS] sanctions are not going work, we should not impose them, especially if they create unnecessary costs for the taxpayer and destroy jobs.

The handling of these matters appropriately remains with Victim Services and Support, allowing them to focus on their core business and continue their outstanding work to support victims of crime whilst separating more specialist functions of enforcement and debt recovery and handing them to the jurisdiction of offices better suited to oversee such matters. As I have already indicated, Victim Services and Support will continue to administer, make and confirm orders whilst managing the objection and review process through which defendants can dispute their liability.

This bill does a lot more than permit restitution orders to be enforced in a fashion similar to court fines. It provides a nuanced and flexible approach for the criminal justice system to support victims, without just relying on the taxpayer. Again, it makes sense that restitution debts are treated in the same manner as fines. The trial I mentioned earlier demonstrates that the Government will create greater cost efficiencies but also greater convenience to debtors whose debts will be consolidated within one agency. This bill is not about punishing people twice; it is about putting people in a position where they are able to pay their debts and fund the Victims Support Fund.

The bill also makes amendments unrelated to restitution orders. It will improve the targeting of fine enforcement in individual cases. In the past, a restrictive process had to be undertaken such as the imposition of licence, vehicle registration and business restrictions, including a \$40 fine for each enforcement action taken by RMS before any other enforcement action may be taken, such as a garnishee order. These strict requirements often can have the opposite effect from that which the legislation intended, potentially affecting a fine defaulter's employment and access to services throughout the community. This is particularly true for the most vulnerable members of our community and for people living in more regional settings, such as those in the Illawarra and South Coast, which I proudly represent.

A fine should not ruin one's life. This bill helps government get smarter about the way it undertakes fine enforcement by allowing government to recover fines earlier and with less negative impact on the vulnerable in our communities. The bill also lowers administration costs so that valuable funds can go back to victims of crime. The Government is dedicated to reducing waste where it sees it and is putting its mind to getting on with the job.

This bill is innovative, and I commend Minister Dominello, who I believe is doing an exceptional job in his current role, as he has also done in his past portfolios. What I see in this Minister is somebody who sees opportunities inside government and comes up with innovative approaches to resolving problems. This bill is just another example of this Minister's attitude to the way governments can be made to work for communities. I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) (17:40): I support the Fines Amendment Bill 2017, which is long overdue and aims to restore justice to the victims of crime. The main objective of the bill is to amend the Fines Act 1996 and the Victims Rights and Support Act 2013 by transferring responsibility for enforcing victims restitution debts. Currently a restitution order made under the Victims Rights and Support Act 2013 requires that compensation be made to a victim of violent crime by the offender. That is not working to the benefit of the victims of crime. Each year between 1,500 and 2,000 restitution orders, requiring payment of a total of around \$20 million, are made. Only \$4 million of that is ever recovered, which is less than a quarter of the total restitution due. That is not good enough for the victims of crimes. While Victims Services has the power to enforce payment orders via a judgement debt, this is not always viable because most offenders have limited capacity to pay the debt.

In an attempt to rectify this situation, the Office of State Revenue enforced 1,000 restitution orders worth \$10.5 million by applying the same enforcement measures as are applied to fines. At the end of the 12-month trial, 70 per cent of the debt was either paid or under active management through an instalment scheme. On the basis of the success of that trial, the Government presents the legislation that is being debated today. Through this bill, responsibility for the recovery of restitution debts will be transferred to the Office of State Revenue. It is envisaged that this will provide an improved debt recovery outcome for victims and will strengthen the role of the Office of State Revenue as the State's specialist debt recovery agency.

Under the provisions of this legislation, the administration of restitution orders will remain the responsibility of Victims Services within the Department of Justice. Victims Services provides valuable assistance to people in need. It assists those people in navigating their way through the justice system from the time they become a victim until after the end of the court process. But they also need satisfactory restitution to enable their lives to continue. This bill amends the Victims Rights and Support Act 2013 to separate those functions from the functions relating to enforcement and debt recovery. I emphasise that the amendments in no way affect the functions of Victims Services in providing support to the victims of crime. The personal information of victims cannot be disclosed as a result of the transfer of enforcement functions to the Office of State Revenue. Victims Services and the Commissioner of Victims Rights will continue to make and confirm restitution orders, and they will manage the objection and review process under which defendants can dispute their liability to pay the restitution amount.

As I mentioned earlier, the 12-month trial to hand over responsibility for restitution to the Office of State Revenue worked successfully in ensuring that rightful debts were paid. If we are to continue to look after the victims of crime, we must guarantee that they are given access to the funds they are owed. Clearly, the Office of State Revenue is better equipped to achieve this. It has access to more up-to-date data, including more comprehensive access to current addresses, which results in earlier engagement with customers and higher recovery rates. It also can match restitution debtors with existing customers of the Office of State Revenue. This includes people who have had licence or vehicle sanctions imposed by Roads and Maritime Services.

This bill will bring greater certainty into the lives of victims of crime. It streamlines the process by which a restitution order is handed down, including the requirement for the Commissioner of Victims Rights to serve a debt notice on a person advising of the consequences of failing to pay. The amendments to the Fines Act 1996 allow restitution orders to be enforced under the Fines Act in the same manner as court fines. There will be provision for those unable to pay the fine immediately as well as a "time to pay" arrangement under the Fines Act.

Apart from permitting restitution orders to be enforced as court fines, amendments to the existing legislation include a number of special provisions. Firstly, a provision currently existing in the Victims Rights and Support Act, which authorised attachment of prison earnings by Victims Services, is transferred to the Fines Act to allow enforcement action to be taken by the Office of State Revenue. Secondly, a new provision will allow separate fines enforcement action to be taken against two or more persons who are jointly liable under a restitution order. Imprisonment for breach of a community service order will not be available under enforcement orders for restitution debts. Finally, the Commissioner of Fines Administration will be required to suspend enforcement action and, as required, to vary or withdraw the enforcement order if a review or appeal is commenced which could affect the defendant's ability to pay restitution.

The additional revenue recovered by these amendments will reduce the cost to government of compensating victims of crime and ensure that additional debt is recovered and paid into the Victims Support Fund. The amendments contained in the Fines Amendment Bill 2017 will provide greater convenience to the

public by enabling them to deal with a single government agency. In addition, there will be more restitution paid to victims of crime, as shown in the 12-month trial. I commend the bill to the House.

Mr KEVIN CONOLLY (Riverstone) (17:46): I support the Fines Amendment Bill 2017. Not all legislation that comes through this place and through other parliaments is dynamic and revolutionary in nature. But many of the bills that we debate have a positive and definite influence on the lives of people, and this is one of those. It makes a distinct difference for the better. It is a smart bill. It may not be flash—it may not be exciting or revolutionary—but it is a smart bill that makes the system work better. The Fines Amendment Bill 2017 primarily enables victims restitution debts to be recovered as fines under the Fines Act 1996. The bill also streamlines the process by which a restitution order is confirmed by the Commissioner of Victims Rights under the Victims Rights and Support Act 2013. A victim of an act of violence may be awarded financial support and/or a recognition payment under the Victims Rights and Support Act with the award or payment being paid from the Victims Support Fund. Persons who are eligible for payment include a family member of a homicide victim; a victim of various kinds of assault, including sexual assault and indecent assault; and a victim of a robbery involving violence.

If a person has been convicted of the offence that led to the victim's injury, restitution action may be taken by Victims Services to recover that money from the offender. The convicted offender may be ordered to pay back all or some of the victim support payments paid by the fund to the victim. Currently, the first step in the restitution process is making a provisional order. The order is made by the Commissioner of Victims Rights to notify the defendant that an award for compensation or victim support payments has been made to a victim and that the commissioner is seeking to recover the amount of the award or victim support payments from the defendant. Awards of compensation or victim support payments are paid from State funds and may be paid to the victim before restitution action is commenced. Those payments are not contingent on the successful fate of the restitution action against the offender—the victim is still compensated.

Awards for compensation comprise components for injury sustained and actual expenses arising therefrom. Victim support payments comprise payments made to victims for financial support and/or a recognition payment. The provisional order is confirmed by the commissioner or by the NSW Civil and Administrative Tribunal, depending on whether the person has objected to the order. The rights of objection and review are retained under the new process, but the bill removes the concept of a provisional order and instead makes it clear that the order cannot be enforced until it is confirmed. If a confirmed order is not paid, the amendments now provide that the commissioner may serve a debt notice on the person advising of the consequences of non-payment. Those consequences are that the matter will be referred to the Commissioner of Fines Administration and that additional enforcement costs may become payable. The costs are the same as those that apply to all fines enforcement whereby additional costs of between \$40 and \$65 are payable when additional enforcement action is taken.

The bill therefore removes the provision that a restitution amount is deemed to be a judgement debt and instead requires the amount to be referred to the Commissioner of Fines Administration for an enforcement order. The new recovery process will apply to all new orders confirmed after the commencement of the amendments, which will be seven days after assent to the amending bill. The new process also will apply to any existing orders, allowing outstanding debts to be referred from Victims Services to the Office of State Revenue. However, any existing orders can be referred only after a debt notice has been served on the person, and cannot be enforced under the Fines Act if the debt was unenforceable under the current provisions because of any relevant limitation periods.

As we have heard in previous contributions to this debate, this bill is good for victims. It ensures that the pool of funds available to compensate victims is replenished, and not drawn down from taxpayers but from those who have committed the offence. It is also good for taxpayers precisely for that reason; that is, the people who have caused the injury or committed the offence will be made to contribute to restitution. The trial indicated that a good proportion of offenders will in fact do that under this new system, so it is good for victims and for taxpayers. It is also good by fostering respect for the law. A law that is not or that cannot be enforced can reduce public respect for the law. The Parliament should not put the State in that position. If we do not respect the law, we find it harder to get the community to comply and to respect the institution that makes the law.

Ensuring that we have a practical enforcement system means there is a greater likelihood of compliance and a greater respect in the broader community for the process of ensuring that those who do the wrong thing are made to pay. That instils much more confidence in the whole system. In fact, I would go further and say that this system is better for offenders than is the current system. It is better than the blunt instrument now available, which prevents offenders from earning a livelihood and thereby repaying the debt. It makes it more likely that offenders will be able to pay their debt to society. They will have paid their debt and wiped the slate clean and will be able to start again. That is clearly in the interests of the offender, just as it is in the interests of the wider community.

The Government's 12-month trial of this process was a good idea and the results have shown it to be a resounding success. It is certainly a step that the Government can now take with confidence. The evidence produced by the trial indicates that there will be much greater compliance and replenishment of funds for victims of crime by offenders and compliance with the law and the orders that have been issued. It is a much more flexible system that will allow an appropriate response tailored to the needs of each individual, taking into account their circumstances while using the method that is most likely to achieve compliance. For those reasons, I commend the bill to the House.

