LEGISLATIVE COUNCIL

Wednesday 27 February 2013

The President (The Hon. Donald Thomas Harwin) took the chair at 11.00 a.m.

The President read the Prayers.

Pursuant to sessional orders Formal Business Notices of Motions proceeded with.

SYDNEY KOREATOWN FESTIVAL

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

   (a) on Saturday 16 February 2013, the Koreatown Festival took place in Sydney,

   (b) Koreatown Lunar New Year Festival celebrates Lunar New Year with a day of events and activities,

   (c) the aim of the festival is to raise the community's awareness about the value of diverse communities and promote cultural enrichment, and

   (d) now in its third year, attractions include K-POP music, taekwondo, traditional dancing and other cultural performances.

2. That this House acknowledges:

   (a) the organisers and volunteer management committee for organising such a successful event:

      (i) Mr Luke Song, President, Sydney Korean Community Festival Committee,

      (ii) Mr Won Hee Lee, Vice President, Sydney Korean Community Festival Committee,

      (iii) Mr Soon Kwan Kim, Secretary, Sydney Koreatown Festival,

      (iv) Mr Gu Hong Kim, Finance Manager, Sydney Koreatown Festival,

      (v) Mr Cheol ki Kim, Director, Sydney Koreatown Festival,

      (vi) Ms Anita Jang, Program Director, Sydney Koreatown Festival,

      (vii) Ms Anita Chang, Event Director, Sydney Koreatown Festival Committee,

      (viii) Mr Min Cheol Chae, Accounting Manager, Sydney Koreatown Festival,

      (ix) Ms Liz Kim, Protocol Manager, Sydney Koreatown Festival Committee,

      (x) Ms Su Ja Yoon, Protocol Manager, Sydney Koreatown Festival,

      (xi) Mr Sung Taek Jeon, Administration Manager, Sydney Koreatown Festival,

   (b) those that attended, particularly:

      (i) the Hon. Victor Dominello, MP, Minister for Citizenship and Communities and Minister for Aboriginal Affairs,

      (ii) the Hon. Greg Smith, SC, MP, Attorney General and Minister for Justice,

      (iii) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier,

      (iv) Mr Alex Greenwich, MP, member for Sydney,

      (v) Councillor Clover Moore, Lord Mayor of Sydney,

      (vi) Mr Jin-soo Kim, the Consul General of the Republic of Korea,

      (vii) Mr Michael Brown, Chief Executive Officer, AFC Asian Cup Australia 2015,

(c) the organisations that contributed to the Koreatown Festival, particularly:

(i) City of Sydney Council,

(ii) the Yeongdong-gun Council in Korea,

(iii) Sydney Business Korean Association,

(iv) Korean Cultural Office,

(d) the success that Koreatown has had in bringing tourism related business opportunities for residents and business owners in the area.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1083 outside the Order of Precedence objected to as being taken as formal business.

SUTHERLAND SHIRE COMMUNITY AWARDS 2013

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that, on 26 January 2013, the Sutherland Shire Council recognised two individuals and two organisations for their contribution to the local community in the 2013 Sutherland Shire Community Awards at the Australia Day Ceremony in Cronulla.

2. That this House notes that:

(a) Gaye Doran received the Sutherland Shire Citizen of the Year Award, and:

(i) Mrs Doran established the English as a Second Language [ESL] group at St Philip's Anglican Church, Caringbah, in 2000,

(ii) Mrs Doran has volunteered her time to running weekly programs to assist new residents of Australia in learning and developing their skills in learning English as a second language,

(iii) Mrs Doran has also been recognised for providing assistance to refugee families settling in the area, in particular to those from the Sudan, having provided accommodation for some in her own home,

(b) Glenn Harvey was awarded the Young Citizen of the Year Award, and:

(i) Mr Harvey is the New South Wales Schools coordinator for the Global Poverty Project,

(ii) Mr Harvey has dedicated his time to travelling to schools, providing education for pupils about global poverty and the contributions students can make to helping the cause,

(iii) Mr Harvey has travelled to Japan twice in the last year to assist in rebuilding efforts following the devastation of the tsunami that hit north Japan in 2011,

(iv) Mr Harvey has led short-term exchange programs for teenagers whose parents were killed in the disaster, and has led a team of local students to help in rebuilding efforts, and

(c) the Rotary Club of Engadine and Sutherland Early Support were the joint recipients of the Community Group of the Year Award, and:

(i) Mr Glen Beauchamp received the Community Group of the Year Award on behalf of the Rotary Club of Engadine,

(ii) Engadine Rotary was awarded the Community Group of the Year Award for raising $2.02 million for Father Chris Riley's Youth Off the Streets charity through the running of the annual Sydney to Surfers Bike Ride fundraiser,

(iii) Mrs Lina Willmott received the Community Group of the Year Award on behalf of the Sutherland Early Support Service,

(iv) Sutherland Early Support Service was awarded the Community Group of the Year Award for their work in providing support for vulnerable mothers caring for newborns and small children,

(v) the Sutherland Early Support Service consists of 74 people conducting home visitations and providing care and support for these women and their families.

3. That this House congratulates the recipients of these awards and commends these individuals and groups on their outstanding service to both the Sutherland Shire and the community at large.

SAN REMO NEIGHBOURHOOD CENTRE

Motion by the Hon. GREG DONNELLY agreed to:

1. That this House notes that:

   (a) the San Remo Neighbourhood Centre was opened in 1987 and works extensively with communities in the northern part of the Wyong Shire,

   (b) the centre has flourished since it opened and currently employs 20 staff working with over 40 volunteers, and

   (c) the centre operates as a key hub that encourages community development through empowering residents to participate in local initiatives and activities.

2. That this House notes that:

   (a) the centre's LINKS Youth Support Services and After School Care program are specifically designed for young people and children,

   (b) Financial and Family Services offered by the Centre include Coastlink Friendship Centre, Local Employment Access Project, Financial Counselling, Emergency Relief, Personal and Relationship Counselling and a Community Restaurant,

   (c) the centre also offers a range of courses and directly supports a number of groups including Alcoholics Anonymous, Narcotics Anonymous, Northlakes Men's Group, Parkinson's Group, Prostate Cancer Group, San Remo Community Garden, Friendship Playgroup and Men's Shed,

   (d) the Community Development activities of the Centre include Restoring Harmony program, Northern Wyong Community Drug Action Team, Northern Wyong Shire Graffiti Forum, Sunny Seed Enterprise and the annual GOATS Festival.

3. That this House expresses its sincere thanks to the Manager of the San Remo Neighbourhood Centre, Jillian Hogan, staff and all the volunteers for the outstanding work that they are doing for the community.

SYDNEY OLYMPIC PARK NETBALL CENTRAL

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

   (a) on Sunday 17 February 2013, the Hon. Barry O'Farrell, MP, Premier of New South Wales and the Hon. Graham Annesley, MP, the Minister for Sport and Recreation, together with Netball NSW President, Wendy Archer, AM, Netball NSW Chief Executive Officer, Carolyn Campbell, NSW Swifts Co-Captain, Mo'onia Gerrard, and Parramatta Auburn Netball Association's seven-year-old grassroots player, Serena, turned the first sod for the $27 million state-of-the-art Netball Central complex at Sydney Olympic Park,

   (b) Netball NSW Ltd has over 110,000 registered players and netball is one of Australia's most popular sports,

   (c) the state-of-the-art netball complex will include an elite "show court" with seating for 800 spectators, five timber-sprung courts, first-class facilities for athletes including physiotherapy and rehabilitation facilities, a NSW Netball Hall of Fame, a cafe and a multipurpose meeting room for up to 150 people, and

   (d) Sydney will host the 2015 World Netball Championships and construction of the new state-of-the-art Netball Centre of Excellence is expected to be completed by early 2014.

2. That this House acknowledges for their continued service to netball and the community:

   (a) the Board of Netball NSW Ltd, including President Wendy Archer, AM, Janet Bothwell, John Hahn, Ruth Havrlant, Carol Murphy, Rodney Watson and Chief Executive Officer Carolyn Campbell, and

   (b) Miss Mo'onia Gerrard, Co-captain of the NSW Swifts Netball Team and Australian Diamonds representative player.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1096 outside the Order of Precedence objected to as being taken as formal business.

PETITIONS

Snowy Region Visitor Centre

Petition calling on the Government to reconsider funding cuts to the Snowy Region Visitor Centre, received from the **Hon. Steve Whan**.

PARLIAMENTARY REMUNERATION ACT 1989: DISALLOWANCE OF PARLIAMENTARY REMUNERATION AMENDMENT (ACTING PREMIER) REGULATION 2013

The PRESIDENT: Pursuant to standing orders the question is: That Business of the House Notice of Motion No. 1 proceed as business of the House.

Question resolved in the affirmative.

Motion by the Hon. Walt Secord agreed to:

That Business of the House Notice of Motion No. 1 be called on forthwith.

The Hon. WALT SECORD [11.10 a.m.]: I move:

That under section 41 of the Interpretation Act 1987 this House disallows the Parliamentary Remuneration Amendment (Acting Premier) Regulation 2013 published on the New South Wales legislation website 22 February 2013.

I lead on behalf of Labor and speak as Labor's shadow Special Minister of State. I also thank the crossbenchers for their support, which has permitted debate on this important stand against the unbridled greed of the Deputy Premier. The Deputy Premier is without a doubt the greediest person in this building.

The PRESIDENT: Order! The member should be careful to not reflect upon a member in his remarks. It is one matter to debate the motion as printed; it is another matter entirely to make reflections of that nature.

The Hon. WALT SECORD: Not satisfied with racking up entitlements of up to $2 million a year, he wants more, and we must stop him and we can stop him. This motion seeks to disallow the Parliamentary Remuneration Amendment (Acting Premier) Regulation 2013 published on the New South Wales legislation website on 22 February 2013. This Chamber has the power to strip the Deputy Premier of his 18 per cent pay rise and it should do so. It must do so. I put this motion with great disappointment. I am very disappointed because the Stoner-O'Farrell leadership team promised better and fairer public service, higher standards and greater transparency but it has delivered only perks for a colleague based on the whim of the Premier. While the Premier, the Treasurer and the finance Minister are squeezing the pay and conditions of nurses, teachers, firefighters and ambulance drivers they have gifted an 18 per cent increase to the Deputy Premier. Unfortunately the Deputy Premier is without a doubt the greediest member in this Parliament. This man will chase down every single entitlement available to him and claim it.

The Hon. Duncan Gay: Point of order: The point of order relates to the comments that the President made earlier on casting aspersions on a member in another place, not the least of which, if we were to have a trial on the greediest member of the Parliament, Walt Secord would be—

The Hon. WALT SECORD: Point of order—

The PRESIDENT: Order! The Hon. Duncan Gay will resume his seat.

The Hon. WALT SECORD: I apologise for referring to the Deputy Premier as the greediest member.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time. I call the Hon. Duncan Gay to order for the first time.

The Hon. WALT SECORD: The total cost to the New South Wales taxpayer of the Deputy Premier surpasses $2 million a year. Andrew Stoner is the $2 million-a-year man. The amount arises from his overseas travel, ministerial staff, various allowances and claims and the 18 per cent pay rise. These claims are in stark contrast to the position of people in the general community. Let us put this into context. Currently a pensioner receives $356 a week. Currently the average weekly wage for workers in New South Wales is $1,081.20. In the

Deputy Premier's electorate of Oxley the average weekly wage is $388. But on Friday the Premier gave the Deputy Premier a $1,000 a week pay rise. The Premier granted the pay rise without any formal process or determination from any statutory body; he just handed the bloke $1,000 a week. What is most distressing about this secret pay rise—

The Hon. Duncan Gay: Point of order: The member is deliberately misleading the House in saying—

The PRESIDENT: Order! The Hon. Duncan Gay will resume his seat. He will have an opportunity to contribute to the debate. That is not a point of order.

The Hon. Duncan Gay: I have not said anything, Mr President. Surely if there is a point of order on misleading the House I get to put what are the grounds for the claim of misleading the House. I did not have a chance to put my grounds.

The PRESIDENT: Order! The Hon. Duncan Gay will resume his seat.

The Hon. WALT SECORD: What is most distressing about this secret pay rise is that it was made by the Premier in total secrecy. There was no consultation, no press statement, just a nod and a wink. Part 2 section 6 of the Parliamentary Remuneration Act 1989 provides for holders of certain offices to receive a salary and expense allowance in addition to the basic salary to which they are entitled as members of Parliament. The additional salary and expense allowance to be received is expressed as a percentage of the basic salary. The object of this regulation we debate today is to amend section 1 to specify the percentage of additional salary and expense allowance for the Deputy Premier when acting for and on behalf of the Premier under section 36 of the Constitution Act. This regulation is made under the Parliamentary Remuneration Act 1989, including section 6 (4) and section 21, the general regulation making power.

This motion would disallow this regulation. We can and should overturn the decision to grant a pay rise to the Deputy Premier which is massive, unprecedented and unwarranted. Let me repeat those words: massive, unprecedented and unwarranted. Let us explore those terms in further detail. It is a massive pay rise. Make no mistake, an 18 per cent hike in a period of low inflation and in which all public servants are required to show austerity is a huge windfall. With the stroke of a pen the Premier gave a $1,000 a week pay rise to the State's second most senior politician. I repeat, $1,000 extra a week. Due to this regulation the annual salary of the Deputy Premier climbs from $290,000 to $342,583.

As members would be aware, the principle of pay rises within the public sector is that the pay increases are performance based. I wonder what miraculous performance improvement a schoolteacher, nurse, ambulance driver or firefighter would have to achieve to get a $1,000 a week pay rise? Suffice to say an 18 per cent increase is insulting to the people of New South Wales and arrogant of the Government. It is insulting and arrogant when the O'Farrell Government is slashing 15,000 workers, cutting $1.7 billion from local schools, ripping $3 billion from hospital budgets, ignoring the homeless, stripping the budget of community services and reducing benefits for injured workers but at the same time the perks for their mates flow freer than ever.

The O'Farrell-Stoner Government has limited the wages of 400,000 front-line workers but it does not show the same restraint with its own employees. That is the Government's policy: less for the front line and more for the National Party front bench. The Deputy Premier is not satisfied with his $1,000 a week pay rise. He now carries the badge—I will let that one go. I have been warned three times so I will not repeat it. This morning we learnt that the Deputy Premier has added $169,000 in travel claims to his salary as Deputy Premier. The claim includes: $38,000 to visit China and Japan; $40,000 to visit China and Korea; $60,000 to visit the United States, Japan and Hong Kong, and another $30,000 to visit the United States again.

Rick, you look jealous! Further, last year's New South Wales Legislative Assembly annual report shows the Deputy Premier was the top spender in the Parliament: he also claimed $161,000 worth of allowances on top of his salary. But that said, enough is enough. The Deputy Premier does not need or deserve an additional 18 per cent pay rise, or $1,000 a week. I urge the crossbench, the Shooters and Fishers Party, the Christian Democrats and The Greens to help us stop the greed of the Deputy Premier. I urge them to join us and strike down this pay rise for the Deputy Premier. This pay rise for the Deputy Premier is unfair and unreasonable to the hardworking families of New South Wales. And nowhere is this pay rise for the Deputy Premier more offensive than to the families and businesses in rural and regional New South Wales—the very area the Leader of The Nationals claims to represent. These are the areas where the O'Farrell-Stoner Government has slashed hundreds of jobs in Primary Industries, country prisons and State Development jobs.

The pay rise flies in the face of The Nationals claiming to be the party of the regions. That leads me to the unprecedented nature of the Deputy Premier's pay rise. In this State's history there has never been a Deputy Premier who has asked for a "higher duties allowance" when carrying out the Acting Premier's duties. Until now a Deputy Premier has had no extra payment when filling in for the Premier when he is overseas. There was no such arrangement under previous governments. This did not occur under Askin, Lewis, Willis, Wran, Unsworth, Greiner, Fahey, Carr, Iemma, Rees and Keneally. I think this is because the previous Deputy Premiers understood that acting as a Premier from time to time is their job. That is a primary function of a deputy leader: you step in and you do the job of the Premier when the Premier is away. It comes with the job. It is not overtime, it is not danger money; it is the job.

If we allow the Deputy Premier to claim that he is doing a job of higher duties then what is next? Will he be asking for money to be working on weekends? Will he be asking for extra for working at nights? Will the Deputy Leader of the Government in this Chamber be seeking higher pay for acting duties when the Government leader is on other duties? I challenge the Government to rule out extending a sneaky pay rise to the Deputy Leader of the Government in the Legislative Council. The Deputy Premier's National Party predecessors would have seen their traditional role as an opportunity to influence the decision-making within a government, not a way to get extra coins.

National Party figures such as the late Wal Murray and Ian Armstrong would never have taken this kind of pay rise. They got on with the job rather than whinging about remuneration. National Party great "Black Jack" McEwen would be spinning in his grave if he knew about the greed of the new National Party in New South Wales. The late Wal Murray would never have commuted between his exclusive Hyde Park apartment and his sprawling vista in Port Macquarie while at the same time claiming to be the voice of the regions. But Andrew Stoner is the same Deputy Premier who earned Channel 7's Lee Jeloscek and Sharon Markson a Walkley commendation for their piece "Stoner feels the heat". As a reminder for those in the Chamber, this was about the Deputy Premier secretly arranging solar panels for his home in October 2010 to get maximum benefit from a feed-in tariff.

The Hon. Duncan Gay: Point of order—

The Hon. WALT SECORD: It goes to his character.

The PRESIDENT: Order! The member will resume his seat.

The Hon. WALT SECORD: It goes to his character.

The PRESIDENT: Order! The Deputy Leader of the Government has risen on a point of order.

The Hon. Duncan Gay: The honourable member is casting aspersions on a member in another place by indicating that he secretly did some sort of deal. I request that the honourable member be asked to rescind that implication. His comments are unparliamentary.

The PRESIDENT: Order! When a President requires a member to withdraw comments it is because the words were offensive. None of the words were offensive. However, the member clearly was disorderly in making a reflection about a member in the other place. The member also was not being relevant to the question before the Chair. The member should ensure that the remainder of his comments are relevant.

The Hon. WALT SECORD: On the weekend the Opposition called on the Premier to reverse the decision to grant the pay rise. The Premier refused. Yesterday in the Legislative Assembly the Government, the Deputy Premier and the Premier stood by the rort. The Deputy Premier fumbled his way through a feeble defence and refused to give back the funds. The Deputy Premier told Parliament that whenever he takes on the reins of New South Wales "it is standard practice" to get paid for higher duties. It is time that the House took a stand against the greed of the Deputy Premier. That is why we have moved the motion today. Regrettably, the actions of the Deputy Premier show that he entered public office to get a higher standard of living for himself and not for the families of New South Wales.

The PRESIDENT: Order! The member has been warned repeatedly about making such comments. I call the Hon. Walt Secord to order for the second time.

The Hon. WALT SECORD: Put simply, this is a betrayal of New South Wales communities—none more so than those in regional communities. I commend the motion to the House.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.25 a.m.]: I am opposed to this motion. I do not know what is more offensive, the motion or the person that moved the motion.

The PRESIDENT: Order! I call the Hon. Amanda Fazio to order for the first time.

The Hon. DUNCAN GAY: This person stood defending the rorts of the previous Government. But we will come to that later. Not only are this person and this motion offensive, but so also are the inaccuracies and the distortions in the statements made. The inference in the statement that the Deputy Premier will be getting $1,000 a week, all year, adding up to $52,000, is just unbelievable. That is the spin that the man responsible for the spin at Cecil Hills would put to this Parliament.

The Hon. Amanda Fazio: Point of order: My point of order is twofold: that the Minister, who should know better, was improper in making reflections and imputations about a member of this place; and also that what the Minister is talking about has no relevance to the motion before the Chair. It is not permissible to sledge other members.

The PRESIDENT: Order! I thank the Hon. Amanda Fazio for her point of order. I remind all contributors that the debate should, as far as is possible, be conducted in an orderly fashion without members reflecting on other members.

The Hon. DUNCAN GAY: Frankly, in many instances the calibre of the people that move these motions dictates the motions. I think the record will show that the calibre of the mover indicates that the motion should not have been moved. The principle of additional remuneration for individuals performing higher duties is well established across many public sector jurisdictions. In New South Wales, under the Senior Executive Service guidelines, which cover the most senior New South Wales executives, the principle is that a person acting in a higher position receives a proportion of the difference between the existing remuneration rate and the rate of the position being acted in. These guidelines have been in place for many years. The change gazetted on Friday brings New South Wales into line with the Commonwealth Government and recognises the significant additional responsibilities involved when acting as Premier. These arrangements are consistent with those in place when Wayne Swan is Acting Prime Minister.

The PRESIDENT: Order! I call the Hon. Steve Whan to order for the first time.

The Hon. DUNCAN GAY: Under the regulations published on Friday the Deputy Premier will now receive the higher duties allowance when acting for the Premier. The Deputy Premier typically stands in for the Premier for four weeks a year—

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time.

The Hon. DUNCAN GAY: —which means he will receive on average an additional $4,000 a year for performing these higher duties. I have to say that figure pales in comparison to the billions of dollars wasted by the former Government and those that were heading up that Government. Why is this disallowance motion before the House today? How did this inept Opposition find out about this remuneration payment? It is because of the openness and transparency of this Government. The article was in the *Government Gazette* for everyone to see; we went through the proper process. That is a whole lot different to queuing for coal leases with mates behind the counter, as the former Government did. They did not have to apply for the leases; it was done through the back door.

The Hon. Walt Secord: Point of order: My point of order is relevance. This motion is about the greed of the Deputy Premier and not coal leases.

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

The Hon. DUNCAN GAY: The tribunal is putting in place a provision that equates with that applied to the Deputy Prime Minister, the Hon. Walt Secord's Labor friend. We only have to go back two years to the time of the former Government to see what happened in those days. In this case a notice is put in the *Government Gazette*. In comparison, we saw a new Minister come into the former Government—former trade unionist and working-class hero John Robertson, who joined the official Government gravy train—

The Hon. Penny Sharpe: Point of order: My point of order relates to relevance. This is a disallowance motion about a decision that this Government has made and has gazetted; it has got nothing to do with the previous Government.

The PRESIDENT: Order! There is no point of order. It is far too early in the contribution for me to ascertain whether the line of argument of the Hon. Duncan Gay is either relevant or irrelevant so there is no point of order.

The Hon. DUNCAN GAY: As I articulated at the time, my line of argument is a comparison between the Deputy Premier's situation, which has been handled appropriately through the proper channels and with transparency, and that of a former Minister, now Leader of the Opposition, who spent $500,000 on refurbishing his office.

The Hon. Steve Whan: Point of order: Mr President, I believe you have now heard enough of the argument to ascertain that the argument is not relevant to this debate. The statement is also untrue, because that amount was not spent on the refurbishment. I ask you to draw the Hon. Duncan Gay back to the leave of the motion.

The PRESIDENT: Order! The Hon. Duncan Gay is replying to the remarks that were made by the Hon. Walt Secord when he moved the motion. Therefore, he is in order.

The Hon. DUNCAN GAY: Kristina Keneally's former chief of staff, the Hon. Walt Secord, who moved this motion, said on 30 May 2010, when there was an accusation of a $4 million spending spree on jazzing up Kristina:

> … the office costs were low and less than what had been budgeted—

The Hon. Amanda Fazio: Point of order: My point of order relates to relevance. This motion is to disallow a regulation relating to a pay increase for the Deputy Premier; it is not a motion dealing with what happened in the time of the previous Government in relation to ministerial expenditure.

The PRESIDENT: Order! When the Hon. Walt Secord moved his motion he was extended wide latitude. He was not called to order when his remarks went outside the leave of the motion. Therefore, the Hon. Duncan Gay is entitled to reply to those remarks.

The Hon. DUNCAN GAY: In fact, the mover of the motion described the possible $4,000 involved in this situation, which was handled in the appropriate way, to be a gross waste of public money. I am quoting his comments back to him. This is the man who was chief of staff for Kristina Keneally.

The Hon. Eric Roozendaal: Point of order: I see no relevance in reflecting on a member's previous employment.

The PRESIDENT: Order! I have ruled on this issue. If members continue to take points of order on an issue on which I have ruled I will take the appropriate action.

The Hon. DUNCAN GAY: The Hon. Walt Secord said:

> … the office costs were low and less than what had been budgeted, with [the] Premier having substantially fewer staff than Mr Rees.

What was he referring to as lower costs and something that we should not worry about? It was the $4 million that was spent on jazzing up the image of Kristina Keneally. More than $100,000 was spent on privately chartered aircraft as Ms Keneally took to the skies to boost her profile soon after taking the job of Premier. Receipts show that Ms Keneally eclipsed Mr Rees' spending by more than a million dollars. The Hon. Walt Secord's motion is purely politically motivated. The Labor Opposition would have done itself a service if it had been much more careful in choosing the person to move the motion, because this member, more than any other member on the other side, was responsible for the overspending and the rorting by the previous Government.

The Hon. Steve Whan: Point of order: The Minister is clearly making imputations against a member of this place, the mover of the motion, and I ask you, as you did of the mover, to instruct the Minister to desist from making imputations against a member.

The PRESIDENT: Order! I did not hear any imputations against the member who moved the motion. The Hon. Duncan Gay has the call.

The Hon. DUNCAN GAY: The allowance in question brings us into line with the Federal area. The figure of $4,000 per year pales in comparison with the billions of dollars wasted by the former Government: the $500 million wasted on the axed Rozelle Metro—a project the Opposition likes to defend, although they are quiet at the moment; the $500,000 that was scheduled to be spent on the upgrade of John Robertson's office, which was then axed; the $1.2 million in payouts to staff made redundant, including Graeme Wedderburn, when Nathan Rees was axed as Premier by the puppet masters of the Labor Party after only 14 months; the $3.2 million Bob Carr spent on Rehame Australia media monitoring, a service that apparently was not quite good enough because he still spent $800,000 per annum for 9.5 staff to perform media monitoring in his office—and the Hon. Walt Secord would know that because he was probably part of that; and we will never forget the nearly $120,000 spent by Kristina Keneally on air travel, including charter flights and choppers.

Whilst this Government managed to rein in expenses on mobile phones to less than $200,000 in the 20011-12 financial year, the disgraced former Government needed to spend half a million dollars on mobile phones in 2008-09. We also learnt that the former Government spent $222 on books. It is good to know that those opposite like to keep up with the latest literature. In case they are still reading books, we would like to make a few literary recommendations: *The Fog on the Hill* by Frank Sartor, *Power Crisis* by Rodney Cavalier, *Betrayal* by Simon Benson—

The Hon. Amanda Fazio: Point of order: My point of order relates to relevance. During the original debate by the mover of the disallowance motion no reference was made to the reading habits of The Nationals, if they have any. Therefore, it is inappropriate and inadmissible for the boofhead over there to make suggestions for reading lists for other people. He should be called to order.

The PRESIDENT: Order! The Hon. Amanda Fazio knows that the word "boofhead" is unparliamentary. Therefore, I ask her to withdraw the word "boofhead".

The Hon. Amanda Fazio: I was not aware that "boofhead" was unparliamentary but I will withdraw it. I can think of lots of other things to say but they are probably unparliamentary as well so I will not say them.

The PRESIDENT: Order! While I have extended the member wide latitude, book reviews are taking it a little too far. The Hon. Duncan Gay has the call.

The Hon. DUNCAN GAY: We were complimentary of them for at least spending something on books, having spent millions of dollars on themselves. This was $4,000 done the proper way, rather than a conga line of suckholes queuing up to benefit from the rorts of government as happened during the term of members opposite. That is the difference between members opposite and those on this side of the House: we are doing it the appropriate way. To put a person like Walt Secord, who defended Joe Tripodi spending $290,000—

The Hon. Eric Roozendaal: Point of order: I am very disappointed. The Minister should know by now that when he speaks about a member of this House he must use their appropriate title. The honourable member did not use the appropriate title when he referred to the mover of the original motion.

The PRESIDENT: Order! While I did not hear whether the member referred to the Hon. Walt Secord by his correct title, I remind members that they must refer to each other by their correct titles.

The Hon. DUNCAN GAY: I apologise for not calling him honourable but people can understand the mistake. [*Time expired.*]

Dr JOHN KAYE [11.40 a.m.]: On behalf of The Greens I support this disallowance motion. I do so in the probably vain hope that we can have a debate that does not descend into personal abuse.

The Hon. Matthew Mason-Cox: Sit down, John.

Dr JOHN KAYE: I guess the Hon. Matthew Mason-Cox believes that there is no way to have a conversation without personal abuse. I support this motion based on the same reasons I gave on Saturday to ABC Radio about this matter. It is a matter which I find shocking, but let me explain. The Deputy Leader of the Government, and Leader of the House, said that the $1,000 a week was about higher duties. As somebody who has spent a lifetime in the public sector I understand the concept of higher duties. There are two ways that higher duties are remunerated. The first way is the incidental way where an individual is put into an acting position and

is a paid an allowance or an additional salary to compensate for being in that position. The other way is through an all incidentals allowance where it is anticipated that an individual will from time to time act in a position of higher duties than their substantive position and are therefore paid in anticipation of that.

I point out to the House that the Deputy Premier is already paid $14,303 a year more than any senior Minister other than the Premier specifically because he acts as Acting Premier from time to time. The Deputy Premier's additional pay takes into account the times at which he acts in those higher duties. That is to say, he is already paid an amount for this purpose. My concern is that the regulation, to which this motion of disallowance relates, is double dipping. The Deputy Premier is already paid $14,303 to be Deputy Premier, and part of that role is to act as Premier. It is then said that he should be given an additional $1,000 a week when he acts as Premier. He then is paid twice for the one acting function, once out of the $14,303 a year and once with the $1,000 he gets thanks to the regulation that went on the Government legislation website last Friday.

Why does this $4,000 matter? Even it were $8,000 or $10,000, why is that a big deal in a budget of well over $50 billion a year? It matters because the people of New South Wales look to this Government and hear on a daily basis that it does not have enough money to —insert here whatever needs to be done. It does not have enough money to pay teachers, fire brigade officers, ambulance drivers, nurses or welfare sector workers beyond a 2.5 per cent pay increase. The Government would love to pay them more but it cannot because the coffers are bare. The Government says to people who live on salaries that are less than one-fifth of the Deputy Premier's salary that it cannot increase their salaries because it does not have enough money. But it does have enough money to let Deputy Premier Andrew Stoner put his hand in the till a second time and get an additional $1,000 a week to carry out a function for which he is already handsomely remunerated.

