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LEGISLATIVE COUNCIL

Tuesday 12 March 2013

The President (The Hon. Donald Thomas Harwin) took the chair at 2.30 p.m.

The President read the Prayers.

The PRESIDENT: I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

ASSENT TO BILLS

Assent to the following bills reported:

Courts and Other Legislation Further Amendment Bill 2013
 Civil and Administrative Tribunal Bill 2013
 Property, Stock and Business Agents Amendment Bill 2013

LIQUOR AMENDMENT (SMALL BARS) BILL 2013

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

Motion by the Hon. Duncan Gay agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

USHER OF THE BLACK ROD APPOINTMENT

The PRESIDENT: I inform the House that on 20 February 2013 Her Excellency the Governor, with the advice of the Executive Council, appointed Ms Rachel Lee Callinan as Usher of the Black Rod. I also inform the House that a commission has been issued in favour of Ms Callinan, who took the Pledge of Loyalty and Affirmation of Office before Her Excellency on Monday 4 March 2013 at Government House.

OMBUDSMAN

Report

The President announced the receipt, pursuant to the Police Act 1990 and the Ombudsman Act 1974, of a special report of the Ombudsman entitled "Ombudsman monitoring of the police investigation into the death of Roberto Laudisio-Curti", dated February 2013 and authorised to be made public on 28 February 2013.

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

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

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 951 and 1099 outside the Order of Precedence objected to as being taken as formal business.

YESHIVA CENTRE**Motion by the Hon. MARIE FICARRA agreed to:**

1. That this House notes that the Yeshiva Centre is holding a gala dinner at the Sydney Convention and Exhibition Centre on Tuesday 5 March 2013.
2. That this House acknowledges that:
 - (a) the Yeshiva Centre has been offering services to enhance the wellbeing of people in the community, including day schools, kindergartens, outreach activities, adult education and other humanitarian activities,
 - (b) graduates and associates of the Yeshiva Centre play an important role in the community, acting as educators and spiritual leaders throughout Australia and internationally, and
 - (c) the Yeshiva Centre's acclaimed humanitarian work through their charity "Our Big Kitchen" has positively impacted the lives of many members of the community by preparing food for people in crisis, regardless of race, religion, culture or status.
3. That this House notes the significance of the Yeshiva Centre's gala dinner this year as it also celebrates the eightieth birthday of host Harry O. Triguboff, AO, who has recently made an incredibly generous \$6 million donation to remove the mortgages of the centre, allowing the Yeshiva Centre to continue its tremendous community work without financial burdens and, in part, this dinner will pay tribute to Mr Triguboff and the impact that he and his work has had on the broader community.
4. That this House congratulates the Yeshiva Centre on its remarkable work and wishes it every success in its future contributions to the community.

TABLING OF PAPERS

The Hon. Greg Pearce tabled the following paper:

Annual Reports (Statutory Bodies) Act 1984 and the Rural Lands Protection Act 1998—Report of the State Management Council of Livestock Health and Pest Authorities for year ended 30 January 2012.

Ordered to be printed on motion by the Hon. Greg Pearce.

TABLED PAPERS NOT ORDERED TO BE PRINTED

The Hon. Greg Pearce tabled, pursuant to Standing Order 59, a list of all papers tabled in the previous month and not ordered to be printed.

PETITIONS**Game Council New South Wales**

Petition stating that the Game Council of New South Wales receives public funding to promote recreational hunting and requesting that the House abolish the Game Council of New South Wales and legislate to permanently end recreational hunting on public land, received from **Mr David Shoebridge**.

LEGISLATION REVIEW COMMITTEE**Report**

The Hon. Dr Peter Phelps tabled the report entitled "Legislation Review Digest No. 32/55", dated 12 March 2013.

Ordered to be printed on motion by the Hon. Dr Peter Phelps.

BUSINESS OF THE HOUSE**Routine of Business**

[During the giving of notices of motions.]

The Hon. Dr Peter Phelps: Point of order: I draw your attention to the lapel badge of the Hon. Jeremy Buckingham and ask you to rule on whether it is too large or displays an overtly political message. If it fails in either instance, I ask you to rule as to whether he should be asked to remove it.

The Hon. Steve Whan: To the point of order: While I do not wish to defend The Greens' badge, I note that on previous occasions members on the other side of the House have worn large ties with The Nationals logo on them. I suggest that if the badge of the Hon. Jeremy Buckingham is in breach of the standing orders then such ties are also in breach.

The PRESIDENT: Order! I will give the matter further consideration and come back to the House with a ruling.

The Hon. Eric Roozendaal: Point of order: I am very interested in this notice of motion but I cannot hear the Hon. Lynda Voltz because of the level of noise in the Chamber. I ask you to bring the House to order.

The PRESIDENT: Order! I can hear the Hon. Lynda Voltz perfectly.

The Hon. Dr Peter Phelps: Point of order: I am trying to listen to this important and interesting notice of motion by the Hon. Natasha Maclaren-Jones. I find it is being drowned out by the cacophony of those opposite. I ask you to make them desist.

The PRESIDENT: Order! The House is lively today for many reasons that members will understand. I remind members that it is common courtesy for them to allow members who are giving notices of motions to be heard in silence.

MOUNT PENNY EXPLORATION LICENCE

Ministerial Statement

The Hon. DUNCAN GAY (Minister for Roads and Ports) [3.02 p.m.]: I wish to make a ministerial statement about the production of documents relating to the Mount Penny exploration licence. As members would be aware, in 2009 the House received a return to order in relation to the Mount Penny exploration licence. The return comprised one box of privileged papers and one box of non-privileged papers. Members also would be aware that on 4 December 2012 the Clerk received correspondence from the Hon. Jeremy Buckingham expressing concern that relevant documents may not have been included in the return to order, based on documents that were made public by the Independent Commission Against Corruption as part of Operation Jasper. Subsequently, this matter has been the subject of further items of correspondence that have been tabled in the House on 19 February and 27 February 2013.

The Independent Commission Against Corruption has advised that it is currently comparing documents it holds as part of Operation Jasper with the return to order documents produced to the House in 2009 "to ascertain whether any of the material held by the Commission but not included in the return might also have fallen within the scope of material in the order for papers". The Independent Commission Against Corruption has undertaken that "if it appears to the Commission that documents were not included in the return then the Commission will advise the House". Further correspondence is expected from the Commissioner of the Independent Commission Against Corruption in relation to this matter shortly.

The situation raises important matters of privilege. Any non-compliance with an order of the House is a particularly serious matter. Documents in the 2009 return to order, including the indexes to the documents, are "proceedings in Parliament". As such, they cannot be used by the Independent Commission Against Corruption for the purpose of impeaching or questioning the proceedings in this place. It is ultimately for the House to determine whether its order for papers has been complied with. Accordingly, I indicate to the House that should correspondence be received from the Independent Commission Against Corruption indicating that, in the Independent Commission Against Corruption's opinion, documents were not included in the 2009 return when they should have been, I will immediately move under Standing Order 77 to have this matter referred to the Privileges Committee for inquiry and report.

Should this arise, the Privileges Committee will be asked to ascertain whether documents published by the Independent Commission Against Corruption concerning the Mount Penny mining exploration licence and tender process should prima facie have been provided in the return to order of 26 November 2009 and, if so, what further action the House should take, including any possible further involvement by the Independent

Commission Against Corruption. I also foreshadow that should the matter go to the Privileges Committee, I will move that the terms of reference include that the Privileges Committee may utilise the services of an appropriately qualified adviser.

The Hon. LUKE FOLEY (Leader of the Opposition) [3.05 p.m.]: The Opposition supports the course of action envisaged by the Minister in his statement, in particular, a referral to the Privileges Committee in the event of correspondence from the Independent Commission Against Corruption indicating that documents that should have been included in the 2008-09 return were not so included. We also support the engagement of an appropriately qualified adviser if the matter does proceed to the Privileges Committee.

POWERS OF ATTORNEY AMENDMENT BILL 2013

Second Reading

Debate resumed from 27 February 2013.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.07 p.m.]: I lead for the Opposition on the Powers of Attorney Amendment Bill 2013. The Opposition does not oppose the legislation. Following a review, it was revealed that users of the prescribed form for the appointment of a power of attorney found the form to be confusing. The bill before the House proposes separating the existing form into two separate forms: one for powers of attorney and one for enduring powers. Other changes include amending the Act to enable greater flexibility in the manner of appointing joint attorneys, and providing clarity in both this process and the process of nominating substitute attorneys. The legislation also confers jurisdiction on the Guardianship Tribunal to review the revocation of an enduring power of attorney.

In schedule 1, which contains the amendment of the Powers of Attorney Act, items [3] and [17] deal with the making of regulations prescribing the form that may be used to create a power of attorney and removing the current form from the principal Act, and items [7] and [15] deal with substitute attorneys. Item [7] makes it clear that an enduring power of attorney does not confer any authority on a substitute attorney until the substitute attorney has accepted the appointment by signing the instrument creating the power. Item [15] provides for the appointment, by principals, of substitute attorneys to act as an attorney under the power of attorney during a vacancy in the office of the specified attorney or during a vacancy of a kind specified in the instrument that creates the power of attorney. Item [8] confers upon the Guardianship Tribunal, in addition to the Supreme Court, the power to deal with an application for review of revocation of an enduring power of attorney. Item [14] makes specific provision for the orders that may be made following such review, including declaring that the power of attorney remains valid despite a purported revocation.

Of course, there are other provisions, including items [15] and [16], which deal with substitute attorneys. Item [15] provides for the appointment by principals of substitute attorneys to act as attorney under a power of attorney during a vacancy. Item [16] enables a person who appoints two or more persons as joint attorneys to provide for the continuation of the power of attorney when the office of one or more of the attorneys becomes vacant so long as the power provides for that continuation and that at least one of the attorneys or a substitute attorney remains in office. There are of course the usual provisions dealing with transitional and consequential matters. The Opposition does not oppose the legislation.

Mr DAVID SHOEBRIDGE [3.10 p.m.]: The Greens support the Powers of Attorney Amendment Bill 2013. This bill seeks to achieve five principal objectives. First, it will amend the Powers of Attorney Act 2003 to make specific provision for the appointment of principals of substitute attorneys. They are persons who may act as attorney under the power of attorney during certain vacancies in the office of the specified attorney. I will deal later with proposed amendments to that provision which have been circulated and which The Greens are discussing with the Government. The second objective of the bill is to remove the prescribed form for a power of attorney from the principal Act and to enable such forms to be prescribed by the regulations made under that Act. That provision will give some flexibility to the Government, and particularly the registrar, to ensure that forms can be amended using the regulation-making power rather than going through the cumbersome parliamentary process. That is a common-sense amendment and The Greens wholeheartedly support it.

The third objective of the bill is to give the Guardianship Tribunal the power to review the revocation of an enduring power of attorney. One would have thought that the tribunal would ordinarily have that power and I believe that earlier legislative reforms were designed to grant it. In any event, The Greens support the Guardianship Tribunal having the power to review an enduring power of attorney in the circumstances defined

in the bill. The tribunal has the greatest expertise in dealing with the issues that normally arise in respect of the revocation of an enduring power of attorney. It determines whether the person who granted the enduring power of attorney had sufficient mental competence and did so of their own volition, and with free, informed and competent intention moved to revoke it. This is an important issue that often involves elderly, frail and vulnerable people coming under attack from family members or other persons who may not have the best of intentions or who may have deeply selfish motivations in seeking to revoke an enduring power of attorney. The Guardianship Tribunal is the entirely appropriate tribunal to review those matters and The Greens support those amendments.

The fourth objective of the bill is to allow a person who appoints two or more persons as joint attorneys under a power of attorney to provide for its continuation when the office of one or more of the attorneys becomes vacant. The power of attorney is now terminated if the office of one or more of the attorneys becomes vacant. As I said, The Greens have circulated some amendments that deal with vacancy in office or one attorney assuming the powers of joint attorneys in certain circumstances. I will deal with that briefly later. The bill will also make other consequential amendments and insert savings and transitional provisions. The New South Wales Law Society Property Law Committee, in a letter to the Minister dated 7 March 2013, states:

The Committee largely supports the Bill, however with the introduction of new section 45A in the *Powers of Attorney Act 2003* (Act) pursuant to Schedule 1[15] of the Bill, the Committee considers further consequential amendment is necessary.

New section 45A allows for the appointment of a substitute attorney for a specified attorney in the same power of attorney instrument. The substitute attorney can act during a vacancy in the office of the specified attorney. The Committee supports this provision but suggests that further consideration should be given to expanding Section 44 and 48 of the Act to confer protection on third parties relying on a substituted attorney's signature where a vacancy event has occurred.

Section 44 deals with the evidentiary requirements that can be relied upon by third parties to establish the execution and contents of a power of attorney. Section 48 confers protection on third parties relying on a terminated or suspended power of attorney in good faith without knowledge of the termination or suspension. The existing protections conferred in Section 44 and 48 do not appear to cover the evidentiary requirements that a third party can rely on to establish that a vacancy event has occurred entitling the substitute attorney to execute the documents on behalf of a principal.

The Law Society's concerns are practical, nuts-and-bolts concerns about what a lawyer would need before he could rely upon the authority of someone who purports to be a substitute attorney exercising certain documents using the power of attorney. An obvious example would be a person who appointed his or her son and daughter as joint attorneys. One of those children might approach a lawyer and say, "My mother wants to sell her property and I have the power of attorney. However, my sister is overseas. Given that, I would like you to treat me as a substitute attorney under the power of attorney. I will execute all the documents and go through the legal transactions." What does the lawyer do in those circumstances? To what extent must the lawyer interrogate the purported substitute attorney? What if the lawyer accepts the story at face value and makes a file note only to have the sister turn up the next day and ask what is going on? Does the third party have protection? These are difficult but practical problems. The Greens have circulated the following amendment to proposed new section 45A inserting additional paragraphs:

Page 5, schedule 1 [15], proposed section 45A. Insert after line 21:

- (5) Before acting as a substitute attorney, the substitute attorney must complete a notice of assumption of office as substitute attorney in the manner and form prescribed by the regulations.
- (6) A notice of assumption of office may be registered by the Registrar-General in the General Register of Deeds kept under the Conveyancing Act 1919.
- (7) A third party who deals or otherwise transacts in good faith with a substitute attorney is entitled to rely on a registered notice of assumption of office as evidence of the vacancy (or relevant vacancy) in the office of the specified attorney.

During brief conversations with the Minister and the very helpful departmental officers we discussed whether it should be mandatory to complete a notice of assumption of office. The Greens are more than happy to consider and to discuss that with any interested party. However, I urge the Government to consider seriously the idea that there be a clear path for third parties to follow to ensure protection and certainty when they rely upon a substituted attorney's authority. That is The Greens' only concern about the bill. It is a good bill and it has been introduced with the best of intentions.

The Hon. Melinda Pavey: Was that hard?

Mr DAVID SHOEBRIDGE: I did not say that. The Government is attempting to deal with an increasingly difficult situation that is becoming more prevalent given our ageing population. There is an

increasing reliance on powers of attorney and difficulties arise when one or other of the attorneys is unavailable. We do not necessarily want powers of attorney to fail and The Greens support having a practical mechanism to keep them alive.