Mr LEE EVANS (Heathcote) (17:53): As has been stated by other members, the Fines Amendment Bill 2017 is important for the people of New South Wales because it introduces a much fairer system. It has been said often during this debate that offenders who have lost their licence can no longer make a living because they cannot drive to their place of employment. The current system makes it difficult for offenders to make the money required to pay their fines, and this bill will make it easier for them to do so. A restitution order made under the Victims Rights and Support Act 2013 enables all or some of the compensation paid to a victim of violent crime to be recovered from the offender. Each year between 1,500 and 2,000 restitution orders are made, requiring payment of around \$20 million. As members already have pointed out, only \$4 million is recovered, which is not a good record. The Minister for Finance, Services and Property has examined ways in which that process can be improved.

Currently Victims Services can enforce these orders only as a judgement debt, requiring application to a court. Such action is generally uneconomic because most offenders have limited capacity to pay. During a 12-month trial, the Office of State Revenue enforced 1,000 restitution orders, worth \$10.55 million, by applying the same enforcement measures available for fines. By the end of the trial period, 70 per cent of the debt was either paid or was under active management through an instalment payment arrangement or a work and development order. The Government therefore decided to permanently transfer the recovery of restitution debts to the Office of State Revenue. This will provide an improved debt recovery performance as part of the Government's strategy to use the advantages of the Office of State Revenue as the State's specialist debt recovery agency.

The object of this bill is to amend the Fines Act 1996 to allow the Commissioner of Fines Administration to take civil enforcement action against a fine defaulter who is an individual without first suspending or cancelling the fine defaulter's driver licence or vehicle registration. As I said, that is a heavy-handed way of dealing with someone who is prepared to work with the Government to clear their debt. Taking their licence and vehicle registration unfortunately often results in people driving unregistered vehicles without a licence. They then often find themselves swirling down into a vortex of even more crime. The bill also provides for the Commissioner of Fines Administration to take enforcement action to recover an amount payable under a confirmed order for restitution made by the Commissioner of Victims Rights against an offender or another person, which is a restitution amount.

The bill also makes amendments to the Victims Rights and Support Act 2013 related to the enforcement and recovery of restitution amounts by the Commissioner of Fines Administration. Schedule 1, which is entitled "Amendment of Fines Act 1996 No 99", provides for civil enforcement action without prior suspension or cancellation of a driver licence or vehicle registration. Schedule 1 item [5], entitled "Amendment of the Fines Act 1996 No. 99", provides for the civil enforcement action without prior suspension or cancellation of a driver licence or vehicle registration. It allows the Commissioner for Fines Administration to take civil enforcement action against a fine defaulter who is an individual without first suspending or cancelling the fine defaulter's driver licence or vehicle registration.

Civil enforcement action consists of making an order to seize property of the fine defaulter. Again, it is a harsh reality that offenders are not necessarily defaulting deliberately; they simply do not have the money to pay their fines. Their licence and their vehicle registration have been cancelled and then the Government starts to seize their property. Of course, they generally do not have much to seize. Civil enforcement action consists of making an order to seize property of the fine defaulter, making an order to garnishee the fine defaulter's debts, wages or salary, or registering a fine enforcement order as a charge on the fine defaulter's land.

At present, the Commissioner of Fines Administration may take civil enforcement action only against a fine defaulter who is an individual after the commissioner has suspended or cancelled the fine defaulter's driver licence or vehicle registration. Schedule 1 item [5] allows civil enforcement action to be taken against an individual without first suspending or cancelling the fine defaulter's driver licence or vehicle registration, but only if the commissioner is satisfied that suspension or cancellation of the fine defaulter's driver licence or vehicle registration is unlikely to be successful in satisfying the fine or would have an excessively detrimental impact on the fine defaulter. Again that comes back to making the system fairer. I believe that this piece of legislation will

make it a lot easier for people to make arrangements than making arrangements under the heavy-handed process of the past. The bill's explanatory note states:

Schedule 1 [9]:

- (a) requires the Commissioner of Victims Rights to refer an unpaid restitution amount to the Commissioner of Fines Administration for the making of a court fine enforcement order, and
- (b) allows the Commissioner of Fines Administration to take enforcement action under the *Fines Act 1996* to recover the restitution amount, and
- (c) re-enacts provisions from the *Victims Rights and Support Act 2013* that enable the enforcement of a restitution amount by attachment of prison earnings, and
- (d) requires enforcement costs to be paid from a restitution amount, or part of a restitution amount, that is recovered before the balance of the restitution amount is paid into the Victims Support Fund under the *Victims Rights and Support Act 2013* (**Schedule 1 [12]** makes a consequential amendment), and
- (e) allows the Commissioner of Fines Administration to enter into arrangements with the Commissioner of Victims Rights with respect to the recovery of restitution amounts, and
- (f) provides for related matters (by, for example, deeming a restitution amount to be a fine imposed by a court for the purposes of the *Fines Act 1996* and modifying that Act in its application to a restitution amount).

Schedule 1 [10] permits the Commissioner of Fines Administration to disclose, to a person engaged in the administration or execution of the *Victims Rights and Support Act 2013*, personal information about a person liable for a restitution amount in connection with a matter that is referred to the Commissioner of Fines Administration. **Schedule 1 [11]** makes a consequential amendment.

Schedule 2 Amendment of Victims Rights and Support Act 2013 No 37

Schedule 2 [26] allows the Commissioner of Victims Rights, following the confirmation of an order for restitution, to serve a debt notice on a person liable to pay the relevant restitution amount. A debt notice informs the person that the restitution amount is a debt payable to the Commissioner of Victims Rights and specifies a due date for payment. The debt notice also advises that, if the person does not pay the amount before the due date for payment, enforcement action for recovery of the amount may be taken under the *Fines Act 1996* and additional enforcement costs may become payable under that Act if that enforcement action is taken. Schedule 2 [26] also revises and reorders existing provisions relating to confirmation of, and the amount payable under, an order for restitution. **Schedule 2 [25]** makes a consequential amendment.

[Extension of time]

The explanatory note continues:

Schedule 2 [30] provides that, rather than a restitution amount being deemed a judgment debt recoverable by the Commissioner of Victims Rights, the Commissioner of Victims Rights must instead refer an unpaid restitution amount to the Commissioner of Fines Administration for the making of a court fine enforcement order, and the taking of enforcement action, under the *Fines Act 1996* to recover the amount. **Schedule 2 [1], [4], [5], [16], [22], [24], [29] and [33]** make consequential amendments.

Schedule 2 [3] allows the Commissioner of Victims Rights to enter into arrangements with the Commissioner of Fines Administration with respect to the recovery of restitution amounts.

Schedule 2 [2] allows the expenses payable to the Commissioner of Fines Administration under such an arrangement to be paid from the Victims Support Fund.

Schedule 2 [15] extends the circumstances in which the Commissioner of Victims Rights may confirm an order for restitution to include when the person subject to the order agrees to its confirmation and seeks (and is granted) time to pay the relevant restitution amount under the *Fines Act 1996*.

This might be fascinating for members but I wish now to deal with some of the more interesting definitions under schedule 1 headed "Amendment of the Fines Act 1996." The explanatory note continues:

112B Definitions

In this Part:

appropriate custodial officer means:

- (a) in the case of a person sentenced to imprisonment—the Commissioner of Corrective Services or the governor of the correctional centre in which the person is imprisoned, or
- (b) in the case of a person sentenced to children's detention—the Secretary of the Department of Justice or the person in charge of the detention centre in which the person is detained.

attachment order—see section 112G.

children's detention means detention under an order under section 33 (1) (g) of the *Children (Criminal Proceedings) Act 1987*.

order for restitution means an order for restitution under Part 5 of the *Victims Rights and Support Act 2013* that is a confirmed order under that Part.

prison earnings means:

- (a) in the case of a person sentenced to imprisonment—the person's earnings at the correctional centre in which the person is imprisoned, or
- (b) in the case of a person sentenced to children's detention—the funds held on behalf of the person at the detention centre in which the person is detained.

relevant offence has the same meaning as it has in Part 5 of the *Victims Rights and Support Act 2013*.

restitution amount means an amount payable under an order for restitution.

The explanatory note also states:

112D Application of Act to restitution amounts

This Act applies to restitution amounts in the same way as it applies to fines imposed by a court, subject to the following:

- (a) Divisions 1 and 2 of Part 2 do not apply,
- (b) Division 6 (Imprisonment) of Part 4 does not apply,
- (c) Part 6 does not apply,
- (d) any other modifications provided for by this Part or by the regulations or by the *Victims Rights and Support Act 2013*.

112E Time to pay orders

- (1) A person may apply for time to pay a restitution amount, and a time to pay order may be made in relation to a restitution amount, whether or not the person is in receipt of a Government benefit.
- (2) A requirement imposed by this Act that an applicant for time to pay must be a person who is in receipt of a Government benefit is to be disregarded for the purposes of this Part.
- (3) Accordingly, a restitution amount is to be referred to the Commissioner for the making of a court fine enforcement order if the person seeks a time to pay order in relation to the restitution amount.

112F Joint and several liability

If 2 or more persons are jointly and severally liable to pay a restitution amount:

- (a) a separate court fine enforcement order for the restitution amount may be made against any of those persons, and
- (b) any person against whom an order is made is liable to pay any enforcement costs payable under the order made against him or her.

Division 2 Attachment of prison earnings

112G Enforcement by attachment of prison earnings

- (1) The Commissioner may, for the purpose of enforcing payment of a restitution amount, make an attachment order in relation to a person's prison earnings.
- (2) An *attachment order* is an order that authorises deductions to be made from a person's prison earnings and applied towards payment of a restitution amount payable by the person.
- (3) An attachment order may be made only if:
 - (a) a restitution amount payable by a person has not been paid as required by a court fine enforcement order, and
 - (b) the person is serving a sentence of imprisonment or children's detention for a relevant offence in connection with which the order requiring payment of the restitution amount was imposed.
- (4) An attachment order is to be in the approved form.

I commend the bill to the House.

Ms MELANIE GIBBONS (Holsworthy) (18:01): I support the Fines Amendment Bill 2017, which aims to amend the Fines Act 1996 and the Victims Rights and Support Act 2013 to transfer the responsibility for enforcing victims' restitution debts to the Commissioner of Fines Administration. The transfer of restitution orders follows a successful trial by the Office of State Revenue of enforcing restitution orders on the same basis as court fines. Restitution orders are orders requiring a person convicted of an offence relating to violence to pay some or all of the cost of support payments made to the victim of that crime.

Amendments contained in this bill include amendments to require the Commissioner of Victims Rights to refer unpaid restitution amounts to the Commissioner of Fines Administration and to require the Commissioner of Fines Administration to enforce restitution orders as court fines. Amendments to the Victims Rights and Support Act 2013 remove the current provisions for enforcement of restitution orders; permit the Commissioner of Victims Rights to serve a debt notice advising of the consequences of non-payment; and require unpaid

restitution orders to be referred to the Commissioner of Fines Administration, including for the purpose of making time-to-pay arrangements.