The Government has said to public schools around New South Wales that it will slash $1.6 billion out of their funding over the next four years. The Government says it would love to better fund public education but it cannot do that. But while the Government takes away welfare workers from public schools and takes away their capacity to operate at full staffing levels and provide services for children with special needs, it can afford to pay Andrew Stoner another $1,000 a week to execute a function for which he is already remunerated. I know a lot of teachers who undertake a lot of activities that go way beyond the duties they are required to perform and for which they are paid. It might be a fair deal if we said to them that their salary already includes an assumption that they will supervise sport on a Thursday afternoon but we will pay them more for that sport. It would be a fair deal if we applied that uniformly across the public sector, but why does Andrew Stoner get the special deal while the 60,000 public school teachers of New South Wales do not?

This is an unfair impost on the people of New South Wales. An amount of $2 billion is being cut out of the public health system. Nurses are being asked to deal with bigger case loads, junior doctors are being asked to work longer hours and paramedics are being asked to work harder for no additional pay. Yet at the same time the Deputy Premier is being paid an additional $1,000 a week to perform a function for which he is already remunerated $14,303 per year. It is not a large amount of money and in the end it probably will not affect the budget bottom line, but it does affect the moral bottom line of our State. It impacts upon the capacity of this Parliament to turn to the people of New South Wales and say that we are doing the best we can for them in a time of budget constraint, not that we are doing the best we can for ourselves.

The regulation that the Hon. Walt Secord seeks to have disallowed sends an appalling message to the people of New South Wales. It talks of a body politic that is more interested in fattening its own bank account than delivering quality services. It talks about those who get into power seeing power not as an honour and a duty to serve the community but as an opportunity to enrich themselves and by doubling dipping to perform duties for which they are already being paid. It sends a message not just to public sector workers in New South Wales but to everybody that we really do not care, that we are in this to be in the pork barrel. That is the wrong message to send.

There are many good and decent people in this Parliament who are committed to what they are doing and who are here because they genuinely believe in public service. Let those people who are here for the good and decent reasons not be besmirched and have their reputations destroyed by a regulation that speaks only of veniality and selfishness. Let us not allow double dipping to become the standard that this Parliament is known for when we are insisting that the rest of New South Wales work harder and smarter. Let us not be known as the Parliament that used our smarts to enrich ourselves but as the one that used our smarts to enrich the people of New South Wales. I commend the member for bringing the motion before the House. The Greens support this disallowance motion.

The Hon. MICK VEITCH [11.48 a.m.]: Well, well, well, the Deputy Premier is after some extra money. So what does he do that would earn him the extra chaff? What key performance indicators will he have to achieve? To work that out, we should examine what he has achieved to date. Is the extra money based on his performance to date? Let us examine the performance of the Deputy Premier since the 2011 election. I began my research with the Grafton Correctional Centre. I found that the Deputy Premier, the Hon. Andrew Stoner, stated in relation to the closure decision that he did not know about it until he got back into the country. I then researched some media reports, in particular an ABC News report quoting Mr Stoner.

The PRESIDENT: Order! I caution the member that the House is not debating a censure motion; it is debating a motion to disallow a regulation. The member should be careful to ensure that his speech is relevant to the disallowance motion.

The Hon. MICK VEITCH: Thank you for your guidance, Mr President. Mr Stoner said:

> I think possibly myself, as the National Party leader, could have been involved sooner than having returned from a trip as acting Premier to find out that the proverbial had hit the fan.

He admitted that he did not know about it at a time when he was Acting Premier, yet now he is after some extra cash because of the onerous duties of being the Acting Premier. Clearly, his statement shows he is not able to cope with performance of the role of the Acting Premier. Another article on 14 July by the *Northern Star* quotes the Hon. Andrew Stoner as saying he "knew nothing". What about the budget estimates hearings last year when Andrew Stoner acknowledged very proudly that he was a member of the Expenditure Review Committee but then could not explain how unspent funds from the failed Regional Relocation Grant Scheme were reallocated to offset GST payments for The Star casino, as detailed in the budget's executive summary? We have to wonder what the extra money will pay for in regards to the performance of the Deputy Premier. He was asked about his rather large dining bill at Mr Chow's.

The Hon. Matthew Mason-Cox: Point of order: The member's comments are totally irrelevant to the disallowance motion before the House. The member is making gratuitous comments that have absolutely nothing to do with the motion before the House. Mr President, I ask you to direct him to confine his remarks to the leave of the motion or resume his seat.

The Hon. Amanda Fazio: To the point of order: Mr President, you ruled that the comments of the Deputy Leader of the Government relating to expenditure by Ministers of the former Government were in order in this debate. Therefore I ask you to rule against the point of order taken by the Hon. Matthew Mason-Cox.

The PRESIDENT: Order! I will extend the Hon. Mick Veitch some latitude. However, if he strays too far from the motion he will be directed to desist.

The Hon. MICK VEITCH: Thank you, Mr President. When the Deputy Premier was asked during the budget estimates hearing about his dining bill at Mr Chow's he said, "A man has got to eat." He went on to say, "It is only Chinese." Those remarks were made in the context of his current duties as Deputy Premier, and when we consider the payment to him of extra cash when he is the Acting Premier we have to wonder what that is about. He wants extra taxpayer funds when he is Acting Premier, yet on 13 July 2012 on ABC North Coast the Deputy Premier said that the State Government "has got to manage taxpayers' funds in the best way possible". I put it to the House that an extra payment to him while he is the Acting Premier is not managing "taxpayers' funds in the best way possible", and that this is not the best use of taxpayers' funds.

If we are being asked to consider the payment of top-up salaries for people who are in acting roles, what about remunerating the Deputy Whips when the Whips are absent for the day? The Hon. Rick Colless, who is filling in today for the Hon. Dr Peter Phelps, should receive some top-up money while he is conducting the onerous duties of Government Whip. This really cuts to the punter test: What do the punters, the voters in the street, think about this? I reckon the people in Oxley would have a bit to say. Their community has some of the lowest incomes in New South Wales. The real test is: Is this a good use of taxpayers' funds? Members should support the motion for disallowance because the regulation is not—I emphasise "not"—a good use of taxpayers' funds.

The Hon. AMANDA FAZIO [11.54 a.m.]: I support the motion to disallow the Parliamentary Remuneration Amendment (Acting Premier) Regulation 2013 moved by my colleague the Hon. Walt Secord, who is the shadow Special Minister of State. I believe that Andrew Stoner gets enough money from the public purse. Every Deputy Premier in the history of New South Wales, until last week, was happy and, I am confident

to say, proud and honoured to act as Premier, but now Andrew Stoner, who equates himself to being the Deputy Prime Minister, has demanded that he be paid a higher duties allowance. We know he would be familiar with the concept of a higher duties allowance because prior to entering Parliament he was a middle level Commonwealth public servant, which was the peak of his former career.

This pay increase is unwarranted and unjustified. It is also hypocritical, given this Government's track record on freezing pay rises for public servants and cutting funding for schools and hospitals. The highest-spending Deputy Premier in history certainly does not deserve more money. We should examine the attitude of Andrew Stoner to the expenditure of public funds. In the last session, Andrew Stoner managed to top the list of entertainment expenditure by racking up $17,000. He outstripped the highest ministerial expenditure by more than $5,000 a year, and he spent more than the Leader of the Opposition by $16,000. The person we are debating feels that it is okay to spend loosely when it comes to government and public money. Also during the last session, Andrew Stoner demonstrated his reckless attitude towards public funds by writing off a taxpayer-funded motor vehicle, a V8 Holden Calais that was then valued at $47,000, by attempting to drive through floodwaters.

The Hon. Duncan Gay: Point of order: Mr President, earlier you indicated that to pursue a character assassination of the Deputy Premier was outside the leave of the motion to disallow the regulation. The fact that the Deputy Premier in a flood-ravaged electorate was at the time caught in a river should not have anything to do with his character. To insinuate that it has in this debate is going well beyond the leave of the motion.

The Hon. AMANDA FAZIO: To the point of order: The Minister for Roads and Ports, the Hon. Duncan Gay, introduced to this debate the expenditure of members and Ministers in the former Government. Mr President, you ruled that that was appropriate. Therefore I believe that the comments I am making, which do not amount to a character assassination but to a pattern of behaviour in relation to public expenditure, are appropriate, given the topic with which the House is dealing.

The Hon. Duncan Gay: Further to the point of order: Mr President, the member who moved the motion to disallow the regulation said that the extra payment was a gross waste of money. I introduced that material to provide a comparison between $4,000 and a real gross waste of money. It was not to denigrate someone's character while doing their job as a parliamentary representative of a country electorate.

The PRESIDENT: Order! I thank the Hon. Duncan Gay and the Hon. Amanda Fazio for their contributions to the point of order. I am listening carefully to the remarks of the Hon. Amanda Fazio, and I listened carefully to the remarks of all other members. During this difficult debate I am endeavouring to ensure that the remarks of every member are relevant to the motion. At this stage the Hon. Amanda Fazio has not crossed the line.

The Hon. AMANDA FAZIO: As I was saying before I was interrupted, in the last session the Hon. Andrew Stoner wrote off a new taxpayer-funded car, a V8 Holden Calais, by attempting to drive through floodwaters. He of course did not accept responsibility and blamed weather conditions. That was his fifth insurance claim in six years and—surprise, surprise—he accepted responsibility for none of the claims. I believe that the Deputy Premier should be able to live on his existing pay.

The Hon. Duncan Gay: Point of order: This is a continual character assassination. It has nothing to do with the motion before the House, a disallowance motion on a gazetted salary increase for acting—

The Hon. AMANDA FAZIO: If the point of order is relevance, the member should sit down and let the President rule.

The PRESIDENT: Order! As I said in response to the previous point of order, I am listening carefully to the Hon. Amanda Fazio. I will not hesitate to call her to order if she crosses the line.

The Hon. AMANDA FAZIO: I believe the Deputy Premier should manage to live on the existing pay for the position he accepted after the last State election. He is paid, as Dr John Kaye said, as a senior Minister. On top of that he gets around $14,000 a year for being Deputy Premier. He should not get one cent more when he acts as Premier. It is unprecedented. No other Deputy Premier in the history of New South Wales put his or her hand out for this extra money. As I said earlier, every other Deputy Premier was honoured to have the opportunity to act as Premier of this great State, but not this person. He wants extra money for doing it. We all know of his extra living expenses to maintain his Sydney lifestyle, but he should not be putting his hands in the

public purse to fund his extravagant travel and lifestyle. The Deputy Premier is paid enough now without putting his hand out for more. The people of New South Wales deserve better than this person bludging off the public purse.

The Hon. STEVE WHAN [12.01 p.m.]: I support the motion moved by the Hon. Walt Secord to disallow this higher duties allowance for the Deputy Premier. As we have already heard today, it is unprecedented for any Deputy Premier in New South Wales history to receive a higher duties allowance for the period he or she acts as Premier. This is offensive to the people of New South Wales not so much because of the total amount of money but because this one-off decision was made at a time when the salaries of New South Wales public sector workers are being frozen at a 2½ per cent increase in their salaries, regardless of how much extra work they are doing.

Today the Deputy Leader of the Government told us—as did the Deputy Premier in the other place yesterday—that this is justified because the Federal Government provides the same higher duties allowance for the Deputy Prime Minister when the Prime Minister is away. Federal Parliament provides a whole range of other benefits and salaries that are not provided in New South Wales. Why has the Government decided to select one of these things and, unlike the Federal Government, do it without reference to the Remuneration Tribunal? It is unusual in this place for an increase in anyone's salary to occur without the Remuneration Tribunal being involved in the process. That reveals a simple reason as to why it should not be going ahead.

We need to look at whether the Deputy Premier and Leader of The Nationals deserves an enhanced salary based on his performance. The Hon. Mick Veitch raised that point. So far we have seen a number of stuff- ups from the Deputy Premier. I tried to write them all on one page, but I had to turn the page over. For example, the regional relocation allowance has been a complete failure.

The PRESIDENT: Order! The Hon. Mick Veitch raised these issues earlier in the debate. I ruled that general portfolio issues are not relevant to the motion before the House.

The Hon. STEVE WHAN: The point I am trying to make—perhaps not as clearly as I should—is that when a member is granted an extra pay increase by Parliament as a result of this declaration it should be based on performance. Every public servant in New South Wales expects that their pay is based on a reasonable performance in their position. Clearly, we have not seen that from the Deputy Premier.

The Hon. Duncan Gay: Point of order: The disallowance motion refers to the Deputy Premier acting in a higher capacity. It is not about his performance. If we were to judge the Deputy Premier's performance, it would be outstanding. That is not the point of the disallowance motion.

The PRESIDENT: Order! I uphold the point of order.

The Hon. Mick Veitch: Point of order: The Deputy Leader of the Government continues to use points of order as debating points. I ask that you call him to order on that basis. He cannot continue with these frivolous points of order.

The PRESIDENT: Order! There is a tendency for members of the Government, the Opposition and the crossbench to use points of order as debating points. As such, they are always out of order. However, I have ruled on the point of order taken by the Hon. Duncan Gay.

The Hon. STEVE WHAN: Today the Deputy Leader talked about wastage and tried to draw parallels to wastage in previous governments. Let us look at the wastage that this Deputy Premier has overseen. Let us start with his oversight of the Primary Industries portfolio, for which he has joint responsibility under the Government's administrative orders. Let us look at fisheries. We have seen Cronulla fisheries, a process that has wasted—

The Hon. Rick Colless: Point of order: My point of order follows on from your ruling a few moments ago. The member is introducing portfolio issues again rather than referring to the Deputy Premier's performance as Acting Premier.

The Hon. Lynda Voltz: To the point of order: Earlier in debate the Deputy Leader of the Government raised a number of areas of government spending, media monitoring and a whole range of other areas. The Hon. Steve Whan is merely referring to the same issues that were raised by the Deputy Leader of the Government.

The PRESIDENT: Order! I refer to my previous ruling. I warn the Hon. Steve Whan that if he offends again I will call him to order for the second time.

The Hon. STEVE WHAN: As I said, I was responding to the Deputy Leader of the Government's comments about wastage and pointing out areas of wastage which in my view impact on this debate. The Cronulla fisheries closure is one area of wastage; a cost-benefit analysis was done after the decision was taken.

The PRESIDENT: Order! I call the Hon. Steve Whan to order for the second time.

The Hon. STEVE WHAN: The Deputy Leader of the Government introduced a number of areas of what he said were wastage. I would suggest that areas of wastage by this Government include the failure to declare the redundancy payments that had to be made for closures of various Primary Industries departments—

The Hon. John Ajaka: Point of order: The honourable member is clearly flouting your rulings. He is now doing it by implication and he should not do so.

The Hon. STEVE WHAN: To the point of order: Today you have ruled on previous points of order that it was acceptable for the Deputy Leader of the Government to talk about wastage in a previous government and for other members to talk about wastage in government. I find it difficult to see how talking about wastage in a specific portfolio is any different.

The PRESIDENT: Order! I allowed the Deputy Leader of the Government to respond to the comments made by the Hon. Walt Secord, who moved the motion. This is a debate about a specific motion. Therefore, as far as possible, I ask members to ensure that their comments are relevant to the motion before the House.

The Hon. STEVE WHAN: Today we have had a debate in this place about a government order that has been given without any reference to the Remuneration Tribunal. I am certainly not opposed to reasonable remuneration for members of Parliament and I will never be one who gets into a race to the bottom by saying that remuneration or allowances should be cut. The problem in this case is that instead of going to the Remuneration Tribunal and talking about the work that all members of Parliament do and asking it to assess them individually, we have a one-off decision that has not been put in the *Government Gazette* but has been put on the internet—which is allowed.

It goes against the Government's philosophy; it has been talking about putting limitations on the pay rises available to others in the public sector. Public sector workers and those in the political sphere deserve reasonable pay. In the longer term there is good argument for looking more closely at what the Federal Government has done with pay for members of Parliament. Increases should not be given as a one-off or cosy deal to boost the Deputy Premier's salary for the periods when he is Acting Premier. This is not a Deputy Premier who has shown any performance that deserves an increase in salary.

The Hon. Duncan Gay: Point of order: The member's comments were that this is not a Deputy Premier whose performance indicates that he should have any salary increase. An earlier point of order that was upheld—

The Hon. STEVE WHAN: Mr President, what is the point of order?

The PRESIDENT: Order! I am listening to the Deputy Leader of the Government.

The Hon. Duncan Gay: The earlier point of order was upheld. This decision is not about rating the performance of the Deputy Premier; it is about acting in a higher capacity.

The PRESIDENT: Order! The Minister's point of order was tending towards being a debating point. There is no point of order.

The Hon. STEVE WHAN: I understand the sensitivity of those members opposite who want to try to stop the Opposition and The Greens from highlighting their anomaly when they do a favour for the Deputy Premier while imposing on every other public sector employee across New South Wales a cap on their ability to gain enough pay to keep up with inflation. It is a disgrace and the Government should be ashamed of itself.

The Hon. Peter Primrose: Point of order: This House has a longstanding practice of giving the call alternately to members from each side of the Chamber so that we can have a proper debate. So far a number of Opposition members have been speaking consecutively. It is incumbent upon you, Mr President, to now call any member of the Government who wishes to defend the Deputy Premier.

The PRESIDENT: Order! The Hon. Peter Primrose knows full well that that is a debating point.

The Hon. GREG DONNELLY [12.11 p.m.]: I welcome the opportunity to participate in this important debate. At the outset I indicate my support for the disallowance motion moved by the Hon. Walt Secord. This debate is not necessary, and I shall explain the reason why. This debate was brought on by the Government's own hand. When in opposition and in the lead-up to the last State election, the Coalition presented a document throughout the State known as the "Contract with NSW". The document contains a Five Point Action Plan. The fourth point is "Restore Accountability" underneath which is listed as the third dot point that the Government—that is, the O'Farrell-Stoner Government—will be honest and accountable. The motion moved by the Hon. Walt Secord is dealing with—

The Hon. Duncan Gay: Honesty and accountability.

The Hon. GREG DONNELLY: —an issue about honesty, accountability and integrity, notwithstanding the comments of the Deputy Leader of the Government. We have not reached even the second anniversary of this Government, yet the Opposition receives very little response to questions on notice and to government information public access legislation requests. Increasingly, we find that this Government believes the way to govern is by statutory or regulatory fiat. That is what this debate is dealing with. Instead of the Government arguing its case properly, it has drawn the ire of Opposition and crossbench members. I believe the substantive matter may contain merit but, clearly, a proper procedure is in place for the Deputy Premier to claim additional payment for an entitlement he believes he deserves. Other members of Parliament—I presume that includes all members of this House and the other House but, apparently, excluding the Hon. Andrew Stoner—follow that procedure, that is, the Parliamentary Remuneration Tribunal considers the matter.

Members of this House would be familiar with the Parliamentary Remuneration Tribunal, and specifically the Parliamentary Remuneration Act 1989. That Act contains important provisions that provide specifically for dealing with, in effect, the matter being debated. The role and function of the Parliamentary Remuneration Tribunal is clear. The Act requires the tribunal to consist of a judicial member of the Industrial Relations Commission appointed by the President on a part-time basis. The tribunal may hold office for a period not exceeding three years and is eligible for reappointment. The tribunal is required to make determinations of additional entitlements that are to be available to members of Parliament and recognised officer holders, and to approve proposed amendments to the Parliamentary Contributory Superannuation Act 1971.

Parliamentary remuneration in the form of basic salary, additional salary and expense allowance are matters of statutory entitlements under part 2 of the Act. Additional entitlements that are the subject of the determinations may be in any form—for example, allowances, services, facilities or equipment. Annual determinations are required by no later than 31 May each year to take effect from 1 July in that year. The tribunal's report and determination are tabled in the Parliament and published in the New South Wales *Government Gazette*. Ministerial responsibility for the tribunal is that of the Premier. Section 9 of the Act clearly provides:

> The functions of the Tribunal are:
>
> (a) to determine additional allowances to be payable to a member or recognised office holder …
>
> (b) to make recommendations to the Minister on matters referred to it by the Minister, relating to the provision of services, equipment or facilities …

The provisions of section 10 (2) are relevant to this debate. It states:

> The tribunal may determine additional allowances in terms of allowances, fees and other emoluments …

The final relevant provision of the Act is section 12, "Special determinations of additional allowances". Section 12 (1) states:

> The Minister—

that is, the Premier—

> may direct that a special determination be made as regards additional allowances.

Clearly, the matter the subject of this motion could still be handled in the appropriate manner, should the Deputy Premier so wish. In his capacity as a member of Parliament the Deputy Premier is entitled to forward a submission to the Parliamentary Remuneration Tribunal. On 4 February I received a letter from the Parliamentary Remuneration Tribunal; I presume the Deputy Premier received the same letter around the same time. The letter states:

> The Tribunal now invites written submissions from members on any other matters they may wish to make in relation to the additional entitlements payable to Members, including Ministers of the Crown and the recognised office holders referred to in Schedule 1 of the Act. Submissions may also address the matter of staffing if there is new or additional information not previously raised with the Tribunal.

That is how the Deputy Premier should have had the matter dealt with. If not, the Premier should have told the Deputy Premier of the proper procedure by which entitlement matters are dealt with by this Parliament. The tribunal has a longstanding tradition of determining these matters. This regulation is designed simply to be a shortcut of the proper procedure.

The Minister says that this is a transparent exercise. It is transparent to the extent that it is something published last Friday in the New South Wales *Government Gazette*. What is properly transparent is this: A submission can still be made and should be made to the Parliamentary Remuneration Tribunal by the Deputy Premier of this Parliament outlining his case as to why he should receive the payment. If the Deputy Premier makes a submission to that tribunal in the not too distant future the determination by the tribunal will be, as it has to be, handed down by 31 May and he will have a decision that has been determined independently. If it is done in accordance with the practices and traditions of this Parliament, the Deputy Premier will not receive the attention he is presently getting. It would be a matter determined by the independent umpire and all members of this House and the other House would accept an independent decision was made. That is the way in which the matter should have been dealt with in the first place and I do not understand why it has been handled in this way.

The Premier knows it could have been dealt with in the way I described and I presume that the Deputy Premier, a not inexperienced politician, is aware that the matter could be dealt with in the proper way. I do not understand why it has been handled in the way it has. The sad effect of handling it this way is that it opens the way for imputations as to the motivation of the Deputy Premier and why he is dealing with it this way. If the Deputy Premier had made a submission to the tribunal there would not be questions as to his integrity and the way he does his business; instead there would have been a judgement as to the merits of his application. I submit that is the way the matter should be handled. I support the motion before the House.

The Hon. SOPHIE COTSIS [12.21 p.m.]: I support the motion to disallow the Parliamentary Remuneration Amendment (Acting Premier) Regulation. This motion concerns two things: principle and judgement. As to principle, it will be two years next month that the O'Farrell Government was elected overwhelmingly by the people of New South Wales. The people took what Mr O'Farrell said was a contract with New South Wales and they took him and his principle of transparency and openness at face value. My colleague the Hon. Greg Donnelly nailed the argument: There is a proper process to follow. I am not rising to debase politician's roles, the important role of the Deputy Premier when acting as the Premier, the Premier's role or the Minister's role, because that is part of our tradition and the Westminster system of government. There are proper processes.

I am concerned because almost two years ago the Premier stated heavy-handedly in the other Chamber that all public servants across New South Wales, including local councils, would have pay rises limited to 2.5 per cent and there would be no negotiation. It was the heavy hand of government. It was government intervention in a process of negotiation that had been going on for more than 100 years. The negotiation that has occurred between the Premier and the Deputy Premier is interesting. How did this arise? Did the Deputy Premier approach the Premier? Did they have an official meeting? Was there a set of key performance indicators that the Deputy Premier had to fulfil? How did this occur? Was there a meeting? What did the Premier state to the Deputy Premier? The public view this as deceptive because of the way it was gazetted last Friday.

Dr John Kaye stated that in the public service—whether in the teaching or nursing professions—many of our good public servants perform higher duties. It occurs every day. Often teachers say that they have had to complete four or five weeks, a block or a term as an acting head of department or acting assistant principal.

They have to fight to receive a higher duties allowance. They have to go through the rigmarole, process and humiliation of having to explain their role when they were performing that higher duty. They do not have their back pay or allowance delivered by the stroke of a pen. It is offensive because Premier O'Farrell came in and stated heavy-handedly that New South Wales public servants would receive a pay rise of only 2.5 per cent, but the Deputy Premier has had a cosy meeting with the Premier and will receive a pay rise.

The lack of judgement is another point. This decision was gazetted on 22 February. Good judgement is important when people are making big decisions in government. We rely on a good decision-making process, assessment, analysis, attention to detail and consideration of the consequences that the Deputy Premier and Premier bring to bear when making decisions. While this was occurring there was a flood in the Deputy Premier's neck of the woods and evacuation was called for on the Saturday. Approximately 10,000 people were evacuated and had to be housed in high schools in Kempsey, in the Deputy Premier's electorate. The statistics show that an average income in the Oxley electorate is $388 per week, or a double income of $1,600—it is not very much. The Deputy Premier must consider whether he has shown good judgement.

The Deputy Premier and Premier have been in flood-ravaged areas supporting the emergency services and the victims of the floods. But has he displayed good judgement in asking for a pay rise of $4,000 per annum when there are people in his electorate with no jobs, no homes and no insurance because they cannot afford it? I support the motion wholeheartedly. I urge members to support this disallowance motion.

The Hon. SHAOQUETT MOSELMANE [12.28 p.m.]: I support the motion moved by the Hon. Walt Secord to disallow the Parliamentary Remuneration Amendment (Acting Premier) Regulation 2013, published on the New South Wales legislation website on 22 February 2013. The Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services needs to travel and fulfil his duties, but he should not abuse his entitlements and he is not entitled to an increase in salary. He is clearly entitled, as the Minister for Trade, to travel and meet his counterparts around the world in order to understand what is happening around the world and in our nation. Can people imagine a Minister for Trade who does not travel or meet his or her counterparts? Can people imagine the loss this State would incur by being absent from a trade Ministers' meeting in China, Japan or the United States? I encourage members to support the Minister in his official capacity as trade Minister.

However, I take objection to this pay increase because the Premier, Deputy Premier and Government have been arguing for the tightening of belts for the past two years, arguing that we should live within our means. The Government has cut public sector worker salaries, effectively slashed and burned education and health, and has conducted fire sales of Port Botany and Port Kembla. Now it is hypocritically increasing the salary of the Deputy Premier. During the last election campaign a great deal was said by Government members about the cost of living. The first piece of legislation they introduced after the election was the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011. The Government wanted to cut the wages and conditions of 400,000 public sector workers, destroy their pay packets, and ensure that the people of New South Wales lived, as the Government said, within their means. Now, hypocritically and unashamedly, the Premier wants to give his deputy an extra fistful of dollars. Minister Pearce had this to say with regard to salary cuts:

> These are vital reforms needed to ensure effective fiscal control of the New South Wales budget.

The question is: Where is the fiscal control in this instance? What justifies the 18 per cent increase in salary for this Deputy Premier? What was it that the Deputy Premier did to justify getting an extra $1,000 a week, as the Hon. Walt Secord asked? The Government introduced a 2.5 per cent cap on public sector salary increases and announced that 15,000 jobs would be axed. Minister Pearce, on behalf of the Government, justified this cap to ensure that wage increases are "affordable", and stated on 13 May 2011:

> The wages policy seeks to strike a balance between maintaining the real value of wages for public servants and the ability of the State budget to fund wage increases

Are we to believe the Government can now afford salary increases? And, if so, will the Government now review public sector wages with a view to increasing them in line with the salary increase of the Deputy Premier? Maybe the Minister could start by justifying the "real" value of his colleague's wage increase. In addition, public sector workers were to lose their entitlements to holiday leave loading and additional paid leave for caring for sick family members under the State Government's changes to their award conditions. The Government set out to abolish public sector entitlements to a 17.5 per cent annual leave loading, and abolish the extra week's leave awarded to people working in a remote area, along with other travel-related allowances.

Furthermore, Minister Pearce argued in Parliament that any wage increase in the public sector above 2.5 per cent would need to be supported by demonstrated efficiencies. He and his Government should apply to the Deputy Premier's pay rise the same test that they have applied to wages of public sector workers. Maybe the Government should highlight its own efficiencies first before seeking to reward its members with more money. Can Minister Pearce show us the efficiencies achieved by the Deputy Premier, and why we should support this 18 per cent increase in salary, as the Hon. Walt Secord has reported? In relation to the cutting of public servants' entitlements such as annual leave loadings and penalty rates—affecting 80,000 public servants—and slashing 15,000 jobs, New South Wales Premier Barry O'Farrell says he has no apologies because the State must live within its means. Does the Premier now apologise to the State for this unwarranted salary increase for his mate the Deputy Premier?

The Hon. PENNY SHARPE [12.33 p.m.]: It is disappointing that there has been only one contributor to this debate from the other side of the House. If this pay rise for the Deputy Premier were so important and so defensible one would think there would be a conga line of members of The Nationals rising to speak in this debate to defend their leader because of the fantastic work that he does and his deservedness of this additional money. But let us be honest and say that no-one else is prepared to speak in this debate because they are absolutely embarrassed—

The Hon. Duncan Gay: Point of order: Once again, an Opposition member goes back to the performance of the Deputy Premier. This is an acting in a higher capacity issue, not a performance issue.

The PRESIDENT: Order! I did not hear remarks to that effect. There is no point of order.

The Hon. PENNY SHARPE: The fact is that there is nobody on the other side of the House who is prepared to get up and defend this decision because it is indefensible. This move is unprecedented.

The Hon. Duncan Gay: Point of order: The member is clearly misleading the House when she says that "nobody on the other side of the House" has got up. I have clearly spoken on this issue, which goes to make the point that the honourable member is deliberately misleading the House.

The PRESIDENT: Order! The Minister again makes a debating point, which I would ask him not to do.

The Hon. PENNY SHARPE: People on the other side who were listening would know that I indicated that the Leader of The Nationals in this place was the only member of that party to speak in this debate, because the rest of them are too embarrassed to defend the indefensible. This action is unprecedented. No other Deputy Premier in the history of New South Wales has put their hand out for an extra thousand dollars to do what they are already paid extra money to do. That is why Government members are embarrassed. We do not see Liberal members anywhere. They are all hiding because they know their leader, Barry O'Farrell, should just have said no. He should have said, "Let's actually let common sense prevail here." He should have said to the member for Oxley, "You know what? You actually already get paid as my deputy, and that's enough." But no, for some reason he has allowed the handout of an extra thousand dollars. Whether it is $1,000 or hundreds of thousands of dollars completely misses the point in this debate. This is unprecedented and it is unnecessary. The Deputy Premier is already paid to do his job: as Deputy Premier it is his duty to act when the Premier is absent. That is his job. He is already paid for it. He should not get one extra cent for that.