Reverend the Hon. FRED NILE [3.20 p.m.]: The Christian Democratic Party supports the Powers of Attorney Amendment Bill 2013. The Powers of Attorney Act 2003, which commenced on 16 February 2004, governs the making of powers of attorney in New South Wales, especially enduring powers of attorney. An enduring power of attorney takes effect when a person who has agreed to transfer that power to another loses mental capacity.

A power of attorney is a legal document made by one person, the principal, which allows another person to make financial and other decisions on behalf of the principal. A power of attorney only authorises an attorney to act in relation to financial matters. It does not allow the attorney to make personal, including medical, decisions on behalf of the principal. There are two types of powers of attorney: general power of attorney, also called ordinary power of attorney; and enduring power of attorney, to which I have already referred. A general, or ordinary, power of attorney will terminate if the principal loses mental capacity. It can be useful for a short-term appointment: for example, if the principal is going overseas for a short period. An enduring power of attorney continues to operate after the principal has lost mental capacity. A number of minor amendments are being made to the Act as a result of a recent review. The bill provides the following:

- (a) to make specific provision for the appointment by principals of substitute attorneys (being persons who may act as attorney under the power of attorney during certain vacancies in the office of a specified attorney),
- (b) to remove the prescribed form for a power of attorney from the Principal Act and enable such forms to be prescribed by the regulations made under the Principal Act,
- (c) to give the Guardianship Tribunal the power to review the revocation of an enduring power of attorney,
- (d) to allow a person who appoints two or more persons as joint attorneys under a power of attorney to provide for the continuation of the power of attorney where the office of one or more of the attorneys becomes vacant (currently, the power of attorney is terminated if the office of one or more of the attorneys becomes vacant).

Those provisions will assist in cutting some red tape. This bill will have a valuable practical effect in assisting members of our society. The Christian Democratic Party supports the bill.

The Hon. CATHERINE CUSACK [3.22 p.m.]: I am pleased to support the Powers of Attorney Amendment Bill 2013. The changes proposed by this bill will improve the ease of preparing a power of attorney and, as a consequence, will encourage more people to use this important tool to assist in the management of their affairs. This bill is a response to a statutory review of the Powers of Attorney Act 2003 undertaken by the Land and Property Information office, with assistance from the Attorney General, the Guardianship Tribunal and the Law Society of New South Wales. The review found that while the Act was meeting its objectives, there was some room for improvement. The recommendations made during the review form the basis of this bill.

The bill provides for the ability to appoint substitute attorneys in cases where the original attorney dies or otherwise vacates office. The Act is currently silent as to the status of a substitute attorney. Proposed section 45A will remove any doubt that a substitute attorney can be appointed. This proposal allows for better self-management of the principal's affairs by allowing him or her to decide on any replacements as attorney and in what circumstances they are to take office. This amendment will help avoid the unfortunate situation where the principal has lost mental capacity and the attorney vacates office. One can only begin to imagine the paperwork nightmare that would create for all those affected. Because the principal no longer has the capacity to make another power of attorney, the parties often must approach the Guardianship Tribunal to appoint a substitute attorney. The amendment is designed to provide a principal with more options, and to help to ensure that their attorney will be the person they have chosen to manage their affairs.

The bill will also make the management of the prescribed form easier by moving it from the Act to the regulation. I thank Mr David Shoebridge for supporting that part of the bill. This will allow future changes to the prescribed form to be made quickly and easily in response to any issues that may arise. Complementing this, the prescribed form that will appear in the regulation will be completely redesigned to make it easier to use and understand. The new prescribed form will now consist of two forms: one for general powers of attorney and one for enduring powers. The new forms have had substantial stakeholder consultation, as well as input from the community. I thank and congratulate the Minister on this marvellous model to proceed with complex and important legislation. The feedback received so far has been positive and suggests that the new form will be easier to use and will provide more information for both a principal and an attorney than does the current form.

This bill makes an amendment to section 46 of the Act by providing more flexibility when appointing two or more persons to act as joint attorneys. Rather than having the power of attorney automatically terminated if a joint attorney vacates office, as stated in section 46, this bill will allow a principal to decide whether the power of attorney is to continue despite the vacation from office of a joint attorney. This proposal has been welcomed by many of the stakeholders involved in the review, as it allows a person to decide how they want their financial affairs dealt with when appointing attorneys jointly, instead of arbitrarily having that decision made for them by the Act.

The final reform this bill makes is to give jurisdiction to the Guardianship Tribunal to determine issues regarding the revocation of powers of attorney. The Guardianship Tribunal requested that the legislation be amended to remove any doubt that exists in the Act. This is a sensible amendment, as it allows for matters that may involve the validity or otherwise of a revocation of a power of attorney to be dealt with by the tribunal rather than by the Supreme Court. This will save time and costs for the parties involved. This bill makes simple yet necessary changes to the Powers of Attorney Act. Planning ahead is an important task that everyone should take seriously. The proposals in this bill will improve the use of powers of attorney and allow people to more effectively make arrangements for the management of their financial affairs. I thank and congratulate the Minister, and I commend the bill to the House.

The Hon. SARAH MITCHELL [3.26 p.m.]: A power of attorney is an important legal document used by thousands of people in this State to assist them to deal with their financial and business affairs. An extensive statutory review of the Act sought the views of a wide range of organisations to identify shortcomings with the current legislation. The Powers of Attorney Amendment Bill 2013 is the Government's response to solving those issues. People of all ages, particularly the elderly, appoint an individual by way of a power of attorney to help manage their financial affairs. There are many reasons for people to do so. Some may have difficulty getting to a bank to withdraw money to pay bills. Others may be out of the country and require the sale or purchase of a house in their absence. Others may be planning ahead and want to ensure that their financial wellbeing will be taken care of if they lose the ability to do so themselves.

Such important documents require legislation that is clear, robust and certain. The statutory review of the Powers of Attorney Act 2003 concluded that the objectives of the Act are being met, although some small but significant issues needed to be addressed. One amendment in the bill allows for the appointment of substitute attorneys by making specific provision for such appointments by the principal. The substitute attorney can act in the place of the original attorney only in circumstances where the original attorneys can no longer act. This amendment overcomes situations where an original attorney is unable to act, leaving the principal with no-one to look after their affairs because they have lost capacity and cannot validly make a new power of attorney.

Another amendment in the bill allows the Guardianship Tribunal to determine the validity of a revocation of an enduring power of attorney. A power of attorney can be revoked quickly and easily, providing an effective solution where the principal no longer wants the attorney to act on his or her behalf. An attorney who continues to act in the knowledge that their power has been revoked faces up to five years' imprisonment. However, there may be occasions where the revocation by the principal could be invalid, such as when the principal has lost mental capacity or when the revocation was made under duress. In situations where the validity of a revocation is in dispute, the attorney may approach a review tribunal to resolve the issue. The Act deems both the Supreme Court and the Guardianship Tribunal as review tribunals to determine matters involving enduring powers of attorney.

However, the drafting language of the Act casts doubt as to whether the Guardianship Tribunal has jurisdiction to hear matters regarding the validity of a revocation. The amendment will remove any doubt and thereby abolish the need for disputes concerning the validity of a revocation of an enduring power of attorney to be determined solely by the Supreme Court. The bill also addresses where a joint attorney, being an attorney appointed to act jointly with other attorneys, can no longer act. Under section 46 of the current Act in such a situation the power of attorney automatically terminates. The intention behind this section is to give certainty to the principal's wishes that all joint attorneys must act together and if any cannot, then none are allowed to act. The bill will amend section 46 to allow the principal to elect whether or not the effect of this section applies to his or her power of attorney. The amendment will allow the principal greater flexibility when appointing two or more attorneys jointly.

The final amendment to the Act is to move the prescribed form of power of attorney from the Act to the regulation. This amendment will enable the form to be revised more easily in future to ensure it continues to

meet community expectations. The amendment will also give an opportunity to redesign the prescribed form as recommended in the statutory review. The new prescribed form will be split into two separate forms and will address some of the confusion that surrounds the current prescribed form. The new forms will be easier to use and will provide clear and concise information to allow people to adapt the form to their own individual circumstances.

For example, a principal may wish for some sort of financial monitoring of their attorney, such as requiring the attorney to regularly submit accounts to a nominated accountant for audit purposes. Other principals may wish for their attorneys to act only in certain specified situations. Whatever the situation, the new forms will make it easier for the principal to carry out their wishes. These amendments are simple, yet necessary. Powers of attorney are an important tool to assist in planning ahead for many people and the proposals in this bill will ensure that the Act is kept up-to-date and continues to meet its objectives. I commend the bill to the House.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [3.31 p.m.], in reply: I thank all members who made a contribution to debate on this bill and who demonstrated a great understanding of the proposed amendments. The Powers of Attorney Amendment Bill 2013 makes necessary changes to the operation of powers of attorney in this State. The proposed amendments will assist in making the prescribed power-of-attorney form easier to understand and will provide greater flexibility to allow a person to make arrangements for the management of their financial affairs.

A statutory review into the Powers of Attorney Act conducted by Land and Property Information sought comments from the community, the legal profession and other stakeholders into whether the Act was meeting its objectives. Comments received in the review called for amendments to the Act to iron out some issues that had arisen since its commencement. The bill is the result of recommendations contained in that review. The proposals in the bill are sensible and straightforward. The new prescribed forms have been made in close consultation with the legal profession, organisations involved in elder care and the general community. The bill will improve the use of powers of attorney and give further choices to allow people to decide for themselves how their affairs are to be managed. 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.

Consideration in Committee set down as an order of the day for a later hour.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the Day No. 2 postponed on motion by the Hon. Michael Gallacher.

CRIMES (SERIOUS SEX OFFENDERS) AMENDMENT BILL 2013

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.34 p.m.], on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes (Serious Sex Offenders) Amendment Bill 2013. The purpose of the bill is to extend the existing scheme for the continued detention and extended supervision of serious sex offenders to high-risk violent offenders. The bill also extends the scheme to offenders who committed serious offences as a child. Such offences are currently excluded from the serious sex offender regime. This extension will apply to high-risk violent offenders and serious sex offenders. The bill recognises that there are serious violent offenders in our prisons who are nearing the end of their sentence who have made

no attempt to rehabilitate themselves, or who have made it very clear to authorities that they intend to re-offend when they are released. The bill responds to this very clear danger and ensures the protection of the community from a clear risk. The bill is not about undermining the decisions of judges on sentence. As noted by Professor Bernadette McSherry and Professor Patrick Keyzer, when considering how best to deal with high-risk offenders, the challenge is finding:

... a midway point between assuming that all people in a certain group are dangerous and assuming that no-one, even those who have declared their intentions of committing crimes, are a danger to others.

The bill represents a balanced response. It provides options for ongoing supervision of highly dangerous offenders—that is, those who have committed extremely serious offences and who meet a high-risk threshold. It provides for the assessment of risk, not by a superficial or mathematical exercise but one undertaken by a judge of the Supreme Court, who will be informed by the reports of clinical experts who have conducted individual examinations of the offender. The NSW Sentencing Council, in its report on high-risk violent offenders, noted that there is a gap in the New South Wales legislative framework for dealing with high-risk violent offenders. This bill closes that gap by expanding the scheme in place for sex offenders, which has been tested in the High Court. It does not try to reinvent the wheel but picks up these tried provisions and extends them to high-risk violent offenders as well.

I will now outline each of the amendments in turn. Items [1], [2] and [3] of schedule 1 amend the title of the principal Act to the Crimes (High Risk Offenders) Act and its objects, to reflect the extension of the Act to high-risk violent offenders and make consequential amendments. Item [4] of schedule 1 defines expressions used in relation to high-risk violent offenders and makes consequential changes to the existing definitions in the Act to reflect the addition of these offenders to the scheme. It also changes terminology in the Act from "serious sex offenders" to "high-risk sex offenders". The Act will now consistently apply to high-risk sex and violent offenders—that is, those who are a high risk to the community. Further, it expands the definition of "sex offender" to permit orders to be made against adults convicted of a relevant offence as a child.

At present, a sex offender is a person who has been sentenced to imprisonment following conviction for a serious sex offence, other than an offence committed as a child. Item [4] amends this definition so that offences committed as a child are no longer excluded. This expansion brings New South Wales into line with other States that have similar schemes. It will only apply to serious offences committed by children where a sentence of imprisonment is imposed. This means offences dealt with in the Children's Court are not qualifying offences, as detention by way of a control order under the Children (Criminal Proceedings) Act does not constitute a sentence of imprisonment for the purposes of the Act. The definition of "violent offender" will also capture serious violence offences committed as a child. Although the number of offenders likely to be affected by this amendment is very low, it is important that heinous crimes committed as a juvenile do not fall outside the scheme.

Item [5] of schedule 1 sets out the definition for a "serious violence offence". As the NSW Sentencing Council pointed out, defining who is a high-risk violent offender is a difficult task. The first step in the process is defining which violent offenders are eligible for the scheme. In the case of sex offenders this is relatively simple and eligibility is defined by identifying a list of sex-specific offences. Violence, however, arises in and out of a range of human behaviours. The bill has therefore taken a different approach by describing more broadly the activity that is subject to these provisions.

For an offender to be eligible for consideration under the proposed new provisions, he or she must have committed an offence with a serious outcome, that is, the death of or grievous bodily harm to another person. That physical outcome must be accompanied by a mental element of intending to cause or being reckless as to cause actual bodily harm, grievous bodily harm or death. Recklessness as to cause actual bodily harm has been included as a reflection of recent amendments by the Government to the provisions governing reckless infliction of harm, which clarified that this is the relevant fault element for those offences.

It is appropriate that this fault element also apply for the purpose of identifying relevant serious violent offences under the scheme. The definition in the bill also accommodates the fact that in some cases an offender may not have actually caused grievous bodily harm or death. The police may have stopped the offender at the last minute or the offender may have hired another person to commit the physical act for him or her. Such people should not escape the possibility of being captured by this scheme. The bill therefore includes in the definition "any attempted conspiracy or incitement to commit an offence involving grievous bodily harm or death".

The bill represents a targeted approach to violent crime. It does not extend the possibility of continuing detention and extended supervision to every violent offender in our jails. To qualify, an offence must be a serious indictable offence. "Serious indictable offence" has the same meaning as it does in the Crimes Act 1900, that is, an indictable offence that is punishable by imprisonment for life or for a term of five years or more. This means, for example, that a person who negligently causes grievous bodily harm will not be eligible. Not only does the mental element of the offence fall short of intention or recklessness; the penalty for such an offence is only two years.

Item [6] in schedule 1 provides for the extension of the principal Act to high-risk violent offenders. Under the provisions of the bill, an extended supervision order or continuing detention order can be made by the Supreme Court in respect of a high-risk violent offender. An order can be made against a violent offender if the Supreme Court is satisfied to a high degree of probability that the person poses an unacceptable risk of committing a serious violent crime if not kept under supervision. This test replicates the existing test of risk now applied by the Supreme Court for serious sex offenders. In coming to this decision, the court must take into account the same listed factors currently taken into account in assessing an application for a serious sex offender order as relevant.