Additionally, this bill amends the Fines Act 1996 to allow the Commissioner of Fines Administration to take civil enforcement action, such as a property seizure order, garnishee order, or charge on land, without first imposing driver licence or vehicle registration sanctions if those sanctions are unlikely to be successful or would have an excessively detrimental impact on the fine defaulter. During the 12-month trial that was conducted by the Office of State Revenue, enforcements of 1,000 restitution orders worth \$10.55 million were applied through the same enforcement measures available for fines. Seventy per cent of this debt was either paid or under active management through an instalment payment arrangement or work and development order by the end of the trial period.

As a result of the success of this trial, the Government decided to transfer the recovery of restitution debts permanently to the Office of State Revenue. This new provision will assist by increasing debt recovery performance as part of the strategy of the Government to utilise the advantages of the Office of State Revenue as the specialist debt recovery agency for the State. In 2013, this Government introduced the Victims Support Scheme, which installed an avenue for providing compensation and support payments to victims of crime. The changes introduced in the Fines Amendment Bill 2017 complement that scheme by reforming the means by which payments are recovered from offenders.

If the victim of an act of violence is awarded financial support or a recognition payment under the Victims Support Scheme, payment is made from the Victims Support Fund and the convicted offender may be ordered to pay back all or some of the payment. At the moment, approximately only 20 per cent of the amounts payable under restitution orders is being recovered under the previous Victims Compensation Scheme. As approximately 80 per cent of the amounts payable by offenders was not being recovered, the burden of paying compensation to victims of crime was falling primarily on the taxpayers of New South Wales, which is unacceptable.

Therefore, this bill establishes the permanent arrangements of the successful trial under which a restitution amount was deemed to be a fine imposed by a court for the purposes of the Fines Act 1996. Under that trial, the Office of State Revenue assumed responsibility for enforcing victims restitution debts, resulting in a significant improvement in the amount of outstanding debt recovered from offenders. By the end of the trial, 70 per cent of the debt was either paid or under active management through an instalment payment arrangement or work and development order. Although restitution orders are made by the Commissioner of Victims Rights and not by a court, they can only be made if the person has been convicted of a relevant offence involving an act of violence.

The Fines Act already includes other amounts that are payable as fines as a result of court proceedings that are not imposed by a court, such as victims support levies and court costs. It should be deemed appropriate that victim restitution debts are treated in the same manner as fines because the Victims Support Scheme is part of the criminal justice system. The trial under which restitution order debts were recovered as fines identified that approximately 70 per cent of debtors were existing customers of the Office of State Revenue and 25 per cent of the debt was able to be incorporated into existing payment arrangements. Those types of restitution debts will now be treated as fines to increase efficiency in the recovery of debts as well as being convenient for debtors to deal with a single government agency to pay off their debts.

As the State's specialist debt recovery agency, the Office of State Revenue is already experienced in recovering complex debts such as those under restitution orders where debtors often have multiple debts or joint debts with co-offenders. As the member for Holsworthy, I deal with the Office of State Revenue quite often when residents of my electorate need me to advocate on their behalf about fines. I believe that this department is well equipped to deal with this new process due to its valuable experience and professionalism. This reform will assist Victims Services and Support to concentrate on its important core business of providing support services to victims of crime and will ensure that offenders contribute to the assistance of their victims.

It must be noted that if a penalty notice is not paid by the due date of the penalty reminder notice or a court fine is not paid by the due date, it must be enforced by first applying Roads and Maritime Services [RMS] sanctions to licences and motor vehicle registrations. If an RMS sanction is applied, an enforcement fee of \$40 is added to the unpaid fine. Available RMS sanctions include suspension of a driver licence and vehicle registration and restrictions on other business dealings with RMS. If the RMS sanctions do not result in payment of a fine within 21 days, the Office of State Revenue may then commence civil debt recovery action, such as garnishing wages or money held in a defaulter's bank account, registration of a charge over land, or making a property seizure order, which is enforced by the sheriff. Should it look unlikely that RMS sanctions will not be successful or will have an excessively detrimental impact on the fine defaulter, the Fines Amendment Bill will permit civil fines enforcement action to be taken without first imposing RMS sanctions.

This will reduce unnecessary costs incurred in attempting licence restrictions when the Commissioner of Fines Administration knows that such action is likely to be unsuccessful. It will also allow the Commissioner of Fines Administration to refrain from using licence sanctions against fine defaulters who are known to be vulnerable due to the person's economic or employment circumstances. The amendments presented in the Fines Amendment Bill 2017 will assist to allow greater convenience to members of the public by dealing with a single government organisation to pay off debts related to multiple fines. I am glad that this legislation means that more offenders will be held to account for the harm caused to victims of crime and public finances. This better targeted fines enforcement action will help to reduce the potentially negative impact of that action on members of the New South Wales community. I commend the bill to the House.

Mr RON HOENIG (Heffron) (18:16): I am delighted to make a contribution to the Fines Amendment Bill 2017. The shadow Minister has indicated the Opposition's position and I endorse what he has said. Nothing I say should be seen to be inconsistent with his contribution and his detailed analysis of this important piece of legislation. I have valued the contributions of Government members to this debate, which seem to be akin to the debate on the Library Amendment Bill in this House. That bill was dealt with before I was elected, but I am told it was one of the most riveting performances by Government members on a significant piece of legislation in the history of this House. All of us should be concerned by the Government's lack of legislative program. Consequently, one can understand why the second reading speech has been read and re-read by all contributors to this debate from the Government benches.

I wish to make a contribution to this debate before further Government members beat their chests about the significant public policy that is contained in the Fines Amendment Bill. As members of this House have said, it is unsatisfactory that only 20 per cent of funds were recovered, as the victims of violent crime who were to be compensated needed it to be recovered. There is difficulty recovering money from those ordered to pay compensation under the Victims Rights and Support Act 2013 for one reason, and that is because they are in jail. The ability to recover funds other than from their jail earnings—which they will have only if they are fortunate to have a job in those oppressive institutions—will always be difficult.

I have no issue whatsoever with the transfer of the responsibility for enforcement of recovery of those funds to the Commissioner of Fines Administration, given that that office is quite proficient in its ability to recover funds. I do not have any issue, as a rule—bearing in mind that these are court orders—with the notion that those with the capacity to pay should pay. I assume that this is one of the factors that has been taken into consideration when people are sentenced for violent offences. There is something that I am concerned about, and I ask the Government to give the matter some consideration between the time this bill leaves this place and when it is introduced in the other place. It is contained in items [4] and [5] of schedule 1—the provisions that enable enforcement action to be taken and do not require the commissioner to first suspend somebody's licence.

I would rather that issue—in terms of the commissioner's function—effectively not intrude on the enforcement provisions with respect to recovering compensation. The actions that are taken in relation to the removal of driver licences are usually as a result of motor vehicle acts. It is a mechanism of the Government to recover from persons who have committed driving or motor vehicle offences fines associated with a breach of the law. That is understandable. However, simply giving the Executive government the ability to remove driver licences for failing to pay compensation as ordered by the court—thereby allowing motor vehicle issues to intrude into that criminal side of things—impacts only on the less fortunate and on Indigenous people, who are likely to be recipients of the wielding of the commissioner's power. The Government may point to proposed section 71 (1A) and (1B), which is contained in item [5] of schedule 1:

- (1A) Enforcement action may be taken under this Division before or without taking action under Division 3 if the fine defaulter is an individual and the Commissioner is satisfied that civil enforcement action is preferable because, having regard to any information known to the Commissioner about the personal circumstances of the fine defaulter:
 - (a) enforcement action under Division 3 is unlikely to be successful in satisfying the fine, or
 - (b) enforcement action under Division 3 would have an excessively detrimental impact on the fine defaulter.
- (1B) The Commissioner may decide that civil enforcement action is preferable in the absence of, and without giving notice to or making inquiries of, the fine defaulter.

In other words, the commissioner has the discretion not to proceed to cancelling a driver licence but the information that would persuade him—as referred to in item [5] of schedule 1—could never be known to the commissioner. Is the commissioner going to say, "The person that is being ordered to pay compensation is a Koori from Wallaga Lake and therefore it might not be appropriate to take away his licence. Therefore I will proceed by way of enforcement provisions." He is not going to do that. I imagine that the reason behind that provision is that if the defaulter is a truck driver or taxidriver there is no point in cancelling his licence because then it would not be possible to recover the funds. So I understand there is a reason, although it is all about revenue.

However, simply allowing licences to be removed, as a vehicle to encourage people—people who may never in their lives be able to pay these amounts—to repay these amounts will have consequences. For example, an individual from Wallaga Lake is ordered to pay compensation. He moves all the time and does not have a regular address. If his licence is cancelled he will not know about it and he will drive a car. If the police pull him over he will be charged with driving with a cancelled licence. If he does that a few times he will be locked up. I can just see it happening; I have seen the consequences of these sorts of legislative errors. If the Government wants to give the commissioner the power to do that, the Opposition takes no issue.

If the Government wants to give the commissioner the discretion, in the recovery of fines, not to take away a driver licence on the first occasion, that is good because cancellation of a driver licence may affect people such as taxidrivors or truck drivers. That is a good discretion to give the commissioner. But when it comes time to recover compensation that might be ordered under the Victims Rights and Support Act 2013—a compensation payment that those on the opposite side of the Chamber reduced substantially—I ask the Government to look again at proposed section 71 (1A) and (1B). Do not allow driving licence suspensions or cancellations to be used as a vehicle to recover those sorts of money. After all, this legislation will enable the commissioner to garnishee bank accounts or to register the debt and enforce it against assets if there are any.

This is a special category of an amount ordered by the court; the driver licence should have absolutely nothing to do with it. Even if Government members disagree with the views that I have expressed, I ask them to look at items [4] and [5] of schedule 1, where they will see that there is, in most circumstances, no mechanism for the commissioner to be seized of any information, to have that knowledge, about someone who might have been ordered to pay compensation. I ask the Government members or those who advise the Minister to have in the back of their minds how the commissioner is going to know the details about the person. Is the commissioner going to obtain the court papers to see what the magistrate said in sentencing and whether it is appropriate? The answer to that is likely to be "No".

Mr CHRIS PATTERSON (Camden) (18:26): I speak on the Fines Amendment Bill 2017. I must say that the contributions of those who have spoken before me in this debate have been extremely thorough. I wondered whether I should go through the same things.

Mr Anoulack Chanthivong: No.

Mr CHRIS PATTERSON: I agree because, now that I think about it, a lot has been said about this very good bill. I note the presence of the Minister for Innovation and Better Regulation. My first phone call this morning was to the Minister Kean at a quarter past six. He did not answer; it turned out that he was at the gym. My second phone call, at about 6.20 a.m. was to the Minister for Finance, Services and Property, who did answer. He was not at the gym and was on his way to Parliament. In my discussions with the Minister on my way to Parliament—I have a two-hour drive—I said, "Minister, you are doing an outstanding job." The Minister said to me, "Yes, I am, but I want to acknowledge the wonderful work of my staff. When your staff are as hardworking as mine you like to let people know it." So I would like to acknowledge those staff members. Matt Dawson is the Chief of Staff and Jane Standish is Director of Policy. Not unlike Matt, she does an outstanding job.