But we should also discuss in this debate what this matter says to the people of New South Wales. The Government has spent the past six months, in fact the past two years, trying to put a case as to why we need belt tightening across all of government. It has imposed a cap of 2.5 per cent on salary increases for every public sector worker across New South Wales, and it has actually imposed those restrictions on members of Parliament. That is why it beggars belief that the Premier would allow this move to go ahead rather than say to his Deputy Premier, "You know what? Common sense and the people on the street test dictates that this just does not pass." This move does not make sense. People across the State who are already doing it tough, who already earn significantly less money than politicians, do not believe this is warranted or fair. We should just say no.

The Premier had another opportunity to deal with this matter in a better way, as was very well articulated by the Hon. Greg Donnelly: the process of going to the Parliamentary Remuneration Tribunal and making a case why you think politicians may need more money. But no, instead we are here today wondering why the Premier did not take that course of action. It beggars belief that the Premier is backing the Leader of

The Nationals putting his hand out for extra money when cuts are happening across New South Wales. We are very lucky to be politicians: We earn good money to do the jobs that we do. There are constant problems about people having trust and faith in what politicians do. When they read these stories and see this kind of petty greed they will simply say, "You don't speak for us. You do not have our concerns or our worries at heart. You simply concern yourself with how to get a bit of extra coin." This move should not be supported. Those on the other side of the House should use common sense and say, "You know what? He does not need an extra thousand dollars a week to do the job that he already does." Enough is enough.

The Hon. PETER PRIMROSE [12.38 p.m.]: Though I have a short time available to me, I would be happy to yield if a member of the Liberal Party wished to stand up and defend the Deputy Premier—perhaps the Parliamentary Secretary the Hon. Charlie Lynn or the Hon. David Clarke. They are always there, ready with a comment in this place, but obviously they have no comment now. I have no idea what party some of these people even belong to.

The Hon. Charlie Lynn: Point of order—

The PRESIDENT: Order! The Hon. Peter Primrose will resume his seat. The Hon. Charlie Lynn rises on a point of order.

The Hon. Charlie Lynn: I would stand up to comment but time prevents my responding because I am reading the monthly on Ian Macdonald.

The Hon. PETER PRIMROSE: To the point of order: Mr President, so I do not flout your earlier rulings, "boofhead" is definitely unparliamentary, is it?

The PRESIDENT: Order! I may have erred in my earlier ruling. I have re-read the former President's ruling. The word "boofhead" is offensive only if the member against whom it is said finds it offensive.

The Hon. PETER PRIMROSE: As tempted as I am—

The PRESIDENT: Lead us not into temptation.

The Hon. PETER PRIMROSE: I still would like members of the Liberal Party to have the opportunity. The Hon. Duncan Gay—the only person in here with the guts to stand up and defend this proposal by the Government—said everything except why the Deputy Premier deserves this pay increase. That is probably the reason the Government did not take it through the formal processes, as enunciated by the Hon. Greg Donnelly. The Parliamentary Remuneration Tribunal is the appropriate and reasonable way to go and that is the way the Government chose not to go.

Pursuant to standing orders debate interrupted to permit the mover of the motion to speak in reply.

The Hon. WALT SECORD [12.40 p.m.], in reply: I will be brief in my reply as there is very little to add or to observe about the industrial scale of avarice by the Deputy Premier in light of the widespread restraint on the State's 400,000 front-line workers who are limited to 2.5 per cent pay increases. The case to support the motion has been made: The Premier should have said no to the Deputy Premier.

I thank my colleagues the Hon. Duncan Gay, the Hon. Dr John Kaye, the Hon. Mick Veitch, the Hon. Amanda Fazio, the Hon. Steve Whan, the Hon. Greg Donnelly—who made a fantastic contribution—the Hon. Sophie Cotsis, the Hon. Shaoquett Moselmane, the Hon. Penny Sharpe and the Hon. Peter Primrose for their contributions. It is disappointing to see that the Hon. Duncan Gay was the only person on the conservative side of politics to defend the Deputy Premier's pay rise. There was absolute silence from the Government benches. Where was the Hon. Jennifer Gardiner? Where was the Hon. Rick Colless? Where was the Hon. Sarah Mitchell? Where was the Hon. Niall Blair? Where was the Hon. Trevor Khan?

The Hon. Duncan Gay: Where is your leader? Where is your deputy leader?

The Hon. WALT SECORD: They were embarrassed by the pay rise.

The PRESIDENT: Order! There is far too much interjection from both sides of the Chamber.

The Hon. WALT SECORD: For the record, and in response to the Hon. Duncan Gay, the Leader of the Opposition is addressing the Jewish community right now.

The Hon. Duncan Gay: All this time?

The Hon. WALT SECORD: Yes. As to the matter at hand, the Deputy Premier's pay rise, in the State's history there has never been a Deputy Premier who has asked for a higher duties allowance when carrying out Acting Premier duties. Until now a Deputy Premier has received no extra payment while filling in for the Premier while he is on leave or overseas. There has been no such arrangement in previous governments. It did not occur under Keneally, Rees, Iemma, Carr, Fahey, Greiner, Unsworth, Wran or Askin. A Deputy Premier steps in and does the job when the Premier is away—that duty comes with the job. We expect no less and the community does not expect the Deputy Premier to seek extra remuneration. We must disallow this regulation.

In conclusion, I refer to the priorities of the O'Farrell Government and contrast them with the unprecedented pay rise for the Deputy Premier. Over the next four years the O'Farrell Government will spend $901 million on travel for Ministers and bureaucrats; $256 million on government advertising; $230 million on consultants' reports; $188 million on its failed regional relocation grant program, including $1 million for advertising of the scheme; $160 million extra for the Premier's Department; $3.2 million for two extra bureaucrats in Treasury; an extra $14 million on functions, events and support for ministerial offices and government boards and committees; millions on the Government's relocation of convention facilities at Glebe Island; and $270.5 million to purchase new cars for Ministers and bureaucrats. The Government has also delivered a $5.3 million cut for jetty rent tenancies, spent $4.4 million on new furniture and fittings for Treasury bureaucrats at Governor Phillip Tower and sold the desalination plant in a dud deal that will see taxpayers pay $1 billion over the next five years—

The Hon. Duncan Gay: Yes, that's terrific.

The Hon. WALT SECORD: Do you want me to keep going, Duncan? I will.

The Hon. Duncan Gay: Tell us about the desal plant. You were one of the architects that left New South Wales with that billion-dollar legacy. You are appalling.

The Hon. Penny Sharpe: Point of order: The Deputy Leader of the Government has interrupted incessantly throughout this entire debate. I ask you to call him to order and rule that he listen to the Hon. Walt Secord in silence.

The Hon. Duncan Gay: To the point of order: I have not interrupted for the entire debate. I interrupted when the Hon. Walt Secord mentioned the failed desalination plant, which he was partly responsible for.

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

The Hon. WALT SECORD: I urge my parliamentary colleagues, the Shooters and Fishers Party, the Christian Democratic Party and The Greens to reject this naked cash grab by the Deputy Premier. No process was followed. If this motion fails I appeal to the Premier to listen to the community, to listen to common sense, and to reject and reverse this unwarranted pay rise. In conclusion, I correct something I said earlier: It was a crafty as well as a greedy pay rise. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 17

Ms Barham	Mr Moselmane	Mr Veitch
Mr Buckingham	Mr Primrose	Ms Westwood
Ms Cotsis	Mr Roozendaal	Mr Whan
Mr Donnelly	Mr Secord	*Tellers,*
Ms Faehrmann	Ms Sharpe	Ms Fazio
Dr Kaye	Mr Shoebridge	Ms Voltz

Noes, 20

Mr Ajaka	Mr Gallacher	Mrs Maclaren-Jones
Mr Blair	Miss Gardiner	Mrs Mitchell
Mr Borsak	Mr Gay	Reverend Nile
Mr Brown	Mr Green	Mr Pearce
Mr Clarke	Mr Khan	*Tellers,*
Ms Cusack	Mr Lynn	Mr Colless
Ms Ficarra	Mr MacDonald	Mr Mason-Cox

Pairs

Mr Foley	Mrs Pavey
Mr Searle	Dr Phelps

Question resolved in the negative.

Motion negatived.

STANDING COMMITTEE ON SOCIAL ISSUES

Government Response to Report

The Hon. Michael Gallacher tabled the Government's response to report No. 46, entitled, "Domestic violence trends and issues in New South Wales", dated 27 August 2012.

Ordered to be printed on motion by the Hon. Michael Gallacher.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Mick Veitch agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No.1072 outside the Order of Precedence relating to an order for papers regarding a former New South Wales Department of Primary Industries employee be called on forthwith.

Order of Business

Motion by the Hon. Mick Veitch agreed to:

That Private Members' Business item No. 1072 outside the Order of Precedence be called on forthwith.

DEPARTMENT OF PRIMARY INDUSTRIES FORMER EMPLOYEE PAUL PARKER

Production of Documents: Order

The Hon. MICK VEITCH [12.56 p.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 January 2012, in the possession, custody or control of the Deputy Premier, Minister for Trade and Investment and Minister for Regional Infrastructure and Services, the Minister for Primary Industries and Minister for Small Business, and the Department of Trade and Investment, Regional Infrastructure and Services relating to former NSW Department of Primary Industries employee Mr Paul Parker:

(a) all documents relating to the investigation of an alleged breach of departmental policy by Mr Paul Parker in 2012,

(b) all documents relating to the decision to use a private investigation agency to examine the actions of Mr Paul Parker,

(c) all documents relating to the selection of the private investigation agency used to conduct the investigation,

(d) any report produced by the private investigation agency,

(e) all correspondence between Mr Paul Parker and any staff member of the Department of Primary Industries, the Department of Trade and Investment, the office of the Minister for Primary Industries or the Office of the Deputy Premier relating to the investigations or actions taken by the department(s) as a result of any investigation and/or report,

(f) all documents in relation to any disciplinary action commenced by the department,

(g) all documents relating to the cost of any private investigation into Mr Paul Parker, and

(h) any document which records or refers to the production of documents as a result of this order of the House.

I will not take up too much time of the House because I understand that there is support for this motion. Mr Parker has requested that I table a letter, which I would like to read. It states:

Dear Mick,

I have read with interest the article in The Young WITNESS dated Friday, February 22, 2013 in which the Minister for Primary Industries, Katrina Hodgkinson, is quoted as saying that her Department could not release any documents relating to myself and the investigation in which I was involved without written approval. I hereby give my written consent for all documents relating to the investigation to be released to the Legislative Council in the Parliament of New South Wales.

I seek leave to table the correspondence from Mr Paul Parker concerning consent for the release of documents relating to the investigation.

Leave granted.

Document tabled.

For Mr Parker this has clearly been quite a difficult matter. I appreciate all members' assistance. Last week I followed the process of the House and I think there may have been some confusion on Government benches about what I was trying to achieved. I appreciate the work of the Hon. Rick Colless, in particular, in getting us to this stage. I thank honourable members for their support in this matter.

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

Motion agreed to.

POWERS OF ATTORNEY AMENDMENT BILL 2013

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Greg Pearce.

[*The President left the chair at 1.00 p.m. The House resumed at 2.30 p.m.*]

DISTINGUISHED VISITORS

The PRESIDENT: I welcome to the public gallery Ms Bronwyn Halfpenny, MP, who represents the electorate of Thomastown in the Victorian Parliament and who is a guest of the Hon. Shaoquett Moselmane.

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.

QUESTIONS WITHOUT NOTICE

SYDNEY HARBOUR FLOATING HELIPORT

The Hon. LUKE FOLEY: My question is directed to the Minister for Roads and Ports. Given that Mr Peter Loxton was commissioned to review and report following the issuance of a licence to Newcastle Helicopters to operate a floating heliport on Sydney Harbour, will the Minister give the House an undertaking that the Government will publicly release that report when he receives it?

The Hon. DUNCAN GAY: The answer to that question is yes. I do not have to think about that; I have already made that commitment to the public. This is an open and accountable Government. We do not operate

according to the standards of the Labor Government. We do not have the Hon. Walt Secord in charge of what we are doing. If the Leader of the Opposition had been monitoring the media and watching carefully he would know that I have given that undertaking.

The Hon. Walt Secord: Point of order: The Minister for Roads and Ports knows that I am on two calls to order. He is baiting me.

The PRESIDENT: Order! That is not a point of order. Nevertheless, it is a pertinent piece of information.

YOUTH ON TRACK PROJECT

The Hon. MARIE FICARRA: My question is directed to the Minister for Police and Emergency Services. What is the Government doing about early intervention to divert young people from becoming involved in crime?

The Hon. MICHAEL GALLACHER: I thank the Hon. Marie Ficarra for her question. Today I was pleased to join the Attorney General, the Hon. Greg Smith, the Minister for Family and Community Services, the Hon. Pru Goward, and NSW Police Force Assistant Commissioner Alan Clarke to announce a new early intervention scheme that is designed to prevent children at risk from becoming entrenched in criminal behaviour. A major part of the new scheme—Youth on Track—has a rounded approach that will help in developing social attributes that young people face. The scheme is targeted at young people who are aged between 10 and 14 years old. Participants of Youth on Track will enter into supportive case management programs. The scheme will accommodate referrals for young people aged up to 17 years. This new approach, which is based on evidence of successful overseas programs, is intended to work with participants to address the underlying causes of crime.

As members may be aware, young people in our society deal with issues such as substance abuse, educational problems, anger issues, mental illness, and in many cases experience family breakdown and domestic violence. These stressors and issues can often be observed in the history of young people who commit criminal acts. Youth on Track does not excuse any young people who have been charged with criminal behaviour. If they are charged by police for committing a crime they will still face a court and be dealt with for that crime. Youth on Track will help to develop a young person's literacy and numeracy skills and tackle any drug and alcohol abuse. It also has the capacity to assist a young person to find a job.

It is the goal of this Government through this scheme to break the cycle of crime for young people to help to ensure a better society for all and most certainly a future for them. I have spoken many times inside and outside this House about the need to identify earlier young people who are exhibiting all the signs of following the wrong path in life. I have said that, as a community, we need to try new things. Youth on Track can be such a game changer for New South Wales. More importantly, it can be a game changer for young people. As I stated earlier, the Government is taking a rounded approach that has sought the input of a number of State Government agencies and has drawn on their experience to develop this scheme. Youth on Track fits in with this Government's New South Wales 2021 plan: it is aimed directly at reducing the number of young people who are reoffending.

The Commissioner of Police and I support measures targeting the habitual relapse into criminal behaviour of young offenders. This is a big priority of the Government and the community. When the police deal with young kids who come to their attention they find it frustrating because they can pretty much predict those who will turn into criminals as their life progresses. Youth on Track allows police who engage with a young offender three or more times to refer them to the scheme. This is about giving police another tool to help in the prevention of criminal behaviour in young people. The scheme also will be used by teachers, which is one of the innovative parts of it. After the first six months of operation, Youth on Track will take referrals from schools with at-risk children. Schools often identify early in the year the children who are exhibiting the signs of committing criminal acts.

Youth on Track will first be implemented in three regions—the mid North Coast, Newcastle City and Blacktown local area commands. Twelve months ago when I was in Tamworth, following the death of Senior Constable Rixon, I was told by local community representatives that the people in the community are good folk, but that a small number of people pose a risk to the police. The Youth on Track initiative most certainly

addresses problems involving young offenders before they progress into a life of crime. If the NSW Police Force and agencies can get to them first, before they complete their apprenticeship in criminality, they will be steered in the right direction. [*Time expired.*]

SYDNEY HARBOUR FLOATING HELIPORT

The Hon. ADAM SEARLE: My question is directed to the Minister for Roads and Ports. Was he consulted on the issuance of an aquatic licence to Newcastle Helicopters to operate a floating heliport in Sydney Harbour? What steps have he and his department taken to ensure that the Minister will be involved in the granting of all future licences?

The Hon. DUNCAN GAY: I thank the Deputy Leader of the Opposition for his question.

The Hon. Mick Veitch: Yes, you don't want that prepared response.

The Hon. Greg Donnelly: Is it the right question but the wrong answer?

The Hon. DUNCAN GAY: I must listen to Opposition members. I read an editorial in the *Sydney Morning Herald* that suggests I need higher public acknowledgement. According to the editorial writer in the *Sydney Morning Herald*, no-one knows who I am, what I do, or anything.

The Hon. Shaoquett Moselmane: Hear, hear!

The Hon. DUNCAN GAY: Along with a few others, I notice. I said to my staff, "I will have to lift my public profile because the editorial writer of the *Sydney Morning Herald* doesn't know who I am." I suspect there may be a problem with the editorial writer at the *Sydney Morning Herald.*

The Hon. Greg Donnelly: Ask Barry for a pay rise. That will get their attention.

The Hon. DUNCAN GAY: Opposition members should keep calm. Firstly, earlier the Leader of the Opposition asked me a question on the heliport and the Loxton report. Warts and all, the report will be released. No matter what the report states, I want to know what happened. In direct answer to the question, I was first advised—

The Hon. Luke Foley: We all want to know what Stoner was up to.

The Hon. Penny Sharpe: Now what is your defence of him?

The Hon. DUNCAN GAY: The Leader of the Opposition has asked the question. Do Opposition members want the answer or not?

The Hon. Adam Searle: We do.

The Hon. DUNCAN GAY: I am happy to resume my seat and let Opposition members talk among themselves, but if they want an answer I am prepared to give it.

The Hon. Adam Searle: We're all ears, Duncan.

The Hon. DUNCAN GAY: Thank you. I was first advised that an application had been received by Roads and Maritime Services for a maritime aquatic licence by Newcastle Helicopters on 6 November 2012 through a Roads and Maritime Services briefing note. Do members opposite want to listen? She is a Ferguson; they know it all. In the brief, Roads and Maritime Services stated:

> RMS requirements for issuing an aquatic licence include:
>
> 1. A favourable environmental assessment under Part 5 of the Environmental Planning and Assessment Act 1979
>
> 2. Approval by the Harbour Master, Sydney Ports
>
> 3. Consultation with, and favourable response from, relevant local councils

I then became aware on 20 November 2012 that the Roads and Maritime Services manager of operations for Sydney Harbour had approved a maritime aquatic licence for a vessel to be used by Newcastle Helicopters for landing a helicopter. As I have said publicly, I am not impressed that my department approved a maritime aquatic licence in a way that so clearly deviated from its original advice to me. While I have been assured by my department that it followed an appropriate process for issuing of a maritime aquatic licence, based on subsequent advice it received I believe the level of community consultation on the proposal and the way it has been handled has been deficient.

[*Interruption*]

Does the Hon. Cate Faehrmann want to listen? She is a Green. She knows everything as well. She second-guesses the world. She is part of the question, but she does not like the answer.

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

The Hon. DUNCAN GAY: As such, separate to the proposal, I have approved the appointment of Mr Peter Loxton to review Roads and Maritime Services processes and procedures regarding the assessment of future aquatic licence applications and the approval processes for future proposals of this kind. Mr Loxton is an experienced, independent consultant with more than 40 years experience in the public service and in public sector processes. [*Time expired.*]

The Hon. ADAM SEARLE: I wish to ask a supplementary question. Will the Minister elucidate his answer with reference to what he is going to do about this in the future?

The Hon. DUNCAN GAY: The terms of reference for the review require Mr Loxton to consider a number of things, including how Roads and Maritime Services processed the heliport application, the existing regulatory regimes relevant to the application and the licence, and the most appropriate way to regulate a proposal of this nature both from a Roads and Maritime Services and a whole-of-government perspective. We want to encourage business to come forward with proposals that boost both Sydney and New South Wales productivity, help grow our economy and create more jobs for our citizens. Frankly, that is the ethos of this Government. However, proper processes are essential for ensuring that proposals are effectively considered in the public interest. I am confident that the review will enable us to put in place processes that will enable the Government to adequately consult with the community and effectively assess proposals of this kind in the future. I expect the review to be completed by April 2013. I will ensure its findings will be made public.

THIRLMERE LAKES AND MINING

The Hon. CATE FAEHRMANN: My question is directed to the Minister for Finance and Services, representing the Minister for the Environment. Given recent rains and the fact that Thirlmere Lakes remain virtually empty, has the Minister concluded that this is due to longwall mining rather than drought? When will the Minister release the independent report into the disappearing water in Thirlmere Lakes?

The Hon. GREG PEARCE: I will seek a detailed answer from the Minister for the Environment.

FISHING TRAWLER *CHALLENGE* REFLOAT

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the successful refloat of the fishing trawler that recently ran aground near Cronulla?

The Hon. DUNCAN GAY: I thank the honourable member for his question. I was hoping the Opposition would ask a similar question. As many members would have heard, last week at approximately 1.00 a.m. on 19 February the fishing trawler *Challenge* ran aground on Shark Island off Cronulla. It was a Queensland-based boat in blue colours, which is very strange with State of Origin coming up.

The Hon. Michael Gallacher: A stealth boat.

The Hon. DUNCAN GAY: It was a stealth boat. The *Challenge* is a 100-tonne, 23.5-metre, steel-hulled vessel which is, as I indicated, registered in Queensland. I understand that at the time it was carrying approximately 6,000 litres of diesel and 400 litres of lube oil. The salvage operation was executed by Polaris

Marine and overseen by the Harbour Master of Sydney Ports Corporation. On the morning of 20 February the high tide was not as high as predicted and an attempt to refloat the vessel was unsuccessful. However, I am pleased to advise that on 21 February, at approximately 4.15 a.m., the *Challenge* was gently refloated from the rock reef. A key part of that plan involved pumping more than 10 tonnes of water from the vessel's live bait tank, which enabled it to be towed clear of the rocks. The vessel sustained no further damage, and there was no evidence of any pollution. After being assessed as structurally sound the vessel was towed to Rozelle Bay in Sydney Harbour, where it is currently undergoing repairs.

On behalf of the House I congratulate Sydney Ports Corporation, Roads and Maritime Services, the NSW Police Force, including the Marine Area Command, Polaris Marine and the many other agencies and individuals involved in achieving this successful outcome. This successful operation has highlighted the high level of cooperation that exists between multiple agencies at State and local levels during emergencies. It also serves as an example of how deliberate and carefully planned actions produce the best outcomes. It is for that reason that I was disappointed to see criticism by people who should know better of the fantastic work being done.

Some armchair admirals—at least one is in litigation with our organisation—indicated they would have preferred to use brute force to drag the trawler over the rocks at the first opportunity. This could have resulted in major damage to the vessel's hull and fuel tanks, with up to 6,000 litres of diesel being spilled into the bay. To the credit of Sydney Ports and the salvors, these criticisms were quite properly ignored. It is no surprise that, having been proven completely wrong, those critics have not been heard from since the successful refloat. The Sydney Ports emergency response team is highly trained and internationally respected so the success of this operation was no surprise to me or anyone else associated with the team.

SYDNEY MARDI GRAS

Reverend the Hon. FRED NILE: I ask the Minister for Police and Emergency Services a question without notice. Is it a fact that previous homosexual Mardi Gras parades have included blasphemy, indecency, nudity and drug use? What action is the Minister taking to ensure that this year's Mardi Gras parade on Saturday 2 March 2013 will conform to community standards and not offend or break the Summary Offences Act or drug laws? What action is the Minister taking to protect children from R-rated behaviour?

The Hon. MICHAEL GALLACHER: I thank the honourable member for a timely and topical question. He can be assured, as can all members of this House, that the NSW Police Force will be maintaining adherence to our legal standards. Whether it be in Oxford Falls or Oxford Street, they will be there to ensure public safety and that the laws of this State are upheld. Reverend the Hon. Fred Nile can be assured that sniffer dogs will be there. I know they are a popular inclusion at this time of year at these sorts of festivals. They do not discriminate. As members of this House, such as the Hon. Walt Secord, would know, dogs have the ability, irrespective of the glitter and the lycra, to pick up the scent of drugs. It is important for members, such as Reverend the Hon. Fred Nile, to be assured that those standards will be maintained. Those who attend the Mardi Gras can be assured as safe an environment as the NSW Police Force can provide.

The Hon. Cate Faehrmann: What about the nudity? What about the blasphemy?

The Hon. MICHAEL GALLACHER: Is there? I have never seen it, I am sorry.

The Hon. Greg Donnelly: You should get out more, Mike.

The Hon. MICHAEL GALLACHER: I don't get time. There are fires and floods out there.

SYDNEY ROADS PEAK HOUR TRAVEL TIMES

The Hon. PENNY SHARPE: My question is directed to the Minister for Roads and Ports. Given that a recent Auditor-General's report showed that afternoon peak travel speeds for motorists are now at their worst levels in five years, what steps have the Minister and his department taken to improve travel times?

The Hon. DUNCAN GAY: I thank the member for her question.

The Hon. Dr Peter Phelps: Have you not noticed the building implements on the M5?

The Hon. DUNCAN GAY: Thank you. The Government Whip details the exact problem. Part of the reason travel times in many areas are down is the work we are doing to improve the roads after 16 years of neglect. If the member had looked carefully she may have noticed that travel times on the M2 are beginning to improve: as building work is completed motorists' trips are starting to get quicker. The same will happen on the M5 as we complete that work. I agree with the member that one area that has caused problems is the M4. We spent a large amount of money on the M4 and removed the toll plazas.

The Hon. Amanda Fazio: Rubbish.

The Hon. DUNCAN GAY: It did not require quite as much money as quoted to those opposite. We actually got a second quote, which was a lot less money because we put in place proper processes. When the toll plaza problems were removed from the M4 we expected the traffic would move more quickly. Frankly, it has not improved. So we will have another look at it. The only thing I can think of is that in the dying days of the previous Government—

The Hon. Penny Sharpe: Oh, blaming it on us.

The Hon. DUNCAN GAY: Well, those opposite removed the tolls on the M4 and we believe that resulted in increased traffic. We want to find out exactly what the situation is. The M5 is obviously a problem at the moment. The F3 problem resulted from the extended Christmas period when holiday travel time occurred over a longer time than normal; it was not the normal short, sharp movement of traffic. Whilst we are happy and understand the reasons for most of the delays, the M4 troubles us. Certainly when Julia—

The Hon. Michael Gallacher: You are familiar.

The Hon. DUNCAN GAY: I am sorry. With the current Prime Minister visiting the western suburbs of Sydney, a commitment to WestConnex would go a long way to help to remove much of the traffic problems. She is staying in the western suburbs for a few days instead of at Kirribilli. Rather than her visit just being a stunt, she should make it worthwhile. She should stop the stunt and put some money into the western suburbs. That would provide a genuine reason for us to fix a lot of the traffic problems. I am sad to say that the price of progress when improving roads is that traffic will be slowed down in the short term.

STATE RECORDS BOARD APPOINTMENTS

The Hon. MATTHEW MASON-COX: My question is addressed to the Minister for Finance and Services. Will the Minister update the House on recent appointments to the State Records Board?

The Hon. GREG PEARCE: I thank the Parliamentary Secretary for that important question. The State Records Authority has a nine-member board with a range of statutory functions, the most significant of which is approving the permanent retention or disposal of records created by all public agencies throughout New South Wales. Seven members are nominated by various Ministers to represent State law enforcement agencies, local government, the private sector, the history profession, government departments and State-owned corporations. One member is nominated jointly by the President of the Legislative Council and the Speaker of the Legislative Assembly, and one is to be a judge of a court of the State nominated by the Chief Justice of New South Wales. Board members are appointed for a maximum of six years.

Two long-term board members stepped down at the end of 2012. I thank them both for their efforts to protect and preserve the official history and heritage of New South Wales. The first is the Hon. Don Harwin, MLC—hear, hear!—who, as we know from his work as the President of the Legislative Council, is tireless in his support of and interest in history. Thank you, Mr President. Mr Harwin has been replaced by the Hon. Peter Phelps, MLC. Take a bow.

The Hon. Dr Peter Phelps: I haven't prepared a speech. I thank you all.

The Hon. GREG PEARCE: I note that the House joins me in congratulating the Hon. Peter Phelps. His first term commenced on 14 November 2012 and will conclude on 13 November 2015. The second retirement is Professor Lucy Taksa, Professor of Business Studies at Macquarie University, who served for two terms as chair of the State Records Board from early 2007 until December 2012. She made a significant contribution to the preservation of the State's heritage through her impassioned advocacy for the recognition of

history, and its study and contribution to all members of the community. Professor Taksa used her time on the board of State Records to seek a broader input into the board's decision-making and, in particular, the push for increased engagement between State Records and external experts to ensure, to use her words:

> accountability to end-users for appraisal outcomes not just in the present but also for future generations.

It is appropriate that we thank Professor Taksa for her service over those years. Her successor as representative of the history profession and chairperson of the board is Ms Anne Henderson, who is Deputy Director of the Sydney Institute, edits the Sydney papers and co-edits the *Sydney Institute Quarterly*. I note that the Hon. Amanda Fazio is a great fan of Ms Henderson. Ms Henderson is a regular contributor to the *Canberra Times*, the *Age*, the *Australian* and the *Sydney Morning Herald*.

The Hon. Michael Gallacher: Who, Amanda?

The Hon. GREG PEARCE: No, Ms Henderson. No, the Hon. Amanda does not contribute to anything.

The Hon. Amanda Fazio: Point of order: The Minister obviously has made an imputation and adverse reflection on me. I ask that he be reminded that it is inappropriate and he should withdraw.

Mr David Shoebridge: And you took offence to it.

The Hon. Amanda Fazio: I am very offended. I am totally offended.

The PRESIDENT: Order! No offensive words were used, so I will not require the Minister to withdraw. However, I remind the Minister that reflections on members of this place and the other place are disorderly at all times.

The Hon. GREG PEARCE: Ms Henderson is the author of a number of books and biographies, including *Getting even: women MPs on life, power and politics*. Ms Henderson is probably best known for her biographies of Australia's first political power couple, Enid and Joseph Lyons: *Leading Lady to a Nation* and *The People's Prime Minister*. I look forward to the State Records Board continuing its excellent work.

FIREARMS REGISTRY AND FIREARMS PERMITS

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Minister for Police and Emergency Services. Is the New South Wales police Firearms Registry notice headed "General Information from 4 March 2013" concerning the implementation of the Firearms Amendment (Ammunition Control) Act still valid? Will the new ammunition permit commence on 4 March 2013 and the change to the permit to acquire a firearm commence from 8 April 2013? If not, why not?

The Hon. MICHAEL GALLACHER: I thank the member for his question. This morning the New South Wales Firearms Amendment (Ammunition and Club Armourers) Regulation 2013 went to Executive Council for assent. Therefore, information concerning the regulation that was uploaded to the Firearms Registry website was removed and it is expected to be replaced shortly with updated information. The Government is committed to public safety and keeping firearm owners and dealers informed of their new responsibilities.

Mr DAVID SHOEBRIDGE: I wish to ask a supplementary question: Will the Minister elucidate his answer by confirming whether or not the ammunition permit will commence on 4 March 2013, as the police have previously noted, and whether the change to permits required will commence from 8 April 2013, as New South Wales police have noted?