Having considered all relevant matters, if the court considers that the offender is a high-risk violent offender it may make an extended supervision order. If the court is further satisfied that the offender cannot be adequately supervised under an extended supervision order the court may make a continuing detention order. The maximum duration of either order is five years. Items [7] to [35] in schedule 1 remake the provisions of the principal Act with respect to the making and determination of applications and the variation and revocation of orders. The procedures that presently apply to applications and orders for serious sex offenders will remain essentially unchanged and will now also apply to high-risk violent offenders.

Additional measures include items [19] and [35], which require the Commissioner of Corrective Services to report annually to the Attorney General on whether he or she considers that an extended supervision or continuing detention order remains necessary. Further, items [18] and [34] clarify that the Supreme Court may revoke an extended supervision or continuing detention order if satisfied that the circumstances have changed so as to render the order unnecessary. Item [37] in schedule 1 requires a court to warn a person who is sentenced for a serious violent offence of the application of the Act. Offenders who meet the definition of a "violent offender" under the Act will be on notice from the earliest possible opportunity that an order may be sought against them at the end of their sentence if they pose a high risk of serious violent reoffending. Offenders will therefore know that there may be implications for refusing to participate in programs that address their offending behaviour.

This is in keeping with the principal Act's objective of encouraging high-risk offenders to undertake rehabilitation. The issuing of a warning under proposed section 25C does not place any obligation on Corrective Services to deal with the offender in a particular way. It will be a matter for Corrective Services to assess each offender and determine how best to address his or her rehabilitative needs. However, the opportunities given to and taken by an offender to participate in rehabilitation programs will be relevant to the Supreme Court in determining an application for an extended supervision or continuing detention order.

Item [38] in schedule 1 requires that these amendments are to be reviewed after a period of three years from their commencement. Items [39] and [40] in schedule 1 deal with savings and transitional matters. The high-risk offenders scheme will apply to sentences imposed and offences committed before its commencement. This is consistent with the serious sex offenders scheme which also applied retrospectively in this way. Schedule 2 makes consequential amendments to other Acts. We want serious violent offenders to undergo treatment, under extensive supervision that assists them to reintegrate into the community and obey the law. This legislation will help ensure that dangerous offenders who refuse to undertake rehabilitation during their sentence can be properly supervised in the community and detained if necessary. I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.46 p.m.]: I lead for the Opposition in debate on the Crimes (Serious Sex Offenders) Amendment Bill 2013. The Opposition does not oppose the bill, although it will move an amendment in relation to the review processes in the bill. The objects of the bill are, first, to provide for the continued supervision and detention of high-risk violent offenders in appropriate cases, in addition to serious sex offenders, as is presently the case; and, secondly, to permit orders to be made for the continued supervision and detention of an adult offender convicted of an offence as a child in appropriate cases.

The bill has been introduced to extend an existing scheme that allows the Supreme Court, on an application by the State, to order the continuing supervision or detention of sex offenders as defined in the legislation. The bill before the House proposes the extension of the scheme to those described as high-risk violent offenders and to persons convicted as children in adult courts. The principal legislation was established by the previous Labor Government. The genesis of the bill was made clear in the introduction to the report of the New South Wales Sentencing Council entitled "High-risk violent offenders: sentencing and post custody management options".

In April 2010, following a direction from then Premier Keneally, Corrective Services NSW undertook an audit of all Serious Offenders Review Council-managed serious offenders in custody to identify those who persistently refused to engage in rehabilitation and to determine whether a continuing detention scheme should be implemented. The audit occurred at the same time as the departmental review of the Crimes (Serious Sex Offenders) Act. The outcome of the audit and review was a recommendation that the issue be referred to the New South Wales Sentencing Council. The Sentencing Council delivered its report in May last year. The significant delay from then until now in introducing this bill suggests a lack of certainty by the Government on the topic. Certainly, it had some reservations about going down this path.

The bill applies the scheme to those convicted of a serious indictable offence which is defined as "an indictable offence punishable by imprisonment for a term of five years or more", that offence having caused death or grievous bodily harm. An order for extended supervision or detention can be made by the Supreme Court if a person's conviction falls in that category and the court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious violent offence if he or she is not kept under supervision or detention. The definition of "serious indictable offence" includes conduct causing grievous bodily harm, either intentionally or recklessly, and also extends to attempted conspiracy and incitement.

The scheme also includes within it persons who were children at the time of the offence. Orders can only be made against adults and only against those who were children sentenced in adult courts. Orders from the Supreme Court can only be obtained on application by the State. The court may make interim orders, a supervision order may be revoked and the Act is to be renamed. Proposed section 32 provides for the review of the Act by the Minister three years after the date of assent. In our view that provision is inadequate and, given the seriousness of the legislation, a far more robust review is necessary. We will be proposing that the Ombudsman undertake the review rather than the Minister with carriage of the Act—the present Attorney General.

In many ways the philosophy behind the legislation is a dramatic step away from the traditional rule of law in New South Wales. Preventative detention or internment is something rarely seen outside counterterrorism legislation. Equally, when a person is sentenced and his or her sentence is completed, no further punishment is usually permitted. Anything else is contrary to the principle of finality in justice. However, given the divergences from the usual principles contained in the scheme, which are now proposed to be extended by this bill, a proper review of the Act by a sufficiently independent agency such as the Ombudsman will be absolutely necessary after the expiry of three years. The Opposition notes that severe reservations have been expressed by the Law Society of New South Wales about certain aspects of the scheme; indeed about the scheme itself. Mr Dobson, President of the Law Society, sent a letter to the shadow Attorney General on 25 February 2013 setting out the Law Society's concerns. Mr Dobson states:

The Law Society's Criminal Law Committee and Juvenile Justice Committee ... are completely opposed to the introduction of continuing detention and extended supervision for high-risk violent offenders. The committees are strongly of the view that continuing detention should not be adopted for high-risk violent offenders. Detaining a person beyond the maximum sentence imposed by the sentencing court offends the fundamental principle of proportionality. The original sentence imposed reflects the synthesis of all of the purposes of sentencing ... including punishment deterrence, denunciation and protection of the community from the offender. Continuing detention undermines the established principle of finality in sentencing (subject to appeals), and has the practical effect of eliminating the relevance of the sentencing judge's decision altogether. Continuing detention amounts to a new punishment beyond that already imposed in accordance with law, in the absence of a new offence or conviction on the basis of an assessment of future offending.

The letter also points out the extreme difficulty of predicting an offender's future conduct, exacerbated among violent offenders as opposed to sex offenders because there is no common thread amongst that group. I note that the Corrective Services NSW audit found the group to be extremely disparate. The Law Society makes a number of other observations, which were dealt with in some detail by the shadow Attorney General in the other place in debate on this legislation. There is no definite system of risk management and risk assessment, and predicting violent reoffending is, according to the Sentencing Council, particularly difficult. I note at paragraph 2.106 the report states:

Little is known about the validity of risk assessment tools when used to assess a population of people who have been detained for many years.

This point is conceded by the academics McSherry, Keyzer and Freiberg, referred to by the Attorney General in the other place and by the Parliamentary Secretary in this debate. Those issues are tied in with the uncertainty of the size of the group. The Sentencing Council does not know how many the scheme might involve. Fourteen inmates were identified by the Corrective Services audit. However, the audit considered only inmates within the last three years of the expiration of their non-parole period. Obviously there are significant numbers of other prisoners in the system. The difficulty in assessing risk also leads to uncertainty about the numbers. At paragraph 2.120, the Sentencing Council reported the total number within the New South Wales system might be expected to range from seven to 139. The factors and opinions I have referred to are reasons to ensure that a thorough, rigorous and robust review is carried out of the operation of this legislation after it has been implemented. Well before that point is reached, the Attorney General should respond to the issues raised with him by the Law Society.

The Attorney General should also indicate what is proposed to be done with the recommendations of the Sentencing Council that the Government does not propose to act upon in this legislation, including the repeal of the Habitual Criminals Act; the introduction of legislation requiring State agencies to cooperate with each other to provide services to high-risk violent offenders and serious sex offenders who are subject to community supervision orders, which is recommendation 3 (a); the establishment of an independent risk management body "to facilitate and regulate best-practice in relation to risk assessment and risk-management", which is recommendation 3 (b); improvements in treatment programs for offenders in custody, which is recommendation 5; and amendment of the Crimes (Sentencing Procedure) Act 1999 to allow for the setting of non-parole periods when a life sentence is imposed, but not for whole-of-life sentences, which is recommendation 7. Those are all recommendations of the Sentencing Council and it is appropriate for the Government to disclose what will happen to those recommendations if the other recommendations are embraced in this bill.

The Government presents this legislation as a measure to protect the community but, as the Opposition has noted previously, the Government is in fact reducing protections by abolishing the Compliance and Monitoring Group, which supervises offenders who are the subject of extended supervision orders. The Government is merging the group into the Probation and Parole Service with resultant significant job losses. Officers will carry out supervision on weekends only if overtime is paid. Given significant financial pressures, this will be the first thing cut by Treasury. The reduction in supervision will be occurring precisely at the time we are talking about expanding supervision to somewhere between seven and 139 additional offenders, depending on which figures are selected, who need to be supervised. Supervision orders can be made by the courts, but they will not be implemented by the Government if it does not properly resource that aspect of government operations.

Opposition members do not oppose the legislation but will be proposing a single amendment to provide that the review of the legislation is conducted—rigorously, we hope—by the Ombudsman rather than by the Minister with carriage of the legislation. Given the unusual nature of the legislation and the sensitivity of the subject matter, we think that would be a more appropriate course than review by the Government. The review should be undertaken by an unquestionably independent body such as the Ombudsman.

Mr DAVID SHOEBRIDGE [3.56 p.m.]: I oppose the substantial expansion of the Crimes (Serious Sex Offenders) Amendment Bill 2013 which proposes to expand the Crimes (Serious Sex Offenders) Act 2006 to allow the Supreme Court, on application by the New South Wales Attorney General, to order the continued detention of a high-risk violent offender or the extended supervision of the offender upon release. The court can make an order where there is, in the court's view, a high degree of probability that the offender poses an unacceptable risk of committing a high-risk sexual or violent offence if he or she is not kept in custody or under supervision.

The bill proposes to extend the current scheme applied to sexual offenders by, firstly, expanding the scheme to high-risk violent offenders who are defined as persons who commit, attempt to commit, conspire to commit or recklessly commit a serious indictable offence leading to death or bodily harm, and a serious indictable offence is one which is tried on indictment and punishable by a term of imprisonment which is either life or five years or greater. Secondly, it allows a person who is a high-risk violent offender to be the subject of an order because of the risk of committing a further violent offence, that is, detention or supervision for a type of offence for which a person may have never been convicted. It removes the current exemption of serious sexual offences committed by a child and it makes it easier to re-detain a person who is the subject of continuing supervision.

This bill comes from a proposal that was originally floated by the former Labor Government in April 2010. In April 2010 the then Premier, Ms Keneally, ordered a Corrective Services audit of the State's 750 worst

criminals to identify those who did not take responsibility for their crimes or refused rehabilitation. The results of the audit were to be considered in a review of the Crimes (Serious Sex Offenders) Act. Ms Keneally said at the time that of the then 10,300 prisoners in New South Wales jails, 750 were classified as serious offenders. She was quoted as saying:

This is about protecting society from violent offenders who refuse to rehabilitate—plain and simple.

At the time a number of civil libertarians spoke up against it. In particular, Cameron Murphy, as the then president of the Council for Civil Liberties, said:

The proposal itself makes absolutely no sense.

He made the point that the courts already have the power to determine an appropriate sentence for an offence. He said it was an inappropriate extension and an erosion of the rule of law. No doubt the Government would say, "Well, you would expect the Council for Civil Liberties to roundly oppose such a change."

The Hon. Dr Peter Phelps: You would expect the Council for Civil Liberties to do that.

Mr DAVID SHOEBRIDGE: I hear the Government Whip saying that and one could clearly understand that. But there was another person who opposed this proposal in April 2010 and he is a little closer to home for the Government. The then Opposition legal affairs spokesman, Greg Smith, described the proposal as a cheap election stunt. He went further and said:

If prisoners aren't willing to do it—

meaning rehabilitation

or if they feign willingness and just do it so they don't get caught then it doesn't work at all.

He canned the then Labor Government's proposal. He went on to say:

The Premier has no experience in the criminal justice system at all and what she is doing will be resisted undoubtedly by the courts.

That is Greg Smith, the former spokesperson who is now the Attorney General and who has put the bill before the House.

Pursuant to sessional orders business interrupted at 4.00 p.m. for questions.

Item of business set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

FIREARMS AMMUNITION LEGISLATION

The Hon. LUKE FOLEY: My question is directed to the Minister for Police and Emergency Services. Why did the Minister renege on his agreement with both the National Party and other stakeholders to exclude long arms from the record keeping provisions of the Firearms Amendment (Ammunition Control) Act 2012?

The Hon. MICHAEL GALLACHER: At the end of the day it is about working with police to ensure that we put measures in place that can assist police in their important role so that they have a greater understanding as to who is getting access to ammunition. We have indicated publicly our intention, through a transitional process, to move towards measures relating to long arms once police have had an opportunity to look at some smartcard technology. Be that as it may, we have made a very significant move in relation to handgun ammunition and it is entirely consistent with what I had to say to the Parliament and indeed to the shooting fraternity.

STRIKE FORCE ALISTAIR

The Hon. TREVOR KHAN: My question is directed to the Minister for Police and Emergency Services. Will the Minister inform the House about Strike Force Alistair, the joint operation between the New South Wales Police Force and the New South Wales Crime Commission?

The Hon. Walt Secord: Point of order: I ask you to rule this question out of order. On previous occasions the Minister for Police and Emergency Services has said repeatedly that he could not answer questions that related to operational matters. Since last October he has used that excuse to avoid answering questions on six separate occasions.

The PRESIDENT: Order! The member is making a debating point and he knows it. The Minister has the call.

The Hon. MICHAEL GALLACHER: I thank the honourable member for his question. Members would very likely have heard the announcements earlier today about the significant and very impressive results achieved by Strike Force Alistair, which is the culmination of a 21-month joint investigation by the New South Wales Police Force and the New South Wales Crime Commission. This morning hundreds of officers from the State Crime Command, local area commands and specialist squads executed search warrants on properties across Sydney, the Illawarra and the Hunter. I am advised that the New South Wales Crime Commission played a key role throughout the investigation, obtaining and monitoring 95 surveillance warrants and 41 telephone interception warrants on 94 phones, resulting in some half a million intercepted phone calls. So far Strike Force Alistair has arrested 19 people and police expect to charge more by day's end. Those arrested include very senior members of outlaw motorcycle gangs including the Rebels, Comancheros and Hells Angels, as well as Balkan and Asian crime syndicates.

Prior to today, Strike Force Alistair had already seized illicit drugs with a potential street value of \$6 million, numerous pistols and rifles, a machine gun, a hand grenade and over half a million dollars in counterfeit cash. Today police have seized two firearms, ammunition, drugs, a stun gun, a significant quantity of cash, a vehicle and a ballistic vest. The New South Wales Crime Commission has issued two assets restraining orders. Police advise that those involved will be charged with offences related to the supply of large commercial quantities of illegal drugs, the sale of firearms and providing explosives. Police have indicated that they believe the supply of explosives is related to the conflict between rival gangs. As Commissioner Scipione said this morning, there is "no finish line when it comes to policing".