Caity McLoughlin is Senior Policy Adviser, Will Sparling is Senior Media Adviser, and Tom Green, who is with us in the House today, does a great job as Policy Adviser. Olivia Roth is the Media Adviser and Jordan Lane is Parliamentary Liaison Officer. Elisabeth Stepanian is Executive Assistant to the Minister. She gets him where he needs to be on time. Bernie No is Department Liaison Officer [DLO] and James Camilleri is the receptionist. Members who have rung the Minister's office would know that he has a great phone manner. I wish to acknowledge Chereilyn Brearley, DLO. I acknowledge the outstanding work of the staff of the Minister's office. Minister Dominello is the first to acknowledge that, without their hard work, bills like this would not appear. This has been a bipartisan debate; everybody is happy with the bill. It has been a fantastic effort. I could go on and on, but I will spare the House. I wholeheartedly endorse this bill, I thank the Opposition for its bipartisan support, and I commend the bill to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (18:36): In reply: The amendments proposed by the Fines Amendment Bill 2017 reflect the Government's commitment to improving debt recovery while continuing to protect vulnerable people in our wonderful State. I want to thank the members who contributed to this debate: Clayton Barr, the member for Cessnock; Mark Taylor, the member for Seven Hills; Guy Zangari, the member for Fairfield; Stephen Bromhead, the member for Myall Lakes; Greg Piper, the member for Lake Macquarie; Alex Greenwich, the member for Sydney; Alistair Henskens, the member for Ku-ring-gai; Jai Rowell, the member for Wollondilly; Michael Johnsen, the member for Upper Hunter; Chris Gulaptis, the member for Clarence; Gareth Ward, the member for Kiama; John Sidoti, the member for Drummoyne; Kevin Connolly, the member for Riverstone; Lee Evans, the member for Heathcote; Melanie Gibbons, the member for Holsworthy; Ron Hoenig, the member for Heffron; and Chris Paterson, the member for Camden, and what an outstanding address he made.

The transfer of responsibility for the recovery of unpaid restitution orders to the Office of State Revenue follows a successful trial which began in 2013. It is important that a person convicted of an offence relating to violence who is ordered to make restitution is held to account. The revenue raised by restitution orders helps to pay for the cost of support payments made to the victims of crime. I would like to respond to points raised by members during debate on this bill. The amendments to the Fines Act 1996 allow restitution orders to be enforced under the Fines Act in the same manner as court fines. This includes an improved process for the defendant to enter into a payment arrangement by allowing early voluntary enforcement of the order for the purpose of entering into a time-to-pay arrangement under the Fines Act. In cases of voluntary enforcement, the Fines Regulation already provides that enforcement costs otherwise payable to the Office of State Revenue on the making of the fine enforcement order are postponed and must be waived if the person complies with the terms of the arrangement.

Apart from permitting restitution orders to be enforced as court fines, the amendments to the Fines Act include a number of special provisions applying to restitution orders. First, a provision currently in the Victims Rights and Support Act which authorised attachment of prison earnings by Victims Services is transferred to the Fines Act to allow that enforcement action to be taken by the Office of State Revenue. Secondly, a new provision will allow separate fines enforcement action to be taken against two or more persons who are jointly and severally liable under a restitution order. Thirdly, imprisonment for breach of a community service order will not be available under enforcement orders for restitution debts, and finally, the Commissioner of Fines Administration will be required to suspend enforcement action and vary or withdraw the enforcement order as required if a review or appeal is commenced which could affect the defendant's liability to pay restitution. The additional revenue recovered by this initiative will reduce the cost to government of compensating victims of crime by ensuring that additional debt is recovered and paid into the Victims Support Fund.

The bill contains further amendments to the Fines Act 1996 unrelated to restitution orders. These amendments will allow the Office of State Revenue to better target different fines enforcement actions in individual cases. At present, the first fines enforcement action taken by the Office of State Revenue is to direct Roads and Maritime Services [RMS] to impose licence, vehicle registration and business restrictions on the fine defaulter. The fine defaulter is charged an additional enforcement fee of \$40 for each enforcement action taken by the RMS. If available, these RMS sanctions must be attempted before the Office of State Revenue can attempt any other enforcement action, such as a garnishee order. This requirement limits the flexibility to take the most appropriate action, having regard to the particular circumstances of the offender. In some cases, the imposition of RMS sanctions such as a driver licence suspension is unlikely to result in the recovery of fines and may, in fact, be counterproductive in terms of an individual's employment and access to services.

In closing, the transfer of functions relates only to debt recovery where the recipient of a restitution order fails to pay and does not affect the functions of the Commissioner of Victims Services relating to victims' support or the making of restitution orders. The bill provides for the Commissioner of Victims Rights to refer unpaid restitution amounts to the Commissioner of Fines Administration, who is then responsible for enforcing the restitution order as if it were a court-imposed fine. The bill also provides the Commissioner of Fines Administration with greater flexibility in recovering unpaid penalty notices and court-imposed fines. Allowing the Commissioner to take civil enforcement action before imposing driver licence or vehicle registration sanctions will eliminate the need to incur unnecessary costs in cases where licence sanctions are unlikely to succeed, or where sanctions will inappropriately penalise people who are vulnerable. A person may be vulnerable because of their economic circumstances, or because of the importance of having a licence for employment purposes, or because they live in a regional or remote area of the State. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Geoff Provest): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Mr VICTOR DOMINELLO: I move:

That this bill be now read a third time.

Motion agreed to.

BIOSECURITY AMENDMENT BILL 2017

First Reading

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

TEMPORARY SPEAKER (Mr Geoff Provest): I order that the second reading of this bill stand as an order of the day for a later hour.

STATE REVENUE LEGISLATION AMENDMENT BILL 2017

Second Reading

Debate resumed from 23 February 2017.

Mr CLAYTON BARR (Cessnock) (18:37): I speak on the State Revenue Legislation Amendment Bill 2017. I lead for the Opposition and note from the outset that the Opposition will not be opposing this bill. This is indeed a complex bill and it applies to a rather large number of scenario-specific situations in people's lives. With that in mind, as the shadow Minister, while I do harbour some minor concerns about possible and unintended consequences, there has been no outcry or broader claims of injustice from parties who will be directly affected by the bill, and so I place some faith in the absence of alarm. This bill will give effect to changes in several pieces of legislation including the Duties Act 1997, the Land Tax Management Act 1956, and the Payroll Tax Act 2007. It will also have minor impacts on the First Home Owner Grant (New Homes) Act 2000, the Regional Relocation Grants (Skills Incentive) Act 2011, the Small Business Grants (Employment Incentive) Act 2015, and the Taxation Administration Act 1996.

The most significant changes that will result from this bill can be found in the Duties Act 1997. These changes will include: the allowance of electronic transactions, rather than only written or paper documents; and the charging of nominal duties to replace ad valorem duties in instances of property transfer such as self-managed superannuation funds, the retirement or appointment of trustees, merger of credit unions and mutual structures, and between family members on primary land and/or marriage or de facto break-ups. Another set of changes to the Duties Act 1987 will allow for linked entities, through complex company and trust structures, to be identified and connected to the land holding. It will also close loopholes to prevent avoidance of landholder duties. It will also extend the circumstances in which a trustee, a natural person and a company can be treated as being "associated" for the purpose of liability of duties.

Changes to the Land Tax Management Act 1956 will require government entities that enter into a lease of Crown land to inform the lessee that the leased land occupied is to be included in their own personal assessment of land tax. Under the changes proposed to the Land Tax Management Act found in this bill, if the government entity leasing the land does not fulfil this requirement to inform the lessee that they carry responsibility for resolving their own land tax issues by including the lease in their assessment, then the government body itself, having leased the land without properly informing the lessee of potential land tax duty, will be liable for the land tax duty.

Changes to the Payroll Tax Act 2007 allow for appropriate exemptions for employment agents who on-hire their employees from the appropriate wages being included for the purpose of payroll tax when the employee is paid an "exempt wage". Examples of this include non-profit organisations, education and training, volunteer emergency services, maternity and adoptions leave and Aboriginal employment. In essence, this means that if a company on-hires an employee to another entity so that the employee can perform duties in any of the listed categories and others, then the employee's wages should not be included in determining that the original company is responsible for payroll tax. This seems to be an appropriate amendment.

Other minor changes to the Payroll Tax Act will specify that wages paid to an employee participating in the Commonwealth organ donor scheme will not be counted for the purpose of payroll tax, which is another change I support. A company employing a courageous individual participating in this scheme should be exempt from payroll tax. A final change to the Payroll Tax Act will also deal with motor vehicle allowances, in keeping with the recently amended Commonwealth Income Tax Assessment Act. The three-tiered system of motor vehicle allowances that have historically been in place will be replaced with a single exempt rate.

Changes to various other Acts are identical changes in each instance and will allow the Office of State Revenue to share information with Australian charities and not-for-profits in the execution of each of those Acts. Here I refer to the First Homeowners Grant, the New Homes Act, the Regional Relocation Grant Skills Incentive Act and the Small Business Grants Employment Incentive Act. It is my understanding that the intent of this change to allow for the exchange of information is to close loopholes in the application of grants. Further, it appears likely that this change is required due to the incredibly large number of services formerly provided by the public sector and government departments that are now being implemented by charities and not-for-profits.

Primarily, this bill seeks to close loopholes and align with recent changes in Commonwealth legislation. However, to the matter of changes to landholder duties and duties imposed on the transfer of landholdings, there is some question about the potential use of these changes in providing what might be described as a "free ride" for wealthy self-managed superannuation schemes and trusts. It is impossible to determine the quantum of this

without access to extensive datasets. To this end, I ask the Minister in his reply speech to offer some figures about the types of volumes of such transfers of landholdings and the financial impacts, positive or negative, to the budget bottom line that will result from the changes proposed in this bill. I ask the Minister to provide these figures in the interests of transparency. I am assuming that the figures will not cause alarm or concern but rather that the figures will give evidence and testimony to the minor nature of these changes. As noted at the outset, the Opposition does not oppose this bill.

Mr JAI ROWELL (Wollondilly) (18:45): I support the State Revenue Legislation Amendment Bill 2017 and I note that the hardworking Ministers with carriage for this bill, the Minister for Finance, Services and Property and the Minister for Innovation and Better Regulation, are in the Chamber for this debate. The provisions making lessees of land owned by the Crown liable for land tax commenced in 1989 and were extended to lessees of council land in 1992. They were intended to create a level playing field between people who lease from the Crown and people who lease premises from private owners, who are required to pay land tax in their outgoings. The Office of State Revenue [OSR] attempts to inform lessees of potential liability through the client education program, and information is published on the OSR website and included in land tax brochures.