The Hon. MICHAEL GALLACHER: I thank the honourable member for his supplementary question. I will be making a statement in relation to that shortly.

LIVE TRAFFIC NSW WEBSITE

The Hon. HELEN WESTWOOD: My question without notice is directed to the Minister for Roads and Ports. Why has the commitment contained in the 2012 Roads and Maritime Services delivery plan to review and improve the live traffic website by the end of January 2013 to allow the travelling public register to receive personalised email alerts for hazards on designed journeys not been delivered?

The Hon. DUNCAN GAY: I thank the honourable member for her question. My understanding is that that has been done but I will get some further information in relation to it. Certainly I am really keen to get information to the travelling public. I am sure members have noticed as they have driven around Sydney's roads and motorways more variable message signs providing information on travel times and informing motorists of exactly what is a happening in the area. Such information has not been available in the past. My understanding—and I do not have detailed information with me—is that not only has that commitment been achieved but also additional and better information will be provided through various applications to help people plan their trips. I will get a detailed response for the member. If it has not happened, it should have. I, like the member, believe it should happen.

SUMMER MUSIC FESTIVALS POLICING

The Hon. SARAH MITCHELL: My question is directed to the Minister for Police and Emergency Services. Will the Minister inform the House of police efforts to curb drug abuse, alcohol-related crime and antisocial behaviour at music festivals and other gatherings over the summer holiday period?

The Hon. MICHAEL GALLACHER: I thank the honourable member for her question. It seems that summer is synonymous with music festivals. Unfortunately, in too many cases music festivals attracting young people remain synonymous with illegal or illicit drug use. Police continue to attend music festivals over the summer to deter young people from taking drugs and to catch those who refuse to listen to the warnings. It is disappointing that so many people are ignoring the messages from police and educators about the dangers of drug use. If people insist on doing the wrong thing at these events, they should be warned that police are out and about in force.

The Field Day Festival in the Domain on New Year's Day was attended by approximately 14,000 people. Police conducted a massive operation at the festival involving drug detection dogs. Police targeted illegal drugs, alcohol-related crime and antisocial behaviour. Police made 135 arrests at the festival. The drugs seized included amphetamines, cannabis, cocaine, ecstasy, lysergic acid diethylamide [LSD] and the drug commonly known as ice. A 24-year-old man was charged with illegal drug supply after being found in possession of 33 ecstasy tablets, and police also advised that 68 people were ejected from the festival for being intoxicated. Two people were given criminal infringement notices for offensive behaviour. It seems that party-goers at the Field Day Festival are determined to ignore messages about partying responsibly and safely. I am advised that at last year's Field Day Festival 112 people were charged with drug offences. In 2011, 111 were arrested, in 2010, 83 and in 2009, 59. The numbers seem to be increasing. The targeted efforts of police are clearly paying off.

Police have also maintained a significant presence at other festivals throughout the summer. I am advised that at the Big Day Out this year police conducted 168 searches, which resulted in 121 drug seizures. Ecstasy was found on 60 occasions, cannabis on 29 occasions and amphetamine on 17 occasions. At the Homebake Festival in December 2012, 51 searches resulted in 24 drug seizures. It is clear that despite what others might allege drug detection dogs are working. In the 2012 calendar year police conducted 15,500 searches as a result of drug dogs indicating the presence of drugs, and drugs were found and seized on more than 5,500 occasions. Drugs seized included over 3.7 kilograms of amphetamine, over 137 kilograms of cannabis, 1,132 cannabis plants, nearly 4.5 kilograms of cocaine and almost 9 kilograms of ecstasy. These are significant quantities of illegal drugs, and they have been taken off the streets thanks to drug detection dogs.

This Government supports the police and the use of drug detection dogs as a tool to rid our streets and our public transport system of drug crime. That is why we have implemented reforms to expand police powers to use drug detection dogs without warrant across the whole CityRail network and within Kings Cross. Between August and December 2012 police using drug detection dogs in Kings Cross seized more than 3 kilograms of cannabis as well as other illegal drugs. The Government is committed to providing police with the powers and resources they need to get the job done, and we make no apology for that. I congratulate police from the Dog Unit, particularly those in the drug detection area, and other police involved in operations at festivals and on the streets of Sydney over the summer on a job well done.

SHOALHAVEN RIVER BRIDGE PROJECT

The Hon. PAUL GREEN: My question without notice is addressed to the Minister for Roads and Ports. Can the Minister update the House on the progress of the investigations for a new bridge across the Shoalhaven River?

The Hon. DUNCAN GAY: I thank the honourable member for his question. The Hon. Paul Green lives in the Shoalhaven area, and as the former mayor of the region he was keen for an investigation to facilitate forward planning in the Shoalhaven, not with a view to building a bridge tomorrow but with a view to identifying where such a bridge should be located. We know that the project has currently stopped because the only commitment to the Princes Highway has come from the New South Wales Government, despite the fact that I approached the Federal Government—

The Hon. Jeremy Buckingham: It is "Princes" not "Princess".

The PRESIDENT: Order! Members will cease interjecting.

The Hon. Jeremy Buckingham: The Minister said "Princess".

The Hon. DUNCAN GAY: I did not. The Hon. Jeremy Buckingham is the only princess here. I lisp a little bit.

The PRESIDENT: Order! The Minister will continue with his answer and ignore interjections.

The Hon. DUNCAN GAY: In his former role as mayor the Hon. Paul Green properly asked the Government to conduct a study. The New South Wales Government allocated $1 million in its 2012-13 budget for that study, which will consolidate existing evidence and investigate further location options. It is good news for the community. The bad news is that it has not yet started; however, it will commence soon—in mid-2013. I understood that that was the point of the member's question: he was reminding me that the Government had made a commitment and it needs to get on with it.

SYDNEY HARBOUR CROSSING TOLL

The Hon. SHAOQUETT MOSELMANE: My question is directed to the Minister for Roads and Ports. How much additional revenue will the Government collect from the Minister's decision to charge motorists on the Harbour Bridge and Harbour Tunnel when their e-Toll tags do not register properly?

The Hon. DUNCAN GAY: I thank the member for his question. Given that the member has indicated that he is thinking of going Federal, the first thing he should do if he is successful in that bid is to get some commitment from his colleagues on WestConnex. We have to look after the community with regard to that initiative. Interestingly, the Labor Party, as is its wont, has tried to sell the story that the Government is intending to increase tolls on the Sydney Harbour Bridge and the Harbour Tunnel by 55¢. In fact a journalist asked me this morning—

The Hon. Penny Sharpe: You are still being asked about it then. Brian has done well.

The Hon. DUNCAN GAY: And the member has done well in spreading distortion. It is a pity that those opposite did not run their governments as well as they spread distortion, and this is nothing more than distortion. When there is no e-tag there will be a 55¢ cost. However, if a cost arises because a motorist's e-tag is not working that cost will be refunded. In fact, as a consequence of one of the great initiatives of this Government, customers can apply for up to three e-tags—

The Hon. Walt Secord: Point of order: This is a ministerial statement. The Minister is announcing new Government policy.

The PRESIDENT: Order! The Hon. Walt Secord will resume his seat. There is no point of order.

The Hon. DUNCAN GAY: They will be able to get three e-tags so that they can put one in each of their three cars, if they have them. This is a Government that listens and learns, and when people say that they have a problem we fix it. We do not sit on our hands and go through the spin cycle. We do not publish glossy coloured brochures. We actually get on with the job and fix the problems. I am advised that from 1 June 2013 customers travelling on the Sydney Harbour Bridge and in the tunnel without their e-tag will incur a 55¢ fee to cover the cost of matching a photograph taken of their number plate to their account. Each year 43 million trips are processed when customers travel on the Sydney Harbour Bridge and through the tunnel. Just as all passengers need to carry a valid ticket or pass to travel on public transport, customers travelling on toll roads should understand that they need to have either an e-tag in their vehicle or a valid video pass.

Most toll road operators across Australia already charge a similar vehicle matching fee. Those opposite have forgotten that private operators in this State also charge a similar fee. Under whose term of government was that fee introduced? It was introduced by the previous, Labor Government. The hypocrisy of those opposite is unbelievable. Their hypocrisy knows no bounds—and I know The Greens share my view on that point. If a customer is charged the vehicle matching fee and the customer's tag is found to be faulty the fee will be refunded. It is important for customers to maintain a credit balance in their toll account. This will ensure that their tags remain valid for travel. Customers need to match number plates to an e-tag account or video. This is a common sense move to bring our tunnel in line with every other tunnel operating in the State.

The Hon. Amanda Fazio: Your tunnel?

The Hon. DUNCAN GAY: The people's tunnel. It will bring it into line with what the Labor Government put in place for private tollways. Further, this is about people doing the right thing by their neighbour, because if some are getting away with not paying the toll other motorists, whose tags are properly displayed, have to bear the cost. [*Time expired.*]

ROADS AND MARITIME SERVICES REFORM

The Hon. DAVID CLARKE: My question is directed to the Minister for Roads and Ports. Can the Minister update the House on the organisational reform of Roads and Maritime Services?

The Hon. DUNCAN GAY: I thank the member for an important question. When we were elected to government I committed to delivering a roads and waterways organisation that was streamlined, customer-focused and prepared to deliver quality services. This is what we are delivering. As of yesterday Roads and Maritime Services adopted a new operational model focused on the core skills of build, manage and maintain. Aligned with these core skills, we have created two new divisions to drive better customer outcomes: journey management and asset maintenance.

The division of journey management, with a new director, will emphasise the delivery of customer-focused services across New South Wales roads and waterways. We know that people using roads and waterways are looking for real-time information, reliability and convenience, to enable them to get to where they are going, to allow them to travel when they wish to travel and to do so in a reasonable time. The journey management division will look at the decisions customers make in taking or planning a trip and focus on how Roads and Maritime Services can facilitate that journey, from traffic management to providing real-time information. In a few words, every journey matters.

The journey management division is complemented by a new asset maintenance division, which will help implement the Government's commitment to introduce more contestability in road maintenance in the Sydney region, building on the experience with the contract that has been in operation in northern Sydney for the last decade. And, of course, the infrastructure development division will continue to focus on delivering the major new road projects this Government is investing in, such as the Pacific Highway and Princes Highway upgrades as well as our multi-million dollar investment in western Sydney roads.

Under this Government, consistent with the policy ethos that the Premier has put forward across government, the future of Roads and Maritime Services is customer driven. The new model means that Roads and Maritime Services is set up to effectively listen, engage and partner with customers and communities as well as with business and industry. I should note that this customer focus does not diminish the role of Roads and Maritime Services in compliance, which is a critical part of driving better customer outcomes.

I congratulate Roads and Maritime Services Chief Executive Peter Duncan on his continued leadership and reform of Roads and Maritime Services. This reflects our determination to boost the productivity of New South Wales, build our economy and deliver the infrastructure that the State needs. I am the first to acknowledge that we have a long way to go to repair the mess that was left to us in the organisation by the former Government and the heavy turnover of Ministers in that administration. However, I am confident Roads and Maritime Services, with its new structure, is ready to deliver the services and customer experience on our roads and waterways that New South Wales citizens demand and deserve.

COBBORA COAL PROJECT

Dr JOHN KAYE: My question is directed to the Minister for Finance and Services, representing the Treasurer. Can the Minister advise the House how the statement in the preferred project report for the Cobbora

coal project currently on exhibit that says that the mine "is not being developed by a private company for commercial gain" impacts the Government's plans to attract private bidders to either purchase or enter into a long-term lease of the mine?

The Hon. GREG PEARCE: I thank Dr John Kaye for the question. As the honourable member knows, the Cobbora project is being developed by Cobbora Holding Company, on behalf of the New South Wales Government. As such, it is not being developed by a private company for commercial gain, but it is being developed to meet contractual obligations entered into by the former Government in its death knell, late in 2010. So it is being developed pursuant to the contractual obligations left to us by the mob opposite. As has been stated previously, the development of the mine is on track and will remain a priority unless and until a superior alternative is established.

In parallel, the Government is exploring all options for Cobbora, including the sale or long-term lease of the project, with a view to minimising the risks and liabilities for the State's taxpayers. The development of the mine by Cobbora Holding Company is independent of the transaction for the long-term lease of the other assets and is not expected to have any impact on the Government's plans to attract private sector interest in those transactions.

TRANSPORT BRAND STRATEGIES

The Hon. LYNDA VOLTZ: My question is directed to the Minister for Roads and Ports. How much is the Government spending on developing a whole of transport cluster branding strategy?

The Hon. Greg Pearce: It would be less than you spent.

The Hon. DUNCAN GAY: That is the point. The short answer to the question is that I do not know. But what I can tell the member is that it is not a huge amount of money, because one of the things you may have noticed—

The Hon. Amanda Fazio: By whose standards?

The Hon. DUNCAN GAY: Just settle. The Opposition may have noticed that after we changed the Roads and Traffic Authority to Roads and Maritime Services we did not go out and re-brand the buildings and the cars; we have waited until there is a turnover of vehicles and a movement in those areas. We have been very sensible about it. It is pretty dumb of the Opposition to try such a political grab on us when we have done the right thing. I do not know the amount but, as I indicated, it will not be much. I will find out.

PUBLIC SERVICE MEDAL RECIPIENT JULIE NEWMAN

The Hon. TREVOR KHAN: My question is directed to the Minister for Finance and Services. Will the Minister update the House on public servants working in his portfolio who have been recognised in the recent Australia Day Honours List?

The Hon. GREG PEARCE: I am very pleased to do so. On Saturday 26 January the Governor-General of the Commonwealth of Australia announced the Australia Day 2013 Honours List. I am pleased to advise the House that Ms Julie Newman, Chief Executive Officer of the Safety, Return to Work and Support Division, was awarded the Public Service Medal for outstanding public service. The Public Service Medal recognises outstanding service by employees of the Australian Government and State, Territory and local government. Outstanding service can be shown through service excellence to the public or to external or internal clients; innovation in program, project or policy development; leadership, including as a member of a team; or the achievement of more efficient processes, improved productivity or better service delivery.

Ms Newman was recognised for outstanding public service for a range of organisational and financial reforms in New South Wales and as a contributor to the establishment of the Safety, Return to Work and Support Division. The award recognises the contributions of the many dedicated members of the public service who dedicate their working lives and service to the New South Wales community. Ms Newman started her career in the New South Wales health service in front-line nursing positions. She developed her skills and expertise in the health sector before undertaking a number of financial management positions.

Ms Newman was pivotal in the development of a patient costing system based upon standardised methodologies. In 2000 she was appointed Director, Finance and Data Services for the Ambulance Service of

NSW and undertook a major role in the review of Ambulance Service fees conducted by the Independent Pricing and Regulatory Tribunal. Ms Newman was later appointed Chief Financial Officer for the WorkCover Authority of New South Wales. She has worked tirelessly to reform WorkCover, focusing on organisational direction, financial sustainability and service delivery. In addition, she played a pivotal role in the development and implementation of the Government's reform program in the establishment of the Safety, Return to Work and Support Division, bringing together the Motor Accidents Authority, the Lifetime Care and Support Agency, the Workers Compensation Commission, the Dust Diseases Board and the WorkCover Authority.

Currently, as the division's chief executive officer, Ms Newman leads the agency with transparency and open communication, working to refocus the workers compensation scheme to encourage early return to work and support for injured workers from a sustainable scheme that does not adversely impact New South Wales competitiveness. I am sure all members will join me in congratulating Ms Newman on being recognised in the Australian honours system for outstanding public service.

GAS SUPPLIES

The Hon. JEREMY BUCKINGHAM: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Will the Minister explain the contradiction between Australia having so much gas that we are set to export it from the east coast yet Minister Hartcher continually warns the community about a looming gas shortage and associated price hikes? How is it that we have so much gas we are exporting it yet at the same time we are apparently running out of gas?

Dr John Kaye: This is the heart of your contradiction.

The Hon. DUNCAN GAY: No, it is not. Today is my be nice to The Greens day. I am tempted to let the Hon. Steve Whan answer this question because I know he shares our passion on this issue.

The PRESIDENT: Order! I call the Hon. Greg Pearce to order for the first time.

The Hon. DUNCAN GAY: It has escaped the wit of The Greens that there is a shortage of gas in New South Wales. They just do not get it. I do not know what I can say or what anyone can say to get it into their silly heads that there is a critical shortage of gas for communities, for residences and for businesses in New South Wales. The Greens continue to pursue their petty politics and, frankly, I believe that will be the end of them. We will see their demise in the same way as we witnessed the demise of the Australian Democrats and One Nation. Their only saving grace currently is that they are working to undermine the Labor Party within the union movement. The Labor Party should be wary of that because The Greens will promise and say anything—

The Hon. Jeremy Buckingham: Point of order: My point of order relates to relevance. My question was related to gas. The Hon. Duncan Gay has been gasbagging but he has not mentioned gas once in his answer.

The PRESIDENT: Order! The Hon. Duncan Gay was in order.

The Hon. DUNCAN GAY: I am about to go back on my word. I did say earlier that I would be nice to The Greens today, but I have to issue a warning to the Labor Party. Despite everything we have seen, the Labor Party does have a small amount of conscience and although there are some things that its members will not say, I warn them that there is nothing The Greens will not say or do.

The Hon. JEREMY BUCKINGHAM: I ask a supplementary question. Would a domestic gas reservation policy play any part in guaranteeing gas for domestic markets and avoid unnecessary price hikes caused by east coast gas exports?

The Hon. Rick Colless: Point of order: That is a totally new question and is therefore out of order.

The PRESIDENT: Order! The question is not a supplementary question; it is a new question. Therefore, I rule it out of order.

UNREGISTERED VEHICLE DETECTION

The Hon. PETER PRIMROSE: My question is directed to the Minister for Roads and Ports. What specific strategies is the Government implementing to reduce the number of unregistered vehicles on New South Wales roads, which, according to the Auditor-General's report, now sits at around 124,000?

The Hon. Amanda Fazio: They would be easy to spot if they had rego stickers.

The Hon. DUNCAN GAY: I know interjections are disorderly but I acknowledge the interjection of the Hon. Amanda Fazio, who said it would make a difference if they had rego stickers. In case it has escaped the knowledge of the Hon. Amanda Fazio, the Auditor-General's report reflects the period when motor vehicles did have rego stickers. Trying to put that sort of spin on the issue is just silly. Numberplate recognition in police vehicles is important technology being implemented Australia-wide, particularly in New South Wales. The number of unregistered vehicles on our roads being picked by numberplate recognition technology in police cars is greatly increasing.

The Hon. Amanda Fazio: Another ignorant comment. A safety measure or revenue-raising?

The Hon. DUNCAN GAY: I acknowledge another interjection that should not have been made. When we speak about finding unregistered cars, and probably unworthy cars, the Hon. Amanda Fazio likens it to revenue collection. These are people that are not doing the right thing by New South Wales and those that have to pay registration for their cars and go through the process. That is what the Labor Party and the member want to happen.

The Hon. Amanda Fazio: Point of order: My point of order is that the Hon. Duncan Gay is making imputations against me. The interjection he acknowledged asked a simple question about whether it was a road safety measure or a revenue-raising measure.

The Hon. Duncan Gay: You shouldn't interject.

The Hon. Amanda Fazio: I should not have interjected; the Minister should not have acknowledged it; and he should not have made an imputation against me when he did so.

The PRESIDENT: Order! As the Hon. Amanda Fazio acknowledges, it is the fruit of the poisoned tree. I remind members that interjections are disorderly at all times.

The Hon. DUNCAN GAY: I am informed that in 2012 mobile police detection picked up 21,691 unregistered vehicles. I share the concern of the Hon. Peter Primrose, because unregistered vehicles have not gone through the proper processes. That means that their drivers are not doing the right thing and they are not paying their share of the contribution to roads. They are also not doing the right thing when it comes to third party insurance because if they have not got a pink slip they also will not have a green slip. These are the sorts of things that we are improving. I congratulate the police on the rollout of the number plate recognition technology. The numbers of detections have been achieved off a very small base. The rollout is just incredible and it will make a huge difference.

The Hon. MICHAEL GALLACHER: The time for questions has expired. If members have further questions I suggest they put them on notice.

Questions without notice concluded.

MOUNT PENNY EXPLORATION LICENCE

Production of Documents: Correspondence

The PRESIDENT: I inform the House that, following the tabling of correspondence on Tuesday 19 February 2013 relating to the 2009 order for papers regarding the exploration licence at Mount Penny, the Independent Commission Against Corruption advised of its intention to reconcile material that had been returned to the Legislative Council with the commission's holdings in order to assess whether there was material contained within those holdings that potentially should have been included in the return to the House. I subsequently wrote to the Commissioner of the Independent Commission Against Corruption raising some issues concerning parliamentary privilege and requesting that the commission confirm its intentions in relation to this matter. A response was received today from the commissioner. I now table both my correspondence and the response received from the commissioner.

Documents tabled.

POWERS OF ATTORNEY AMENDMENT BILL 2013

Second Reading

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [3.33 p.m.]: I move:

That this bill be now read a second time.

The Powers of Attorney Amendment Bill 2013, which I was pleased to introduce today, makes a number of small but significant amendments to the Powers of Attorney Act 2003 that will clarify issues over which doubts have been raised and simplify the process of appointing an attorney. The bill has been prepared after wide public consultation and with close cooperation and assistance from the legal profession and other stakeholders. The bill demonstrates this Government's commitment to listen to the community and simplify laws where simplification is required. A power of attorney is an important legal document that enables a person to give someone else the ability to make financial decisions on their behalf. Powers of attorney are used by corporations to allow employees or designated officers to enter into transactions on behalf of the company. They are also widely used by individuals to allow trusted associates or family members to assist them with their financial affairs when they are unavailable or otherwise unable to do so themselves. It is with regard to this second category of powers of attorney that this bill is primarily concerned.

Powers of attorney fall into two main categories: general powers and enduring powers. A general power of attorney operates whilst the person who granted it, called the "principal", retains mental capacity. The principal can therefore monitor the attorney's actions and terminate the power if he or she chooses. General powers of attorney are often used to allow a specific transaction, such as the sale of a property. They can also be given for a defined period, such as while the principal is on holidays. As the name suggests, an enduring power of attorney continues to operate after the principal loses mental capacity. This makes an enduring power of attorney a particularly useful tool in planning for later life. It enables people to choose who they want to make financial decisions for them when they are no longer able to do so themselves, thereby giving people greater control over their future welfare. An enduring power of attorney must be signed in the presence of a solicitor or legal practitioner, who must explain the effect of granting an enduring power.

The first of the amendments proposed by this bill is to substantially redesign the prescribed form of power of attorney. The current prescribed power of attorney is a single form that can be used to create either a general power of attorney or an enduring power, depending on how the form is completed. When the Act was introduced it was thought that a single form would make it easier and quicker for someone to complete a power of attorney. However, the review revealed that many people found the current single form confusing. An overwhelming majority of people preferred the form to be split into two separate forms, one for general powers of attorney and one for enduring powers. Separate forms will eliminate confusion as to the type of power the principal is giving to his or her attorney. This amendment also brings the prescribed form of power of attorney in line with those in other States, such as Queensland and Victoria, which have separate forms for different types of powers of attorney.

The new proposed prescribed forms have been made available for public consultation. Numerous helpful comments were received from the legal profession and the general public, which has enabled the forms to be presented in a format that is informative, easy to use and clear. The new forms contain more information as to what is expected of an attorney. The forms make it clear that the attorney is to act in the best interest of the principal and failure to do so may incur civil and criminal penalties. Though a clear majority of attorneys do act in the best interest of the principal, many lack experience in the role and need some guidance. The information on the form is designed to assist and guide attorneys in their duties.

This bill will also remove the prescribed form from its current place in the Act and insert it in the Powers of Attorney Regulation. This will allow the prescribed form to be changed quickly and easily to meet any changes in the law and in practice. The proposed new forms of power of attorney in the regulation will be timed to commence operation once this bill has been proclaimed, which is anticipated to be in July 2013. Another important amendment that this bill makes to the Act is to amend section 46 to allow some flexibility in the manner of appointing joint attorneys. Currently the effect of this section is that if a principal appoints two or more attorneys to act jointly—that is, both must act together—and one dies then the death of one will automatically terminate the power of attorney. If the attorneys are appointed severally—that is, either one can act alone—then the death of one will not terminate the power of attorney.

This section was intended to provide clarity as to the effect of joint appointments; however, the review found that in practice it has proved to be quite restrictive. Many people want the flexibility to appoint family members jointly but want the power of attorney to continue if one of the attorneys dies or vacates office. Section 46 is to be amended to clarify the default position, which is that where attorneys are appointed to act jointly the power will terminate on the death of one of them. This default provision will not apply where the principal has made an election in the power of attorney stating that it is to continue despite the death of a joint attorney. The amendment to section 46 has been reflected in the redesigned prescribed forms, which will make it clear that the principal can choose whether the power is to continue despite the death of a joint attorney.

This proposal received wide support from the general public and legal profession in the review as it provides both flexibility and clarification for the appointment of joint attorneys. Another amendment that this bill makes is to clarify the position of substitute attorneys. A substitute attorney is a person nominated by the principal to act as an attorney if the original attorney no longer can act. A typical scenario for the use of a substitute attorney is when a father or mother appoints each other as attorneys with their children as substitutes. The review found that many people have appointed a substitute attorney despite the fact that substitute attorneys are not dealt with in the Act. This makes the position of a substitute attorney unclear. The common law of attorney and agency recognises a substitute attorney and most other States in Australia specifically refer to substitute attorneys in their legislation. This bill will clarify the position of a substitute attorney in New South Wales to put beyond doubt that a principal may appoint a substitute attorney.

The final amendment that this bill makes is to give the Guardianship Tribunal the jurisdiction to consider disputes relating to the revocation of an enduring power of attorney. A principal may terminate a power of attorney by serving the attorney with a notice in writing stating that the attorney's power is terminated and the attorney no longer can act. Although the Guardianship Tribunal has jurisdiction to hear matters relating to powers of attorney, the wording of the Act casts doubt upon whether that jurisdiction extends to determining issues relating to a revocation of a power of attorney. Currently the practice of the tribunal is to refer any matters relating to revocations to the Supreme Court of New South Wales. For example, when it is doubtful that a principal had the requisite mental capacity to revoke a power of attorney the matter must be dealt with by the Supreme Court. Most people would prefer to have the tribunal deal with such issues because it is cheaper and quicker than having the dispute dealt with by the Supreme Court.

Powers of attorney legislation in other States allows for their equivalent tribunals to determine the validity of a revocation of a power of attorney, so there is no reason why the New South Wales Guardianship Tribunal should not be able to do the same. The Supreme Court of New South Wales and the Attorney General do not oppose this proposal. I acknowledge the involvement of the Elder Law Committee of the Law Society of New South Wales in assisting with the redesign of the prescribed forms. The committee provided valuable input and suggestions as to the look and feel of the new forms. The committee has been kind enough to assist Land and Property Information in bringing the forms to the attention of the legal profession and the wider public. The Powers of Attorney Act gives people the ability to take control of their financial and legal affairs and allows people to plan ahead for their future. The proposals in this amending bill will encourage more people to use a power of attorney by making the form more flexible and easier to use as well as understand. I commend the bill to the House.

Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a future day.

PROPERTY, STOCK AND BUSINESS AGENTS AMENDMENT BILL 2012

Second Reading

Debate resumed from 26 February 2013.

The Hon. SOPHIE COTSIS [3.42 p.m.]: The Law Society questions whether the amendment to provide a court or tribunal with the authority to allow the payment of commission or expenses to real estate agents if there has been a minor breach of the agency agreement may be problematic. In particular, the society raises the potential for disputes over what constitutes a minor breach. The original Act, which was introduced by the Carr Government in 2002, required the following professions to be licensed through NSW Fair Trading: real estate agents, stock and station agents, business agents, strata and community managing agents, and on-site residential property managers. Under the Act people commencing work in those industries are required to apply for a certificate of registration. Different certificates exist for the registration categories determined by industry sectors. This bill introduces a series of reforms to that legislation.

The bill confers on the Commissioner for Fair Trading the power to order random audits of trust accounts. The bill will amend the Act to give the court or tribunal the ability to allow commission or expenses to be paid when it is determined that a minor breach of the agency agreement required by the regulations has occurred, when no loss has been suffered by a consumer as a result of the breach, and when failure to order payment would be unjust. As I mentioned previously, there is concern within the industry about whether the definition provided for a minor breach is sufficient or whether the definition requires amendment to prevent misuse of the provision. The bill will require licensees to retain a copy of the audit report on their trust accounts at their business premises for three years for inspection on demand by NSW Fair Trading. The bill also will require licensees to notify the Commissioner for Fair Trading in writing each time a licensee opens or closes a trust account at an authorised deposit-taking institution. These two provisions have been cited by the Shopping Council of Australia as evidence that the bill might create unnecessary red tape.

The Shopping Centre Council further suggests that, given that the audit reports are likely to have to be submitted to NSW Fair Trading, there should not be any requirement for further filing by the licensee. The bill will clarify that holders of certificates of registration can conduct stock auctions under the immediate and direct supervision of the holder of an appropriate licence, who need not be the licensee in charge. As I stated previously, some submissions raised concerns about the potential for increased red tape arising from requirements to notify NSW Fair Trading about the opening and closing of trust accounts and the requirement to retain audit reports for three years after the date of the audit.

When governments regulate industries it is important to find a balance and provide legitimate and common sense regulation. Ideally regulation should work with industry, and even be welcomed by industry, to encourage best business practice. I encourage the Government to work with the industry to strike the balance. The Minister was asked by the shadow Minister to confirm in the House whether the issues she raised had been considered by the Government. I read the Minister's response. He has attempted to address some of the shadow Minister's concerns. The Opposition will not oppose the bill.

The Hon. SARAH MITCHELL [3.46 p.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012. I am always pleased to speak in favour of legislation that aims to reduce red tape for small business. This Government believes in cutting red tape and removing the unnecessary burdens that overcomplicate certain industries. In this instance the real estate and property sector will benefit. At the outset I state that this bill has had substantial stakeholder consultation as a result of a month-long exposure of the draft bill. The majority of stakeholders support the amendments, including the Estate Institute of New South Wales, the Estate Agents Co-operative Limited, the Australian Livestock and Property Agents Association, the Australian Resident Accommodation Managers Association and the Institute of Chartered Accountants in Australia.

The bill responds to a 2007-08 statutory review of the Property, Stock and Business Agents Act 2002. While the Act has been achieving many of its objectives, there is room for improvement. The bill provides for a court or tribunal to recover an agent's commission and expenses if a determination has been made that a breach in the agency agreement requirement was only minor. People in regional New South Wales will be particularly pleased to see that amendment. Agents in those areas often experience difficulty in finding a person who will audit their trust accounts. This amendment also will reduce the need for agents to seek exemptions from NSW Fair Trading due to the lack of auditors in their area. This not only will cut red tape for rural agents but also will free up NSW Fair Trading resources and allow that government agency to deal with everyday pressing issues that are facing ordinary citizens of New South Wales.