The criminals are adapting their methods and networks and the Government and police are adapting to meet each and every challenge head on. This joint investigation between the New South Wales Police Force and a reinvigorated New South Wales Crime Commission has severed illegal supply chains and smashed criminal networks. The Government has rebuilt the New South Wales Crime Commission to be not only more accountable but also more successful. Any concerns that accountability measures we have introduced to the Crime Commission might make it a slower, less effective organisation are conclusively rebutted by the results of Strike Force Alistair.

Previously the confiscation of criminal assets had been in decline but this Government's reforms are seeing the amount of money the commission is confiscating from criminals rising back to previous levels. We have also freed up operational staff to focus on criminal investigations through the establishment of a governance unit within the Crime Commission to focus solely on administrative tasks. The newly enhanced and stronger partnership between the New South Wales Police Force and the Crime Commission will continue its relentless pursuit of organised crime in New South Wales. The New South Wales Government is backing them 100 per cent. I congratulate all officers involved in Strike Force Alistair and I look forward to hearing more as the story of this very successful investigation continues to unfold.

POLITICAL LOBBYING

The Hon. ADAM SEARLE: My question is directed to the Minister for Finance and Services. How many meetings has the Minister's Deputy Chief of Staff, Natalie Ward, held with lobby firm Premier State or Mr Michael Photios?

The Hon. GREG PEARCE: My recollection is that questions can be addressed to me in my capacity as a Minister. I can tell the member that I personally met with only one client of Premier State at the request of Premier State, namely the Australian Rehabilitation Providers Association Incorporated. The Australian Rehabilitation Providers Association Incorporated represents all providers of occupational rehabilitation across Australia and I am delighted to be able to meet with them.

CATHOLIC CHURCH AND CHILD SEXUAL ABUSE

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Minister for Police and Emergency Services. Was Sergeant Beth Cullen, who was the serving police officer sitting on the Catholic Church's New South Wales Professional Standards Resource Group, on duty while undertaking this work and did she make any file of computer entries when suspicions were raised about a member of the clergy?

The Hon. MICHAEL GALLACHER: I have no knowledge of this matter to the best of my recollection. I will take the question on notice.

POLITICAL LOBBYING

The Hon. WALT SECORD: My question is directed to the Minister for Finance and Services. Has the Minister's Deputy Chief of Staff, Natalie Ward, been involved in discussions or negotiations or provided advice to the Minister or his department on the recent changes—

[Interruption]

The PRESIDENT: Order! The Hon. Walt Secord will conclude his question.

The Hon. WALT SECORD: Has the Minister's Deputy Chief of Staff, Natalie Ward, been involved in discussions or negotiations or provided any advice to the Minister or his department on recent changes to the third party insurance system in New South Wales?

The Hon. GREG PEARCE: I recall on one occasion I was able to identify Joe's girl. Now we have Eddie's boy. He is so brave. Eddie's boy has told us a lot about couples—

The Hon. Walt Secord: Point of order—

The Hon. Catherine Cusack: You can dish it out, but you cannot take it.

The Hon. Walt Secord: Catherine, I have shown restraint in relation to you.

The PRESIDENT: Order! Is the member taking a point of order?

The Hon. Walt Secord: My point of order goes to relevance and it relates to the Minister's Deputy Chief of Staff. Catherine, do not make me read out those emails.

The Hon. Duncan Gay: Point of order—

The Hon. Walt Secord: Those harassing, insulting emails that you have been sending.

The Hon. Duncan Gay: Point of order: It is definitely unparliamentary to threaten other members across the table. I find it offensive and I ask the Hon. Walt Secord to withdraw the threat that he made to the Hon. Catherine Cusack.

The Hon. Lynda Voltz: To the point of order: The member was making a relevant point of order, going to the relevance of the question that has been asked. The Minister twice now has not answered the questions that have been asked by this side of the Chamber. It is ridiculous that the Deputy Leader of the Government should seek to accuse someone who said, "Do not make me read out something you have written", of making a threat.

The PRESIDENT: Order! Does the Minister want to make a contribution on the point of order?

The Hon. GREG PEARCE: Yes, I do. We have seen Eddie's boy engage in Eddie's favourite tactic—thuggery. He is a thug.

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

[Interruption]

The Hon. GREG PEARCE: Do you want to be a thug?

The PRESIDENT: Order! The Minister will resume his seat. I understand that there have been a lot of extra-parliamentary stimuli in the past couple of days that are making today's session a little more lively than normal. I ask all members to contain themselves so that question time can be held according to the standing orders. I remind members that question time is an opportunity for members to seek information about public policy issues. In relation to relevance, I remind Ministers of my standard advice: they are required to be generally relevant in the answers that they give. As none of the words of the Hon. Walt Secord were individually offensive I cannot require him to withdraw. However, so that the House may proceed in an orderly fashion I ask him to consider withdrawing them. Is the member prepared to do so?

The Hon. Walt Secord: I withdraw.

The PRESIDENT: Has the Minister anything else to add to his answer?

The Hon. GREG PEARCE: No, I have concluded my response.

LEARNER DRIVER LICENCE CONDITIONS

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Can the Minister update the House on common sense reforms for learner drivers?

The Hon. DUNCAN GAY: This afternoon I was pleased to announce the delivery of another election commitment by the O' Farrell-Stoner Government. From 1 July young learner drivers in New South Wales will have the opportunity to get professional training and reduce their supervised driving hours by undertaking a safer drivers' course. This is good news for both parents and young people. It is also a long-term investment in road safety for the State. The course combines theory and practical training that will make young drivers more aware of how to keep themselves and their passengers safe on the road. It will teach learner drivers how to handle road conditions, to anticipate issues that could affect them and to make safe decisions when driving.

Government is putting reforms in place that makes lives easier for our families and our young people and one way is to provide learner drivers and their parents with the flexibility to choose what driver training they do. If learner drivers take part in the safer drivers' course and take professional driving lessons, they will undertake only 80 hours of supervised driver training. To break it down, those learner drivers who do the safer drivers' course will receive 20 hours credit on their 120 compulsory logbook hours, which is in addition to the 20 hours credit given to learner drivers who complete 10 hours of professional lessons.

The first group of learner drivers will undertake the course in July 2013. It will then be rolled out throughout New South Wales, based on demand and provider availability. Let me be clear: The cost of the course will be capped at an affordable price for families. The cost for each participant and any additional cost incurred in delivering the course will be covered by the Community Road Safety Fund, which was set up to ensure that every cent raised from speeding and red-light camera fines goes to funding road safety initiatives to improve safety on our roads. This is a good outcome. The money received from people who have been fined now goes to train our learner drivers, thereby protecting our lives and protecting our community into the future. I acknowledge the indications of support to this initiative from the Opposition.

From 1 July, in preparation for learner drivers to graduate to P plates, travel at speeds up to 90 kilometres an hour instead of 80 kilometres an hour will be allowed, thus giving learner drivers more supervised driving experience on roads with higher speed limits. This follows a recommendation by the Auditor General to review learner speed limits. These reforms develop the right balance between road safety and making it easier for parents and young people. The list of vehicles will also be revised. The current list of vehicles suitable for young people to drive is out of touch with the reality of modern vehicles. For example, a medium-priced Volkswagen family car that has a 1.4 litre turbo charged and supercharged motor is listed as not suitable for young people to drive. In times gone by it would have been considered a hoon's vehicle. Vehicles that are becoming popular with families should be included in the list. The revised list will nominate vehicles that are contemporary with the vehicles and standards of today.

MACQUARIE PARK IVANHOE ESTATE

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Finance and Services. Has the Macquarie Park Task Force met its requirement to report on the long-term future of the Ivanhoe Estate by 31 December 2012 and what information can you provide for concerned residents of that estate about the future of their community?

The Hon. GREG PEARCE: There have been developments in relation to government landholdings in the Ivanhoe Estate at Macquarie Park and the surrounding area. In simple terms, as a result of the Government adopting the Property Asset Utilisation Task Force Report, one significant component of the lands at Macquarie Park was removed and the task force's work was concluded in relation to the overall land-holdings there. In relation to Ivanhoe Estate, Minister Goward and I are currently in the course of developing a longer-term estate strategy for all of our estates. It is a significant task, and I will report to the House in due course when that work is concluded.

STATE RECORDS AUTHORITY PROJECTS

The Hon. MATTHEW MASON-COX: I direct my question to the Minister for Finance and Services. Will the Minister inform the House about the State Records Authority of New South Wales Sentenced Beyond the Seas digitisation project and the recent exhibition of First Fleet convict records at New South Wales Parliament House on Australia Day?

The Hon. GREG PEARCE: That is an excellent question from a member who is interested in my role as the Minister. On Australia Day this year the Parliament of New South Wales hosted an exhibition curated by the State Records Authority of New South Wales of original First Fleet convict records held in conjunction with the Parliament's Twenty Five: Stories from Australia's First Parliament exhibition. I congratulate the President and the Speaker on hosting that exhibition.

The PRESIDENT: Order! If the Government Whip and the Leader of the Opposition wish to continue their conversation they should do so in the members' lounge.

The Hon. GREG PEARCE: The exhibition marked the arrival of the First Fleet at Sydney Cove 225 years ago on 26 January 1788. It took pride of place in the Premier's corridor at Parliament House and was a highlight of the State Records Authority's project entitled Sentenced Beyond the Seas. The display of selected original details of convicts listed on the transportation ship manifests, also known as indents, dating back to December 1786, was viewed by about 2,000 people who visited Parliament House on Australia Day. It was the first time the original First Fleet convict indents have been displayed since 1988. The Sentenced Beyond the Seas project involved saving digital colour copies of the original records of convict arrivals from 1788 to 1801 and was a first for the State Records Authority. More than 850 digital images have been made available on the authority's website along with the Early Convict Index of more than 12,000 names that appear in these significant historical records.

The Hon. Trevor Khan: Were there any Obeids?

The Hon. GREG PEARCE: No, there were no Obeids. Members should not interrupt; this is a very important issue and we do not want to sully it—or did I mean to say "Scully"? As members know, transportation was the act of sending convicted criminals from Britain across the seas to serve their sentences in the Colony of New South Wales. The project took its name from those convicts of 1788 who were sentenced to be transported, as they said back then, to "parts beyond the seas".

Sentenced Beyond the Seas has benefitted from the cooperation of institutions in Australia and across the world. The project brings together records held by the State Records Authority of New South Wales, the National Library of Australia and the State Library of New South Wales and the National Archives of the United Kingdom. The exhibition has attracted favourable publicity and a positive response from the public. The project was featured in interviews on the ABC with project coordinator Janette Pelosi, and it was mentioned in the *Sydney Morning Herald* and the *Wollongong Advertiser* and was the subject of a feature article on the *Australian Geographic* website. Articles promoting Sentenced Beyond the Seas have also appeared in *Inside History Magazine*, as well as *Descent*, the journal of the Society of Australian Genealogists, and *Australian Family Tree Connections*— [Time expired.]

The Hon. MATTHEW MASON-COX: I wish to ask a supplementary question. Will the Minister elucidate his answer to this important question?

The Hon. GREG PEARCE: I thank the President for his indulgence in allowing me to continue to inform the House about this important exhibition. Expert talks have been presented by State Records Authority staff to the Botany Bay Family History Society and the Society of Australian Genealogists, and the project has involved and rewarded the community. We should be grateful to everyone involved in making the exhibition

possible. It features Australia's earliest convict records from the Colony of New South Wales. The exhibition highlighted records of world significance that were inscribed on UNESCO's Memory of the World International Register in 2007.

Without doubt the documents preserved forever in Sentenced Beyond the Seas form part of the archival heritage of this State. I thank the President and his staff for allowing the State Records Authority to join the Parliament House Twenty Five: Stories from Australia's First Parliament exhibition and I congratulate the authority on its wonderful initiative. Perhaps this can become an annual event in our Australia Day celebrations. Importantly, I also acknowledge the outstanding work of the board and the staff of the State Records Authority of New South Wales. I commend them for the role they played in making the Sentenced Beyond the Seas digitisation project such a worthwhile gift to the people of New South Wales to mark the 225th anniversary of the foundation of our State.

MUNDARLO BRIDGE PROPOSAL

The Hon. ROBERT BORSAK: I direct my question to the Minister for Finance and Services, representing the Minister for the Environment. What investigations into the impact on landholders has the Office of Environment and Heritage done regarding its proposal to raise the height of the Mundarlo Bridge downstream of Gundagai by about one metre to deliver more water to wetlands along the river? How much compensation will the department be liable for if cropping land is flooded and other land becomes isolated or difficult to access in what one farmer describes as political water inundating the land?

The Hon. GREG PEARCE: I thank the honourable member for that question. I will refer it to the Minister and obtain a detailed response.

POLITICAL LOBBYING

The Hon. GREG DONNELLY: I direct my question to the Minister for Finance and Services. What steps has the Minister taken to ensure that there is no conflict of interest between his deputy chief of staff and her responsibilities in his office given that her husband's lobbyist firm—

The Hon. Catherine Cusack: You have been sitting next to Walt, haven't you?

The PRESIDENT: Order! The Hon. Catherine Cusack will resume her seat.

The Hon. GREG DONNELLY: —represents a number of insurance companies—for example, Suncorp and Allianz—

The PRESIDENT: Order! The Hon. Peter Phelps will come to order. The Hon. Greg Donnelly will continue his question.

The Hon. GREG DONNELLY: —which will gain significant financial benefit from his changes to CTP green slips and workers compensation regulations?

The Hon. GREG PEARCE: My office has in place all the appropriate safeguards and codes of conduct required.

The Hon. GREG DONNELLY: I have a supplementary question. Will the Minister elucidate his answer in respect of the specific steps he has taken to ensure that there is no conflict of interest between his deputy chief of staff and her responsibilities in his office?

The Hon. GREG PEARCE: It seems that the Opposition wants to talk about couples. Let us have a look at some couples, shall we? Kristina Keneally—

The Hon. Lynda Voltz: Point of order: My point of order relates to relevance. The question specifically asked the Minister to elucidate the guidelines put in place in his office.

The Hon. John Ajaka: To the point of order: It is impossible to work out whether what the Minister was saying was relevant because he had only just commenced his answer.

The Hon. Catherine Cusack: To the point of order: The member raised conflict of interest and referred to a couple. The Minister was directly addressing that in his response.

The PRESIDENT: Order! No point of order was taken on the supplementary question, which almost certainly was out of order but I did not rule so. I waited to see whether a point of order would be taken. The Minister had just commenced his answer. He is on a short leash. If he is not being generally relevant, he will be sat down.

The Hon. GREG PEARCE: I notice that the Hon. Lynda Voltz-Ferguson—isn't it?—was quick to take a point of order.

HEAVY VEHICLE ROAD SAFETY

The Hon. SCOT MacDONALD: My question is addressed to the Minister for Police and Emergency Services. What are police doing to monitor trucks on the major northern New South Wales highways?