The Office of State Revenue writes to Crown bodies and councils to remind them to inform new lessees of any potential land tax liabilities and to get the details of new leases entered into. Unfortunately, some lessees slip through the net each year and are only identified after compliance activity. The amendment to require Crown bodies and councils to include a clause in all new lease agreements will benefit lessees in several ways. It will do this for people who are aware of potential for land tax where the liability will be taken into account when negotiating lease payments. The number of clients who fail to declare a land tax liability and who later have to pay up to five years of prior tax year debt will be decreased.

The objects of the bill are to amend the Duties Act 1997 to clarify the application of that Act to instruments that are in a digital form; to provide for the charging of nominal duty, rather than ad valorem duty, on certain transfers of property to the custodian of a trustee of a self-managed superannuation fund where duty on an agreement for the sale or transfer of the property has been paid and the purchaser is the trustee; and to clarify the matters of which the chief commissioner must be satisfied for nominal duty, rather than ad valorem duty, to be charged on transfers of trust property that are a consequence of the retirement or appointment of a trustee. Further objects are to provide for an exemption from duty for the vesting of land occurring as a consequence of the merger of credit unions or of authorised deposit-taking institutions with mutual structures; to extend existing exemptions from duty on transfers following the break-up of marriages and de facto relationships to cover such transfers to trustees under the Bankruptcy Act 1966 of the Commonwealth, and to make further provision in relation to the aggregation of interests acquired by a person in a landholder for the purposes of liability for landholder duty.

Other objects are to ensure that the liabilities of a landholder are disregarded in determining whether a person has an interest in a landholder that makes the person liable for landholder duty; to make further provision in relation to the tracing of interests through linked entities of a unit trust scheme or company for the purposes of determining whether the scheme or company is a landholder; and to extend an existing anti-avoidance measure, which ensures that certain landholdings transferred from a unit trust scheme or company within 12 months of a person acquiring an interest in the scheme or company are counted when determining whether the scheme or company is a landholder so that the measure covers agreements for the sale or transfer of landholdings.

Further objects are to prevent the avoidance of liability for landholder duty by the use of arrangements that include combined put-and-call options as an alternative to an agreement for sale or transfer; to make further provision to prevent a person who enters into an agreement to purchase shares or units in a landholder avoiding landholder duty by opting to defer registration of the purchase; and to extend existing exemptions from duty connected with transfers between family members of land used for primary production to, among other things, cover transfers from a self-managed superannuation fund where a member of the fund and the person to whom the land is transferred are family members.

Provisions also included are: to provide for an exemption from duty connected with transfers of property between superannuation funds that are required to be made under transitional arrangements relating to the Commonwealth's MySuper reforms; to make further provision for the test to be applied in determining the amount of duty that a person is liable to pay as a result of a tax avoidance scheme that is of an artificial, blatant or contrived nature; to extend the circumstances in which a trustee and another trustee, a natural person and a trustee, and a private company and a trustee are treated as being "associated" for the purposes of liability for duty, by tracing through to sub-trusts; and to make other minor and consequential amendments.

Mr Clayton Barr: This is sexy legislation.

Mr JAI ROWELL: This is very great legislation, as the member for Cessnock has just informed the House. The bill also amends the Land Tax Management Act 1956 to require a government entity that leases land

to make the lessee aware that the lessee can be liable for land tax on the land. It also amends the Payroll Tax Act 2007 to provide that certain wages paid by employment agents who on-hire their common law employees to clients of the agents are exempt from payroll tax if wages paid by the clients to their own employees are "exempt wages"; to exempt from payroll tax wages paid under the Supporting Leave for Living Organ Donors Program; and to update other provisions of that Act.

Finally, the bill amends various Acts to permit disclosures to the Australian Charities and Not-for-profits Commission. It is my responsibility as a member of Parliament to declare in this debate that my wife and I are looking at setting up a self-managed superannuation trust. I think that many in this place would be in a similar situation, but I understand that we are legally required to declare it. I think this is good legislation. As the member for Cessnock says, it is a great piece of legislation. I commend the Minister for his hard work in bringing these essential reforms. I commend the bill to the House.

Mr ALISTER HENSKENS (Ku-ring-gai) (18:51): Consistent with the views stated in my inaugural address, it would be my strong preference that an improvement to the broad-based GST be made so that we did not need stamp duty or payroll tax to give the Government the revenue it needed to run New South Wales. Until there is some general tax reform in the Commonwealth of Australia—which would require cooperation between the State and Federal governments—it is necessary for the State Government to have in place robust revenue measures so that we can provide the hospitals, schools, roads and other facilities that our citizens require. There are some important measures, particularly relating to the Duties Act, contained within the State Revenue Legislation Amendment Bill 2017 that bear mentioning.

The first, which is in schedule 1 [12], [14] and [15], deals with a recent decision of the New South Wales Supreme Court—which changed what had been accepted legal wisdom for 30 years—in relation to the changing of a trustee and the effect of that change on stamp duty. Subject to the Perpetuities Act, it is self-evident for those who are familiar with trust law that trusts may exist for much longer than the life of a trustee if the trustee is a natural person. To recognise that reality and to ensure that beneficiaries of trusts were not punished for the fact that their trustee had died, section 54 of the Duties Act provided for nominal duty, not ad valorem duty, in circumstances where a trustee passed away, or where there was a change from a human trustee to, for example, a corporate or specialist trustee service, having regard to the particular circumstances of the trust.

This beneficial and fair provision has unfortunately been taken advantage of by people using trust law to change the underlying ownership, in effect, of the property of a trust—effectively resulting in the disposition of property through the trust structure—and using that as a way to avoid stamp duty at an ad valorem rate. In order to ameliorate that problem, items [14] and [15] of schedule 1 to the bill make amendments to insert new subsections (2A) and (3) into section 54 of the Act. The way those two provisions work is to recognise that a duty of \$50, which I would consider a nominal duty in comparison to an ad valorem duty:

... is chargeable in respect of a transfer of dutiable trust property to any of the following as a consequence of the retirement of a trustee or the appointment of a new trustee if the Chief Commissioner is satisfied that the transfer is not part of a scheme to avoid duty that involves conferring an interest, in relation to the dutiable trust property, on a new trustee or any other person (whether or not as a beneficiary) so as to cause any person to cease holding the whole or any part of a beneficial interest (or potential beneficial interest) in that property:

- (a) a licensed trustee company that is not a special trustee,
- (b) a trustee of a self-managed superannuation fund,
- (c) a trustee of a special disability trust.

As to new section 54 (3), the existing subsection (3) is deleted and, in its place, the following new subsection is inserted:

Duty of \$50 is chargeable in respect of a transfer of dutiable trust property to a person (other than to a licensed trustee company, a special trustee, a trustee of a self-managed superannuation fund or a trustee of a special disability trust) as a consequence of the retirement of a trustee or the appointment of a new trustee if the Chief Commissioner is satisfied that, as the case may be:

- (a) none of the continuing trustees remaining after the retirement of a trustee is or can become a beneficiary under the trust, and
- (b) none of the trustees of the trust after the appointment of a new trustee is or can become a beneficiary under the trust, and
- (c) the transfer is not part of a scheme to avoid duty that involves conferring an interest, in relation to the dutiable trust property, on a new trustee or any other person (whether or not as a beneficiary) so as to cause any person to cease holding the whole or any part of a beneficial interest (or potential beneficial interest) in that property.

If the Chief Commissioner is not so satisfied, the transfer is chargeable with the same duty as a transfer to a beneficiary under and in conformity with the trusts subject to which the property is held, unless subsection (3A) applies. This allows the chief commissioner to provide scrutiny with regard to changes in trustees and to ensure that the change of a trustee is, in effect, bona fide and not part of a scheme that would enable the change of trustee to effectively avoid the consequences of an ordinary disposition

of property which would have attracted ad valorem stamp duty consequences. That is an important provision that has been introduced into the Duties Act. Schedule 1 [26] includes provisions that enable the tracing of interests through linked entities of unit trust schemes and companies for the purposes of determining whether the scheme or company is being used as a means of avoiding ad valorem duty. The schedule is complex and proposes to insert a new definitional section 158A dealing with the meaning of a linked entity and the constructive ownership of land holdings and other properties through linked entities.

This is important because a fundamental rule of the nature of a legal personality is that usually the courts will not look behind the ownership of a company, because of the famous House of Lords decision *Salomon v Salomon & Co Ltd* [1896]. Similarly, it is also established law that in the case of a unit trust, ordinarily the courts will not look to who are the actual unit holders of the trust for the purposes of determining how the entity is to be taxed. However, because not tracing the underlying ownership of unit trusts or companies can create the potential for avoidance of the ad valorem duty, it has become necessary to introduce these proposed new sections. I commend the work of the Minister in introducing these complex amendments, particularly those dealing with linked entity definition and constructive ownership in new section 158A. This is important and complex but necessary reform. I commend the defence of the revenue base of this great State delivered by this bill.

Mr MARK COURE (Oatley) (19:01): For those watching this debate on the internet throughout not only Australia but also the world, I commend the outstanding job that the member for Terrigal is doing as Mr Temporary Speaker. As members have said, the State Revenue Legislation Amendment Bill 2017 makes various amendments to a number of key pieces of legislation, including the Duties Act 1977, the Land Tax Management Act 1956, and the Payroll Tax Act 2007. It aims to clarify liabilities, to address avoidance practices, and to extend concessions. Significant amendments are being made to pieces of legislation, particularly the Duties Act. Members who have made contributions to this debate have talked about different amendments being made to that Act. The member for Ku-ring-gai discussed the anti-avoidance provisions, and the member for Cessnock talked about the exemptions relating to wages paid under the Supporting Leave for Living Organ Donors Program.

I commend the Minister for introducing this bill. It seeks to amend the Land Tax Management Act to require a government entity—that is, a lessor of Crown land—to make the lessee aware of the liability to pay land tax on the land. In addition, the amendments to the Payroll Tax Act make it clear that certain wages paid by employment agencies that on-hire their common law employees to exempt bodies are "exempt wages". It also amends various Acts to permit disclosure of information to the Australian Charities and Not-for-profits Commission. Mr Temporary Speaker, I foreshadow that I will seek an extension of time. I am sure that that will be supported by members on both sides of the House, including the current member for Kiama. I referred earlier to the member for Cessnock's contribution about the amendments to permit wages paid under the Supporting Leave for Living Donors Program to be treated as exempt wages for payroll tax purposes. This bill also makes other amendments to the Payroll Tax Act to update an exemption from payroll tax applying to certain motor vehicle allowances to reflect changes in Commonwealth legislation.

The bill also contains amendments designed to clean up legislation. Every six months or so parliaments introduce miscellaneous bills to ensure that State legislation accords with Commonwealth legislation. This bill reflects changes in Commonwealth legislation that has been on the statute books for some time. It also makes amendments of a statute law revision nature, including an amendment providing that the wages of staff in local health districts that may be clients of employment agencies are to be paid or are payable by the Crown. The bill also updates references to the title of a "public service agency". Other Acts being amended are the First Home Owner Grant (New Homes) Act 2000, the Regional Relocation Grants (Skills and Incentive) Act 2001, the Small Business Grants (Employment Incentive) Act 2015, and the Taxation Administration Act 1996.