Pursuant to schedule 1, the holder of a certificate of registration as a stock and station salesperson will be authorised to auction livestock under the supervision of a qualified licensee, regardless of whether or not the licensee is the salesperson's employer. Currently the Act requires certificate of registration holders to conduct stock auctions under the supervision of their employer, who is the licensee in charge of their workplace. That raises practical constraints because the licensee may not always be available to oversee the auction. This amendment is supported by the Australian Livestock and Property Agents Association. This legislation cuts red tape by abolishing the current requirements for a licensee to lodge a statutory declaration with NSW Fair Trading if the licensee did not hold or receive trust money during the audit year. Lodgement is a time-consuming, demanding and unnecessary task. The bill also creates a one-stop shop for trust money by merging the responsibilities into the Office of State Revenue under the Unclaimed Money Act 1995.

The Commissioner for Fair Trading will also be granted the power to order random audits of trust accounts to ensure transparency and protection for consumers. In addition, as per item [17] of schedule 1, it will

be an offence with a maximum penalty of 50 penalty points for a trust account auditor to fail to report trust account discrepancies, breaches or record-keeping irregularities or to fail to forward a copy to the director general. The Government is committed to removing red tape and making the system more accessible for all citizens. This bill will help to achieve such an outcome. Upon assent the bill will start helping those affected almost immediately. As such, I am pleased to commend the bill to the House.

The Hon. RICK COLLESS [3.49 p.m.]: I also am pleased to support the Property, Stock and Business Agents Amendment Bill 2012. Like the Hon. Sarah Mitchell, I am always happy to talk about things that make it easier for small business to do business in New South Wales. This bill demonstrates that the O'Farrell-Stoner Government is delivering on its commitment to reduce the regulatory burden on small business. The legislative amendments contained in this bill will help lessen the red tape and regulatory hoops through which real estate agents need to navigate, ensuring that the industry is better placed to grow and succeed. Moreover, as the Minister stated in his second reading speech, this bill will ensure that consumer protection is maintained while reducing the overall cost of enforcing compliance of the law.

The amendments to reduce the complexity of requirements for real estate agents regarding their trust account responsibilities are particularly noteworthy. They abolish the current requirement for a licensee to lodge a separate statutory declaration each year if no trust money was held during the financial year. The overwhelming majority of the almost 17,000 licensed real estate agents in New South Wales do not operate, and have never operated, a trust account in their own right; they work as employed licensees. Therefore, it is appropriate that the red tape involved in their having to complete, sign and have witnessed a statutory declaration each year—and then have to forward it to Fair Trading—be removed. Licensees will be able to simply note on their licence renewal form that they did not hold or receive trust money.

A further amendment will clarify that licensees who held trust money during the financial year will be required to lodge an audit report with Fair Trading only if it is qualified by the trust account auditor. The Act will define whether or not an audit report is qualified. All licensees will still be required to have their trust accounts audited if they held or received trust money. This change will be safeguarded by requiring licensees to keep a copy of the audit report, whether qualified or not, on their business premises for a period of three years for inspection on demand by Fair Trading.

Additionally, the Commissioner for Fair Trading will be given the power to order random audits of trust accounts, with the cost of these audits being met from the Statutory Interest Account. This is an important strengthening of the current legislative provisions and will tighten up compliance and enforcement measures. For the first time an offence provision will be created under the Act for an auditor failing to advise Fair Trading of a trust account discrepancy, or that the accounts are not kept in a manner enabling them to be audited. This will bring the provisions into line with similar offence provisions for licensees.

The amendments substantively broaden the pool of persons available to licensees to audit their trust accounts—addressing a source of previous complaint. The qualifications of auditors now include authorised audit companies, members of a professional accounting body as defined under the Australian Securities and Investments Commission Regulation 2001—that is, Certified Public Accountants Australia, the Institute of Chartered Accountants, and the National Institute of Accountants—holding a public practising certificate with one or more of those bodies.

This amendment will reduce red tape by removing the need for licensees to have to seek exemptions from Fair Trading. It will free up compliance resources. The regulatory burden placed on agents, particularly those located in rural areas, will be substantively reduced. This is sensible reform that will reduce unnecessary red tape on small business but strengthen the regulator's powers to act in cases where agents are doing the wrong thing. That is certainly what this Government stands for: to make sure that the right thing is being done and no extra burden is placed on business other than what is required.

Dr JOHN KAYE [3.54 p.m.]: On behalf of The Greens I offer our support for the Property, Stock and Business Agents Amendment Bill 2012. While we are not 100 per cent comfortable with all the provisions within the bill, the general thrust of the legislation is correct and will deliver benefits for the property, stock and business industries. The amendments arise, as other members have said, from the 2008 statutory review. A draft of the bill was circulated last year and that draft was commented on in particular by the Law Society, the Real Estate Institute and Certified Public Accountants Australia. A number of issues with the legislation were raised. We have three amendments to make to the legislation to address some of those concerns that we will talk about in greater detail in the Committee stage. The general thrust of the legislation focuses on trust money, trust accounting and auditing requirements—not matters that are instantly very exciting to the layperson.

The Hon. Scot MacDonald: No?

Dr JOHN KAYE: When I say that, I always exclude the Hon. Scot MacDonald from the laity. There is nothing ordinary or lay about the Hon. Scot MacDonald. He is definitely clerical in his approach to life. While these matters are dry and technical in nature, they have real bearings on real people's lives and if Parliament were to get them wrong there would be consequences for individuals, so we take this legislation seriously. There are a large number of provisions in this legislation, as often happens when legislation arises from a statutory review. The ones of greatest interest to us give a court or tribunal the capacity to allow an agent to recover commissions and expenses even though there has been a minor technical breach of the agency agreement or a minor non-compliance with the regulations applying to the agency agreement. These are small matters which up until now have allowed principals to avoid payment under the agency agreement, which has been unfair to the agent. This legislation fixes that issue.

The legislation also clarifies the class of person who can act as an account auditor under the Act. That is important because, especially in regional and rural areas, it is sometimes difficult to find an appropriately qualified individual. Creating a broader class of individual who can perform the audit means it will be easier in regional and rural areas to find a trust account auditor. It removes the requirement for the licensee to provide a statutory declaration where no money is held in trust by the licensee. That is a matter we have concerns about. The Law Society has raised significant issues related to that particular provision and in the Committee stage we will debate that in greater detail.

I understand the provision comes from a good place—a desire to reduce the red tape requirements on an agency, and it makes sense to do so. However, we are concerned it means that when no money is in a trust account no statutory declaration is made. If no statutory declaration is received and something completely untoward or something banal is happening there will be no way for the department to sort out which is which. The legislation also limits the circumstances in which a trust account audit report must be provided to the director general. Again, we have an amendment to change that specific provision. We are concerned about it. I understand where it comes from but it does create an adverse circumstance.

As an adjunct to the previous provision the bill requires a trust account audit report to be kept at the business premises of the licensee. If those audits are not being submitted to the director general it makes sense for them to be kept on the premises. They obviously have to be kept so there is a paper record of the auditing of the account. The director general will be able to order random auditing, which again goes to the issue of audits not being submitted. The bill also makes it an offence for a trust account auditor to fail to report trust account discrepancies. From our perspective, the bill contains many other less significant provisions. On the whole, the bill creates some sensible provisions. I have outlined already the two provisions with which we are concerned and will address in the Committee stage when we move our amendments. The Greens do not oppose the bill.

The Hon. NATASHA MACLAREN-JONES [4.00 p.m.]: The Property, Stock and Business Agents Amendment Bill 2012 makes amendments to the 2002 Act. By introducing this legislation the New South Wales Liberal-Nationals Government shows its further commitment to doing everything possible to reduce red tape for small business whilst ensuring that consumers are well protected. By adopting these legislative amendments we further clarify legislation that reduces complexity for real estate agents, particularly regarding trust accounts, while retaining appropriate consumer safeguards and reducing compliance costs. One amendment gives a court or the Consumer, Trader and Tenancy Tribunal the ability to allow commission or expenses to be paid to a real estate agent if the court or tribunal determines that there has been a minor breach of the agency agreement requirements in the regulations. Under present legislation, even if the agent had validly performed the work required in the agreement, he or she is prohibited from claiming commission or expenses if there was a minor breach of the requirements.

Current legislation prohibits a court or tribunal from ordering such payments. The legislation allowed payments to be made under strict requirements if there were errors in the agent serving a copy of the agency agreement on his or her client. These requirements include that an owner suffer no loss as a result of the breach; failure to do so must be determined as unjust before any payment is authorised. This limited mechanism has worked extremely well since the Act commenced in 2003. The amendment seeks to extend those significant safeguards to other minor breaches of an agency agreement and apply the same safeguards. One possible breach is the regulation requirement for a warning notice to be placed immediately following the remuneration clause in the agency agreement. If the warning is placed anywhere else in the document, agents currently cannot be paid commission or expenses for the days, weeks or even months of work expended for their clients to obtain a successful sale of their property. This represents a possible windfall profit for the seller and a considerable financial impost for the agent.

This amendment strikes a workable balance between the needs of the consumer and the real estate agent. The amendment seeks to right a considerable wrong. Another proposed amendment clarifies that holders of certificates of registration employed by stock and station agents can conduct stock auctions under the immediate and direct supervision of the holder of a licence who need not be their employer. This grey area has hampered junior sales people in rural and regional real estate agency offices from gaining much-needed experience in the responsibilities of auctioning stock. The amendment clarifies that certificate holders will be able to conduct stock auctions while being closely supervised by a licensee holding the relevant accreditation from Fair Trading as a stock auctioneer. Training will be enhanced while consumers will be appropriately protected at the same time. I commend the bill to the House.

The Hon. SCOT MacDONALD [4.03 p.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012. At the outset, I clarify that I own a commercial property from which livestock and property agents operate. This is a worthwhile bill; agents have had a particularly tough time over the past decade with drought in most places and floods more recently.

The Hon. Dr Peter Phelps: The Labor Government.

The Hon. SCOT MacDONALD: Attributable to the Labor Government, perhaps. The industry has been under pressure; livestock numbers have been declining, especially in the sheep industry. Therefore, anything that can rationalise or assist these enterprises dealing with unnecessary regulation has to be a plus. We continue to look to the Liberal-Nationals Government, which is listening to these industries and doing what it can where it can to improve their lives and businesses. As the Minister stated in his second reading speech, this bill will ensure that consumer protection is maintained while reducing the overall cost of enforcing compliance with the law. The amendments about reducing the complex requirements for real estate agents regarding trust account responsibilities are noteworthy. The amendments abolish the current requirement for a licensee to lodge a separate statutory declaration each year if no trust money was held during the financial year.

That the overwhelming majority of the almost 17,000 licensed real estate agents do not and never have operated a trust account in their own right means that this provision needs to be reviewed. Most real estate agents work as employed licensees. Therefore, it is appropriate to remove the red tape requiring them to each year complete, sign and have witnessed a statutory declaration and then forward it to Fair Trading. Licensees will be able simply to note on their licence renewal form that they did not hold or receive trust money. A further amendment will clarify that licensees who held trust money during the financial year will only be required to lodge an audit report with Fair Trading if it is qualified by the trust account auditor.

The Act will define whether an audit report is qualified. Importantly, all licensees will still be required to have their trust accounts audited if they held or received trust money. This change will be safeguarded by requiring licensees to keep a copy of the audit report, whether or not qualified, on their business premises for a period of three years for inspection. Additionally, the Commissioner for Fair Trading will be given the power to order random audits of trust accounts, the cost of which will be met from the Statutory Interest Account. This is an important strengthening of the current legislative provisions and will tighten up compliance and enforcement measures. For the first time, an offence provision will be created under the Act for an auditor failing to advise Fair Trading of a trust account discrepancy or that the accounts are not kept in a manner enabling them to be audited. This provision brings them into line with similar offence provisions for licences.

The amendments substantively broaden the pool of persons available to licensees to audit trust accounts, thereby addressing a source of previous complaint raised by previous speakers. That pool will include CPA Australia, the Institute of Chartered Accountants and the National Institute of Accountants holding a public practising certificate. More remote agencies, such as those in the Far West, will have a greater range of people from whom to choose because an accountant normally resides in the local town. This amendment will reduce red tape by removing the need for licensees to have to seek exemptions from Fair Trading. Compliance resources will be freed up. The regulatory burden placed on agents, particularly those located in rural areas, will be reduced. Item [1] of schedule 1 is another practical simplification and rationalisation. The explanatory note states:

> **Schedule 1 [1]** provides that the holder of a certificate of registration as a stock and station salesperson is authorised to auction livestock under the supervision of an appropriately qualified licensee whether or not the licensee is the licensee in charge of the place of business where the salesperson is employed. An existing exception allows a stock and station salesperson to auction livestock under the supervision of a licence holder and the amendment makes it clear that the supervising licensee does not have to be the licensee in charge of the place of business where the salesperson is employed and does not have to be the salesperson's employer.

That reflects the reality of many sales that move through a range of organisations conducting the clearing sale. This amendment makes eminent sense. This sensible reform will reduce unnecessary red tape on small business but strengthen the regulator's power to act in cases where agents do the wrong thing. I commend the bill to the House.

The Hon. JENNIFER GARDINER [4.08 p.m.]: I support the Property, Stock and Business Agents Amendment Bill 2012. This bill is a small but important measure that demonstrates that the New South Wales Liberal-Nationals Government is delivering on its undertakings to reduce the regulatory burden on small business. The bill's provisions received support when the draft exposure bill was provided to the public and to stakeholders last year. Support has been indicated from the Real Estate Institute of New South Wales, the Estate Agents Co-operative, the Australian Livestock and Property Agents Association Limited, the Australian Resident Accommodation Managers Association and the Institute of Chartered Accountants in Australia.

The amendments will help reduce the red tape and regulatory hoops that real estate agents have to navigate, particularly in the management of trust accounts. The amendments dispense with the current requirement for a licensee to lodge a separate statutory declaration every year, even if no trust money was held during that financial year. The overwhelming majority of approximately 17,000 licensed real estate agents in New South Wales do not operate and have not operated a trust account in their own right because they work as employed licensees.

It is appropriate to remove the requirement to complete, sign and have witnessed a statutory declaration each year and then to forward it to the Department of Fair Trading. The licensees will have to note on their licence renewal form that they did not hold or receive any trust money, and a further amendment will clarify that licensees who did hold trust money during a financial year will be required to lodge an audit report with Fair Trading only if it is qualified by the trust account auditor. The new provisions include a definition of "qualified audit report". All the licensees will still have their trust accounts audited if they hold or receive trust money. This change will be accompanied by measures to require licensees to keep on their business premises a copy of the audit report, whether it was qualified or not, for a period of three years for inspection on demand by Fair Trading. To ensure the appropriate compliance with provisions, the Commissioner for Fair Trading will be given the power to order random audits of trust accounts, with the cost of those audits being met from the Property Services Statutory Interest Account.

In the tightening up of compliance and enforcement measures a new offence will be created so that an auditor who fails to advise Fair Trading of a trust account discrepancy or that the accounts are not kept in a manner enabling them to be audited also shall be brought to account. That will bring the auditors in line with the offence provisions pertaining to licensees. The amendments broaden the pool of persons available who may audit licensees' trust accounts. That addresses a complaint made by those in the property sector. The pool will include members of a professional accounting body, which is defined in the Australian Securities and Investments Commission Regulations 2001. This will make it easier for businesses, particularly for people in rural and regional areas, which may have had difficulty finding an appropriately qualified auditor to undertake an audit of their books. This is a sensible reform. It will reduce red tape, which is in line with the Government's undertakings, but it will also strengthen the regulator's powers to act where there may be some wrongdoing on the part of a small number of people in that sector.

The Hon. Dr PETER PHELPS [4.13 p.m.]: The Property, Stock and Business Agents Amendment Bill 2012 is a great bill because it reduces the regulatory burden on businesses. It gives new hope to enterprises seeking to make their way in the world, and it demonstrates the commitment of the Government to deliver on its promise to reduce the regulatory burden on businesses across this State. This Government's aim is to make New South Wales number one again. The legislative amendments contained in this bill will help lessen red tape and remove the regulatory hoops that real estate agents need to navigate, ensuring that the industry is better placed than ever to grow and succeed.

The Government is waxing off the matted hair of red tape obstructing the State and depilating needless rules. We will oil down the businesses with the lube of deregulation so we can all boogie along in the Mardi Gras of freedom and capitalism that we know as State prosperity. That is what this Government is doing, and in that regard I wholeheartedly support this bill.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [4.14 p.m.], in reply: I thank members for their enthusiastic and heartfelt support of this very important bill. I single out the contribution by the Hon. Peter Phelps for particular mention. I was concerned about the mind maps he was drawing for me but

in the end his passion for relieving small business of the burden of regulation shone through. The aim of the Property, Stock and Business Agents Amendment Bill 2012 is to reduce regulation on small businesses across this State. I completely endorse the sentiments behind the member's passionate comments.

The reform proposals in the bill arose from a statutory review of the Property, Stock and Business Agents Act 2002 conducted in 2007-08. It is important to note that this process has involved extensive consultation and the result of that process is an appropriately balanced bill. It addresses the needs of business and ensures that they do not suffer under the weight of unnecessary regulatory burdens and it maintains appropriate consumer protection.

I contend that this bill gets the balance right. It is a sensible and practical bill with a focus on amending the existing legislation. I congratulate the Minister for Fair Trading and his office on doing an excellent job and producing a balanced bill. I know that the Hon. Sophie Cotsis refers to the Minister as "Robbo the reformer". This bill is another example of Minister Roberts delivering reform in the interests of this great State. I am disappointed that The Greens propose to move amendments to the bill. Those amendments will be dealt with at the Committee stage. In essence, they seek to increase the burden on small business. That is unfortunate but that is what we have come to expect from The Greens. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [4.18 p.m.], by leave: I move The Greens amendments Nos 1 and 3 on sheet C2012-163 in globo:

No. 1 Page 3, schedule 1 [2], lines 18-20. Omit all words on those lines.

No. 3 Page 7, schedule 1 [14], lines 3-5. Omit all words on those lines.

The bill as it currently stands abolishes the requirement for a licensee to lodge a separate statutory declaration if no trust money was held during the financial year. We are considering a situation where a licensee, an agent, has a trust account but there is no money in that trust account throughout the relevant financial year. Currently, they would still be required to provide a statutory declaration even though there was no money in the trust account. The bill removes that requirement; it says that if there is a zero balance, a statutory declaration is not required. The Real Estate Institute and CPA Australia saw that as a positive move; they said that it was a cut in red tape.

The Hon. Dr Peter Phelps: Unsurprisingly.

Dr JOHN KAYE: I have said from the outset that I can see the sense in that. This is not a deeply ideological matter; it is a question of balance. The Law Society opposed the change. The Property Law Committee of the Law Society said:

> The committee does not support this proposal if it relates to businesses under which the agency is operating. The committee expects that it is relatively unusual for a licensee not to have held trust money, making it appropriate for this unusual situation to be verified by statutory declaration.

What the committee is saying is that in a situation where there is no statutory declaration provided to the director general, then the director general can see one of two things happening: either it is an unusual but perfectly reasonable situation in which a licensee had no money in its trust account, or something has gone badly wrong. But there would be no way for the director general to be able to distinguish between the two. What the Law Society argues—and The Greens are persuaded by its argument—is that the licensees ought to lodge a statutory declaration, even when there is a zero balance, so that the director general will know that there is a zero balance and will not be left in a situation of having to guess why a statutory declaration has not been lodged.

To this extent, The Greens recognise that the lodging of a statutory declaration is an additional requirement of a licensee, but it is not a particularly onerous one. It is simply a matter of getting a statutory

declaration, signing it and submitting it. So it is not an onerous requirement, but it provides further oversight of the business. On the balance of the two arguments—the issue of providing transparency and oversight on one side and relieving the red tape burden on the other—The Greens believe these are sensible amendments and commend them to the Committee.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [4.22 p.m.]: The Government opposes The Greens amendments. These amendments would significantly impact upon the benefits to businesses of the proposed reforms, with no practical gain either to consumers or to the industry. The Government has presented a sensible reform package, designed to remove onerous red tape. A requirement will be added for licensees to declare the holding of trust moneys on their licence renewal forms, rendering this extra layer of paperwork totally unnecessary. It should be noted that it is an offence to provide incorrect information on this form. It should also be noted that the vast majority of licensees do not hold any trust moneys because they work as employees and, as such, do not have these responsibilities. That is an important consideration. The Government is confident that the proposed reform will allow for greater targeting of compliance and enforcement resources, without reducing consumer protections.

The Hon. SOPHIE COTSIS [4.23 p.m.]: The Labor Opposition will oppose The Greens amendments. The effect of this amendment is to maintain the status quo that all licensees are required to lodge statutory declarations regardless of whether moneys were held in trust during that financial year. The present bill removes that requirement. The amendment moved by Dr John Kaye was initially based on the submission by the New South Wales Law Society, which raised concerns about this change. My colleague raised the issue with both the Government and the Law Society. The Government explained that its intention was to remove the requirement for licensees who are not operators under the bill to submit statutory declarations. Presently, these individuals are required to submit a statutory declaration even if they have nothing at all to do with trust funds.

The view expressed to us by the Law Society was that its primary concern was that the amendment might reduce the accountability on the licensees who manage trust funds. The Law Society, however, stated that if an alternative process was introduced by which only those licensees responsible for the handling of trust moneys had to make declarations, their objection would no longer apply. I understand the Government has said that real estate agents will still be required to declare the holding of trust moneys on their licence renewal forms. Failure to disclose information in this way will constitute an offence. We have been advised that licences are renewed annually. In light of this information and the Government's commitment, the New South Wales Opposition will not support The Greens amendments.

Reverend the Hon. FRED NILE [4.24 p.m.]: It was very difficult to understand the logic of Dr John Kaye because he said if the form is not returned the department does not know what has happened, and if the form is returned then that means there is nothing in the trust fund. So it is actually very simple: There is no necessity to create unnecessary paperwork.

Dr JOHN KAYE [4.25 p.m.]: I thank honourable members for their comments on this matter. In respect of Reverend the Hon. Fred Nile's comments, perhaps I did not express myself as clearly as I should have. Where the director general does not receive a statutory declaration it can mean one of two things. It could mean that the agents involved failed to get a statutory declaration, which could be a measure that something bad was happening at the agency, that it was non-performing, or that it was not living up to its requirements; or it could mean that everything was fine and there was no money in the trust account. The concern is that the director general will not be able to determine from the non-presentation of a statutory declaration whether the situation was absolutely fine but there was no money in the trust account or the situation was quite disastrous and things were going terribly awry and the agency was in a chaotic state. There is no way of telling the difference between those two from the non-presentation of a statutory declaration.

The Hon. Dr Peter Phelps: An annual audit would demonstrate that.

Dr JOHN KAYE: The issue of annual audit is interesting, and we will get to that in a minute because it relates to my second amendment. I thank the Government Whip for raising that issue, because a similar situation exists under this legislation with respect to annual auditing. Without wishing to pre-empt what I will say next, an agency that was completely chaotic, or where there were adverse activities happening, could now not submit a statutory declaration and not submit an audit report, and that may mean that everything is fine or it could mean that everything is quite disastrous. Our concern is that it takes away the capacity of the Office of Fair Trading to detect when things were going wrong in an agency. To be fair, there are other provisions in this legislation that require agencies to keep audit reports and other documentation, and there are other provisions that enable the director general to conduct random audits.

The Hon. Dr Peter Phelps: That is right.

Dr JOHN KAYE: The problem with random audits is that they are expensive. Where there is random protection we know that there are people out there who will play the odds. An agency that is in trouble, and where things have become chaotic, is more likely to take the risk of not getting caught in a random audit. I understand what Reverend the Hon. Fred Nile was saying, but for those reasons I think there is a problem with not requiring a statutory declaration or audit form to be returned in all cases.

Question—That The Greens amendments Nos 1 and 3 [C2012-163] be agreed to—put and resolved in the negative.

The Greens amendments Nos 1 and 3 [C2012-163] negatived.

Dr JOHN KAYE [4.28 p.m.]: I move The Greens amendment No. 2 on sheet C2012-163:

No. 2 Page 5, schedule 1 [10] and [11], lines 16-27. Omit all words on those lines.

This amendment addresses the issue of audit reports, as distinct from statutory declarations. Schedule 1, through items [10] and [11], removes the requirement for a licensee who holds trust money during a financial year to lodge an audit report with Fair Trading if it was not a qualified audit report. There is a complexity in this that we should pay attention to. The legislation redefines the expression "qualified". "Qualified" is a term of artistry within the auditing profession and has certain meanings, but new section 111 (1A) includes in the meaning of "qualified", "a breach of the Act or regulations", which are normally not inside the usual meaning of "qualified" as recognised by auditors.

Leaving that aside, the bill says that if an agency has an audit carried out and that audit is not qualified under the meaning of section 116A—that is, that there has not been a substantial breach of the regulations or there has not been a failure to keep records—then an agency does not have to submit an audit report to Fair Trading. The problem is—and this is the jewel of my earlier argument—if the director general does not receive an audit report from an agency it means one of three things: that the report was not qualified under the meaning of new section 111 (1A), that no audit was commissioned or provided, or the audit report was qualified but the agency chose not to provide that audit to the department. The proposed provisions within the legislation reduce the amount of oversight that the department has of agencies.

For most of the agencies that is not a problem. I agree that for most of the agencies these provisions will create a reduction in red tape and costs. But reducing that cost will allow some other agencies to get into a substantial mess. The only saving of red tape as a result of these provisions is that the audit report does not have to be transmitted to Fair Trading. It is not as if an audit report does not have to be produced; every agency has a requirement to produce an audit report. The only difference is that an audit report does not have to go to Fair Trading if it is not qualified.

The director general being in possession of an audit report for each agency is a measure of accountability against those agencies and at a relatively low cost—effectively, the cost of a postage stamp to mail the audit report to the director general and the cost of someone quickly flicking through the audit reports and making sure that as they come in none of them is qualified and that where one is qualified the department is in a position to take action that could well save money for the clients of the agency and could well save substantial problems later. We do not believe the savings in red tape and costs—the price of a postage stamp—is worth it in light of the loss of oversight and the loss of regulation that occurs through this amendment. For those reasons we propose to maintain within the Act the requirement that all agencies lodge an audit report with Fair Trading regardless of whether the audit report was qualified. I commend the amendment to the Committee.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [4.33 p.m.]: The Government opposes The Greens amendment No. 2 because it is satisfied that, on balance, the proposals put in place will ensure the integrity of the system and that the amendment would be counterproductive. I note that the member for Balmain in the other place raised concerns that some auditors might be reluctant to notify NSW Fair Trading of an anomaly in a licensee's audit; for instance, in the interests of maintaining an existing business relationship. The Government does not consider that to be a significant risk. It should be noted that auditors are required to meet their own stringent professional standards of conduct and practice.

The Government will require both the auditor and the licensee to submit their reports in the instance of a qualified audit report and require the licensee to keep their audit records on their premises for three years. The

Commissioner for Fair Trading has the power to request these reports and to conduct random audits. Again, this means compliance operations can be targeted as well as responses to consumer complaints resulting from incidences such as dishonoured cheques or a failure to account to landlords.

The Hon. SOPHIE COTSIS [4.34 p.m.]: The effect of this amendment is to remove the provision whereby licensees are required to lodge an audit report to Fair Trading only if it is a qualified report—that is, if the report discloses any discrepancy in the trust account or insufficient records from an audit have not been kept. I understand that the shadow Minister raised this issue in the lower House and the Minister addressed the issue in his speech in reply. I note in particular the following statement made by the Minister:

> The Commissioner for Fair Trading also has power to request the reports so that compliance can be targeted as well as responsive to consumer complaints resulting from incidences such as dishonoured cheques or a failure to account to landlords.

Given this mechanism for review, the Opposition will not support The Greens amendment No. 2.

The Hon. Dr PETER PHELPS [4.35 p.m.]: I had not planned to speak to the amendment, but I believe that reviewing this amendment serves as a salutary warning to everyone. The net effect of this amendment is to punish the overwhelming majority to prevent the occasional misfeasance by the few, and that is entirely The Greens mindset: You must punish people who are doing absolutely nothing wrong so as to prevent the incidence of misfeasance amongst a very, very few number of people. This is typical of what The Greens believe and the way they approach the world view.

For a party that seems to believe in the perfectibility of mankind on earth, of grand socialist utopias, of people all being wonderful and good, of looking after and caring for one another, and of a wonderful society where everyone looks after everyone else, we see that deep down they really do not trust anyone to do the right thing. That has a nice synchronicity with The Greens belief that everything needs to be regulated, everything needs to be legislated for and everything needs to be oversighted, watched and patrolled in a Stasi-like manner, whether it be through official agencies or through the imposition of red tape upon ordinary businesses.

Dr John Kaye: Point of order: As the mover of this amendment I take offence at the notion that what I am doing is in any way connected with the Stasi. I take personal offence at that. I ask the Hon. Dr Peter Phelps to retract that statement.

The Hon. Dr PETER PHELPS: To the point of order: I was clearly speaking about The Greens and their mindset. I was not referring to any particular member.

Dr John Kaye: To the point of order: Madam Chair, I seek your indulgence to change the point of order. My point of order now relates to relevance, because we are speaking about the amendment not The Greens. The Hon. Dr Peter Phelps cannot have it both ways. Either he was being offensive to me or he was being irrelevant; he cannot have it both ways.

The Hon. Dr PETER PHELPS: Further to the point of order: I was speaking of the mindset in which the amendments of The Greens have been brought to the Committee. Surely for all amendments and for all legislation there is an ideological basis upon which they are founded. If that ideological basis cannot be explored it would tend to make a nonsense of any debate about the amendments.

Dr John Kaye: Further to the point of order: The Hon. Dr Peter Phelps has just admitted his guilt in this matter. He referred to the amendments as Stasi-like and he then said it is the mindset in which these amendments were brought to the Committee. He is saying that I have a Stasi mindset and I find that really offensive.

The CHAIR (The Hon. Jennifer Gardiner): Order! The Hon. Dr Peter Phelps will not make imputations against Dr John Kaye or any other member.

The Hon. Dr PETER PHELPS: I would never do that against Dr John Kaye or any other member. However, there is a certain amendment before the Committee which places the onus on ordinary people, ordinary businesses, who are acting in a perfectly legal, legitimate and reasonable manner in the conduct of their operations. Yet they are being imposed upon in a most egregious manner by this amendment simply because some people happen to have an automatic, reflexive dislike of business—and a dislike of small businesses, in particular—and a disbelief that people can operate in the capitalist environment in a fair, legal and reasonable

manner. Those people seek to impose the burden of red tape and regulation upon the ordinary and reasonable actions of the overwhelming number of ordinary, reasonable property, stock and business agents. I strongly disapprove of this amendment. I commend the Government for its original bill.