The Hon. MICHAEL GALLACHER: This question gives me the chance to talk about Operation North Canuck and the ongoing work by police and officers from Roads and Maritime Services who have recently been targeting heavy vehicle safety and compliance.

The Hon. Greg Donnelly: Point of order: Mr President, I am looking for your ruling on this matter—that is, the distinction between operation and operational.

The PRESIDENT: Order! I have ruled on this issue twice. The member is making a debating point. If I am required to rule again on this issue the member will be placed on a call to order.

The Hon. MICHAEL GALLACHER: Operation North Canuck was held across northern New South Wales from Sunday 17 February until Tuesday 19 February. It concentrated on the Pacific Highway, the Newell Highway and the New England Highway, the major arterial routes for heavy vehicles travelling interstate. Police officers and inspectors from Roads and Maritime Services were based at a number of locations in the State's north, including two sites on the Pacific Highway near Coffs Harbour and near Grafton, and the New England Highway at Kankool and the Newell Highway at Moree. Crash data shows that fatigue and speed are the two main factors in fatal crashes on those routes. Therefore, Operation North Canuck focused on fatigue and speed offences, as well as illegal drugs, vehicle maintenance, over-weight vehicles, load restraint and breaches of chain of responsibility laws.

A number of heavy vehicle operators were targeted and their vehicles intercepted for compliance checks. There were also random vehicle inspections. During the three-day operation the police and Roads and Maritime Services stopped 1,239 heavy vehicles. Every driver was breath tested and 905 drivers were also drug tested. Two drivers tested positive for methamphetamines. A total of 203 defect notices were issued—some were for mechanical or safety defects, such as inoperable headlights or brake lights, cracked windscreens, leaky engines or defective load restraint straps, and others were for non-compliant speed limiters. Most defect notices also result in a traffic infringement notice being issued to the driver. Police also issued infringements for driving offences and for mass and load breaches, such as unsecured loads or over-loaded vehicles. In total, police issued 171 infringements and 18 court attendance notices.

In addition, the electronic control modules of 304 trucks were downloaded. A total of 41 vehicles—that is, 13 per cent—were found to have non-compliant electronic control modules, which suggests that their speed limiters had been tampered with. I understand that most of these trucks were grounded pending further inspections and investigations. I am advised that in one case a truck was modified so that it could travel up to 150 kilometres an hour. Any vehicle travelling at 150 kilometres an hour is an accident waiting to happen, but when a truck travels at that speed it is most certainly a recipe for disaster. This operation is just one in a long line of operations that police and Roads and Maritime Services have conducted over the past year.

The Minister for Roads and I are pleased with a number of improvements in heavy vehicle safety since the police and Roads and Maritime Services started their crack-down but, as this operation shows, there are still some drivers and operators out there who are putting deadlines and profits ahead of safety. We know that the majority of truck drivers and transport operators are doing the right thing and putting safety first, but until long-term cultural change can be effected, police and Roads and Maritime Services will continue to keep up with their compliance and enforcement activities.

MURRAY-DARLING BASIN PLAN

The Hon. ROBERT BROWN: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Is the Minister aware of recent reports which claim that the deal between the Commonwealth and the States to save the Murray-Darling Basin has stalled because of the courageous and righteous insistence of the New South Wales Government that the Commonwealth agree to fund water recovery infrastructure before New South Wales signs the inter-governmental agreement? Will the Minister assure the House that the New South Wales Government will not sign that agreement without Federal funding commitment so as to protect the water users who are residents of New South Wales?

The Hon. DUNCAN GAY: I am drawn to the words "courageous and righteous", which the Hon. Robert Brown used. Those words certainly reflect my knowledge of my colleague in the Legislative Assembly.

[Interruption]

I am sorry, I thought I heard a Terrigal laughing in this place. The sounds of a Terrigal are more likely than—

The Hon. Lynda Voltz: Point of order: My point of order is relevance. The Minister was asked about signing an agreement on the Murray-Darling.

The PRESIDENT: Order! I remind members that interjections are disorderly at all times, as is responding to them.

The Hon. DUNCAN GAY: The work of the Murray-Darling Basin Authority is just not up to scratch—it drove wedges between the States in the development of the basin plan; it was supposed to bring the States together.

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

The Hon. DUNCAN GAY: However, the one thing all the States agreed on is that the role and joint funding of the Murray-Darling Basin Authority needed to be overhauled. Collectively, basin jurisdictions are currently reviewing the role of the Murray-Darling Basin Authority to look at options for more cost-effective implementation of the joint natural resource and river operations programs. While New South Wales was the first to make cuts to Murray-Darling Basin Authority funding, South Australia is now following suit—despite South Australia getting everything it wanted from the basin plan.

The Hon. Steve Whan: So you won't be funding salt interception works now?

The Hon. DUNCAN GAY: Did I hear a Terrigal again?

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

The Hon. Greg Donnelly: Point of order: My point of order is that the only Terrigal in this House is the Leader of the Government—I understand that he resides in Terrigal.

The PRESIDENT: Order! I call the Hon. Greg Donnelly to order for the first time. I have warned him about taking frivolous points of order on numerous occasions.

The Hon. DUNCAN GAY: The funding for the Murray-Darling Basin Authority to prepare a basin plan is all supposed to come from the Commonwealth—although the Commonwealth has raided funds that are intended for infrastructure programs to pay the Murray-Darling Basin Authority. The funding for the Murray-Darling Basin Authority to manage jointly owned assets and to deliver agreed programs comes through an agreement originally devised in 1915. Clearly, these arrangements should be updated. This will take time. In the interim, New South Wales will continue to provide the necessary funds to ensure critical functions such as water storage, supply and river management are undertaken to secure water supply for all users, including delivery of environmental flows. I will take the remainder of the question on notice. The House can be assured that we will not give in while this matter is in the hands of my colleague Katrina Hodgkinson and this Government. Those fiends from the Labor Party want to remove the resources of New South Wales farmers and give them to other States without input from the community.

BREWARRINA FIRE STATION

The Hon. STEVE WHAN: My question is directed to the Minister for Police and Emergency Services. What action has the Minister taken to respond to the concerns of the Fire Brigade Employees Union that corners have been cut in recent renovations at Brewarrina Fire Station which have "put officers' safety at risk"?

The Hon. MICHAEL GALLACHER: I find it hard to believe that Commissioner Greg Mullins, who does an excellent job looking after his personnel, would put the life of any fire officer at risk. In the 2011-12 financial year Fire and Rescue NSW, capably led by Commissioner Greg Mullins, renovated Brewarrina Fire Station. Fire and Rescue NSW was concerned with poor workmanship, compliance with building standards, connection to the water supply and rear lane access for appliances. Those concerns were shared by Brewarrina Shire Council, which expressed the view that such problems might have been more readily identified if a development application had been lodged.

Fire and Rescue NSW is not required to submit development approval applications as it uses a planning instrument; namely, State Environmental Planning Policy Infrastructure 2007, which provides an exemption for the Crown from the requirement to submit development applications to local councils as the consent authority. Fire and Rescue NSW has received expert advice from the Office of Public Works that the planning instrument was appropriately used. Fire and Rescue NSW has been working with Brewarrina Shire Council since late last year to resolve outstanding issues—from memory, some matters were rectified in November 2012. Fire and Rescue NSW continues to work with all contractors and Brewarrina Shire Council to ensure that all quality issues are rectified as quickly as possible. The building is operational and there is no risk to personnel or impediments to functionality.

WESTCONNEX MOTORWAY

The Hon. DAVID CLARKE: I address my question to the Minister for Roads and Ports. Will the Minister update the House on funding for WestConnex?

The Hon. Cate Faehrmann: What about the traffic problems and cross-benefit analysis?

The Hon. DUNCAN GAY: I love it when The Greens talk dirty, because the economy is not an area that one would expect them to want to talk about. I am very sad that The Greens preferenced someone else ahead of The Nationals last weekend—but I will come back to that, Jeremy. To build the economy of New South Wales and to create new jobs, Infrastructure NSW recommended WestConnex as a key priority for the State: a 33 kilometre motorway based on extending the M4 and duplicating the M5. The northern part of the project involves widening the existing M4 from Parramatta to North Strathfield, extending the M4 at North Strathfield to Petersham, and building a tunnel from Taverners Hill to St Peters to provide better access to Sydney airport and Port Botany. The southern part of the project duplicates the M5 East tunnel. It also provides for a Sydney airport access link between St Peters and the M5 East portals. The WestConnex project ticks all the boxes. It includes capacity improvements on existing roads and adds new sections of motorways to better link western Sydney with the Sydney central business district, as well as the important economic and freight hubs of Sydney airport and Port Botany.

The need for the project is clear. Almost one-third of all of Sydney's new jobs and around one-quarter of population growth are forecast to be in the M4 and M5 corridors. That is why the Government is getting on with it. The Government has already earmarked \$1.8 billion in funding and is well progressed on planning. We have established a specific project team: Sydney Motorways Project Office, involving the best people from across government and the private sector. Four separate internationally recognised construction consortiums are developing options for the Parramatta Road, airport access link and inner west tunnel sections. Specialist advisors are well underway investigating the best possible economic modelling, financing options, urban renewal, environmental and transport planning solutions for WestConnex.

Over the next three months the options developed will be narrowed down so that the WestConnex business case will be finalised by mid 2013—The Greens will be happy then. This is how the Government delivers major projects—namely, based on evidence and tested using the best thinking so that they are delivered in realistic and affordable ways for taxpayers. Tony Abbott understands this. He has committed \$1.5 billion to WestConnex. It is clear from the comments made by the Prime Minister last week that she has not taken the time to understand WestConnex, despite her most senior transport bureaucrat sitting on the steering committee

that is overseeing the business case. As the Premier has said, it looks as if Labor is finding any excuse not to properly fund infrastructure projects in Sydney, in particular western Sydney. It is time for Labor to stop playing politics with the future of this State. I call on the Prime Minister to work with the O'Farrell-Stoner Government in delivering this vital infrastructure. For starters, the Prime Minister should tell us exactly how much she will contribute to the project. If anyone read the article on her comments in the *Daily Telegraph* they would have found it very confusing.

The Hon. Walt Secord: Stop bagging the *Daily Telegraph*; we love that paper.

The Hon. DUNCAN GAY: The Hon. Walt Secord said that the Labor Party owns that paper. I cannot believe that given what it has recently said about the Labor Party. [*Time expired.*]

COAL SEAM GAS MINING

The Hon. JEREMY BUCKINGHAM: I direct my question to the Minister for Finance and Services, and Minister for the Illawarra.

The Hon. Dr Peter Phelps: Point of order: My point of order relates to member's attire. I refer the President to rulings by President Burgmann—

The PRESIDENT: Order! If the Hon. Dr Peter Phelps is referring to badges, I remind him that I am giving consideration to that matter. Unless the member has another point of order, he should resume his seat.

The Hon. JEREMY BUCKINGHAM: This is the Parliament of New South Wales. This is serious business. The Hon. Dr Peter Phelps should have some respect. As I was saying, I direct my question to the Minister for Finance and Services, and Minister for the Illawarra. Given the Minister's comments to ABC radio last week that "important water facilities in the Illawarra won't be available to coal seam gas mining", will the Minister confirm when Sydney's drinking water catchment and the Illawarra will be excluded from coal seam gas developments?

The Hon. GREG PEARCE: I thank the member for his question. The NSW Liberal-Nationals Government has announced a package of tough new ministerial measures to strengthen the regulation of the New South Wales coal seam gas industry. The new measures will make suburbs, country towns and other urban areas no-go zones for coal seam gas, and establish the Environment Protection Authority as the lead regulator. These measures were based on local New South Wales Liberal-Nationals members of Parliament making strong representations regarding coal seam gas activities on behalf of their communities.

The Government will designate the Environment Protection Authority as the body responsible for compliance and enforcement of all environmental and health-impact related coal seam gas licence conditions; establish an Office of Coal Seam Gas within the NSW Department of Trade and Investment, Regional Infrastructure and Services to administer licences and regulate non-environmental factors such as occupational health and safety; commission the Chief Scientist to conduct an independent review of all coal seam gas activities, and provide advice on managing the interface between residences and coal seam gas activities outside residential zones and growth areas; establish surface and subsurface exclusion zones of two kilometres around residential zones and future residential growth areas; and establish an exclusion zone on critical industry clusters.

These new measures build on what are already the toughest coal seam gas controls in the country, including the Strategic Regional Land Use Policy, which identifies and protects more than two million hectares of strategic agricultural land; a new Land and Water Commissioner to oversee regulation of exploration and land access agreements between landholders and miners; an aquifer interference policy to assess and protect water resources across the State; a requirement for an agricultural and impact statement to be assessed for all coal seam gas proposals; new codes of practice for the coal seam gas industry, covering well-drilling standards and hydraulic fracturing; and banning the use of evaporation ponds and the use of BTEX chemicals. I was in Orange a little while ago—

[*Interruption*]

The Hon. Duncan Gay: It took us to do that—the Government you supported was not going to do it.

The Hon. GREG PEARCE: That is right; they did nothing. All they did was issue exploration licences all over the place, but we will not go there. I was in Orange—

The Hon. Walt Secord: Point of order: It is unclear whether the Minister for Roads and Ports or the Minister for Finance and Services is answering the question.

The PRESIDENT: Order! The Minister for Finance and Services has the call.

The Hon. GREG PEARCE: I was in Orange recently and the main topic of conversation was the Hon. Jeremy Buckingham and his yellow jacket.

The Hon. Jeremy Buckingham: Point of order: My point of order is relevance. The question related to the Illawarra—the Minister might know where the Illawarra is or he may have been there occasionally—and the Minister's commitments to the people of the Illawarra that there would be no coal seam gas mining. It had nothing to do with Orange. I ask the Minister to be relevant to the question.

The PRESIDENT: Order! It is not immediately apparent how Orange is relevant to the Illawarra. I remind the Minister that his answer should be generally relevant.

The Hon. GREG PEARCE: The point about Orange is that everyone was talking about the Hon. Jeremy Buckingham and his yellow fluoro jacket. Apparently he has been seen posturing around Orange and surrounding areas in a lovely big, yellow fluoro jacket. Perhaps one day he can explain why he was wearing it.

RURAL CRIME INVESTIGATION UNIT

The Hon. MICK VEITCH: My question is addressed to the Minister for Police and Emergency Services. Given that the rate of stock theft in New South Wales continues to be at near record levels, will the Minister accept the recommendation of Senior Constable Phillip McCloskey, who told the *Land* recently, "There is a real need for a broad, dedicated rural crime investigation unit"?

The Hon. MICHAEL GALLACHER: Recently I met with rural crime investigators in Singleton. These highly skilled officers come from throughout New South Wales and specialise in rural crime in country and regional areas. They are incredibly well trained and know their business. I met one fellow from the Snowy Mountains region who performs some of his work while on horseback. Another fellow performs his work while on a motor bike. I have had the opportunity to attend a number of functions and training days relating to rural crime investigators. As the member has drawn the *Land* to my attention—I appreciate that he has provided me with a copy—I will look at it and make some inquiries about the officer's concerns. But I am of the view, based on what I saw recently, that the rural crime investigation unit is a highly professional and focussed organisation within the NSW Police Force.