I will now deal with the anti-avoidance provisions in the legislation. Amendments to the Payroll Tax Act relate to wages paid by employment agents who on-hire their common law employees. There are also amendments relating to sub-trusts, combined put-and-call options, and transfers of primary production land. I acknowledge the great work undertaken by the Minister and his officers. Earlier I touched on some of the anti-avoidance provisions, which I will now refer to in detail. As the member for Ku-ring-gai already mentioned, the bill amends a provision under which the amount of duty that a person is liable to pay as a result of a tax avoidance scheme that is of an artificial or blatant nature is the amount of duty avoided by the person. Currently the amount of duty avoided by the person is the amount that would have been payable or that it is reasonable to expect would have been payable by the person if the tax avoidance scheme had not been adopted.

The proposed amendment will ensure that the amount that would have been payable by the person is determined on the assumption that it is a reasonable alternative to enter into or make if the scheme had been adopted. The bill also amends the Duties Act 1997. As other members have mentioned, these amendments make it clear that an instrument includes an instrument that is in digital form and that the provisions of the Act that apply to written instruments apply also to instruments that are in digital form. These amendments also repeal a provision that is made redundant over the years. I acknowledge the presence in the Chamber of the member for Canterbury. This is an important bill.

Ms Sophie Cotsis: It is an important bill.

Mr MARK COURE: I am sure that other provisions in this bill that are supported by all members include no double duty on certain transfers of self-managed super funds—this issue has been raised with me from time to time by people in my electorate—and transfers of trust property as a consequence of the retirement or appointment of trustees, which is a good point. I am sure that many people are listening to this debate and to my speech. [*Extension of time*]

Recently I read the bill and earlier today I read the Legislation Review Digest relating to this bill. These amendments will ensure that a nominal duty of \$50 is chargeable on certain transfers of trust property that are consequent on the retirement or appointment of trustees only if the chief commissioner is satisfied that, among other things, the transfers are not part of a scheme to avoid duty that involves conferring an interest relating to the trust property or a new trustee or other person so as to cause any person to cease holding a beneficial interest in that property. These are commonsense changes in the State Revenue Legislation Amendment Bill. I congratulate the Minister for Finance, Services and Property on introducing the bill and I commend it to the House.

Mr GEOFF PROVEST (Tweed) (19:13): I contribute to debate on the State Revenue Legislation Amendment Bill 2017, which makes various amendments to duties, land tax and payroll tax legislation to clarify liabilities, address avoidance practices and clarify or extend concessions. Many of the amendments in this bill could be described as minor or housekeeping amendments that will have the effect of clarifying and fine-tuning State revenue legislation. The proposed reforms will amend the Duties Act 1997 to ensure the Act applies to instruments that are in a digital form. The community has come to rely on digital communication in everyday life, and this Parliament is not exempt. The objects of the bill are as follows:

- (ii) to provide for the charging of nominal duty (rather than ad valorem duty) on certain transfers of property to the custodian of a trustee of a self-managed superannuation fund where duty on an agreement for the sale or transfer of the property has been paid and the purchaser is the trustee, and
- (iii) to clarify the matters of which the Chief Commissioner must be satisfied for nominal duty (rather than ad valorem duty) to be charged on transfers of trust property that are a consequence of the retirement or appointment of a trustee, and
- (iv) to provide for an exemption from duty for the vesting of land occurring as a consequence of the merger of credit unions or of authorised deposit-taking institutions with mutual structures, and
- (v) to extend existing exemptions from duty on transfers following the break-up of marriages and de facto relationships to cover such transfers to trustees under the Bankruptcy Act 1966 of the Commonwealth, and
- (vi) to make further provision in relation to the aggregation of interests acquired by a person in a landholder for the purposes of liability for landholder duty, and
- (vii) to ensure that the liabilities of a landholder are disregarded in determining whether a person has an interest in a landholder that makes the person liable for landholder duty, and

These objects clarify the landholder duty provision in relation to the tracing of interests through linked entities, extends anti-avoidance measures and put-and-call options, ensures that the liabilities of a landholder are disregarded in determining whether a person has endurable interest in a landholder, and extends existing exemptions from duty connected with transfers between family members of land used for primary production to self-managed superannuation funds. The objects of the bill also include:

- (xiii) to provide for an exemption from duty connected with transfers of property between superannuation funds that are required to be made under transitional arrangements relating to the Commonwealth's MySuper reforms, and
- (xiv) to make further provision for the test to be applied in determining the amount of duty that a person is liable to pay as a result of a tax avoidance scheme that is of an artificial, blatant or contrived nature, and
- (xv) to extend the circumstances in which a trustee and another trustee, a natural person and a trustee, and a private company and a trustee are treated as being "associated" for the purposes of liability for duty, by tracing through to sub-trusts...

The bill amends the Payroll Tax Act 2007 to:

- (i) to provide that certain wages paid by employment agents who on-hire their common law employees to clients of the agents are exempt from payroll tax if wages paid by the clients to their own employees are "exempt wages", and
- (ii) to exempt from payroll tax wages paid under the Supporting Leave for Living Organ Donors Programme, and

That program is under Commonwealth legislation. The bill will amend the Land Tax Management Act 1956 as follows:

- (ii) to exempt from payroll tax wages paid under the Supporting Leave for Living Organ Donors Programme, and

...

(d) to amend various Acts to permit disclosures to the Australian Charities and Not-for-profits Commission. Recently, the Commonwealth Government introduced a scheme to encourage people to donate their kidneys or a part of their liver. The scheme reimburses employees for wages paid for up to six weeks leave taken by the donor employee, based on a national minimum wage for a 38-hour week.

The amendment makes it clear that these payments from an employer to an employee are exempt wages to the extent that the wages are reimbursed by the Commonwealth. I support the organ donors program and encourage everyone to register and to have discussions with their families and loved ones, to ensure that they do not override their wishes. This worthwhile program, which has a low participation rate, enables people to donate their organs to save the lives of others. The provision in the bill removes a potential disincentive for employees to approve leave for employees participating in the scheme.

The Payroll Tax Act exempts a motor vehicle allowance being paid to an employee for using their vehicle for business up to the rate for a large car prescribed under the Commonwealth income tax legislation. The 2014-15 prescribed rate for a car was 77¢ per litre. The Commonwealth has amended this legislation to replace the existing three-tiered scale of motor vehicle allowances with a single rate. The single rate for 2015-16 and 2016-17 is 66¢ per kilometre. The amendment adopts the Commonwealth changes so that the same rate is applied for payroll tax purposes. This simplifies the administration for employers and also reduces red tape. A key component of the Liberal-Nationals Government is reducing the amount of money paid by the employer and reducing red tape. The bill extends this to include transfers from self-managed superannuation funds to recognise the increasing practice of holding family businesses in self-managed superannuation funds.

Secondly, the nominal duty currently applies where an agreement is completed by a transfer to a person who is related to the purchaser. This extends to transfers to custodians of self-managed superannuation funds where the fund trustee was the purchaser. Thirdly, an exemption applies to transfers of property as a consequence of the break-up of a marriage or de facto relationship. Sadly, one in three relationships ends in divorce. The bill provides two new exemptions. One exemption is provided for transfers of fund assets arising from members to a MySuper fund, and one is provided for an exemption from duty on the vesting of land upon the merger of credit unions and mutual banks.

Ms Sophie Cotsis: Say it with passion.

Mr GEOFF PROVEST: I am. This is very serious. A lot of the matters we cover in this place are common sense.

TEMPORARY SPEAKER (Mr Adam Crouch): Order! The member for Canterbury will come to order.

Mr GEOFF PROVEST: We are here for the betterment of the people of New South Wales. The effect on revenue of these concessions is minor, as the transactions in question are not common or the result of new developments where no duty liability existed. However, individual taxpayers will be relieved from paying significant duty liability in circumstances where liability was not intended. This is an important amendment. It gets rid of red tape and simplifies the whole process so that the people of New South Wales will have a deeper understanding of this legislation, local people can be employed and we can get on with the important things in life. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) (19:23): I speak in support of the State Revenue Legislation Amendment Bill 2017. It was lovely to listen to the member for Tweed, who can speak with great authority on divorce, property settlements and the De Facto Relationships Act.

Mr Gareth Ward: Point of order: I ask that the member for Myall Lakes return to the leave of the bill.

TEMPORARY SPEAKER (Mr Adam Crouch): Order! The member for Myall Lakes will return to the leave of the bill.

Mr STEPHEN BROMHEAD: I am talking about the bill. The previous speaker made a great contribution to the debate on the State Revenue Legislation Amendment Bill 2017, which was introduced by Minister Victor Dominello, who earlier today spoke in reply on the Fines Amendment Bill 2017. These two bills have come before the House because this Government believes in good governance for New South Wales. They are two examples of bills that improve governance in New South Wales, for victims of crime and, in this case, on the matter of revenues and duties. The objects of this bill are as follows:

- (a) to amend the Duties Act 1997:
 - (i) to clarify the application of that Act to instruments that are in a digital form, and
 - (ii) to provide for the charging of nominal duty (rather than ad valorem duty) on certain transfers of property to the custodian of a trustee of a self-managed superannuation fund where duty on an agreement for the sale or transfer of the property has been paid and the purchaser is the trustee, and
 - (iii) to clarify the matters of which the Chief Commissioner must be satisfied for nominal duty (rather than ad valorem duty) to be charged on transfers of trust property that are a consequence of the retirement or appointment of a trustee, and
 - (iv) to provide for an exemption from duty for the vesting of land occurring as a consequence of the merger of credit unions or of authorised deposit-taking institutions with mutual structures, and

- (v) to extend existing exemptions from duty on transfers following the break-up of marriages and de facto relationships to cover such transfers to trustees under the Bankruptcy Act 1966 of the Commonwealth, and
- (vi) to make further provision in relation to the aggregation of interests acquired by a person in a landholder for the purposes of liability for landholder duty, and
- (vii) to ensure that the liabilities of a landholder are disregarded in determining whether a person has an interest in a landholder that makes the person liable for landholder duty, and
- (viii) to make further provision in relation to the tracing of interests through linked entities of a unit trust scheme or company for the purposes of determining whether the scheme or company is a landholder, and
- (ix) to extend an existing anti-avoidance measure (which ensures that certain land holdings transferred from a unit trust scheme or company within 12 months of a person acquiring an interest in the scheme or company are counted when determining whether the scheme or company is a landholder) so that the measure covers agreements for the sale or transfer of land holdings, and
- (x) to prevent the avoidance of liability for landholder duty by the use of arrangements that include combined put and call options (as an alternative to an agreement for sale or transfer), and
- (xi) to make further provision to prevent a person who enters into an agreement to purchase shares or units in a landholder avoiding landholder duty by opting to defer registration of the purchase, and
- (xii) to extend existing exemptions from duty connected with transfers between family members of land used for primary production to (among other things) cover transfers from a self-managed superannuation fund where a member of the fund and the person to whom the land is transferred are family members, and
- (xiii) to provide for an exemption from duty connected with transfers of property between superannuation funds that are required to be made under transitional arrangements relating to the Commonwealth's MySuper reforms, and
- (xiv) to make further provision for the test to be applied in determining the amount of duty that a person is liable to pay as a result of a tax avoidance scheme that is of an artificial, blatant or contrived nature, and
- (xv) to extend the circumstances in which a trustee and another trustee, a natural person and a trustee, and a private company and a trustee are treated as being "associated" for the purposes of liability for duty, by tracing through to sub-trusts, and
- (xvi) to make other minor and consequential amendments,
- (b) to amend the Land Tax Management Act 1956 to require a Government entity that leases land to make the lessee aware that the lessee can be liable for land tax on the land,
- (c) to amend the Payroll Tax Act 2007:
 - (i) to provide that certain wages paid by employment agents who on-hire their common law employees to clients of the agents are exempt from payroll tax if wages paid by the clients to their own employees are "exempt wages", and
 - (ii) to exempt from payroll tax wages paid under the Supporting Leave for Living Organ Donors Programme, and
 - (iii) to update other provisions of that Act,
- (d) to amend various Acts to permit disclosures to the Australian Charities and Not-for-profits Commission.