Question—That The Greens amendment No. 2 [C2012-163] be agreed to—put and resolved in the negative.

The Greens amendment No. 2 [C2012-163] negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Greg Pearce, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Greg Pearce, agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2012

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [4.42 p.m.], on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

It is with great pleasure that the Government introduces the Civil and Administrative Tribunal Bill 2012. This bill establishes the New South Wales Civil and Administrative Tribunal [NCAT]. Fifteen years ago the Administrative Decisions Tribunal Act passed through Parliament with bipartisan support. At the time the former Attorney General, the late Hon. Jeff Shaw, QC, described the proliferation of tribunals in New South Wales as "inequitable for litigants" and "an inefficient application of resources". It was Parliament's intention that the Administrative Decisions Tribunal would be the first step in reducing the large number of tribunals in New South Wales.

Yet, despite a number of recommendations and proposals for further consolidation over the past 15 years, New South Wales has maintained its ad hoc tribunal system. This is despite the fact that during the same period a number of other State and Territory governments in Australia have taken bold steps to reform their tribunal systems. One could say that New South Wales has been left behind. That is why in October 2011 the Attorney General, the Hon. Greg Smith, the Minister for Finance and Services, the Hon. Greg Pearce, and the Minister for Fair Trading, the Hon. Anthony Roberts, and I asked the Legislative Council's Standing Committee on Law and Justice—under my chairmanship, I might add—to consider opportunities to consolidate tribunals in New South Wales.

Under my chairmanship the standing committee conducted a thorough inquiry. It received 88 public submissions, held three public hearings and spoke to representatives from consolidated tribunals in a number of

other jurisdictions. It was a very exhaustive and thorough inquiry. I thank the committee members for their hard work and dedication. I also thank those individuals and organisations who took the time to make submissions to the inquiry. The committee published its final report in March 2012. The report found that "stakeholders described the current tribunal system as complex and bewildering". To reduce this complexity, the committee recommended that the Government pursue the establishment of a new tribunal to consolidate existing tribunals where it is appropriate and promote access to justice. This bill establishes that tribunal.

The Government has identified 23 tribunals or other bodies that will join the New South Wales Civil and Administrative Tribunal. These include some of the larger and better-known tribunals, such as, the Consumer, Trader and Tenancy Tribunal; the Administrative Decisions Tribunal; the Guardianship Tribunal; and various health professional tribunals. A number of other tribunals, or other entities that exercise tribunal functions, will also join the New South Wales Civil and Administrative Tribunal, including the Local Government Pecuniary Interest and Disciplinary Tribunal; the Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal; the various local land boards established under the Crown Lands Act 1989; and the Charity Referees, who exercise certain functions under the Dormant Funds Act 1942. The New South Wales Civil and Administrative Tribunal will take over the functions of the Vocational Training Appeal Panel.

As chairman of the Standing Committee on Law and Justice I am proud to be a part of this long overdue reform. I am proud to be part of the Government that has introduced this legislation. As I said, this important reform is long overdue and it has taken a Liberal-Nationals Government to have the strength to proceed with it. I am also proud to be part of a Government that is committed to continuing to improve services for the people of New South Wales. Tribunals perform an invaluable role within the justice system. They provide timely, efficient and flexible points of access for citizens seeking to resolve disputes or to have a review of executive action. They are also cheaper, faster and less formal than court proceedings. But the ad hoc nature of our current tribunal system creates inefficiencies. At the moment many of the separate tribunals maintain their own infrastructure, including separate facilities and separate administrative structures.

The Hon. Dr Peter Phelps: Shame.

The Hon. DAVID CLARKE: Yes, it has been a shame and it has been a waste for many years. The Hon. Dr Peter Phelps is quite correct. The current tribunal system results in unnecessary duplication. It also creates much of the confusion referred to by the standing committee in its report. The New South Wales Civil and Administrative Tribunal will reduce these inefficiencies. It will be a one-stop shop for tribunal services. It will be independent, it will be transparent, it will be accountable and it will place customers at the centre of service design. At the end of the day this Government is committed to the customers—the people of New South Wales, who were overlooked for 16 years. We do what we do for the people of New South Wales.

The New South Wales Civil and Administrative Tribunal will have a single contact point, with one website and one phone number. When members of the public need to access a tribunal, they will not be confused about where they need to go. In almost every case, it will be the New South Wales Civil and Administrative Tribunal. The New South Wales Civil and Administrative Tribunal will have consistent client service standards. It will reach out to culturally and linguistically diverse communities. It will also make sure that tribunal users benefit from forms and materials that are simple and easy to understand. By taking advantage of existing tribunal facilities, the New South Wales Civil and Administrative Tribunal will also be able to provide greater access for people in rural and regional communities.

Economies of scale that come with a tribunal of this size also will provide opportunities to share resources more effectively. This will deliver benefits to the community through better value for money and a more consistent user experience. Best practice will be identified and rolled out across tribunals, leading to better quality decision-making and enhanced public confidence in our tribunal system. The Government acknowledges that not every tribunal has direct customers. For example, members of the general public do not file applications in every tribunal that will be consolidated. But all tribunals will benefit from this reform.

All members of the Civil and Administrative Tribunal will receive consistent training and professional development opportunities. The Civil and Administrative Tribunal's size and flexible membership structure will provide a collegiate and collaborative environment to work in. Under the Civil and Administrative Tribunal, our highly skilled members will receive new opportunities to share their knowledge and experience with a broader range of colleagues. For example, members of our health tribunals will be able to share their extensive professional discipline experience with members of the Administrative Decisions Tribunal's professional discipline lists.

Members of our smaller tribunals, such as the pecuniary interests and disciplinary tribunals and local land boards, will benefit from being part of a larger membership structure with more opportunities to interact with their colleagues. However, while members might discover new opportunities under the Civil and Administrative Tribunal, this does not mean that expertise will be lost. The Government is conscious of the need to preserve the specialist expertise of our current tribunals. When a member is appointed to the Civil and Administrative Tribunal, they will not automatically be able to hear any matter that comes before the tribunal. Members will be able to hear particular matters only if they are qualified to do so. Particular qualification requirements will be set in consultation with stakeholders.

The benefits associated with this reform are substantial. But the Government is aware of the challenges associated with establishing a tribunal of this size. A significant amount of work will need to be done before the Civil and Administrative Tribunal can begin hearing matters. That is why the Government has decided that the Civil and Administrative Tribunal will not open for business until January 2014. This will allow the Government to take a staged approach to the Civil and Administrative Tribunal's development. This bill represents the first stage of that process. The bill sets up the Civil and Administrative Tribunal's divisional structure. The Civil and Administrative Tribunal will have five divisions—consumer and commercial, administrative and equal opportunity, occupational and regulatory, guardianship and victims support. To reflect the unique arrangements under the Health Practitioner Regulation National Law, a separate health list has been created within the occupational and regulatory division. Other divisions also will be able to manage their caseload in lists.

Some tribunals, such as the Administrative Decisions Tribunal and Consumer, Trader and Tenancy Tribunal, will be accustomed to working in a divisional structure. Members of those tribunals would know that the Civil and Administrative Tribunal's structure will enable emerging jurisdictions to be easily absorbed in future. It also means that, should any of the small number of tribunals not joining the Civil and Administrative Tribunal straightaway be deemed suitable for consolidation in future, they will be able to do so with minimal disruption. The Civil and Administrative Tribunal's structure will provide each division with the flexibility to tailor services to meet the needs of their particular user groups. A one-size-fits-all approach will not be taken. Professional representation on panels will be preserved, and community members will continue to play a key role in assisting tribunals to reach fair and just outcomes.

The bill establishes the Civil and Administrative Tribunal's governance framework. The Civil and Administrative Tribunal will have five categories of member—the president, the deputy president, principal member, senior member and general member. The bill provides that the President of the Civil and Administrative Tribunal will be a Supreme Court Judge. That will ensure that the Civil and Administrative Tribunal is independent and free from the direct control of the Executive. The bill also enables members of the Civil and Administrative Tribunal to be appointed before 1 January 2014, which means that the president and certain other members will be able to develop tribunal rules and enter into any other necessary arrangements to ensure that the tribunal is ready for business. To ensure that the skill and expertise held by the members of our existing tribunals is preserved under the Civil and Administrative Tribunal, the bill has transitional provisions that automatically transfer tribunal members to the Civil and Administrative Tribunal on 1 January 2014. All members will be appointed for the balance of their current terms, and their existing entitlements, including remuneration, will be preserved.

The bill has savings and transitional provisions that are required to transfer matters to the Civil and Administrative Tribunal when it opens for business, and other administrative provisions relating to the tribunal. However, the bill does not set any detailed provisions relating to practice or procedure; nor does the bill confer any jurisdiction on the Civil and Administrative Tribunal. That is because the Government wants to ensure that detailed requirements, including appeal structures, composition requirements for panels and other procedures, are set in consultation with interested stakeholders. Those provisions, as well as consequential amendments that are required to confer jurisdiction on the Civil and Administrative Tribunal, will be the subject of further legislation that the Government will introduce next year after a detailed consultation process.

The Government has established a steering committee to guide this consultation process and to ensure that the Civil and Administrative Tribunal opens for business by January 2014. The steering committee consists of senior departmental representatives, including the Director General of the Department of Attorney General and Justice and the Deputy Director General of the Ministry of Health. The steering committee shortly will invite stakeholders to form a reference group to assist the committee. The reference group will include representatives from the tribunals themselves, their user groups, professional associations and other interested stakeholders. Because those representatives will be experts on the tribunals that are being consolidated, the

reference group will provide invaluable assistance to the steering committee and to the Government. The reference group also will provide a forum for stakeholders to voice any concerns and to ensure that the Civil and Administrative Tribunal meets their particular needs.

When developing this proposal, so far the Government has had the benefit of 88 public submissions to an inquiry by the Standing Committee on Law and Justice. The current bill also has been the subject of consultation across government. In addition, a number of tribunal heads and administrators have reviewed the bill and provided valuable advice. I thank everyone who has been involved in this project so far for the collaborative spirit in which they have approached the task. Many tribunals and departments have shown a willingness to embrace this change, which I find very impressive. The Government has received many expressions of interest from people who want to be part of the reference group. The Government looks forward to working with our tribunals and with the community to deliver a tribunal that meets and exceeds their expectations.

This legislation is a great advance and a great reform for the benefit of the people of New South Wales—a reform that has been brought into existence by a Liberal-Nationals Government. The Government is very proud of this legislation. We can be very proud of what this Government is doing for the people of New South Wales. The Ministers who initiated this legislation have created yet another piece of outstanding legislation for the people of New South Wales. I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [4.57 p.m.]: I lead for the Opposition in debate on the Civil and Administrative Tribunal Bill 2012. Unsurprisingly, the Opposition does not oppose the bill. The bill establishes the Civil and Administrative Tribunal of New South Wales [NCAT], which follows in the wake of developments in years gone by in Victoria, which has the Victorian Civil and Administrative Tribunal [VCAT] and in Queensland, which has the Queensland Civil and Administrative Tribunal [QCAT]. However, this legislation arises more immediately from the report of the Standing Committee on Law and Justice entitled "Opportunities to consolidate tribunals in NSW". I note that the Legislative Council Standing Committee on Law and Justice visited the Victorian Civil and Administrative Tribunal and was able to see firsthand some of that tribunal's workings.

But more fundamentally, this reform essentially emerges—as was acknowledged by the Parliamentary Secretary in this House and as was acknowledged in the Legislative Assembly by the Attorney General, the member for Toongabbie, who led for the Opposition during debate on this bill, and the member for Davidson—from the work commenced by the late Jeff Shaw, QC. He was the former Attorney General and he pioneered the introduction of the Administrative Decisions Tribunal through this House many years ago. That policy was announced on 5 February 1995 by the late Jeff Shaw and was replicated in Labor's law reform policy for the March 1995 election. Much of that policy has been given effect. I will return to that theme as I approach some other aspects of the bill a little later.

Briefly stated, the Civil and Administrative Tribunal will incorporate a range of currently existing tribunals. As members who preceded me in this debate here and in the other place have acknowledged, the bill consolidates a number of existing tribunals, chiefly the Administrative Decisions Tribunal and the Consumer, Trader and Tenancy Tribunal, which were created by earlier tribunal mergers. I note that in the proposed occupational and regulatory division of the new body, which is dealt with in schedule 5 to the bill, there will be a range of 14 existing tribunals that will regulate in the main medical and related occupations which operate pursuant to section 165 of the Health Practitioner Regulation National Law. As the Parliamentary Secretary has indicated, there will be a specialist health list in that division specifically dealing with those matters, because they form the bulk of the work that would be in that division.

I note that among the bodies to be included in this consolidation is the Medical Tribunal. The medical profession fought tooth and nail in the mid to late 1990s to retain this tribunal as a separate body when it was proposed that it be included in what became the Administrative Decisions Tribunal. I note the deafening silence from the medical profession on this proposal, so the profession clearly has changed its views. I raise this point not to be mischievous but to note that under section 165B (10) (a) of the Health Practitioner Regulation National Law the current chair of the Medical Tribunal must be a serving judge of either the Supreme Court or the District Court of New South Wales. Given the very significant public interest in maintaining the highest standards applicable to those who practice medicine in this State, it is to be hoped that these matters will continue to be handled by persons with the same qualifications, skills and standing—although there is no indication of this in the bill.

In fact, schedule 1, on page 29 of the bill, contains a handy table which shows how members of existing tribunals will be translated into the new body. Chairs of medical tribunals will be translated into the Civil and Administrative Tribunal of New South Wales as principal members. Clause 13 contains the definitions of tribunal members. Subclause (4) defines the requirements of a principal member, which, although by no means insignificant, is considerably less than that required of a presidential member or, indeed, of a judge. The apprehension is that matters that are currently superintended by a judge in the Medical Tribunal will be superintended by persons of a lesser standing in this new body. If that is not the intention there is clearly a drafting problem that someone should attend to in due course.

The bill will also include in the new body the Guardianship Tribunal, the Local Government Pecuniary Interest and Disciplinary Tribunal—which my colleague the Hon. Sophie Cotsis will make brief mention of—the Aboriginal Land Council, the Pecuniary Interest and Disciplinary Tribunal, the Charity Referees Dealing with Dormant Funds Tribunal and landlords under the Crown Lands Act. The legislation abolishes these tribunals and transfers their functions to the Civil and Administrative Tribunal of New South Wales, which in effect will become the tribunal equivalent of the Supreme Court. This is only the first step in the legislation and much more work will be necessary if the Civil and Administrative Tribunal of New South Wales is to become a reality. Proposed section 7 provides that it is to operate on and from1 January 2014 or such other day as may be proclaimed. Of course, that day may be altered if the work becomes too great.

The tribunal will consist of a president, deputy presidents, principal members, senior members and general members. There is a distinction between presidential members, non-presidential members, term members and occasional members. The president must be a judge of the Supreme Court. A deputy president must be an Australian lawyer of seven years standing or a judicial officeholder. Principal and senior members must be lawyers of seven years standing or have special knowledge, skill or expertise. General members have to have special knowledge, skill or expertise or have a representative function to maintain what the Parliamentary Secretary referred to as the specialist focus of the existing tribunals to ensure that that knowledge, understanding and insight into particular areas of jurisdiction are not lost.

The legislation establishes the Civil and Administrative Tribunal of New South Wales with five distinct divisions: Administrative and Equal Opportunity Division, Consumer and Commercial Division, Occupational and Regulatory Division, Guardianship Division and the Victims Support Division. These divisions follow largely from the existing identity of the tribunals whose functions will be transferred to the new body. The bill also provides for a registrar, deputy registrar and other staff in a rules committee, and practice notes and so forth for a regulation-making power. The rules committee will be the engine room for integrating the new body, as each component tribunal will already have its existing processes, practices, forms and rules and the like, and it will be no small feat to bring these 23 different bodies under one umbrella and to integrate them, unless we are to have one large body composed of 23 component parts, which I am sure is not the policy intent.

As has been noted frequently, the consolidation of tribunals has a lengthy history. The first real steps in this area were contained in the Administrative Decisions Tribunal Act 1997. This legislation established the Administrative Decisions Tribunal, known as the ADT. In turn, this had a significant history. The 1973 New South Wales Law Reform Commission report entitled "Rights of Appeal from Decisions of Administrative Tribunals and Officers" was one inspiration. This was supported by various reports by Dr Peter Wilenski. A discussion paper was released in 1989 by the then Attorney General's Department. However, in my mind the real genesis arose from the decisions of the New South Wales Court of Appeal and then the High Court of Australia in *Osmond v Public Service Board of NSW*, which established that at common law there was no entitlement for a disappointed applicant to be provided with the reasons of an administrative decision maker.

In the Court of Appeal the majority said there was such a common law right, at least in that context, the majority being comprised of the then president, Justice Kirby and Justice Priestley. However, the High Court under the stewardship then of Chief Justice Gibbs, I think it was, took a contrary view and established authoritatively the common law position in Australia. I think the outcome in this matter inspired Jeff Shaw to undertake administrative law reform in this State. He had to wait until the election of the Labor Government in 1995 to commence.

The bill was introduced in May 1997 and the tribunal commenced operations on 6 October 1998. The Parliamentary Secretary and other Government members have said that essentially since that time not much has happened in the way of consolidating tribunals. Of course, that is not true. A separate review was undertaken by Gabriel Fleming, which led to the amalgamation of the Commercial Tribunal, the Consumer Claims Tribunal, the Building Disputes Tribunal and the Motor Vehicle Repair Disputes Committee into the then Fair Trading

Tribunal, with the Residential Tenancies Tribunal being kept separate but overhauled, and in 2001 there was further consolidation of these bodies into the Consumer, Trader and Tenancy Tribunal that we have today and which will now be folded into this new body.

In addition, the Community Services Division of the Administrative Decisions Tribunal commenced operation on 1 January 1999, adding to the jurisdiction of that tribunal, followed by the Retail Leases Division on 1 March 1999 and the Revenue Division on 1 July 2001. The approach of the administrative decisions judicial review legislation at the Federal level was not taken in New South Wales. Rather, once the framework legislation established in the Administrative Decisions Tribunal was set in place, it had an original jurisdiction comprising the jurisdiction of its component parts but additional review functions were conferred on it in relation to the then Freedom of Information Act and various forms of licensing such as reviewing the decision of the police commissioner to grant firearms and/or security industry licences. Gradually the review jurisdiction of the Administrative Decisions Tribunal has been significantly enhanced over the years since then—albeit at a slower and more stately pace than was envisaged by the Hon. Jeff Shaw, QC.

Since that time a review of the tribunal has been carried out pursuant to section 146 of the Administrative Decisions Tribunal Act. That was carried out by the committee which I now serve on, the then Committee on the Office of the Ombudsman and the Police Integrity Commission. That committee was chaired by the member for Liverpool and now shadow Attorney General in the other place and delivered its report in November 2002, which essentially suggested that legislation should be forwarded to merge separate tribunals with the Administrative Decisions Tribunal unless there are clear reasons why such inclusion would be inappropriate or impractical.

Other recommendations are also made in an attempt to provide a structure to allow further areas to be included within the Administrative Decisions Tribunal structure. Of course, this bill follows a different strategy from that proposed by that committee, but ultimately it arrives at the same point. One point on which all approaches agree is not including in the jurisdiction of this new body the Industrial Relations Commission of New South Wales. Of course, I concur wholeheartedly with the decision to keep the industrial relations jurisdiction separate and distinct.

Ideally, this bill should be part of a suite of measures to standardise procedures and make justice more accessible. The honourable Parliamentary Secretary says that that is the policy intent. In the more strictly legal court setting, the Civil Procedure Act 2005 was a step in that direction for litigation in the court system. We hope that in the overhauling of the rules, practices and procedures of all these different tribunals it is not made more complex and, in fact, is made simpler and more accessible for every citizen. One element missing from this legislation, as in previous legislation, is provision for judicial review of administrative decisions. Earlier I referred to the 1977 Commonwealth legislation and developments in every other Australian jurisdiction. So far New South Wales has nothing. On 27 June 1997 in this place former Attorney General Jeff Shaw said:

> One matter not included in this bill—

the Administrative Decisions Tribunal Bill—

> but which will be introduced by future amendment will be to give the ADT concurrent jurisdiction with the common law forms of judicial review.

To date that has not occurred. No doubt it will be the subject of mature consideration as we proceed and this new body unfolds. Another missing piece of the puzzle to which the Parliamentary Secretary adverted is whether the intention is to continue to expand the Civil and Administrative Tribunal of New South Wales after a period. The bill provides the facilities or building blocks to enable that to occur. Also missing from this bill are mechanisms for alternative dispute resolution. For example, in part 5 of the Consumer, Tenancy and Trader Tribunal Act 2001 is "Alternative dispute resolution". This bill does not contain a like provision. This may be the subject of the further waves of legislation to which the Parliamentary Secretary adverted. The Consumer, Tenancy and Trader Tribunal and the Industrial Relations Commission having compulsory conciliation or mediation before parties can proceed to litigate matters promotes a high rate of non-litigious resolution of dispute.

The State and Commonwealth court systems have embraced alternative dispute resolution significantly. It would be a retrograde step if that facility were overlooked in the consolidation process of these 23 tribunals and not applied more broadly. It certainly applies to the Consumer, Tenancy and Trader Tribunal; it may apply also to other tribunals. It would be useful if it applied generally across the board to be ultimately gifted or

conferred upon the Civil and Administrative Tribunal of New South Wales. If the Government is serious about accessibility to justice it needs to be more serious about providing non-litigation options. Once a person finds the tribunal that meets their needs and the process has been commenced, before parties rack up significant costs of litigation that occur even in tribunals—albeit, with their best attempts to operate with informality and expedition—nevertheless, legal, time and other costs can still accrue. It would be good if conciliation or mediation were a compulsory function or at least considered in future.

A number of bodies considered for consolidation have been omitted. They are listed at page 2 of the New South Wales Government Response to the Standing Committee on Law and Justice Inquiry into Opportunities to Consolidate Tribunals in NSW and include the independent Liquor and Gaming Authority, the Workers Compensation Commission and the Mental Health Review Tribunal. As I indicated earlier, it includes also the Industrial Relations Commission of New South Wales, a body which, with its statutory predecessors, has for over 100 years regulated wages and working conditions and resolved industrial disputes in this State for the benefit of the wider public, employers and employees. The Opposition welcomes the retention of this commission as a separate institution and believes that this is the most appropriate outcome. However, the Opposition is concerned that by itself this is not sufficient to secure the long-term viability of this important body.

Despite on paper having up to 10 members, comprising judges, two non-judicial deputy presidents and some commissioners, this body in fact has only seven persons available to perform work—five judges and two commissioners. This results from the significant loss of jurisdiction to the Federal sphere and some commission members receiving dual appointments to what is now the Fair Work Commission and essentially performing its work full time. The WorkChoices legislation and the Fair Work Act at the national level and the referral of private sector industrial relations to the Commonwealth by New South Wales under the previous Government has led to a significant contraction in the jurisdiction of the Industrial Relations Commission. This has been compounded by the actions of this Parliament in removing almost all of the work safety jurisdiction from the Industrial Court to the District Court. The overall decline in the jurisdiction has been well and truly overtaken by the contraction of the membership of the Industrial Court and commission by retirement of members and the failure of governments of all persuasions to appoint replacements.

The effect of this was revealed starkly in the last two Industrial Relations Commission annual reports: the development of a backlog of 1,025 matters. I welcome the indication by the Treasurer and responsible Minister, Mr Baird, during estimates hearings that there soon will be new appointments. I note also the recent advertisements for expressions of interest for appointment as a commissioner of the Industrial Relations Commission and the curiosity of using recruitment consultants based in Melbourne—presumably to distil from the expressions a short list for consideration. Additional commissioners certainly will address the resourcing issues now constraining the Industrial Relations Commission. However, it will not solve the fact that the work allocated to judicial members of the tribunal and to judges has contracted so far with the removal of the occupational health and safety jurisdiction that by the end of this year, if not earlier, the judges will be reduced to being highly paid industrial arbitrators.

This is undesirable for two reasons. First, it is a poor allocation of resources and, second, having the status as judges of a superior court of record and taking a judicial oath, those judges have an obligation and a right to perform judicial functions according to law. As the actions of this Parliament deprived them of this function, the Parliament should take corrective action by either appointing the judges to the Supreme Court or to confer the common law jurisdiction currently reposed in the Local, District and Supreme courts on the Industrial Court of New South Wales, concurrently or exclusively. Most of what will comprise the Occupational and Regulatory Division of the tribunal could more comfortably sit with the Industrial Relations Commission, but the Government has taken a different policy approach. The same may be said about matters under the anti-discrimination legislation now in the Equal Opportunity Division of the Administrative Decisions Tribunal to be included in the new Administrative and Equal Opportunity Division of the Civil and Administrative Tribunal of New South Wales.

Most of these matters have arisen and always will arise in the employment context and could be more suitably reposed in the Industrial Relations Commission. However, an interesting feature of this bill is clause 15, which provides a facility either for judges of other courts to be appointed to this body or for the President of the Civil and Administrative Tribunal of New South Wales to access expertise found in other tribunals. Those provisions are in clauses 15 (1) and (2) of the bill respectively. Clause 15 (2) is most curious. I am not aware of a like provision: essentially, the president of this body will be able to identify persons in other courts or possibly other tribunals and with the concurrence of the head of that tribunal co-opt them, as it were, into the Civil and

Administrative Tribunal of New South Wales. This may be a way of bringing other tribunals into the Civil and Administrative Tribunal of New South Wales, if not in a formal legal sense, but certainly accessing the knowledge, skills and expertise of members of other bodies.

Mr David Shoebridge: It is interesting that the member does not have to consent.

The Hon. ADAM SEARLE: I acknowledge the interjection: the member concerned may not have to consent. However, although that provision may be missing explicitly, it is unlikely to occur with a member appointed to a different body and with a legal obligation and right to only adhere to those duties without their enthusiastic concurrence. The president may appoint any New South Wales judicial officer to act as a member of the tribunal in relation to a particular matter. As I indicated earlier, in the anti-discrimination area there may be members of other bodies, such as the Industrial Commission, that may have particular knowledge and expertise who could be, with the concurrence of the president of that court or commission, brought into the administrative and equal opportunity division of the Civil and Administrative Tribunal of New South Wales to fulfil some of those functions. Some of the policy objectives that I have spoken of may be able to be achieved in a different way.

I have some other minor observations to make. I note that the president of this new body will be a Supreme Court judge, which is a good thing. It will enhance the independence from Government of this new body. Similar to the current approach taken by a range of tribunals the terms of appointment for members of this body will be, according to clause 2 of the bill, for periods of up to five years. Leaving aside the president, who will also be appointed for up to five years but who otherwise has tenure as a judge, other members of the tribunal may not be so lucky unless they are judges or magistrates. This is not a partisan criticism but it is a policy consideration where you have tribunal members appointed for a term, particularly where Government is a frequent litigant in the various divisions, which it will be in elements of the Civil and Administrative Tribunal of New South Wales. There is a tension for members deciding matters that affect adversely the interests of government when government may be deciding whether or not to reappoint them at the expiry of their term.

Mr David Shoebridge: It is the same in the Administrative Decisions Tribunal.

The Hon. ADAM SEARLE: It is the same in the Administrative Decisions Tribunal and it is the same in other tribunals. That is why I said it is not a partisan criticism but it is a tension in the approach, and it is different, for example, in the Industrial Commission, where people are appointed up to 65 years of age if they are commissioners or 72 years of age if they are judges. The other quirk is the remuneration of members found is schedule 2, clause 5, which again is a provision that exists in a number of existing tribunals, which provides that the Minister with the administration of the Act shall set the remuneration. To enhance the independence of a body such as this it would probably be better practice for an independent remuneration tribunal to set the remuneration of the tribunal members.

I note that members of the different tribunals that will be brought together to form the Civil and Administrative Tribunal of New South Wales are paid very differently: different hourly rates and different daily rates depending on the work they do. That may reflect the different skills required for those respective areas but is it something that the Minister with administration of the Act, presumably the Attorney General, will at some stage have to turn his or her mind to: whether or not it is appropriate to have people paid differentially within an overarching body? Issues will then arise as to whether the work is of the same value or requires the same levels of skills, and there may be some differentials. That is a matter that will contribute to the complexity of integrating these 23 different bodies.

I note some of the concerns expressed by my colleague, the shadow Minister for Fair Trading, the member for Bankstown in the other place, about the possibility of loss of resources and loss of expertise arising from consolidation. I note that is said by the Government not to be the intention, far from it. The intention is to enhance people's access to the work and services offered by the body. That is obviously something that this Parliament will have to be vigilant about. One of the reasons governments like consolidation is that they can, on one view, make better use of the consolidated resources or simply use it as an exercise in reducing the duplication that exists with a number of tribunals having different registries. The consolidated body will only need one registry, albeit with a reasonable level of staffing, but it may not need as many people as are currently employed in the different registries. There is an opportunity for cost savings. The issue is whether those resources are deployed or redeployed in a way that enhances the services offered by the tribunal or whether there is, to use a treasury term, an efficiency dividend accessed by consolidated revenue.

These are the perils against which this Parliament will have to guard and be vigilant to ensure that the resources currently deployed in the several tribunals are brought to bear to enhance and increase service levels through this consolidated body. As I indicated at the outset, this bill is like the Administrative Decisions Tribunal legislation: it is framework legislation setting out the umbrella and the different divisions into which the constituent divisions will be folded. A lot of procedural and other work is needed to make an integrated tribunal a reality and there will need to be subsequent rounds of legislation to ensure that the combined jurisdictions of the several tribunals are properly conferred upon this tribunal. It is continuation of the work commenced by the Hon. Jeff Shaw, QC. It is good to see this process continuing on a bipartisan basis. I commend the bill to the House.

Mr DAVID SHOEBRIDGE [5.26 p.m.]: I speak on behalf of The Greens in support of the Civil and Administrative Tribunal Bill 2012. The bill will establish the Civil and Administrative Tribunal of New South Wales, which has been referred to as the NCAT. It is a broad-ranging administrative tribunal to replace a wide range of existing specialist administrative tribunals. The bill is a framework bill which outlines the functions of the Civil and Administrative Tribunal of New South Wales and provides for the appointment of tribunal members. The Government in this legislation has clearly signalled the intention to introduce a further bill in 2013 which will abolish identified tribunals and refer their jurisdiction to the Civil and Administrative Tribunal of New South Wales. The Civil and Administrative Tribunal of New South Wales will commence on 1 January 2014.