QUAD BIKE FATALITIES

The Hon. SARAH MITCHELL: My question is directed to the Minister for Finance and Services, and Minister for the Illawarra. Will the Minister provide advice on what the Government is doing to reduce the number of quad bike fatalities across the State?

The Hon. GREG PEARCE: Quad bikes are now the leading cause of death on Australian farms, accounting for one-third of fatalities. Since 2000 there have been 150 deaths on quad bikes in Australia caused by head injuries, asphyxia or serious chest injuries from being trapped by overturned vehicles. Previous research and testing has failed to effectively investigate the causes of asphyxiation fatalities, which account for nearly 40 per cent of all quad bike rollover deaths in Australia. In July last year the Government committed to spending \$1 million to engage the University of New South Wales to undertake crash performance testing and research on quad bikes. This research will help to fill this knowledge gap and determine whether safety enhancements and design improvements can be made. I am pleased to announce that the first stage of the testing was launched on 8 March 2013 at the University of New South Wales transport and road safety research facilities. The testing is using a specially designed tilt-table to determine the likelihood of vehicles rolling over and causing severe injury.

The project team, comprising experts from the Transport and Road Safety Research Unit, have consulted with the world's leading specialists in quad bike safety to ensure that the most effective tests are

undertaken. Two hundred tests will be undertaken using a combination of riders, loads and operator protection devices. These tests will be conducted on 15 quad bike vehicles, comprising of eight farm or work quad bikes, three recreational or sports quad bikes and four utility side-by-side vehicles. This research and crash performance testing is part of the National Quad Bike Safety Strategy on behalf of WorkCover and the heads of workplace safety authorities to examine design features to improve vehicle safety as well as protective devices and accessories. The key service delivery performance changes will be improved quad bike stability and accessories and a broader range of designed operator protective devices fitted to quad bikes.

Other expected outcomes are to reduce injury and illness by providing safe design guidance for designers, manufacturers and suppliers of quad bikes; reduce injury and illness outcomes from quad bike rollover incidents through improved design and adoption of operator protective devices; reduce injury and illness through improved quad bike performance and stability when using quad bike accessories and attachments; build awareness and knowledge that will enable persons conducting a business or undertaking to make informed decisions regarding purchase and use of quad bikes and available accessories; form a foundation for further development of dynamic stability testing models for quad bikes; and encourage innovation in the design and development of quad bike operator protective devices and accessories. This testing will help regulators and guide manufacturers so that injury and loss of life can be prevented. Every quad bike fatality is a tragedy. It is time for researchers, regulators, manufacturers and the farming community to work together to improve safety for all quad bike users.

COAL INDUSTRY HEALTH IMPACTS

The Hon. CATE FAEHRMANN: My question is addressed to the Minister for Police and Emergency Services, and Minister for the Hunter. Last week a community-led study undertaken by independent experts into particle pollution in Newcastle suburbs—including Mayfield, Carrington and Stockton—revealed that communities living within 500 metres of coal trains and stockpiles experience particle pollution at harmful levels. The study also showed that particle concentrations at all monitoring locations were high enough to cause serious health impacts; these impacts have not yet been independently assessed. Will the Minister seek a commitment from the Minister for Health to commission a rigorous and independent health study into the impacts of particle pollution on the community, particularly children, living within one kilometre of these rail lines and the Newcastle port?

The Hon. MICHAEL GALLACHER: Expansion of the coal industry in the Hunter and, by extension, the Gunnedah Basin has resulted in a significant increase in the number of trains passing urban areas and expanded ship-loading facilities at the Port of Newcastle. The New South Wales Government is conscious of the issues and concerns in the community regarding coal transport and potential health impacts. I am advised that the Australian Rail Track Corporation, the holder of the environmental licence for the Hunter Valley coal rail network, is working closely with the Environment Protection Authority and the environmental regulator to monitor any impacts on health and the environment. Last year the Environment Protection Authority issued the Australian Rail Track Corporation with a legally binding pollution reduction program, which requires the Australian Rail Track Corporation to undertake a pilot program to monitor particulates generated by trains along the Hunter Valley rail network.

The purpose of the investigation is to allow the New South Wales Government to determine whether any measures are required to control or reduce coal dust emissions from trains. Preliminary data suggests that there is little appreciable difference between dust emissions from trains with uncovered coal loads and other types of train movements, such as freight or passenger trains. The Environment Protection Authority has asked the Australian Rail Track Corporation to undertake further air monitoring to confirm the test pilot results and verify the methodology. The results will be reported to both the Environment Protection Authority and the public. I am aware that the community-based Coal Terminal Action Group has also conducted a study of particle pollution in Newcastle and the lower Hunter coal train corridor. I am advised that the Environment Protection Authority is aware of the study and further investigation and monitoring will be conducted.

The Greens members not only in New South Wales but throughout the country have raised concerns about the impact of mining on specific communities. Indeed, my attention was drawn to a Greens member in Western Australia, a fellow by the name of Robin Chapple, who I understand is a good friend of the Hon. Cate Faehrmann. It has been drawn to my attention that for the Western Australia State election The Greens had issued their second preferences to the Shooters and Fishers Party. The Shooters and Fishers Party stood firm: they put The Greens last on their ticket. The Greens are now trying to cosy up to the Hon. Robert Brown and his workmate. They gave preference to the Shooters and Fishers in the upper House Mining and Pastoral province in

Western Australia. The National Party, the Australian Christians and the Liberal Party did the right thing and put The Greens last, and we will continue to adhere to our beliefs in regard to The Greens. I would be very concerned if, all of a sudden, during divisions The Greens start to sit closer to the Hon. Robert Brown and the Hon. Robert Borsak. I think we need some personal explanations about The Greens preferencing the Shooters and Fishers.

The Hon. Matthew Mason-Cox: How many seats did they lose?

The Hon. MICHAEL GALLACHER: It was all about holding onto that seat. Robin Chapple, a member of the Legislative Council in Western Australia and a good friend of the Hon. Cate Faehrmann—

The Hon. Cate Faehrmann: Whom I have never met.

The Hon. MICHAEL GALLACHER: The Hon. Cate Faehrmann is on the internet as a friend of his. They have obviously exchanged ideas and views. Does the Hon. Cate Faehrmann support his views in relation to the Shooters and Fishers? Does she support preferencing the Shooters and Fishers Party? She should let us know because, now that I have informed the House, Mr David Shoebridge is upstairs in an absolute tizz and he will want an answer from her. [*Time expired.*]

If members have further questions, I suggest that they place them on notice.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House and should have appeared in *Hansard* on 19 February 2013:

TREE PLANTING

On 18 October 2012 the Hon. Robert Borsak asked the Minister for Finance and Services, representing the Minister for the Environment, a question without notice regarding tree planting. The Minister for Finance and Services provided the following response:

I have been advised by the Minister for Primary Industries, the Hon. Katrina Hodgkinson, MP, that as an associate of the Australian National University, Professor Lindenmayer's views, comments or actions represent either his personal position or that of the Australian National University, not those of the New South Wales Government. A cursory inspection of recent media reporting suggests that he has made comments about the implications of plantations.

The New South Wales Government supports a sustainable development of plantation forestry throughout the State. and supports the need for socio-economic factors to be considered.

The Plantations and Reafforestation (Code) Regulation 2001 sets clear guidelines for plantation establishment and management.

A review of the Act and code commenced in 2005 and was finalised in 2010, when amendments to the both the Act and code were approved by the previous New South Wales Government. The code details requirements for:

- the level of permissible clearing;
- protection of rivers and other drainage features;
- protection of cultural sites;
- roading and harvesting operations; and
- fire prevention/safety provisions

The Act and code are administered by New South Wales Department of Primary Industries.

M5 WEST WIDENING PROJECT

On 18 October 2012 the Hon. Lynda Voltz asked the Minister for Roads and Ports a question without notice regarding the M5 West widening project. The Minister for Roads and Ports provided the following response:

I am advised:

- The M5 West widening project is about 20 kilometres in length. When the project is completed, the shoulder (breakdown lane) width will be in the range of 2.5 to 3 metres, which is within the range recommended in the Austroads guidelines.
- In addition, breakdown bays 4.5 metres in width will be provided every kilometre in each direction.

HOMELESS FATHERS

On 23 October 2012 the Hon. Jan Barham asked the Minister for Finance and Services, representing the Minister for Family and Community Services, a question without notice regarding homeless fathers. The Minister for Family and Community Services provided the following response:

There are currently no specific programs relating to single, homeless fathers.

Men in this cohort are able to access the range of appropriate services provided by the Department of Family and Community Services, specialist homelessness service providers and projects funded under the National Partnership Agreement on Homelessness.

WOOD SMOKE POLLUTION

On 23 October 2012 the Hon. Robert Borsak asked the Minister for Finance and Services, representing the Minister for the Environment, a question without notice regarding wood smoke pollution. The Minister for the Environment provided the following response:

The Options for wood smoke in New South Wales discussion paper has been released by the Environment Protection Authority [EPA] for public consultation. One option outlined in the discussion paper is for councils to be able to require owners of dwellings in areas where wood smoke is a concern to make their old fireplace or wood heater inoperable prior to the sale of a property by permanently blocking the chimney or converting the space for gas or electric heating.

The Environment Protection Authority understands the importance of features such as fireplaces in heritage listed properties and of protecting the heritage fabric of these buildings. The Environment Protection Authority is collaborating with the Heritage Council of NSW to develop appropriate measures where necessary to ensure the protection of heritage value of properties.

SNOWY HYDRO LIMITED

On 23 October 2012 the Hon. Robert Brown asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding Snowy Hydro Limited. The Minister for Resources and Energy provided the following response:

I am advised that Snowy Hydro is continuing work on a \$400 million modernisation program to replace ageing and high-maintenance plant components with modern components.

I am further advised that Snowy Hydro has made a submission to the Commonwealth Government's review of the renewable energy target, available on the website of the Climate Change Authority.

Snowy Hydro has not raised the contents of its submission as a matter of concern with my office or my department.

POLICE DEATH AND DISABILITY SCHEME

On 24 October 2012 Mr David Shoebridge asked the Minister for Police and Emergency Services a question without notice regarding the police death and disability scheme. The Minister for Police and Emergency Services provided the following response:

The Police Death and Disability Scheme is reversing the trend of large numbers of injured officers who under the former arrangement were encouraged to stay away from work and ultimately leave the NSW Police Force usually into unemployment.

The new arrangements provide support to injured officers and the services available to them are being well publicised within the NSW Police Force.

Following the introduction of reforms to the Police Death and Disability scheme, the New South Wales Government provided the NSW Police Force with \$15 million over three years to trial and evaluate new injury management initiatives and practices.

The NSW Police Force has implemented a Workforce Improvement Program to improve all aspects of injury prevention and management. Additional funding has seen an increase in injury management advisors and the creation of a dedicated Human Resources support team to intensively assist Commands to manage welfare issues.

DISABILITY SERVICES

On 24 October 2012 the Hon. Jan Barham asked the Minister for Finance and Services, representing the Minister for Disability Services, a question without notice regarding disability services. The Minister for Disability Services provided the following response:

A state-wide rollout of the Respite Assessment and Booking System [RABS] has commenced, with implementation starting in Ageing, Disability and Home Care's [ADHC] Southern, Hunter and Metro South regions.

Implementation across all Ageing, Disability and Home Care's regions is scheduled for completion by the end of July 2013.

ROAD RULES

On 24 October 2012 the Hon. Peter Primrose asked the Minister for Roads and Ports a question without notice regarding road rules. The Minister for Roads and Ports provided the following response:

I am advised that:

- The suite of changes to the New South Wales Road Rules 2008 primarily consists of minor amendments, clarifications and tightening of existing rules. While it is important that motorists familiarise themselves with these changes, the Government does not consider a moratorium on fines is in the best interests of road safety.
- While there are in total about 350 road rules, less than 50 rules have been changed. Only three new offence provisions have been introduced. Most changes are quite minor. The vast majority of rules have not changed.
- The most significant change to the rules is in relation to the use of mobile phones. From 1 November 2012, for a driver to operate a mobile phone while driving it must be secured in a fixed mounting or must not require a driver to touch any part of the phone.
- The law prohibiting a driver from using a phone held in the driver's hand has been in place for a number of years. The amendments introduced on 1 November merely tighten the existing rule and aligns it with the national model rules. It does not create a new offence.
- Transport for NSW consulted with the NSW Police Force about the possibility of a moratorium, but it was agreed that the change is merely a tightening of existing law and that it is not in the best interests of road safety for Police not to enforce the mobile phone laws. In the last financial year—2011/12—police issued over 42,000 infringement notices to motorists using a hand-held mobile while driving.
- Transport for NSW is advised that mobile phone cradles are readily available from as low as \$12. Alternatively, drivers always have the option to pull over to the side of the road, park their vehicle, then make or receive a phone call.
- There has been advertising and substantial media in the weeks prior to the new laws coming into effect on 1 November 2012 and there is considerable radio advertising planned for the following weeks. Advertisements have been placed in major newspapers, community language media and metropolitan and regional radio. In addition, the Centre for Road Safety and the NSW Police Force have conducted over 60 media interviews.
- As at Friday 2 November, there had been over 27,000 downloads of the brochure which outlines the 1 November changes to the New South Wales Road Rules 2008.

POLICE FIREARMS STORAGE INSPECTIONS

On 24 October 2012 the Hon. Robert Brown asked the Minister for Police and Emergency Services a question without notice regarding police firearms storage inspections. The Minister for Police and Emergency Services provided the following response:

I am advised that police, including those doing firearms inspections use appropriate practices to maintain security and confidentiality as required over the non-encrypted frequencies.

LIGHTNING RIDGE OPAL MINING

On 24 October 2012 the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding Lightning Ridge opal mining. The Minister for Resources and Energy provided the following response:

The Government's response is available on the Division of Resources website.

WASTE LEVIES

On 25 October 2012 the Hon. Paul Green asked the Minister for Finance and Services, representing the Minister for the Environment, a question without notice regarding waste levies. The Minister for the Environment provided the following response:

I am advised as follows:

Deductions from the waste levy are available for new asphalt or concrete used for road construction works at a licensed landfill.

The Government is currently considering the recommendations of the KPMG review into the waste levy, which was undertaken to ensure the levy was operating efficiently and effectively.

CRONULLA FISHERIES RESEARCH CENTRE

On 25 October 2012 Reverend the Hon. Fred Nile asked the Minister for Police and Emergency Services, representing the Premier, a question without notice regarding the Cronulla Fisheries Research Centre. The Premier provided the following response:

I am advised:

The New South Wales Government is currently reviewing the report and giving careful consideration to its recommendations.

We will develop a whole-of-government response which will address each of the recommendations in the committee's report. I am sure you would appreciate that developing a considered response will take time.

I note that the committee has asked the Government to respond to the report by 23 April 2013 and can assure you that we will respond ahead of that deadline.

PUBLIC SECTOR LEAVE

On 25 October 2012 the Hon. Sophie Cotsis asked the Minister for Police and Emergency Services a question without notice regarding public sector leave. The Minister for Police and Emergency Services provided the following response:

I am advised:

Emergency volunteers who are public servants may be granted special leave of up to five days in any period of 12 months.