The bill amends several Acts relating to the taxes and duties functions of the Office of State Revenue. In his second reading speech, the Minister advised that many of the amendments are minor or housekeeping amendments that will keep tax laws effective and current. He said:

This will improve equity by ensuring clients in similar circumstances have similar outcomes, combat tax avoidance practices by ensuring taxpayer liabilities are consistent with the policy intent of the legislation, reduce red tape by removing uncertainty, increase harmonisation with other States and Territories where possible, and improve administrative simplicity. It was interesting that the Legislation Review Committee looked, first, at privacy. In this respect, the committee said:

- 3. The bill amends the following Acts to allow information obtained in the course of the work under the legislation to be disclosed to the Australian Charities and Not-for-profits Commission:
 - (a) *First Home Owner Grant (New Homes) Act 2000*,
 - (b) *Regional Relocations Grants (Skills Incentive) Act 2011*,
 - (c) *Small Business Grants (Employment Incentive) Act 2015*, and
 - (d) *Taxation Administration Act 1996* ...

It continued:

- 4. In each of these Acts, there is a general presumption that such information is not to be disclosed, except in certain circumstances such as to organisations or persons specifically mentioned in the legislation, with the consent the person the information relates to, or as otherwise authorised by law. An unauthorised disclosure can result in a maximum penalty of \$11,000.

5. The Australian Charities and Not-for-profits Commission is an independent national regulator of charities which is established by the Australian Charities and Not-for-profits Commission Act 2012 (Cth).

The Bill will permit the Office of State Revenue to disclose information obtained in the course of work under certain taxes and grants legislation to the Australian Charities and Not-for-profits Commission (the Commonwealth Commission). Such information is currently subject to limited disclosure. Therefore, inappropriate disclosure could impact on the right to privacy.

However, the Committee notes that some information about grants and taxes is likely to be relevant to the regulation of the charities and not-for-profits sector. In addition, the NSW Office of State Revenue will need to comply with the broader NSW privacy laws when disclosing personal information. Likewise, the Commonwealth Commission will need to comply with similar Commonwealth privacy laws in how it collects, uses, discloses and otherwise manages the personal information it receives. For these reasons, the Committee makes no further comments.

It is good to see that the committee was in a position to review any potential infringement of rights. I would like to turn now to the amendment of the Duties Act 1997, specifically section 18, no double duty. This legislation will omit section 18 (3) (d) and insert instead:

(d) at the time the agreement was entered into, and at the completion or settlement of the agreement:

- (i) the purchaser under the agreement (other than a purchaser who purchased as a trustee) and the transferee under the transfer were related persons, or
- (ii) if the purchaser purchased as a trustee (other than as a trustee of a self-managed superannuation fund)—the transferee and the beneficiary were related persons, or
- (iii) if the purchaser purchased as a trustee of a self-managed superannuation fund—the transferee under the transfer was the custodian of that trustee.

Under this bill section 54 (2A) of the old legislation is omitted and a new subsection is inserted, which relates to the duty of \$50. In the circumstances, I commend the bill to the House.

Debate adjourned.

Private Members' Statements

INTERNATIONAL WOMEN'S DAY

Ms KATE WASHINGTON (Port Stephens) (19:33): On the eve of International Women's Day I ask this question: What do we tell our daughters? How can we raise our daughters and tell them honestly that we live in a fair society and that women are treated equally in all ways to men? Whilst women in work continue to be undervalued and underpaid the answer is too awful. Try explaining to your daughter that they can work as hard as a man, indeed, do the same job as a man, but they will be paid less. It is so wrong that it is hard to believe. But the figures are clear. And what is so difficult to stomach is that the figures have not changed for the past 20 years. For the past two decades there has been a 16 to 17 per cent gender pay gap among the general full-time workforce. This means that women earn on average just 83 to 84 per cent of a man's pay packet. Through the eyes of a child, or anyone, that is just not fair. The lesser value placed on feminised workplaces is a historical hangover from which we have not recovered. It is the prevalence of attitudes displayed earlier this year by Senator Leyonhjelm that perpetuate the disparity.

When speaking about the Federal Government's proposed childcare package, the senator could not understand why childcare workers needed to gain qualifications when their work only involved wiping noses and stopping kids from killing each other. A childcare worker, Chloe Chant, responded to the senator's views describing what her workday looks like. She described working unpaid to create documents to be used in court for a family in the middle of a child custody hearing; identifying behaviours that indicated possible child sexual abuse; holding a baby as he experienced febrile convulsions and delivering first aid that could have prevented brain damage or death; spending four hours filling out legal documentation; and completing a set of observations culminating in a recommendation that a child be assessed for learning delay. She changed nappies, prepared lunches, mopped floors, mediated conflicts, attended staff meetings, managed resources, taught self-help skills and helped children toilet train. She was spewed on by babies, cleaned up vomit, helped multiple babies sleep, and taught pre-literacy skills, and the list continues. All that for \$20 an hour.

Thankfully, our early childhood education and care services are full of workers who are passionate about the power of education to transform lives. Without the passion and their love of the job, there is little other reason to be there. With women making up to 97 per cent of the early childhood education and care workforce, the workers are underpaid and undervalued. Seventy per cent of long day care workers are paid the award wage, which is just \$20 an hour for a certificate III support worker and \$25 an hour for a university-qualified worker. And yet it takes four years to become qualified as a teacher in New South Wales. Once qualified, if a graduate chooses to work in an early childhood education and care service, they will be paid 20 to 30 per cent less than someone with the same qualifications working in a school.

To put it in perspective, a university qualified teacher and preschool director whom I met last year shared that she was paid less per hour than the person who cleans the preschool. And yet, as a director of a preschool service she runs a small business complete with its own staff, budget and facilities to maintain whilst enriching children's lives through early education. It is little wonder that early childhood education and care services struggle to attract and keep staff. If people can earn more from packing shelves at the supermarket, why would they not do that? If these teachers can earn much more by teaching in schools, why would they not? But a high staff turnover does not assist in the delivery of quality preschool education.

The theme for International Women's Day in 2017 is "Be Bold For Change". After 20 years of a stagnating gender pay gap it is time to be bold for change. Tomorrow, on International Women's Day, many childcare workers will be bold for change and will stop work at 3.20 p.m. They are stopping work out of sheer frustration at the gender pay gap and to signify the time when women effectively start working for free. It will be the biggest early education walk-off in Australian history. We are at a point in time when bold action is required, and I commend United Voice for its strong advocacy for childcare workers. It is in the interests of us all, in every possible way, to reduce inequality in our society. Gender inequality is at the heart of violence against women. I return to the question I first posed: What do we tell our daughters? We tell them that we must be bold, we must fight, and we must shake off this ugly historical hangover and achieve pay parity for women.

GLENRAY INDUSTRIES LTD

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (19:39):

I welcome this opportunity to speak about a significant organisation in my electorate, Glenray, which has been in Bathurst for almost 60 years providing support for people with disability. Over the years Glenray has provided support through schools, employment and respite care. Glenray does an incredible amount of work making a difference to the lives of many people with disability in our local community. Just last week I had the opportunity to attend the official opening of the new Glenray Lifestyle and Learning centre in Bathurst. The official opening was attended by members of the Bathurst Regional Council, including Deputy Mayor Michael Coote, members of the Glenray board, and staff. I place on record that Glenray's committed staff do amazing work with their clients. They dedicate each and every working day to ensuring that their clients are properly looked after, as they deserve.

Many individual clients of Glenray were present at the opening. Some of them have been involved with Glenray for a number of years—some since their school days. Others have sought employment with Glenray. These individual clients have been able to grow and expand their knowledge, while at the same time the Glenray board has become more professional. In the past 10 years the board was incorporated and now it has a business model to ensure its future sustainability as it meets the needs of clients and the demands placed upon the organisation. Importantly, Glenray is able to provide services to individuals, their families and the wider community. Glenray is successful in providing accommodation in the form of group homes, units and houses.

We take accommodation and everyday living for granted, but this is often not the case for people with disability. However, at Glenray they are given the opportunity to live independently. They have a home at which to spend time and cook their meals, they can go out shopping, and some individuals are involved with providing home maintenance. Glenray also offers employment opportunities for those with disability, as it runs a premium laundering and linen hire service in Bathurst. The laundry provides a linen service for the hospitality industry and businesses in Bathurst, Orange and Lithgow as well as Forbes, Parkes and Mudgee. A lot of the maintenance of the important entrances to Bathurst is undertaken by work crews that include people with disability. The council awards tenders to these work crews and the workers undertake tasks such as mowing, whipper snipping—

Dr Geoff Lee: Landscaping.

Mr PAUL TOOLE: —and some of the landscaping work. They make sure that the city is kept in pristine condition for visitors who travel to Bathurst for events throughout the year. I welcome Glenray providing those employment opportunities for people with disability. Glenray provides respite care for people aged up to 60 years and transitional support for people who are leaving school and seeking employment. At Friday's opening we were shown the new extension to Glenray's main building. The Glenray Lifestyle and Learning centre is a great addition that will provide day programs for at least 70 participants with disability in our area. With the rollout of the National Disability Insurance Scheme, these participants will be responsible for deciding on the programs they would like to be involved in. We were shown the audiovisual room, meeting rooms and lecture theatres. We heard about opportunities for music therapy. The centre will break down barriers. Participants always appear to be happy, and I was proud to be part of the opening of the new centre.