The bill closely follows the consensus recommendations of the Law and Justice Committee of this House, which reported in March last year after a reference was made to it regarding the consolidation of tribunals. At this point I stop to note my appreciation for the cooperative way that that Law and Justice Committee operated. I pass on my appreciation to the chair, the Hon. David Clarke, and the other members of the committee. The way that committee operated, the consensus approach that was adopted and the detailed consideration that the committee undertook, I thought on a nonpartisan basis, to consider the best way forward to deliver the greatest equity, efficiencies and access to justice through administrative tribunals in New South Wales was a tribute to the committee structure of this House.

I might briefly discuss the substance of the bill. I said before it is a framework bill and it is only the first of what will be a series of bills that will, the tribunal having been established, progressively transfer jurisdiction to the tribunal. One would imagine that at a later point some meat will be put on the bones in terms of some of the internal structures and specific practices. Section 6 provides broadly for the jurisdiction of the Civil and Administrative Tribunal of New South Wales to hear administrative appeals as currently provided by relevant enabling legislation. Schedule 1 part 2 outlines the list of tribunals which the new tribunal will replace. These are to be abolished on the day that the new tribunal is to be established, which is defined as 1 January 2014.

One of the issues that the Law and Justice Committee discovered shortly after receiving the reference to consider the consolidation of tribunals in New South Wales was the shear multiplicity of tribunals that exist. I cannot remember the final number of tribunals that we managed to discover but there were 40 or more separate administrative tribunals operating in New South Wales—some with quite obscure jurisdictions. Many of them are operating according to idiosyncratic and ad hoc practices that rarely have much relation to the other. When any government is considering the consolidation of a series of specialist tribunals there are competing public interests at stake. One public interest is to ensure that specialist tribunals get the greatest degree of specialist knowledge, and get the most learned practitioners and tribunal members who are so thoroughly engaged in a particular area that they can operate with great speed and efficiency, almost in a secret language, to deliver outcomes in that tribunal. That is one view of how a specialist tribunal should operate—with extreme expertise and with very detailed knowledge, and delivering very specific outcomes of the specialist tribunal.

There is another view—and it is a view that was expressed by the High Court in a decision of Kirk in which it considered the way in which the New South Wales Industrial Relations Commission was dealing with occupational health and safety matters—and that view is that we need to make sure that tribunals and courts are operating within the mainstream and respecting broadly understood rules of procedural fairness—and broadly understood rules, if they are dealing with criminal matters, about criminal procedure and practice. That line of thought would suggest we should have less specialised and in fact more broad-ranging tribunals that are exposed to the mainstream of legal and administrative thinking, so that we do not get idiosyncratic and potentially unjust outcomes in very detailed specialist tribunals.

Those were the two public policy considerations that the committee juggled as it looked at how best to go about consolidating tribunals in New South Wales. The outcome that the committee came up with—one that

now, I am pleased to see, has been adopted by the Attorney General—is a broader specialist tribunal, but one which allows for separate divisions to operate. In each of those divisions is allowance for a degree of specialisation and, if necessary, a degree of specialised practice and procedure to develop within the divisions, but within the oversight of a single judicial officer who ensures that the various divisions, whilst developing that expertise and speciality, also stay within the mainstream, are connected to the others, and are not developing idiosyncratic, ad hoc and potentially unjust procedures. I am pleased to see that is the outcome at least envisaged in this framework bill that is brought before the House.

I commend the Government for looking carefully at the committee's recommendations, and I commend the Attorney for taking on board that structure and, I think, learning from the mistakes that we have seen in other jurisdictions like Victoria and to some degree in the Australian Capital Territory, which took a boots-and-all approach and just threw everything together. I hope the bill being passed now—with the tribunal to be established on 1 January 2014 having these specialist divisions but all within the broad oversight of a judicial officer of Supreme Court status, delivering a mixture of speciality but with oversight and a mainstream approach to administrative justice—will get the balance right for this tribunal.

As I said before, one of the key issues for the committee was finding out how many tribunals there were in New South Wales—and there were a bundle. A good many of them are now proposed to be consolidated within the workings of the Civil and Administrative Tribunal of New South Wales, known as NCAT. The various health practitioner tribunals that have been incorporated within the Civil and Administrative Tribunal of New South Wales include the Aboriginal and Torres Strait Island Health Practice Tribunal of New South Wales. I am sure that most members of this House would never have heard about that tribunal. The Chinese Medicine Tribunal of New South Wales is to be incorporated, as are the Chiropractic Tribunal of New South Wales, the Dental Tribunal of New South Wales, the Medical Radiation Practice Tribunal of New South Wales, the Medical Tribunal of New South Wales, the Nursing and Midwifery Tribunal of New South Wales, the Occupational Therapy Tribunal of New South Wales, the Optometry Tribunal of New South Wales, the Osteopathy Tribunal of New South Wales, the Pharmacy Tribunal of New South Wales, the Physiotherapy Tribunal of New South Wales, the Podiatry Tribunal of New South Wales, and the Psychology Tribunal of New South Wales.

Also to be consolidated are the Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal, the Administrative Decisions Tribunal of New South Wales, the Charity Referees Dealing with Dormant Funds Tribunal, the Consumer, Trader and Tenancy Tribunal of New South Wales, the Guardianship Tribunal, the Local Government Pecuniary Interest and Disciplinary Tribunal, local land boards and the Victims Compensation Tribunal.

Sections 16 to 19 and schedules 3 to 7 outline the specialist divisions that will exist under the new Civil and Administrative Tribunal of New South Wales. Those include, firstly, the Administrative and Equal Opportunity Division. I note the comments of the Deputy Leader of the Opposition, the Hon. Adam Searle, about the potential for that jurisdiction to have been exercised by the Industrial Relations Commission. That is a matter on which reasonable minds could differ; I think there are good arguments either way. But The Greens are not opposed to the Civil and Administrative Tribunal of New South Wales forming the Administrative and Equal Opportunity Division and being given the jurisdiction proposed by the Attorney General.

The second division is the Consumer and Commercial Division. That will have probably the largest case load in the new tribunal, as it is picking up the Consumer, Trader and Tenancy Tribunal of New South Wales. The case load in that tribunal is quite extraordinary; I think something in the order of 55,000 cases were filed in just one part of the Consumer, Trader and Tenancy Tribunal's jurisdiction in 2011. There was real disquiet among many practitioners about the way the Consumer, Trading and Tenancy Tribunal was operating, with excessive informality, with an absence of clear decisions and a really inadequate appeals process.

I think it was a tribunal that was crying out to be reformed, and the reform proposed here of bringing that jurisdiction within a division of the new the Civil and Administrative Tribunal of New South Wales is welcome. I think it will be welcome relief to many practitioners, professionals and litigants who are having great difficulty with the Consumer, Trading and Tenancy Tribunal. That is not to say the Consumer, Trading and Tenancy Tribunal does not do good work. On a daily basis there are hardworking people in that tribunal who are dealing with quite mundane, difficult, interpersonal disputes on tenancy matters and other matters. They do good work, but I think an improved structure will greatly improve that work.

The next specialist division is the Occupational and Regulatory Division, which will pick up many of those specialised occupational tribunals. One would hope that there will be, over time, the opportunity to expand

the scope of the occupations that are regulated under that division. The other two specialist divisions are the Guardianship Division and, lastly, the Victims Support Division. If I am to insert one partisan note into this debate, I think it is to say that the Victims Support Division is an area where there is real concern in the future because there is at the moment a very advanced review of victims compensation laws and entitlements by the Government, and there is real concern that there will be very substantial benefit cuts for victims of crime. It would be a very poor start to this division of the new tribunal if this jurisdiction had greatly reduced benefits for victims of crime in particular. That being said, the establishment of a separate Victims Support Division within NCAT could be a way of advancing administrative rights and giving better access to swift but open justice, which at the moment particularly victims of crime do not fully obtain with the current tribunal that considers victims of crime claims.

Section 9 of the bill proposes that members of the Civil and Administrative Tribunal of New South Wales are to include a president, deputy presidents and members. As the Deputy Leader of the Opposition, the Hon. Adam Searle, noted, apart from the president the tribunal members will be appointed by the Minister, or potentially co-opted by the president, for limited term appointments of no more than five years. In fact, when I was checking the Administrative Decisions Tribunal Act I noted that the appointment period of five years under the Civil and Administrative Tribunal of New South Wales will actually be longer than the maximum appointment under the Administrative Decisions Tribunal, which is limited to only three years. The five-year appointment is consistent with other administrative tribunals around the country.

The Greens would prefer tenure members; but, as I note, a five-year maximum appointment period is broadly consistent with other administrative tribunals, and hopefully will provide sufficient security to members who are appointed so that they will not be tempted to make partisan judgements in favour of the Government from which they are hopeful of getting a reappointment. On balance, five-year appointments, if that tends to be the practice, would provide sufficient security of tenure to ensure genuine independence of the tribunal members. Hopefully these members will be appointed on genuine merit and standing in the community and that that would be a further protection for their independence.

The president is to be a judge of the New South Wales Supreme Court, as provided for under proposed section 11. The deputies and members are to be senior lawyers or specialists in their relevant division. I said earlier that the Law and Justice Committee produced, effectively, a consensus report on opportunities to consolidate tribunals in New South Wales. I will speak to a number of the recommendations of that committee in relation to how they have been incorporated and taken on board, or not, by the provisions in this Civil and Administrative Tribunal of New South Wales establishment bill. The first recommendation of the committee states:

> That the NSW Government pursue the establishment of a new tribunal that consolidates existing tribunals, where it is appropriate and promotes access to justice. This does not preclude the possibility of further consolidation of existing jurisdictions within tribunals already in existence.

It is clear that the Government has adopted that recommendation and taken those first steps, which is good. The second recommendation states:

> That the NSW Government appoint an expert panel consisting of senior legal professionals, senior members of existing tribunals, relevant government officials and other stakeholders to pursue the consolidation, formulation and appropriate structure of a consolidated tribunal, including preparation of a detailed plan on the method for consolidation and implementation.

The Government has, in large part, stepped over that recommendation by undertaking its own internal review of how to consolidate the tribunals. I do not criticise the Government for doing that; I believe there has been enough time and enough care taken by the Government in working out what tribunals are to be consolidated. I am pleased to note that the Government determined not to consolidate the Industrial Relations Commission, which the Hon. Adam Searle, the Hon. Shaoquett Moselmane and I indicated in a very brief dissenting report would not be appropriate to consolidate within any new Civil and Administrative Tribunal of New South Wales.

The Government has adopted the wise course of recognising those specialised skills in the Industrial Relations Commission, effectively to make new industrial rights through the award process, and the need to have a separate judicial determination in certain circumstances. The Government has recognised that the extent of the specialisation and distinct, clear knowledge in the Industrial Relations Commission is sufficient to have it continue as a stand-alone tribunal exercising its jurisdiction. However, by putting in place a start date of 1 January 2014 the Government has taken on board the concept of not doing this in a rush.

When Victoria established its tribunal, the Victorian Civil and Administrative Tribunal, it was done by the Kennett Government as a broad-sweeping reform: One day there was a multiplicity of tribunals and on the

next day there was just one. When members of the committee spoke to Victorian legal practitioners and members of the tribunal the one message that came through was that it was a complete mess when that happened and that it is far better to take a cautious approach and do it in a careful fashion. That is what the Government is doing and I commend the Attorney General and the Government for taking that on board.

One of the committee's key recommendations was recommendation 3, which set out the issues and principles to be considered in establishing a consolidated tribunal. Those principles are as good today as they were in March 2012 when the committee made the recommendation. It is unfortunate that those principles are not given statutory force in the Civil and Administrative Tribunal of New South Wales legislation. In fact, if the legislation is to be criticised it should be criticised for having an absence of objectives and principles for the new tribunal. I commend the following principles that the committee recommended be considered:

> Consolidation of tribunals must ensure improved access to justice in conjunction with improved efficiencies, particularly in regional areas.
>
> There must be equitable access to justice for all citizens.
>
> Adequate resources must be allocated.
>
> Lessons from other jurisdictions are considered.
>
> The nature of the jurisdiction of existing tribunals and whether it is appropriate that their functions be exercised within a broader tribunal.

The last matter on which I will speak relates to recommendation 12 of the committee, which states:

> That an easy, timely and cost effective internal merit appeals mechanism, with the requirement to establish error of either fact or law and an appropriate threshold including the requirements to obtain leave, be established within any consolidated tribunal so as to maximise the potential benefits of greater access to justice through a consolidated tribunal.

An appeal structure has not been set up in the new Act and in his second reading speech the Attorney General indicated that the appeal structure will be considered over the coming months as detailed practice and procedure is established for the tribunal. The concept of a merit-based, timely, cost-effective but limited appeal right—limited in the way the committee recommended—is essential if we are to ensure that we learn the mistakes of some of the past tribunals. In that regard, the Consumer, Trader and Tenancy Tribunal had probably the greatest disquiet about the absence of a functioning merit-based appeal. The practice in that tribunal is, essentially, that one can beg the president to allow an appeal to go through. A series of practitioners said that begging the president was not particularly effective, considering the president had a practice of refusing every application for an appeal or a review.

The Greens will look closely at the practice and procedure proposed, with the hope—and given past practice and given what we have seen to date from the Attorney General a very positive hope—that that kind of merit-based and appropriate appeal structure will be put in place. The Greens commend the bill and commend the work of the Attorney General in implementing the recommendations, in large part, of the Law and Justice Committee.

The Hon. SOPHIE COTSIS [5.46 p.m.]: I want to raise a few concerns which I hope the Government will take into consideration. The bill establishes the Civil and Administrative Tribunal of New South Wales, to be known as NCAT. I commend the committee members for their work and I commend those organisations and individuals across New South Wales who provided submissions to the committee. I was fortunate to attend some of the hearings and hear some of the representatives of these organisations speak to their submissions. They provided a wealth of information and they made some very relevant points.

The new body, the Civil and Administrative Tribunal of New South Wales, incorporates a range of currently existing tribunals. These include the Administrative Decisions Tribunal, the Consumer, Trader and Tenancy Tribunal, the Guardianship Tribunal, the Local Government Pecuniary Interest and Disciplinary Tribunal, the Aboriginal Land Council, the Pecuniary Interest and Disciplinary Tribunal, the Charity Referees Dealing with Dormant Funds Tribunal, and, under section 165A, the Health Practitioner Regulation National Law and land boards under the Crown Lands Act. This legislation abolishes those tribunals and transfers their functions to the Civil and Administrative Tribunal of New South Wales. This is only a first step in legislation and obviously a great deal more will be necessary if the Civil and Administrative Tribunal of New South Wales is to become a reality. Section 7 provides that the proposed commencement of the Civil and Administrative Tribunal of New South Wales is 1 January 2014, but that may be delayed by way of proclamation.

The tribunal will consist of a president, deputy presidents, principal members, senior members and general members. There is a distinction between presidential members, non-presidential members, term members and occasional members. The president must be a judge of the Supreme Court. A deputy president must be an Australian lawyer of seven years standing or a judicial office holder. Principal and senior members must be lawyers of seven years standing or have special knowledge, skill or expertise. General members must have special knowledge, skill or expertise, or have a representative function.

The legislation establishes the Civil and Administrative Tribunal with five divisions: the Administrative and Equal Opportunity Division, the Consumer and Commercial Division, the Occupational and Regulatory Division, the Guardianship Division and the Victims Support Division. This follows obviously from the identity of the tribunals whose functions have been transferred to the new tribunal. The bill also provides for a registrar, deputy registrar and other staff in a Rule Committee, for practice notes and for a regulation-making power. The schedules provide further details of this structure.

The chairman of the standing committee, the Hon. David Clarke, said that nothing had been done in the past 16 years. That is not correct. The consolidation of tribunals has a lengthy history. The first real steps in this jurisdiction in this area were contained in the Administrative Decisions Tribunal Act 1997. That legislation established the Administrative Decisions Tribunal, known universally as the ADT. This in turn had a significant history. There was the 1973 New South Wales Law Reform Commission report entitled "Rights of Appeal from Decisions of Administrative Tribunals and Officers". This was supported by various reports by Dr Peter Wilenski. A discussion paper was released in 1989 by the then Attorney General's Department. It had to wait until the election of the Labor Government in 1995 for the Administrative Decisions Tribunal to be established. The bill was introduced to Parliament on 29 May 1997. It received royal assent on 10 July 1997 and commenced operation on 6 October 1998. As I mentioned, there has been some rhetoric that nothing had been done. That is inaccurate.

The Community Services Division of the Administrative Decisions Tribunal commenced on 1 January 1999, adding to the Administrative Decisions Tribunal jurisdiction, to be followed by the Retail Leases Division on 1 March 1999 and by the Revenue Division on 1 July 2001. These changes to the Administrative Decisions Tribunal jurisdiction are now being followed by this bill. In the meantime a review of the Administrative Decisions Tribunal was carried out pursuant to section 146 of the Administrative Decisions Tribunal Act. That review was carried out by what was then called the Committee on the Office of the Ombudsman and the Police Integrity Commission. That committee, which was chaired by the member for Liverpool, delivered its final report in November 2002. The first of the recommendations of that committee report stated:

> Legislation should be brought forward to merge separate tribunals with the ADT, unless there are clear reasons why such inclusion would be inappropriate or impractical, with particular consideration being given to merging all professional disciplinary tribunals with the ADT as part of a separate professional disciplinary division.

Other recommendations were also made to attempt to provide a structure to allow further areas to be included within the Administrative Decisions Tribunal structure. This bill takes a different strategy to the committee review by proposing an entirely different tribunal rather than incrementally increasing the Administrative Decisions Tribunal's jurisdiction. The end result is much the same in general terms. I am pleased that the Government has not included the jurisdiction of the Industrial Relations Commission in the Civil and Administrative Tribunal. A lot of stakeholders, including employers, agreed with the point of view of the Labor Party that it should remain as a separate body. The Hunter Business Chamber put forward a very good submission to the committee about the need to keep the Industrial Relations Commission separate. Its reasons included the relationships that have been formed, particularly in light of the Hunter's growing economy and different industries, and the importance of having specialised experts within the commission.

I am sure that the new body will evolve and that there will be reviews. While the tribunal will bring together different specialists, it is also important to look at improving service delivery. The tribunal must look at innovation and at the exchange of ideas between the different members while also ensuring that their professional development continues. Also the access to justice must remain. It is so important that people of ordinary background with very little means will have access to justice at this tribunal. Finally, I have a concern about the Local Government Pecuniary Interest and Disciplinary Tribunal. As many members know, the Local Government Act is being reviewed and a report will be provided to the Government in September. I am concerned about how the local government tribunal will fit with the new Act. I will seek clarification from the Government on that issue. I commend the bill to the House.

The Hon. MARIE FICARRA (Parliamentary Secretary) [5.54 p.m.]: It is my great pleasure to speak in support of the Civil and Administrative Tribunal Bill 2012, which will establish the Civil and Administrative

Tribunal of New South Wales. I compliment the Parliamentary Secretary, the Hon. David Clarke, on his chairing of the Standing Committee on Law and Justice. Tonight we heard him make a very spirited contribution as to why this bill is one of the finest achievements of the Liberal-Nationals Government. I note that other members of that committee are in the Chamber, including the Hon. Scot MacDonald and the Hon. Shaoquett Moselmane. I congratulate them on their fine work and also on putting their recommendations into the legislation that we see before the House tonight. I also congratulate the Attorney General, the Hon. Greg Smith.

We know that the purpose of the bill is to establish the governance framework for the New South Wales Civil and Administrative Tribunal and to facilitate the preparatory work that will be required to ensure that the tribunal opens for business by January 2014. In March last year the Legislative Council Standing Committee on Law and Justice during its inquiry into opportunities to consolidate such tribunals found that stakeholders had described the current tribunal system in New South Wales as overly complex and bewildering. Customer satisfaction was extremely low. The committee recommended that the New South Wales Government pursue the establishment of a new tribunal to consolidate existing tribunals where it was appropriate and where it promoted access to justice. In response, the Attorney General and the Government announced the establishment of this consolidated New South Wales Civil and Administrative Tribunal, which we all refer to as NCAT. The establishment of the tribunal is part of the Government's commitment to improve the quality, consistency and transparency of tribunal services in New South Wales.

As we have heard, the tribunal will consolidate 23 existing tribunals, reducing the current proliferation of ad hoc tribunals and providing a single gateway for most tribunal services. This is in keeping with this Government's work to simplify processes and to focus on customer service in the provision of government services and information that should be provided to members of the public. This bill significantly reforms our tribunal system and demonstrates this Government's commitment to providing high-quality services to its citizens.

As the Attorney General said in the other place, the tribunal will be a one-stop shop for tribunal services. It will provide simple and effective justice for the people of New South Wales. It will enhance the quality of decision-making and it will enhance public confidence in our tribunal system. A wide range of tribunals will fall under the umbrella of the new tribunal. Some of the tribunals that will join the new tribunal in January 2014 are well known. One is the Consumer, Trader and Tenancy Tribunal, which has an extremely heavy workload and has lots of face-to-face interaction with New South Wales citizens.

It is a very active tribunal. Some tribunals are smaller and do not have the same public presence, such as the Aboriginal land councils and local government pecuniary interest and disciplinary tribunals. The reason that people are more familiar with the Consumer, Trader and Tenancy Tribunal and the Administrative Decisions Tribunal is because they are, to some degree, already consolidated tribunals. Each of those tribunals brought a number of existing tribunals into their structures when they were established. Those tribunals quickly became fixtures of the New South Wales tribunal system.

Under the Civil and Administrative Tribunal, all of the tribunals that are being consolidated will have the opportunity to benefit from being part of a larger structure. A number of our smaller tribunals currently operate in isolation. Some of them have only a few members. Those members might not get the same chances to access training or other professional development opportunities as their colleagues in the larger tribunals. Under the Civil and Administrative Tribunal, those members will experience a more consistent environment. The issues of training and professional development will be far better attended to on an equitable basis.

The Civil and Administrative Tribunal will be collaborative. It will bring together a wealth of diverse experience, enabling members to share their knowledge and learn from each other. At the same time the Civil and Administrative Tribunal will preserve the existing skill and expertise held by our tribunal system. While the tribunal will be flexible, qualification requirements will ensure that only members with sufficient expertise will be able to hear particular matters. For example, a member who sits in the consumer and commercial division will not necessarily have the requisite qualifications to be able to sit in the guardianship division—although it is important to note that a number of our existing tribunal members are multiskilled. Some of them sit on a number of tribunals already. Those members will still be able to do so.

This reform affects many areas of government. The tribunals that are being consolidated fall within a number of different portfolios. For example, the Minister for Finance and Services and the Minister for Fair Trading have joint responsibility for the Consumer, Trader and Tenancy Tribunal; the Attorney General is

responsible for the Administrative Decisions Tribunal, the Guardianship Tribunal, and the Victims Compensation Tribunal; and the Minister for Education is responsible for the Vocational Training Appeal Panel and the Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal.

A number of departments and a number of tribunals have shown a willingness to embrace this change, which is highly commendable. This reform is a significant change. It is the spirit of cooperation that will ensure the Civil and Administrative Tribunal's success. The Government will work with a number of stakeholders to develop and refine the Civil and Administrative Tribunal's procedure. It will be a tribunal that meets the needs of a wide range of people. It will be accessible, it will be transparent, and it will deliver fair outcomes for the people of New South Wales. I am indeed pleased to be part of a Government that is introducing such an important reform to our justice system. I look forward to seeing the tribunal in full swing next January.

Reverend the Hon. FRED NILE [6.02 p.m.]: On behalf of the Christian Democratic Party, I am pleased to support the Civil and Administrative Tribunal Bill 2012. As we know, this bill has taken a long time to arrive at the point of becoming a concrete actuality. The purpose of the bill is to establish the governance framework of the New South Wales Civil and Administrative Tribunal and to facilitate the commencement of preparatory work that is required to ensure the tribunal is open for business by January 2014. Though the Government has set that deadline, in view of what happened in the other States the Government should ensure that everything is in place to enable the tribunal to commence operating on 1 January 2014 rather than treating the date of operation as an artificial deadline. The Government must recognise that the tribunal must commence on 1 January 2014. If there are any delays or complications that are arise in the consolidation of the 40 tribunals concerned, it may be because the consolidation is a larger task than the Government has envisaged. The scale of the consolidation may not have been fully thought through. That is my personal opinion.

In March 2012 the inquiry by the Legislative Council Standing Committee on Law and Justice into opportunities to consolidate tribunals found that the stakeholders described the current New South Wales tribunal system as complex and bewildering. I would add that often the tribunals have been unfair to consumers and have not made decisions that the consumers felt were correct in individual cases; in other words, the consumers did not receive justice. It is very important to appreciate the work of the Legislative Council's committees, such as the Standing Committee on Law and Justice, of which I was very pleased to be a member for many years, and the Standing Committee on Social Issues, of which I was also a member. I congratulate the Hon. David Clarke on his role as Chairman of the Standing Committee on Law and Justice. Long may he continue to serve in the Legislative Council and bring to this House his wisdom and common sense.

The committee recommended that the New South Wales Government pursue the establishment of a new tribunal to consolidate existing tribunals when that is appropriate and promotes access to justice. In response to the committee's report, the Government announced the establishment of a consolidated New South Wales Civil and Administrative Tribunal, which will be known as NCAT. The Civil and Administrative Tribunal will be established as part of the Government's commitment to improving the quality, consistency and transparency of tribunal services in New South Wales. The Civil and Administrative Tribunal will consolidate 23 existing tribunals, thereby reducing the current proliferation of ad hoc tribunals and providing a single gateway for most tribunal services in New South Wales.

There is still a suspicion in the minds of many people—and I sometimes share that suspicion—that an applicant is more certain of receiving justice in our court system than in our tribunal system. The Government should maintain close observation of the operation of the tribunals and the individuals in those tribunals. This is a very important matter because many of the tribunals that are being consolidated deal with sensitive issues, such as Aboriginal land, charities, consumerism, tenancy, guardianship, and victims of crime. All those areas involve the determination of very sensitive issues, and the men and women who are appointed to the tribunals obviously need to have not just legal expertise but also demonstrable compassion, practical concern and common sense instead of being politically correct. They should assist consumers, for example, to feel that they will receive justice.

Throughout the bill "a term" is used to describe the period of appointment of tribunal members. The bill states that "a term" is a period not exceeding five years. Mr David Shoebridge suggested that perhaps a five-year term is too long. The bill appears to me to include flexibility in the operation of the tribunals in that members may be appointed for periods of less than five years—perhaps three years or two years.

The Hon. Adam Searle: Or one week.

Reverend the Hon. FRED NILE: Or one week. The bill simply states "a term". The Government will decide what constitutes "a term". I am not critical of that; rather, I consider that to be a positive feature of the legislation. Five years may be too long in some cases. If a term is five years, perhaps the appointment should be reviewed after three years. This bill is the first stage in the process of transferring existing tribunals to the Civil and Administrative Tribunal. It is a framework document that has certain provisions that are necessary to facilitate establishment of the tribunal. The bill provides for the Civil and Administrative Tribunal to be established on 1 January 2014. It establishes the Civil and Administrative Tribunal's divisional structure. The president of the tribunal and other members will be appointed prior to 1 January 2014 to enable work to commence on the development of practice notes and rules. The bill also has transitional provisions to cover the abolition of tribunals that will be consolidated and the transfer of current members to the Civil and Administrative Tribunal on 1 January 2014.

There is also a suspicion that some of the tribunals that will be consolidated are qangos, which are quasi-autonomous non-governmental organisations—places where retired members of Parliament on both sides of politics, such as former union leaders and retired businesspeople, may be appointed as chairmen. Some of the tribunals do not seem to have a clear role but do provide a small income for the individuals concerned—or perhaps a large income. I am not sure what the income of a chairman of existing tribunals would be or what funding will be provided for the new Civil and Administrative Tribunal.

The bill does not confer substantive functions or jurisdiction to the Civil and Administrative Tribunal at this stage. Further legislation will be needed, to be introduced in 2013, to add the necessary detail regarding the constitution and functions of the tribunal. Transitional provisions will also be required to repeal or amend the Acts and statutory rules necessary to transfer jurisdiction to the Civil and Administrative Tribunal. I hope that this phased approach will ensure that the detailed provisions setting out the tribunal's functions and powers can be carefully developed in consultation with affected stakeholders, including tribunal members and administrators, representatives of tribunal user groups and professional associations. As I said, it is better to get it right than to meet an artificial deadline. We support the legislation.

The Hon. SCOT MacDONALD [6.10 p.m.]: I was pleased to be a member of the Law and Justice Committee that had this issue referred to it a year ago. I commend the Ministers who referred it to us: the Attorney General, the Minister for Finance and Services and the Minister for Fair Trading. It is a worthwhile development. I think the Parliamentary Secretary is being a bit modest in his contribution to this issue and the succeeding legislation.

The Hon. Adam Searle: Surely not.

The Hon. SCOT MacDONALD: He has been hiding his light under a bushel.

The Hon. Dr Peter Phelps: He is extremely modest.

The Hon. SCOT MacDONALD: Very modest.

The Hon. Duncan Gay: He is a modest member.

The Hon. SCOT MacDONALD: I acknowledge all those interjections. The committee was given a fairly wide brief. As a couple of members who were on the committee have noted, when the committee staff delved into potential tribunals it was quite difficult, quite opaque, and quite a task for them to find out what tribunals were out there, who were their administrators, what were their duties and functions, and how to contact them. Some were very small and met infrequently. The rules were all over the place—there is no other way to put it—and the committee staff had some difficulty in reaching out to the range of tribunals across the State to draw them into the process. Some were quite big. The Consumer, Trader and Tenancy Tribunal does about 70 per cent of current tribunal matters across the State. Other than that, some tribunals were quite small. Obviously their roles are quite important if people are caught up in that field, but it struck the committee fairly early on that some efficiency gains were to be made.

As Mr David Shoebridge mentioned, the committee went to Victoria. Victoria was a template of how to do this. Victoria did its amalgamations in 1999 and, as we were told, some things went well. They had some good advice for us. I do not think it was quite as difficult as Mr David Shoebridge mentioned. Nevertheless, they told us to take our time, to take a year to do it, to consult widely, to bring in a wide range of people and to use their expertise. All of those elements have subsequently appeared in this bill. I commend the Attorney

General for looking at the submissions and the subsequent report. I echo the comments of my fellow committee members that it was a bipartisan committee. The committee did an excellent job on a difficult task of seeing what the tribunal landscape was and drawing that into something that will serve New South Wales well.