In situations requiring major operational responses or where an emergency is declared under section 44 of the Rural Fires Act 1997, or under other relevant legislation or by the Premier, public servants who volunteer to assist are granted special leave with no upper limit. Leave granted under this arrangement does not count towards the five day upper limit specified above.

There is no proposal to remove the special leave provisions available for emergency volunteer service. Under the current application for a new Crown Employees (Public Service Conditions of Employment) Award, miscellaneous leave may be granted for this purpose.

RAILWAY STATION AUDIBLE MESSAGING

On 25 October 2012 the Hon. Jan Barham asked the Minister for Roads and Ports, representing the Minister for Transport, a question without notice regarding railway station audible messaging. The Minister for Transport provided the following response:

I am advised:

At the end of August 2012, 3,925 of RailCorp's customer front-line staff had completed disability awareness training. This included train guards, station staff, transit officers and CountryLink on-board staff. Representatives of Guide Dogs Association and other disability groups were involved with the program roll-out.

In addition, the Government recently announced that RailCorp staff will be attending radio school training to improve announcements on trains and at stations as part of the Fixing the Trains Program.

The radio school will train staff how to clearly and accurately announce what stops are coming up next, when the next train is coming and when there are disruptions and delays on the network.

The radio school program will initially be attended by more than 300 staff on the Illawarra line, between the city and Waterfall and Cronulla. If successful, the program will be rolled out to additional RailCorp customer service staff.

Transport for NSW has also started work to develop a set of new communication standards that can be applied across all types of transport when notifying customers of scheduled services and unplanned disruptions.

RURAL CRIME

On 25 October 2012 the Hon. Mick Veitch asked the Minister for Police and Emergency Services a question without notice regarding rural crime. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me:

Tumut, Gundagai and Young are all within the Cootamundra Local Area Command [LAC]. Stock theft is not identified as an increasing problem for the Command and existing policing resources are considered sufficient.

The NSW Police Force currently has 33 Rural Crime Investigators statewide, including 10 in the Southern region, which includes Cootamundra Local Area Command. All Cootamundra police officers are trained in relation to stock theft incidents and rural crime investigators have been provided with scanners to read animal tags. The Cootamundra rural crime coordinator conducts operations to assist with the detection of offenders and is working with the Livestock Health and Pest Authority and other Government agencies to reinforce crime prevention strategies within the industry.

WIN STADIUM

On 25 October 2012 the Hon. Peter Primrose asked the Minister for Police and Emergency Services a question without notice regarding WIN Stadium. The Minister for Police and Emergency Services provided the following response:

I am advised:

The question should be referred to the Minister for Finance and Services and Minister for the Illawarra, the Hon Greg Pearce, MLC.

Questions without notice concluded.

Pursuant to sessional orders debate on committee reports proceeded with.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**Report: Inquiry into Administrative Funding for Minor Parties**

Debate resumed from 26 February 2013.

The Hon. ROBERT BORSAK [5.02 p.m.], in reply: It is a pleasure to respond to the take-note debate on the report of the Joint Standing Committee on Electoral Matters inquiring into administrative funding for minor parties. I thank all my colleagues who contributed to this debate. In particular, I thank the committee members for the way in which they conducted themselves and for their diligence in the work of this inquiry. I also thank Hansard and the committee secretariat for their assistance and professionalism during the inquiry and in the preparation of the report.

I trust the Government is prudent enough to act on the committee's recommendations as quickly as possible in order to alleviate the additional burden that political parties, particularly minor parties, have faced as a result of unintended consequences brought about by amendments to the Election Funding, Expenditure and Disclosures Act 1981. I cannot conclude without commenting on remarks made by Dr John Kaye. It is easy for members of this House to fling mud in the hope that some of it might stick. Dr John Kaye's contribution proves that he is another Greens member in a conga line of Greens members who do just that on a regular basis under parliamentary privilege.

The Hon. Walt Secord: Where is he?

The Hon. ROBERT BORSAK: He should be here listening to my homily on him. Dr John Kaye claims that the inquiry is a payback to the minor parties in return for their votes and that the committee report is a memorandum of understanding between the Government, the Shooters and Fishers Party and the Christian Democratic Party. That is an absurd proposition and an insult to the integrity of every member who served on the committee. It would appear that Dr John Kaye has been reading too many conspiracy books. Let us not forget that it was Dr John Kaye and his colleagues who were wheeling and dealing with the Government on the 2012 amendments to the Election Funding, Expenditure and Disclosures Amendment Bill which brought about the unintended consequences that all political parties face today. If and when the recommendations are acted upon by the Government and given Dr Kaye's remarks in his contribution, we all look forward to The Greens publicly declining to accept the extra funding that will be made available to them. I commend the report to the House.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 2**Report: Budget Estimates 2012-2013**

Debate resumed from 19 February 2013.

The Hon. MARIE FICARRA (Parliamentary Secretary) [5.05 p.m.]: It gives me great pleasure to speak to report No. 39 of General Purpose Standing Committee No. 2 entitled "Budget Estimates 2012-2013". I thank the committee secretariat, who are always professional in the support they give us during the

consideration of the budget estimates, which occurs on a yearly basis. I also thank my fellow committee members. The membership of the committee changed based on our examination of portfolios. The portfolios covered by our committee, in the order of their hearing dates in mid-October 2012, incorporated Ageing and Disability Services, Health and Medical Research, Citizenship and Communities, Aboriginal Affairs, Mental Health, Healthy Lifestyles and Western New South Wales, Sport and Recreation, Education, Family and Community Services, and Women. Many significant issues were covered by each of the relevant Ministers and his or her executive departmental staff attending the hearings.

I have decided to focus on the committee's examination of services provided to persons with disabilities, as I believe that one can judge the heart and soul of a government at State or Federal level by the way it provides services to this vulnerable sector of our community. Minister Constance provided information to the committee on all areas of his portfolio. Last year's budget provided \$2.7 billion to the Ageing, Disability and Home Care sector, with an increase of 9 per cent in disability funding to enable the single biggest reform to disability services in this State's history. By 1 July 2014, anyone receiving disability services will have the option of using an individualised and portable funding arrangement. It will transform the lives of people with a disability and their families.

The reform of the current service system will continue to focus on integrating information services, supporting independent advocacy, and looking holistically at needs assessment, support planning, service brokerage and purchasing support, along with training and capacity building for people with a disability, their families, staff and providers. There is no doubt that with the \$2 billion in growth money and the provision of an additional 47,000 places up until the year 2016 we will see enormous change for the better.

In 2012-13 the Government is providing \$336 million, including \$106 million in capital expenditure, for the second year of Stronger Together Two. This will fund the continued increase in existing services, including therapy, respite, supported accommodation, case management, post-school programs and the development of new programs in order to help support people with a disability, their carers and families. The New South Wales and Commonwealth governments have reached an historic agreement that we all hope will allow for the rollout of the National Disability Insurance Scheme [NDIS] in New South Wales by July 2018.

If funded adequately—and I know that this is the subject of much current, and no doubt future, political controversy—the agreement will provide care and support for around 140,000 New South Wales residents with significant disability and coverage in the event of a disability to approximately one-third of the Australian population. Without doubt, this will be one of the most significant social reforms in Australia since Medicare. The system presently run by the States was identified by the Productivity Commission as unfunded and one that is, in truth, broken. We as a State Government are doing our part in terms of growth money. We are the only State or jurisdiction, including the Commonwealth, that has unprecedented growth money—\$2 billion—going into the system. It remains a serious concern that we have a high level of unmet need in the community and a lot of people are in crisis.

What we expect to see in the National Disability Insurance Scheme is a comprehensive, no-fault social insurance model that is designed to move the entire disability system from one based on rationing to one based on entitlement. We are experiencing growth in demand for services of around 9 to 10 per cent per annum, particularly driven by ageing parental carers who are no longer able to support their loved ones. We have significant challenges to overcome. This Government was proud to conduct a 12-month consultation strategy as a lead-up to our commitment to the National Disability Insurance Scheme. A Living Life My Way summit was attended by 474 people with a disability, their carers and families. Between August and December 2011 there were 186 independently facilitated focus group discussions in which 2,116 people with disabilities, their carers and families participated. There were 38 workshops involving 1,206 service providers and other stakeholders. The whole point of the National Disability Insurance Scheme is to provide much-needed peace of mind to people with a disability, their families and carers.

Minister Constance, a much-respected public figure in this area, has spoken at every opportunity of the need to give people with disabilities choice and control over the care and support they receive rather than leaving them to unpredictable and bureaucratically tortuous channels that currently exist. Under the agreement the Commonwealth will provide 51.4 per cent, or \$3.32 billion, of the funding for the full scheme in 2018-19 in New South Wales, with our Government contributing 48.6 per cent, or \$3.13 billion, to go chiefly to the cost of individual packages and other supports for people with a disability, their carers and families.

Ideally, by 2018 this State Government together with the Commonwealth should be investing more than \$6 billion a year in care and support for people with a disability in New South Wales. We know that this

agreement has been a huge achievement and I acknowledge the positive and sincere leadership of so many campaigners in the disability sector who have fought so hard for so long for this historic reform. I especially acknowledge the genuine and effective efforts of Minister Constance and his department for their commitment and passion to make this all happen on their watch. Indeed, New South Wales was the first State to sign up to full funding.

The O'Farrell Government is proud that the scheme will be launched in the Hunter this July with over 10,000 participants in the Newcastle, Lake Macquarie and Maitland regions. It is particularly pleasing that 6,800 existing clients will go into the scheme and 3,200 new clients will come into the scheme. In terms of moneys that are going into the launch site, the New South Wales Government is contributing \$585 million and the Commonwealth is contributing \$300 million; that is, this State is contributing almost double the amount of the Commonwealth Government.

With regard to Ability Links NSW and local area coordination, about 248 local area coordinators will be positioned around the State by 2014, and 27 of those places will be specific to the Aboriginal community. Our first target, critically, is the Hunter area. We need to have a good working alignment between Stronger Together Two and the National Disability Insurance Scheme. The Attendant Care Program and the high needs pool are critical in supporting people to stay at home and not move into residential aged care prematurely or into other inappropriate settings. The program provides an average of 32 hours a week of personal care and related support for people with physical disabilities to assist them to live as independently as possible in the community. An attendant care pilot has been run specifically around individualised funding and it has been very successful.

We believe there should be a single national risk pool associated with the National Disability Insurance Scheme. Commonwealth and State officials are still working on the necessary policy framework. The important Stronger Together 2 reforms are going to dovetail into the National Disability Insurance Scheme. The work this Government is doing around disability links, individualised service packages or capacity building will be the fundamental building blocks behind the National Disability Insurance Scheme. As we move through these major reforms to a person-centred system we are going to see remarkable and enormous transformation in the lives of people with a disability in this country.

In relation to funding, the O'Farrell Government is very happy to contribute existing disability funds plus growth money towards the National Disability Insurance Scheme. The bottom line is that the Commonwealth must underwrite the scheme. As Minister Constance stressed, with the growth and demand for services at the level we are experiencing the Commonwealth is the only tier of government that has the capacity, through its income tax system, to underwrite the scheme. In the order of \$7 billion to \$8 billion per annum will be required. It is only right that the Commonwealth step up to the mark in terms of its contribution towards a national rollout of the National Disability Insurance Scheme.

The National Disability Insurance Scheme funding will enable improved individualised funding to assist people with a disability in so many ways, for example, to get carers to come to their homes to assist them to get ready in the mornings so that they do not always have to rely on parents and family members. Improved funding could mean more appropriate modifications to their homes by making driveways smooth, installing non-slip surfaces, railings, bathroom and kitchen modifications and automatic doors, and allowing mobility and productivity and, indeed, human dignity. Misfortune can strike any one of us at any time and this is an issue where all members of parliaments stand together to achieve this historic reform with good intent for our nation's future.

It was noted that this Government has increased funding for the Stronger Together program by 33 per cent above the first five years in which the former Government set funding levels. That means that there is some \$2 billion in growth moneys. As part of the Stronger Together 2 strategy, \$230 million will be invested recurrently in disability support in 2012-13. This will include the delivery of an extra 1,827 new ongoing community support places throughout the year, which is in addition to the 1,745 new places created in 2011 and 2012. These new places include 860 flexible respite options to ensure people with disabilities and their carers are able to have greater choice in the type of respite they receive, including in-home support.

There is no doubt that the current disability support system in this country can often act as a barrier to people being able to achieve their life goals and their aspirations. This Government is determined to ensure that we break down those barriers as we move to the new system of support as they relate to the State-based reform in terms of Living Life My Way, the Stronger Together program and of course the National Disability Insurance Scheme.

In conclusion, I quickly touch upon the National Disability Strategy New South Wales Implementation Plan 2012-14 as the first whole-of-government disability plan for New South Wales. Six outcome areas have been targeted in this whole-of-life approach to disability planning and service delivery, with over 130 actions to be taken with time frames attached. These areas encompass inclusive and accessible communities; rights protection, justice and legislation; economic security and employment; access to personal and community support; learning and skills development; and health and wellbeing.

This initiative aims to strengthen our New South Wales skills base, improve our customer service experience, keep people healthy, break the cycle of disadvantage, make it easier for people to be involved with their communities and enhance the cultural, creative, sporting and recreation opportunities for people with a disability. The committee during its deliberation considered many portfolios. I am sure that other members will refer to other portfolio areas and I will be able to respond to any issues in my reply. I commend the report to the House.

The Hon. LYNDA VOLTZ [5.20 p.m.]: I was a member of the General Purpose Standing Committee No. 2 inquiry into the Sport and Recreation portfolio. I have had a deep and long interest in sport and recreation and know the benefits it brings to our communities. The Sport and Recreation portfolio is separate to the Healthy Lifestyles portfolio. The committee report dealt with the need for initiatives targeting sedentary children. It makes no sense to deal with that topic outside the portfolio of Sport and Recreation. The way to deal with initiatives targeting sedentary children is through sport and recreation. Unfortunately, sport and recreation has lacked support and funding under numerous governments. The impact that sport and recreation has on our economy and communities and the mental and general health of our citizens, as well as the lifestyle, the friendships and the confidence it provides to people cannot be underestimated. Yet Sport and Recreation is one of the portfolios that receive the least government funding.

In schools children are introduced to popular sports such as Australian Football League [AFL] and rugby league. These sports receive a great deal of money from media and other interests, which enables them to employ development officers to visit schools. However, children are not exposed at school to the sports they can enjoy into adulthood. Children should be exposed to a range of sports that will assist them to lead healthy lifestyles throughout their childhood and into the future. The sport that attracts the greatest number of teenage girls is soccer, or football. Women's soccer does not have the financial capacity to run programs in schools similar to those run by the Australian Football League. Young girls will play Australian football but once they hit the age of 12, given the structure of the sport in this State, they no longer participate in that sport. A great deal of school hours are invested in children playing sports such as Australian football, but a greater range of sports should be introduced in schools. Not every child wants to play rugby league, to box or to compete in a triathlon. Golf is a sport that Australians can play from their junior years through to their retirement years.

The Hon. Robert Brown: Just like shooting.