Mr GARETH WARD (Kiama) (19:44:0): I thank the Minister for Lands and Forestry for informing the House about Glenray Industries Ltd. I acknowledge his support, and that of all members, for service providers to people with disabilities. I have a disability and I know that inside every person there is a capacity to achieve

one's full potential. I enjoyed hearing about the support that the member for Bathurst has given to Glenray Industries on the opening of its lifestyle and learning centre and its work to find employment and housing for people with disabilities. No matter where one lives—be it Bathurst or Bomaderry—every individual can achieve their full potential. Indeed, in the Illawarra great service providers such as Greenacres and Flagstaff do similar things, and I am sure that all members can relate similar stories from their electorates. I thank the member for Bathurst for using the time of this House tonight to focus on an organisation and a group of people who are clearly making a real difference to people's lives. I thank the member for his kind acknowledgement of their work.

TRIBUTE TO SISTER CATHERINE RYAN

Dr GEOFF LEE (Parramatta) (19:45): I pay tribute to the work and achievements of Sister Catherine Ryan. For more than 50 years, she has been a dedicated and devoted Sister of Mercy. Sisters of Mercy are renowned for their values, including compassion—to be touched by the pain of others—and treating all people with respect and dignity. They believe that justice should be for the common good not only locally but also globally, the importance of service in education and to the community, and a commitment to helping and empowering the poor. Sister Catherine embodies these values.

Sister Catherine recently finished her six-year term as congregation leader of the Sisters of Mercy Parramatta. As the congregation leader she inspired many and she is held in high esteem for her work by her peers, the staff and students of Our Lady of Mercy College and the community. A former principal of Our Lady of Mercy College, Sister Ailsa Mackinnon, described her as "a woman of integrity and compassion". I agree. I have had the honour and privilege of knowing Sister Catherine for the past six years and, whilst we may not agree on all issues, I value her frank and fearless advice. I take her concerns seriously because she is a person of integrity and compassion. She knows what she is talking about.

Sister Catherine is friendly and approachable. She has a gentle manner. She takes an intelligent approach to topics under discussion and has a breadth of understanding of issues. She also has an amazing sense of humour. She has contributed much to our society and I thank her for that. In 1963 she started as a primary school teacher, first at St Charles Primary School, Ryde, and then at St Bernadette's Primary School, Castle Hill. In the 1970s and 1980s she was the principal of St Patrick's Primary School, Blacktown, then Our Lady of Fatima School, Caringbah, and then St Michael's School, Baulkham Hills.

Apart from her roles as a primary school teacher and principal and as a consultant in the Catholic school system, Sister Catherine has also worked closely with Aboriginal people and people with HIV/AIDS. Indeed, she was instrumental in setting up the HIV/AIDS ministry in the Catholic diocese of Parramatta. In the 1990s she provided much-needed pastoral care at Westmead and Royal North Shore hospitals. From 1998 to 2005 she worked as a pastoral assistant to the Holy Family Parish, Mount Druitt. Her experiences have taught her much about the needs of marginalised people and the need to promote social justice. For the past 12 years she has been involved in administration and, as I said earlier, for the past six years she has been the congregation leader at Parramatta.

The Sisters of Mercy tell me that she is a most worthy leader. She has given immeasurable support to them in sickness and in health, in professional situations, and in providing counsel and advice as they attempt to deal with the challenges of the twenty-first century. Sister Catherine has brought that integrity and compassion to all her roles. She has shared her wealth of knowledge, her insights and her advice. This has been greatly valued in her work with the congregation of Our Lady of Mercy College, Parramatta; St Michael's Centre at Baulkham Hills; and the Stella Maris aged care facility at Cronulla. Sister Catherine is truly an exceptional person. She has a strong sense of social justice and an outstanding work ethic. She has an enormous compassion for others. She exhibits outstanding integrity in everything she does and she has an immense capacity for giving. I am proud to stand here tonight in the New South Wales Parliament and recognise Sister Catherine for 50 years of dedicated service to the community.

LOCAL GOVERNMENT AMALGAMATIONS

Mr RON HOENIG (Heffron) (19:49): I draw to the attention of the House the impact of council amalgamations on my electorate. My electorate comprises four councils. Two have been merged into the Inner West Council and the Bayside Council and a third amalgamation—Randwick, Waverley and Woollahra—is likely to occur once the High Court disposes of the special leave application of Woollahra Council the way the High Court normally disposes of special leave applications. The concern I want to raise relates to the interference in the functioning of the amalgamated councils by the New South Wales Government, the Premier and, in particular, the Department of Premier and Cabinet.

Under the Local Government Act, when councils are established and administrators are appointed, the discretion to manage the council's day-to-day and long-term affairs are vested in the administrator. There is no

lawful power held by the Premier or the Premier's department to interfere in the functioning of the council. Whether an administrator is appointed or there are democratically elected councillors, a council is a third tier of government and is entitled to function without the interference of the second tier—unless that interference is lawful. The State has very limited power to interfere in the functioning of a council. Those powers are vested in the Minister in dealing with complaints or improvement orders or in certain specific defined areas.

I have a view, which I have expressed repeatedly to this House, about the way the Government has gone about the amalgamation process. My view on the amalgamations of councils—and the Leader of the Opposition has expressed his view as well—is not secret, but I do not intend to revert to that subject. The concern I am expressing tonight, and I am extremely concerned, is about the fact that administrators and interim general managers are under pressure to report weekly and fortnightly to the Department of Premier and Cabinet. They need to report because they get emails similar to an email I have been provided with. It was sent by Ray Partridge of the management office of the Department of Premier and Cabinet, and it says:

Within your "Status Reporting" folder within Smartsheets you will find the Week 3-4 ... status template, ready for population.

It goes on to tell the council to list their achievements, implementation, savings and benefits, and challenges. The information collected this way is used to prepare documents such as "Stronger Councils, Stronger Communities" in order to enable the Premier to advocate the benefits of these amalgamations. The Premier and the Department of Premier and Cabinet are entitled to no more detailed information from councils than I am. If they wish to have the information they are demanding from administrators, they should make an application under the Government Information (Public Access) Act 2009 like anybody else would have to. What they are doing is forcing the administrators and the interim general managers to effect artificial savings.

When administrators are appointed to administer these merged councils, their function—a particularly difficult function—is to manage them and to try to stabilise them prior to an election. It is not their function to make significant policy decisions. It is not their function to answer to the Premier's department. Their function is to discharge their responsibilities lawfully under the Act. I must say that the administrators and interim general managers in my councils have done a sterling job, and they have been responsive to written representations I have made. I make no criticisms of them. But I do criticise the pressure on them to withdraw or change services—which should be the prerogative of elected representatives. They are being put under artificial pressure, in my view unlawfully, by the Premier's department. These councils ought to be able to exercise their own discretions under the Act and not be intimidated into giving artificial material, unlawfully, to the department.

Mr GARETH WARD (Kiama) (19:54): I listened very intently to the member for Heffron. I have a great deal of personal respect for him. However, the member for Heffron presented details of part of one email and suggested that that was a threshold by which the Government is proven to have forced or intimidated a council into providing information. I accept that there are different spheres of government, of which local government is one, but the Government also has a responsibility to ensure that councils are functioning efficiently. I think that one email would not be the threshold test to suggest that the Government, and the Premier, as he suggested in his opening remarks, somehow interfered or pressured the council. If the member has more information and more details, I am sure he will use the auspices that he is entitled to use in this House to reveal them, and I encourage him to do so.

SHORT-TERM HOLIDAY LETTING

Mr GREG PIPER (Lake Macquarie) (19:55): A parliamentary inquiry into short-term holiday letting throughout the State delivered its final report to the Government in October last year. The Government's response, I understand, will be delivered formally next month. While I am quite prepared to wait for that response, I will inform the House about some of the impacts of short-term holiday letting in my electorate of Lake Macquarie. From the outset, I and each of the constituents who have spoken to me about the rapid growth in short-term holiday letting on new media such as Airbnb and Stayz do not wish to see it stopped. But it is clear that there needs to be some form of regulation so this industry can continue to grow in a way that is harmonious with our local communities.

I commend the inquiry panel, which was chaired by the member for Oatley and earlier by the member for East Hills. The committee has recommended that a rigorous and effective compliance system must be developed within existing planning legislation but warned against any over-regulation. There are hundreds of residential home owners in my electorate who are letting their homes or spare rooms out to short-term visitors. They are earning a supplementary income from empty or under-utilised assets, and I have no problem with this type of "sharing economy" in principle. But most of these homes are in residential areas and there is a valid argument that they disadvantage traditional tourist accommodation providers such as hotels, motels and resorts.

Equally, there is a valid argument from some neighbours of those properties that a lack of regulation is turning their once quiet residential areas into something else—a transient tourist destination. I recently spoke to

a constituent at Coal Point on the shores of Lake Macquarie who now has homes either side of his property that are leased to overnight or short-term tenants through the online accommodation service Airbnb. One of those properties is leasing for as much as \$650 a night. The five-bedroom home can accommodate 10 people, but when the tenants have friends around for the day there can be double that number enjoying the home and its tranquil waterfront. My constituent tells me he would not care so much if the home's owner was on site when paying visitors were staying. He says that if it was operated as a traditional bed and breakfast where owners live on site while still welcoming in a weary traveller problems may not arise.

His other permanent neighbours say, "It just doesn't feel like our neighbourhood any more. We're getting a new neighbour almost every day, while activity and noise has increased dramatically". They report that guests at the homes are not always causing trouble, but trouble with drunk and noisy visitors does occasionally occur. Fortunately, those instances appear to be rare, but there have been occasions when groups of young people have rented one of these homes for a few nights, have held wild parties, have damaged the property and have made life very miserable for surrounding neighbours. This type of thing has not been limited to the traditional tourist towns such as those on the State's North Coast or on Queensland's Gold Coast; they are happening in normal, once quiet suburban streets throughout my electorate and, I dare say, throughout most others.

Last month, Lake Macquarie City Council considered amendments to local planning guidelines, which would permit short-term rental accommodation, subject to certain provisions. Under its draft proposal, the owners of properties in residential areas would not need any new consent to lease or part-lease their homes or spare rooms, but there is a lot of confusion and angst about how the council should regulate or deal with this burgeoning industry. While the council has deferred a decision until the State Government responds to the parliamentary inquiry's report, it has formally encouraged the Government to initiate a statewide policy approach. The fact is that current arrangements are fragmented, confused and need to be clarified or regulated in a way which identifies potential problems and solves them.

People living in strata-managed buildings are also growing increasingly concerned, not only about the number of transient neighbours they now have but also because their strata levies are increasing as insurance companies are raising the cost of insurance policies on buildings which are housing some Airbnb-style operations. Some strata committees have put an outright ban on short-term stays, although some residents are continuing to operate outside of the rules. The rapid expansion of this industry and its popularity have been significant in my electorate, and not only in areas that might traditionally have been considered popular tourist destinations. I am sure that the Parliamentary Secretary's electorate of Kiama would have many examples of this. We have seen this type of short-term accommodation banned in cities such as Berlin and New York and it appears that other major cities throughout the world may follow. I am by no means certain that that is the appropriate response, but I am convinced that reform and regulation is needed sooner rather than later.

**The House adjourned, pursuant to standing and sessional orders, at 20:00 until
Wednesday 8 March 2017 at 10:00.**