One of the points Victoria made to us and which, I think, has been borne out in this legislation is that this is an evolutionary process. We could have the big bang and try to draw in scores of tribunals. The experience across the jurisdictions was that if we did that we would probably break a few eggs, upset the culture and not bring people along. This is an evolutionary process that will initially bring in 23 tribunals. I think the experience will be as it seemed to be in Victoria, that when this has a few years under its belt tribunals will be coming to the Civil and Administrative Tribunal and saying, "We cannot do what we are doing any more. We have an administrative load. We have difficulty attracting presidents and members of tribunals. We would like to join NCAT." If this is done well—and I have no reason to think to think it will not be done well—that could be the experience in New South Wales. This does what the Liberal-Nationals Government has been talking about. It passes the Phelps test and is removing inefficiencies.

I acknowledge the Hon. Sarah Mitchell, who is a member of the committee. She made the point that the end product has to serve regional New South Wales. I know the Hon. David Clarke is a friend of rural and regional New South Wales. The Hon. Sarah Mitchell was flying the flag for regional New South Wales, saying that whatever we develop has to be accessible to those people who live outside the major metropolitan areas. I think the Attorney General has listened to those comments. We have the vehicle in the Office of Fair Trading. We can use that to get on videoconferencing or teleconferencing. The whole bureaucracy does not have to be there in the Grafton shop of the Armidale office; they can be accessed through those officers on the ground. That will broaden the access for rural and regional people to this greater range of tribunals.

This is all positive; it is a win-win situation. As other members have mentioned, we will have a single contact point. We will have one website and one set of materials—again, these ideas came out of Victoria—and we have given ourselves 11 months or so to put it together. I am sure other jurisdictions will be watching to see how to do this and how to do it well. There will be professional development. People in Victoria said it is continuing development for all the panel members, and they got something out of it. For example, instead of people just being a member of the Victims Tribunal, in time they may be able to broaden their skills and use them elsewhere. It should work well. Other members have covered the five divisions well. The legislation has the mix of divisions and lists down well. As the Attorney General said, this is evolving and there may be some changes in the future. That is one of the strengths of the bill. This is a complex, difficult beast. It is not easy to bring a minimum of 23 tribunals together, and probably some more in the future.

I note and very much agree with what Mr David Shoebridge said: That one of the issues constantly brought to our attention was merit appeals. There is not much access for merit appeals at the moment. I think Victoria turned its back a little on them. I hope that in the future we can find a healthy compromise between not being overburdened with vexatious, frivolous, trivial merit reviews and still having that opportunity where there is merit in bringing reviews to the tribunal's attention. I was being a little bit frivolous, but I think the committee can hold its head up. In a short time it did a good job under the leadership of the Hon. David Clarke. It produced a constructive, productive document that the Ministers, the Executive and the Government have been able to draw on. I commend the bill to the House.

The Hon. SHAOQUETT MOSELMANE [6.19 p.m.]: The Civil and Administrative Tribunal Bill 2012 follows an inquiry by the Standing Committee on Law and Justice, of which I am a member. I am pleased that this bill reflects the committee's findings and recommendations. Only time will tell, but I hope that the bill addresses questions of efficiency, access, equity, specialisation, cost reduction and a host of other provisions, including better access to justice. The bill proposes to establish the Civil and Administrative Tribunal of New South Wales [NCAT], which includes the jurisdiction of the following bodies: the Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal, the Administrative Decisions Tribunal of New South Wales, the Charity Referees and the Guardianship Tribunal.

The tribunal will include the following tribunals established under section 165 of the Health Practitioner Regulation National Law (NSW): the Aboriginal and Torres Strait Islander Health Practice Tribunal of New South Wales, the Chinese Medicine Tribunal of New South Wales, the Chiropractic Tribunal of New South Wales, the Dental Tribunal of New South Wales, the Medical Radiation Practice Tribunal of New South

Wales, the Medical Tribunal of New South Wales, the Nursing and Midwifery Tribunal of New South Wales, the Occupational Therapy Tribunal of New South Wales, the Optometry Tribunal of New South Wales, the Osteopathy Tribunal of New South Wales, the Pharmacy Tribunal of New South Wales, the Physiotherapy Tribunal of New South Wales, the Podiatry Tribunal of New South Wales, the Psychology Tribunal of New South Wales, the Local Government Pecuniary Interest and Disciplinary Tribunal as well as each local land board constituted under the Crown Lands Act 1989, and the Victims Compensation Tribunal.

I am delighted that this bill effectively is in line with the report of the Standing Committee on Law and Justice, with particular reference to the Industrial Relations Commission. The committee received much passionate evidence, including that against the Industrial Relations Commission becoming part of the Civil and Administrative Tribunal of New South Wales. As time is limited, I will refer to just a couple. John Cahill, General Secretary of the Public Service Association, argued:

> The Industrial Relations Commission has existed as a separate entity since 1901. It is widely considered as an "independent umpire" able to achieve a fair and reasonable result. Its members have extensive experience in the wide range of alternative dispute resolutions practices. In particular its members have developed the skills necessary to assist employers and employees (and their unions) to resolve their differences through conciliation and, where necessary, arbitration. It provides an effective means for resolving disputes without the need to take industrial action.

That was one example of many passionate arguments heard throughout the committee's hearings to keep the Industrial Relations Commission separate from the proposed tribunal. Richard Downie, Branch Secretary of the Australian Workers Union, Central Coast and Northern Regions Branch, submitted the following:

> The Branch opposes the suggestion to merge the IRC and another tribunal/s, or to transfer the IRC's arbitral powers to any other entity. The Branch fears the skills and expertise demonstrated by the IRC members would be diluted if they are required to devote their attention to other matters, or members are not drawn from an employment law background are required to determine these matters. Resolution of employment dispute centres on alternative dispute resolution mechanisms, and this requires a particular skillset from arbitrators/members.

Significant argument was received to keep the Industrial Relations Commission separate from the Civil and Administrative Tribunal of New South Wales. I am pleased that this bill does not propose to include the commission. I echo the words of committee members that this was a bipartisan report. Everybody conducted themselves very professionally, with a significantly professional chair in the Hon. David Clarke, who maintained a bipartisan approach to the whole process. I hope this bill will improve access to and delivery of justice. The tribunal will be instituted in 2014 and we will evaluate it two or three years later. I hope the committee's report and this bill will deliver not only access but also justice to the people of New South Wales.

The Hon. DAVID CLARKE (Parliamentary Secretary) [6.24 p.m.], in reply: I thank members for their contributions to this important debate. The Civil and Administrative Tribunal Bill 2012 establishes the Civil and Administrative Tribunal of New South Wales and contains certain provisions relating to its membership and functions. The bill is the first step in the process of establishing the tribunal. The Government will introduce further legislation next year to confer jurisdiction on the tribunal and to set its practice and procedure. This is important reform for New South Wales. The Civil and Administrative Tribunal of New South Wales will improve access to justice for the citizens of this State and enhance public confidence in our tribunal system. This Government is proud of this bill and on its behalf I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by the Hon. David Clarke, on behalf of the Hon. Michael Gallacher, agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

ROAD TRANSPORT BILL 2013

ROAD TRANSPORT (STATUTORY RULES) BILL 2013

ROAD TRANSPORT LEGISLATION (REPEAL AND AMENDMENT) BILL 2013

Bills received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. David Clarke, on behalf of the Hon. Duncan Gay.

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

ADJOURNMENT

The Hon. DAVID CLARKE (Parliamentary Secretary) [6.28 p.m.]: I move:

That this House do now adjourn.

SALVATION ARMY OASIS YOUTH SUPPORT NETWORK

The Hon. PAUL GREEN [6.28 p.m.]: The Salvation Army Oasis Youth Support Network program began in 1992 as a single drop-in centre on the corner of Albion and Crown streets, Surry Hills, in response to youth homelessness in Australia. The mission statement was:

> The Oasis Youth Support Network provides a place of safety and care where, through compassion and skilful intervention, troubled young people find refuge and hope to achieve dreams and potential.

Since then, the Salvation Army has opened centres across Australia and provides more than 25 programs that offer critical points of innovation and support for homeless and disadvantaged youth aged between 16 and 25 years. These holistic and life-changing support services include: crisis and transitional accommodation, case management, counselling, legal support, accredited workplace training, education and vocational opportunities, specialist intervention services and multimedia training. On any given night Oasis helps accommodate and feed more than 100 homeless young people. In 2010 Oasis connected with more than 13,600 disconnected and homeless people. Oasis will work with any young person between the ages of 16-25 who is homeless or at risk of homelessness regardless of health issues, legal needs, religious beliefs, behavioural concerns, economic status, family background or alcohol and other drug issues.

Oasis has an annual operating budget of more than $7 million, of which 51 per cent is funded by Federal and State Governments. The remaining costs to maintain all programs and services are met by social enterprise initiatives, private contributions, appealing to trusts and foundations and undertaking community fundraising events and campaigns throughout the year. In 2011-12 Oasis received a contribution equal to 2 per cent of its annual operating budget from the Salvation Army's national Red Shield Appeal. Oasis also has a number of invaluable partnerships with high schools, passionate individuals and corporations providing financial, in-kind and voluntary assistance. Oasis is very active in fundraising for its programs and services. Amongst its regular fundraising events is an annual fundraising ball and participation in Sydney's major sporting events such as the *Sun Herald's* City2Surf and the Blackmores Sydney Running Festival. Many members here took part in the recent "MPs v. Media" cricket match held at the Sydney Cricket Ground. Thanks to sponsorship and fundraising efforts of KPMG and UBS we were able to raise $22,000 for the Oasis Youth Support Network.

The Hon. Dr Peter Phelps: How did the pollies go?

The Hon. PAUL GREEN: I hit two boundaries, 16 runs, and ran myself out on a very good throw.

The Hon. Melinda Pavey: Who threw?

The Hon. PAUL GREEN: Unfortunately somebody with a very good arm. This money will be used for Oasis training programs, specifically, Streetmedia and the driving program. I take this opportunity to thank the Salvation Army and all who assist in the Oasis Youth Support Network. On that day the Treasurer, I and a few others took some of the kids who were there out to the middle of the Sydney Cricket Ground and we were able to bowl a few balls. Some of the kids had great talent and may have a future in international cricket. It was a great day. The work the Salvation Army does is invaluable and gives witness to the incredible dignity and value that belongs to every human being, regardless of circumstances, health or position. There is no doubt that these guys need to be applauded.

WYONG COALMINING

CENTRAL COAST SCHOOL MAINTENANCE

The Hon. GREG DONNELLY [6.33 p.m.]: In the past during adjournment speeches I have commented on the high level of disillusionment experienced by residents of the Central Coast towards their State members of Parliament: namely, Darren Webber, the member for Wyong; Chris Spence, the member for The Entrance; Chris Hartcher, the member for Terrigal; and Chris Holstein, member for Gosford. Before the March 2011 election they were like flies at a summer barbeque—they were everywhere and you could not get rid of them. It is now coming up to almost two years since that election and times have certainly changed; not only are they hard to find, it is hard to see where they have been. The residents refer to them collectively as the ghosts from the Central Coast.

The good people from the Central Coast are getting cranky with their so-called State members of Parliament for not getting up each day and vigorously pursuing the issues that are important to the residents of the Central Coast, but they are also cranky at them for running dead or backtracking on promises or undertakings they made before the last State election. My time this evening does not permit me to go through what is becoming a mountain of issues, but let me comment on a couple. Honourable members may be aware that there are strong community concerns about longwall coalmining and its potential impact on the Wyong water catchment area. These concerns are not new and have been publically expressed over a long time. The Australian Coal Alliance in particular has been campaigning for years to protect the Wyong valleys and the pristine water aquifers beneath them.

Before the last State election we had the then opposition's Barry O'Farrell and Chris Hartcher along with the candidates for Wyong, Darren Webber, for The Entrance, Chris Spence, and for Gosford, Chris Holstein, all donning bright red T-shirts bearing the words "Water Not Coal" and promising that they would not permit longwall coalmining to proceed when in government. Moreover, they made an absolute commitment to the community that, if elected, they would, "Move special legislation if necessary" to stop such mining. Let us be very clear about this. The Liberal Party during the 2011 State election campaign told the people of Wyong that it would, using the instrument of legislation, stop longwall mining under the water catchment areas, including the valleys. This is what it promised and no backtracking or spin will change those facts. A letter at the time from the Liberal Party to the Australian Coal Alliance said in part:

> A New South Wales Coalition Government will not permit any coal mining in the water catchment district. Accordingly, a New South Wales Coalition Government, elected to Government, will ensure, by amendment of any mining lease or mining exploration permit, that the Coast's water supply is protected. If necessary, special legislation will be introduced into the Parliament to protect the Wyong water catchment.

Almost two years have passed and the ghosts from the Central Coast have sat on their hands and done nothing. However, the actual situation is even worse. My understanding is that a mining application has been, or soon will be, lodged and the Government has indicated that it will consider it. Apparently new director general requirements have been issued and the mining company Korea Resources Corporation [KORES] is working hard on its application. There can be no doubt that Central Coast residents feel deeply betrayed by the O'Farrell Government. They feel double-crossed and cheated. At a community cabinet meeting held on Monday this week in Tumbi Umbi approximately 200 people turned up to tell Barry O'Farrell and his cohort that they have not forgotten and will not forgive. The Government is clearly on notice. Furthermore, if Darren Webber thinks that it is a good idea to not front an important public meeting next Wednesday, 6 March, at the Wyong Community Centre to discuss the matter he had better get himself a new political adviser.

Before concluding I turn to the issue of school maintenance. There can be no doubt that the O'Farrell Government is seriously dragging the chain with respect to school maintenance. On the Central Coast there are 66 public primary and high schools across the four electorates. They are vibrant school communities with excellent principals and dedicated staff. They also have motivated and hard working parents and citizens associations. Everybody wants the best for the students—a view that I share. However, it is very hard to focus on what should be priorities when so much effort is expended dealing with maintenance issues. This is particularly the case for school principals. Examples abound but I will give just one. A public high school in the electorate of the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast has a serious problem with toilets that fail to flush properly or do not have doors.

Those issues have been raised with the Minister. I have seen the email sent to him last year outlining the issues in detail. It is almost March 2013 and the issue remains unresolved. Why the member for Terrigal has

not picked up the telephone and spoken to the Minister for Education about this situation I do not know. I have deliberately not named the high school for fear of drawing negative attention to it. I certainly do not want a repeat of what happened to another public school on the Central Coast where adverse mention in the media resulted in it being branded the school with the smelly toilets. If the Minister for the Central Coast does not know which school I am referring to in his electorate he can call me on extension 2280.

TRIBUTE TO GRAEME DREW

TRIBUTE TO KATH ROBINSON

The Hon. JENNIFER GARDINER [6.38 p.m.]: This evening I refer to the passing of two members of the National Party of Australia-New South Wales who warrant being classified as stalwarts of the party they served so faithfully and well. Mrs Kath Robinson of Oberon and Bathurst and Mr Graeme Drew of Cowra were mainstays of The Nationals in the Central West of New South Wales for many years. Graeme Drew was enormously successful in building the membership ranks of his party. He was a member for almost 40 years in the Cowra district and the local branch comprised literally hundreds of members. Graeme ensured the branch membership was sustained through politically interesting meetings and events.

Having set an example with very successful membership recruitment, with the assistance of the party's field officers Graeme applied himself to aiding other units in the party to expand their membership as well. Graeme became the chairman of the party's overall membership committee and was, in that capacity and as a central councillor, assiduous in keeping membership matters and the importance of a broad, vibrant and constantly renewing membership base at the forefront of the party's organisational and parliamentary leadership's minds. For that, in 2000, Graeme was awarded life membership of the party, its highest honour.

Graeme was present at The Nationals most recent annual general conference proudly wearing his newly minted life membership medal. Graeme Drew was a pharmacist in Cowra and, until very recently, was the chief pharmacist at Cowra Hospital—even though he was in his eighties—and he was still representing his profession on the State's Therapeutic Advisory Group on Quality Use of Medicines in New South Wales. That group comprises pharmacists and other clinicians committed to promoting quality use of medicines in New South Wales public hospitals and in the wider community. It provides information, advice and support to decision-makers in public hospitals, the Ministry of Health and other relevant organisations, including local communities.

As a health professional Graeme was an advocate for quality care and infrastructure for the district's hospital and other health services. For example, I addressed a very large meeting at Cowra some years ago focusing on maternity services in Cowra and the Central West, which was convened by Graeme. He was a local community leader in other respects, one example being that he had been the President of the Cowra Chamber of Commerce, which morphed into a new body, of which he was to be president twice, the Tourist and Development Corporation. This was at the time that the famous Japanese Gardens at Cowra were built. At that time Cowra did not have businesses such as an abattoir or a wool top enterprise or aged care facilities, and some of the business people in town could see business opportunities could arise if the relationship with Japan could be furthered.

The relationship developed out of work done in relation to on the War Cemetery at Cowra relating to the and the prisoner-of-war camp that accommodated Japanese people. Other Japanese war dead from elsewhere in Australia were reburied at the Cowra War Cemetery instead of being repatriated to Japan. That arose because of the respectful relationship that had developed between the local RSL and the people of Japan. With others, Graeme, who was on the Gardens Committee of the corporation, would visit the Japanese ambassador in Canberra as the ambassador was a supporter of the gardens concept, and it was also supported by the Australian foreign affairs department. In due course the Japanese ambassador, the Deputy Prime Minister at the time and Leader of the Country Party, the Rt Hon. Doug Anthony, and the Hon. Jack Hallam, representing the New South Wales Government, officiated at the opening of the gardens, which to this day are a wonderful attribute of the Cowra District. Graeme was a humble person and when asked about his role in getting the gardens up and running he said:

> I am personally very pleased that I was involved. It is something that one could have an opportunity to put together the people that were responsible for building something that is going to be there forever, one would assume, and that is such a focal point for Cowra today. So, yes, I am very pleased that the people that were there at the time were able to create what they did.

The Tourist and Development Corporation was associated also with the origins of the wine industry in Cowra, which today is one of the mainstays of the local economy and, of course, a producer of premium wines. My condolences go to Graeme's widow, Lee, and their sons, Robert and Warwick. Graeme's path often crossed with

that of another party member in the Central West, Kath Robinson. Kath could be described as feisty and even fearsome. From the Oberon branch and later Bathurst, she was a fixture in the party's Central West electorate councils and other forums, especially in the Bathurst, Macquarie and Calare electorates.

It was not so much that Kath would necessarily say a lot at a meeting, but when it came to pitching in and contributing to the completion of a multitude of tasks which are necessary in any election campaign Kath would always make herself available and work relentlessly for very long hours in a voluntary capacity. She would have to be shooed out of the campaign office at the end of a long day. Every electorate is subject to the inevitable swings and roundabouts of electoral cycles but Kath was one of those people who were there always—loyal, hardworking and reliable. Unfortunately, she suffered a severe stroke before Christmas and passed away last month. My condolences go to her family and friends, including her sons, Graeme and Gary.

CLIMATE CHANGE

The Hon. CATE FAEHRMANN [6.43 p.m.]: I rise to speak about Premier Barry O'Farrell's comments on 30 January 2013 when asked by journalists about climate change being linked to recent natural disasters. The Premier said:

> Let's not turn this near disaster, this episode that has damaged so many properties and other things, farm properties and other things, into some politically correct debate about climate change. Give me a break.

I come from the small town of Laidley, in the Lockyer Valley in Queensland, which two nights ago was once again on flood watch. Laidley received almost record-breaking floods at Christmas, which was just two years after experiencing record floods. I want to put on record some climate change statistics of organisations around the world that pretty much affirm that climate change is real, Premier O'Farrell. For the benefit of Dr Peter Phelps, who probably breaks his own records in this place on climate denialism, I start with the Bureau of Meteorology.

The Hon. Dr Peter Phelps: I do not deny that there is a climate; I deny anthropogenic global warming.

The Hon. CATE FAEHRMANN: We have record-breaking temperatures across Australia in 2013; and a record highest daily-average temperature of 32.3 degrees was set on 8 January 2013. Australia also experienced seven consecutive days with area-average maximum temperatures above 39 degrees, between 2 January and 8 January 2013, breaking the previous record of four days in 1973. On 5 January 2013 the temperature in Hay reached 47.7 degrees, breaking its previous temperature record by 1.7 degrees.

The CSIRO, in its document "State of the Climate 2012", provided an updated summary of long-term climate trends. It notes that the long-term warming trend has not changed, with each decade having been warmer than the previous decade since the 1950s. In fact, it says that every decade has been warmer than the last, and that there has been a general trend towards increased spring and summer monsoonal rainfall across Australia's north during recent decades. The summary shows that the very strong La Niña event in 2010, followed by another in 2011, brought the highest two-year Australian average rainfall total on record.

Should we talk about the International Monetary Fund, Dr Peter Phelps? International Monetary Fund Managing Director Christine Lagarde—remember, she is the former conservative finance Minister of France—at the World Economic Forum in Davos, said "the real wild card in the pack" of economic pivot points is "increasing vulnerability from resource scarcity and climate change, with a potential for major social and economic disruption". She called climate change "the greatest economic challenge of the twenty-first century". Ms Lagarde said:

> So we need growth, but we also need green growth that respects environmental sustainability.

In response to a question from the audience, Christine Lagarde said:

> Unless we take action on climate change, future generations will be roasted, toasted, fried and grilled.

The President of the World Bank, Dr Jim Yong Kim, speaking about the report "Turn Down the Heat: Why a 4 degree warmer world must be avoided", said:

> It is my hope that this report shocks us into action.

That is the President of the World Bank, Dr Peter Phelps.

The Hon. Dr Peter Phelps: Oh, I'm just a member of Parliament.

The Hon. CATE FAEHRMANN: He said further:

> Even for those of us already committed to fighting climate change, I hope it causes us to work with much more urgency.

Of course, Dr Peter Phelps represents the climate denialists and climate sceptics in this place, and it is absolutely outrageous. What about the Pentagon? Shall we talk about the Pentagon's Quadrennial Defense Review report released on 1 February 2010? It said that climate change and energy are two key issues that will play a significant role in shaping the future security and environment. What about the World Economic Forum, Dr Peter Phelps Who represents the climate denialists in this place? The World Economic Forum says in 2013 that a panel of 1,000 experts from industry, government, academia and civil society—

The Hon. Dr Peter Phelps: One thousand!

The Hon. CATE FAEHRMANN: —were asked to review a landscape of 50 global risks. What did they come up with? Climate change, of course. At some stage in this place climate sceptics such as Dr Peter Phelps, who is looking at his book and is not listening, will have to admit that climate change is real. I have been asking Minister after Minister in this place about climate change. Their absurd denialism on this issue is outrageous. When will they look people in the face and say, "I was wrong"? As with tobacco and asbestos, their attitude is an absolute disgrace. [*Time expired.*]

ASBESTOS MINING IN CANADA

The Hon. PETER PRIMROSE [6.48 p.m.]: I congratulate the Quebec Provincial Government on its recent decision to stop its support for the mining of asbestos in Canada. This decision will see the winding down of the mining and export of asbestos. However, the Canadian Government itself should step forward and acknowledge the dangers of asbestos mining and its use. Canada remains the only G8 country which has actively objected to the listing of chrysotile asbestos fibres on the Rotterdam Convention. The convention ensures shared responsibilities in relation to importation of hazardous chemicals. The Canadian Government should support the inclusion of chrysotile asbestos in the Rotterdam Convention at its next meeting, this year. The Australian Government should raise the banning of asbestos within Commonwealth countries at the next Commonwealth Heads of Government Meeting.

Further, there should be collaboration between Canada and Australia to assist countries, particularly in South-East Asia, to deal with the associated health consequences of asbestos use. After 130 years in operation the last two asbestos mines in Québec—the Jeffrey mine in the perversely named town of Asbestos and the mine run by LAB Chrysotile at Thetford Mines—shut down in 2011 in the face of catastrophic financial and environmental problems. However, both mines clutched hopes of resurrection, nurtured by a $58 million loan given to the Jeffrey mine by former Premier Jean Charest just before he called the 2012 Québec election, as well as by the undying political support that Prime Minister Stephen Harper swore to give to the asbestos industry during the 2011 Federal election campaign.

Things fell apart for the asbestos industry when, near the end of the Québec campaign, Parti Québécois leader Pauline Marois promised to cancel Charest's $58 million loan and instead give financial support to help the asbestos mining region diversify its economy. Marois said that asbestos is an industry of the past, pointing to evidence put forward by Québec's own medical authorities that asbestos is deadly and should no longer be mined. Three weeks later, on 14 September 2011, before the new Parti Québécois Government had even been sworn into office, the Canadian Federal Government put the final nail in the industry's coffin by announcing that it had concluded that the industry was finished in Québec and that it would provide $50 million for economic diversification instead of asbestos mining. The Government also announced that it would cease blocking the listing of chrysotile asbestos as a hazardous substance under the United Nations Rotterdam Convention, as it had done since 2006.

The Canadian Government is the only government in the western world that continues to deny scientific evidence on the threat asbestos poses to health. People overseas and Canadians are harmed by this denial. Health Canada puts out dangerous misinformation minimising asbestos risk, and Federal regulations permit exposure to asbestos fibres at a level 10 times higher than that permitted in other western countries, such as Australia. The Canadian Government allows asbestos-containing products such as car brakes, construction materials and even children's toys to be imported into Canada, thus putting Canadians at risk. Unlike other industrialised countries, Canada has no national program to protect citizens from asbestos harm.

Canada should join the more than 50 other countries that have banned the mining, use and export of asbestos. Until it does, Canadians will, often unknowingly, continue to be exposed to asbestos and many will die a painful death as a consequence. The Canadian Government will no longer prop up the asbestos industry. This is a historic victory ending decades of Federal financial and political support for this deadly industry. But the battle to end that Government's denial of scientific evidence and its failure to protect Canadians from asbestos harm continues.

TRIBUTE TO GRAEME DREW

TRIBUTE TO SHARYN TREADWELL

The Hon. MELINDA PAVEY (Parliamentary Secretary) [6.53 p.m.]: I join my National Party colleague the Hon. Jenny Gardiner in recognising the life contribution of Graeme Drew. Graeme was a wonderful member of the Cowra community and a proud and passionate member of the National Party for almost 40 years. He passed away on 28 January—22 days after he retired from his full-time position at Cowra hospital and on his 82nd birthday. Graeme was born in New Zealand. He married his magnificent wife, Lee, in Fiji and he worked in Canada and throughout the United Kingdom.

The Hon. Jenny Gardiner has outlined very well Graeme's involvement in the Cowra Tourism Development Corporation. He joined forces with Don Kibbler and together they were the primary driving force for the establishment of the very famous Japanese Gardens in Cowra. I understand Don Kibbler spoke beautifully at the funeral about their work together. However, I will concentrate on his health work. Graeme started work as a pharmacist at Cowra hospital in 1963 and held various positions there until his passing. He had also worked in a private pharmacy and had a unique agricultural pharmacy business. Seven years ago he started work fulltime at Cowra hospital.

I pass on the comments of Pauline Rawson, the manager of Cowra hospital. She said in a very emotional way that Graeme was highly respected by nursing staff and was approachable and kind. I reiterate those thoughts and words: they reflect the way he treated me in all the years I knew him, from the time that I was working with Wal Murray in 1991. I do not think it was an accident that six female nurses escorted his coffin to the hearse and to the gravesite and that 40 health workers lined the path. Graeme was incredibly kind, particularly to women. I credit my becoming a member of the Legislative Council very much to his support of me. He was a beautiful man and his 40-year membership of the National Party and the life membership granted to him in 2000 were testament to the magnificent work that he carried out for his community as well as for our organisation. Vale Graeme Drew. I extend my deepest sympathies to Lee, Robert and Warwick. I understand Warwick's s at the funeral, along with Ian Armstrong's, was very moving.

Today is also a very sad day for me on a very personal level. It is not every day that people who should be recognised in our community are recognised. I am going to recognise someone who not only was my friend but who also deserves to be remembered and acknowledged as having made a major contribution to the community she lived and worked in. Sharyn Treadwell was taken from her family, our friends and our community at Coffs Harbour Health Campus last weekend after a six-year battle with breast cancer.

At 48 years of age, and married for 25 years to her soulmate Clyde, Sharyn had three magnificent dancing daughters: Brittany, 18; Courtney, 15; and Steffaney, 12. This week, in a note to the school community, the principal of the Korora Primary School, Sue Mackay, honoured Sharyn's commitment to the school and to public education by reminding us of her support as secretary of the parents and citizens association for the past 10 years. Ms Mackay said, "The footprints that Sharyn left on our hearts and our school are indelibly engraved".

Sharyn fought a long and often at times hard battle with ill health over the past few years yet she continued to be an integral part of our daily school lives. One of the happiest memories of Sharyn and her husband was when they were presented with a special award and flowers at the December school presentation night last year. It was the day their three daughters finished at the school. It was a beautiful assembly and a great recognition. Sharyn and Clyde were a wonderful team. They met at Armidale whilst Clyde was studying town planning and she was teaching. Sharyn was born in Inverell, the first child of Bruce and June Chisholm. June knew the moment Sharyn brought Clyde home for his first visit that he was the one, and she was right. In January they celebrated their twenty-fifth wedding anniversary.

Bagpipes and Scottish dancing were part of Sharyn's childhood and they became very much a part of her own children's heritage. Sharyn and her daughters, Brittany and Steffaney, were involved in highland

dancing. Mum and dad regularly travelled to as far away as Brisbane and Sydney so their girls could compete, which they did with enormous success. Courtney was also interested in highland dancing but she also loved physical culture. Sharyn eventually became a life member of the Korora Physical Culture Club and Courtney rose to become State champion. Sharyn was also secretary of the Coffs Coast Pipes and Drums after Courtney followed in her grandfather's footsteps and played the bagpipes.

Sharyn was our neighbour for six years and taught our children, and many hundreds of children across the district, at Montessori preschool for the 10 years she worked there. She was a prolific Facebook communicator and counted her daughters amongst her many Facebook friends. Last week she posted, "So over feeling useless. I want to feel normal." Good friend Bonnie Cappell posted back, "How about so over being sick and drugged and zapped and totally stuffed from it all and just want to have my dancing shoes on again." Sharyn did not wallow in self-pity; she just wanted to be useful again.

Let us not dwell on the six-year battle she fought and how proudly and stoically she fought it. Let us instead dwell on the beautiful life she lived and the people she touched during her journey through life and let her selflessness shine as an example for us all. Let us remember she dedicated every moment of her life for the past 18 years to her daughters, as if she knew she had to squeeze in every moment. Let our community be there for Clyde and the girls as they grieve and deal with their enormous loss. Vale my friend Sharyn Treadwell. I know you will have your dancing shoes on.

Question—That this House do now adjourn—put and resolved in the affirmative.

Motion agreed to.

The House adjourned at 6.58 p.m. until Thursday 28 February 2013 at 9.30 a.m.