The Hon. LYNDA VOLTZ: Just like shooting. Children should be introduced to sports that they will be able to participate in for their entire life. It is an investment in their future; it is critical that people continue to exercise when they are 30 and 40 years old. Children should be exposed to sports such as cycling, running, swimming, triathlons and tennis. Golf and tennis may be considered expensive sports, but schools can utilise local facilities provided by local government. Governments across all spectrums have made the big mistake of not investing in school sport and setting up programs in a variety of sports. Sports such as soccer make a difference to the lives of teenage girls. Healthy Lifestyles and Sport and Recreation should be combined in one portfolio.

A recent milestone acted as a reminder of the impact that sport and recreation has on mental health. It was the fiftieth anniversary of Surfing Australia, which was established in 1963. To mark the event Surfing Australia listed its top ten most influential surfers over the past 50 years. Members would not be surprised to learn that Mark Richards came in at number one. At number four was Michael Richardson, or MP, who died last year. MP had spent a lot of time in Boggo Road jail. He often landed in jail because of his schizophrenia but it was surfing that kept him going. An investment in sport and recreation can have a huge impact on the mental health of our society. Those two portfolio areas should work together on mental health initiatives.

Some issues raised during the inquiry were not dealt with in the report. The closure of the Darling Harbour Convention and Exhibition Centre was mentioned, although that relates to tourism. I was also a member of the committee that inquired into Tourism, Major Events, Hospitality and Racing, but I do not believe it was raised in that inquiry. Venues come under the portfolio of Sports and Recreation and the Government has

introduced a new venue strategy. It was disconcerting to hear that WIN Stadium in Wollongong, Parramatta Stadium and Hunter Stadium in Newcastle, which traditionally have been under local community management, no longer were controlled by local boards. When we held our hearings in October last year WIN, Parramatta and Hunter stadiums did not have contracts with their major client, the National Rugby League [NRL]. The Hunter Stadium may not require an early signed contract because the Knights football team has limited options. But WIN Stadium, which has to compete with Kogarah Oval for the St George Illawarra Dragons games, cannot delay the signing of a contract. The local board had always pushed for a contract with the St George Illawarra Dragons.

If Parramatta Stadium does not have a signed contract, rugby league clubs have Sydney Olympic Park up the road and other options. A major concern for the Hunter is that Hunter Sports Group, which manages the Hunter Stadium, owns the Knights football team. The manager of the venue is the owner of a major client. At the time of the committee inquiry the Hunter Sports Group owed the Hunter Stadium \$1.238 million for the Knights football team's use of the venue and catering costs. Nathan Tinkler, the owner of the Hunter Sports Group, disputed the bill. I am unclear as to whether Nathan Tinkler has paid any of the money owed. I put the Minister on notice that he will be asked a question in this regard. If the situation I have outlined has resulted from the venue strategy, then the strategy has failed and the Government should reconsider it.

Another area of concern is the cost to parents of their children's participation in sport, which is becoming more expensive. Parents pay hundreds of dollars to enrol one child in a sporting competition. For families with two or three children it costs upwards of \$1,000 per year. Well-off families can afford to pay the fees, but the battlers will not be able to put their children into local sporting teams. The Government should develop a strategy to ensure that children are able to play with local rugby, soccer, netball and hockey clubs, and when they reach the appropriate age they can attend local shooting clubs.

The Hon. Dr Peter Phelps: Twelve.

The Hon. LYNDA VOLTZ: Is it 12 or 14? I get shooting confused with boxing. Our children are being priced out of the market, and our children will no longer be able to play sports that Australians have excelled at. I hope that the Government will develop new strategies to deal with this situation. It is a difficult issue because costs are continually being shifted onto the participants. That did not occur in the past. As a child, I did not have to pay very much to play sport. Our society needs to rethink the issue of local sport participation. The gains we make from sport and recreation are a great benefit to our society.

Dr JOHN KAYE [5.30 p.m.]: I had the pleasure of attending three sessions of General Purpose Standing Committee No. 2 for its examination of the 2012-13 budget estimates. I thank the chair of the committee for her oversight of the committee. Although I do not agree with everything she says, she does an excellent job. I also thank the committee staff, who did their usual remarkable and elegant job of looking after committee members and ensuring that the process went well. As a general comment, budget estimates hearings are too short. It is not possible to examine the Health and Education portfolios appropriately in three and a half hours. They are complex portfolios that involve complex expenditure and between them they account for about half of the State's total budget. If we were serious about accountability we would allocate more time to examine them more carefully. Our process should be more like the Federal budget estimates process. I note that in a previous life the Government Whip would have had extensive experience of the Federal budget estimates—

The Hon. Dr Peter Phelps: I am already on record saying what I think about the budget estimates process in New South Wales.

Dr JOHN KAYE: That is true. It is one of those rare confluences of opinion between us. Although I disagreed with much of what was said and much of it concerned me, the Minister for Education and the Director General of the Department of Education and Communities put in credible performances. They were polite under strenuous questioning and provided reasoned answers. Unfortunately, they are not the right answers for New South Wales—particularly the \$1.6 billion cut to the public education budget and the \$800 million cut to the TAFE budget. It is simply impossible to remove that money from the Education budget and not cause substantial damage to public school and TAFE students. Those cuts mean there will be less support. The Government has said that no teachers will disappear from classrooms, but teachers are not the only actors in public schools.

Schools have support staff, and the Department of Education and Communities has head office staff who undertake important functions that make it possible for teachers to do their job. In fact, teachers always

acknowledge the importance of the role played by support staff in schools and in the head office of the Department of Education and Communities. For the first time in 130 years we have a Government that is deliberately dismembering the Education department. Since the passage of the Public Instruction Act 1880, the fundamental precept of public education has been that teachers have the support of a bureaucracy that provides functions such as the development of curricula and materials that enhance and enrich the education process for students. Those activities are disappearing at the hands of the O'Farrell Government. The drug and alcohol education unit, which provides proven and tested expertise in helping young people to avoid adverse interactions with drug and alcohol, will disappear along with the arts unit.

Much of the basic infrastructure of public education is disappearing under the guise of Local Schools, Local Decisions, which is a manifestation of the autonomy agenda that seems to run through most political parties in this Chamber. It is being pushed by the Labor Party in Canberra and executed by the Coalition in this State. They are dismembering public education. We are being fed the entirely false notion that devolving budgets to public schools will somehow magically provide more money. It is simply an ideological commitment to dismembering a government department; it is a malign undertaking to create a disguise for future budget cuts. By the time the rubber hits the road, most of the blame will fall on the principals of public schools and TAFE colleges, not on the Minister or Coalition members. Principals will become the fall guys for bad government.

The Hon. Mick Veitch: Don't you mean "fall persons"?

Dr JOHN KAYE: Yes, I do. Principals will become the fall persons for poor government policy that puts the approval of the ratings agencies ahead of important long-term investment in the future of this nation and this State. We have talked extensively about the Gonski report. While The Greens are on record as being critical of some aspects of the report, there is no question that the \$4.78 billion that it will deliver to public schools is essential if we are to see public education thrive and deliver for the communities of New South Wales, particularly those experiencing serious socio-economic disadvantage and those in rural and remote areas. It is particularly important for schools that service children with disabilities. Without that money the future for public education is grim. The \$1.7 billion cut from the public education budget will make it extremely difficult for the public education components of the Gonski report to be implemented in New South Wales.

The Gonski proposal faces a number of barriers, and one that is now emerging is the private school lobby, which is doing everything it can to halt the implementation of the report. Those who watched *Q&A* last night saw the beginnings of a significant attack on the Gonski report by a number of actors in the private school sector. The New South Wales Government has also become an enemy of school funding reform by cutting \$1.7 billion from the public education budget. Mr Piccoli is probably being sincere when he says that he wants to see movement towards the implementation of the Gonski report. However, he must admit that cutting \$1.7 billion from the budget is more or less signing the death warrant for any substantial change, particularly in public education.

That leads me to the \$800 million being cut from the TAFE budget. That is not simply a figure. I have visited TAFE colleges in Sydney, and in rural and regional New South Wales and I now understand what it means to TAFE students and staff. There is no sadder story than the one I heard from a single supporting mother in Campbelltown who decided to attend TAFE to get a fine arts qualification so that she could obtain work in the arts community. Halfway through that qualification, which had cost her virtually nothing for the first year, she was told that it would cost her \$12,000 to complete the second year. There is no way that she can find that money, so she will not be able to complete the course.

I have heard similar stories around the State. The reduction of 800 staff, many of whom will be teachers, will destroy the TAFE sector. Teachers at the Sydney Institute have been told that they will have to reapply for their jobs and that one-third of the institute's jobs will disappear. Teaching jobs are disappearing from TAFE. We have to address not only skills shortages and the challenges that society faces in acquiring better skills but also the fundamental and profound commitment we should have to those who will not go on to university and who need to acquire those skills. The O'Farrell Government's privatisation agenda spells a death warrant not only to TAFE but also to a fair and successful society.

The Hon. MICK VEITCH [5.40 p.m.]: I make a brief contribution to debate on the report of General Purpose Standing Committee No 2 entitled "Budget Estimates 2012-2013". Every year I forget to thank the committee secretariat for its support during budget estimates hearings. Last year I noticed how heavily Opposition members relied on the committee secretariat for advice and guidance on the way things should be

done. Every year I also forget to thank Hansard staff. Budget estimates week is a busy week for parliamentarians but it is an even busier time for Hansard staff members, who have to cover a number of hearings. I also thank the Hansard staff.

There is general consensus from a number of members that budget estimates in New South Wales are meant to be modelled on the Senate estimates process. I do not advocate for a lengthy Senate estimates process but I would like to move towards that process. When the former Labor Government was in office members of the Liberal-Nationals Coalition used to complain about the fact that the time for asking Ministers questions was seriously truncated—something that is not lost on me now that I am an Opposition member. However, as that is the framework that is in place we need to work through the process. There is no comedy in the fact that I attended the Healthy Lifestyles segment of the budget estimates committee hearings. I am sure members can tell from my athletic appearance that I am seriously interested in a healthy lifestyle.

As Mental Health is an important area of public policy in New South Wales and Australia, members should have an opportunity to ask the Minister all relevant questions during that segment. The committee dealt also with Ageing and Disability Services. I referred in an adjournment speech and in a question on notice to the payroll tax rebate scheme which was established to encourage the employment of people with disabilities—a matter about which I am very concerned. All members would be aware that that scheme is performing poorly, which is atrocious. In answer to the question on notice that I asked I was advised that the scheme, which had budgeted for about 100 places, had delivered only two places. That is not a good result and that is not something about which we can be proud. I hope some action has been taken to improve the take-up of that scheme. Service providers in the field are confused about how that scheme is to operate.

In my adjournment speech late last year I called on the Government to deal with that issue as a matter of priority. The payroll tax rebate scheme was trumpeted as a way of improving employment opportunities for people with disabilities. The Government cannot be proud of a scheme that budgeted for 100 places a year but that delivered only two places. Someone has not watched what has happened with that scheme and someone has to be responsible for performance monitoring and implementation. I will be looking with interest for an answer to my most recent question on notice as to how that scheme has progressed. I hope there has since been an increase in the take-up of that scheme. I appreciate the opportunity that I am given to ask Ministers questions during the budget estimates process. I look forward to this year's budget estimates process and commend the report to the House.

The Hon. JENNIFER GARDINER [5.45 p.m.]: I refer to the report of General Purpose Standing Committee No. 2 entitled, "Budget Estimates 2012-2013", and thank the committee secretariat for its usual excellent assistance during the committee's deliberations and the production of its report. I also thank the Hansard staff who assisted the committee in their usual excellent way. General Purpose Standing Committee No. 2 has within its remit two portfolios with the largest budgets, namely, Health and Education. During the budget estimates process the committee inquires about many meaty topics relating to those and to other portfolios that it examines, including Ageing and Disability Services, Citizenship and Communities, and Aboriginal Affairs, Mental Health, Healthy Lifestyles and Western New South Wales, Sport and Recreation, Family and Community Services and Women.

Committee members across the political spectrum raised 50 or 60 specific topics that they wanted to follow up. My gratuitous advice to my colleague the Hon. Mick Veitch about the amount of time that he has to deal with many matters under the purview of estimates inquiries is to start his work in January and to be ready by October. He will then have a great deal of material. It will then just be a matter of filtering it and highlighting what he thinks are matters of the most importance to the people of New South Wales. In the Health portfolio the inquiry focused on telehealth, home trials, the use of locums in regional New South Wales and its effect on the overall Health budget, and progress relating to the massive capital works program embarked on by this Government to make up for the backlog created by the previous Labor Government in hospitals and communities in regional New South Wales and in western Sydney. In the Citizenship and Communities portfolio there was some discussion, for example, about the volunteer strategy for the State. As has already been highlighted by the chair of the committee, the Hon. Marie Ficarra, there was quite a focus on the National Disability Insurance Scheme and on other issues.

In the Aboriginal Affairs portfolio the inquiry focused on the initiatives being taken by this Government to address the lower life expectancy of Aboriginal people in New South Wales. In respect of Mental Health, Healthy Lifestyles and Western New South Wales, reference was made to the program that

targets sedentary children which relates to the question of obesity in young people referred to earlier by another member. There were discussions about a mental health program aimed specifically at providing assistance to people in communities in drought-stricken areas.

In the Sport and Recreation portfolio there was discussion about plans to redevelop the Sydney Convention and Exhibition Centre, Darling Harbour. Sydney has been overtaken by the Melbourne Convention and Exhibition Centre as the most popular city in which to hold conventions and exhibitions, and we want to change that. In the Education portfolio there was a lot of discussion about the Gonski reforms, which the Minister for Education is determined to implement in order to lift the standard of education in New South Wales. For instance, Local Schools, Local Decisions is being implemented in line with the Liberal-Nationals policy in opposition. Funding arrangements to particular parts of the Family and Community Services and Women portfolios were discussed, including out-of-home care contracts and generally improving opportunities for women across New South Wales. There was also a special focus on reducing the incidence of domestic violence and other initiatives being undertaken by the Government under the leadership of Minister Goward. It was a very interesting estimates period and I look forward to the next one.

The Hon. HELEN WESTWOOD [5.51 p.m.]: I speak in debate on the report of General Purpose Standing Committee No. 2 entitled, "Budget Estimates 2012-2013". I participated in almost all the estimates hearings, which included the portfolios of Ageing, Disability and Home Care, Health and Medical Research, Citizenship and Communities, Aboriginal Affairs, Mental Health, Healthy Lifestyles, Western New South Wales, Sport and Recreation—members will be surprised to learn that I was not a participant in that hearing—Education, Family and Community Services and Women. I value being a member of General Purpose Standing Committee No. 2 because it covers a range of portfolio areas in which I am most interested.

The shadow Minister for Ageing and Disability Services, Mrs Barbara Perry, worked hard in researching issues in that portfolio. Being able to ask Ministers and departmental heads questions about expenditure and whether or not the Government is delivering services it committed to or should be providing is one of the most valuable aspects of the budget estimates process. For instance, the Hon. Amanda Fazio and I asked Minister Constance about a \$25 million loan from Ageing, Disability and Home Care to the Department of Family and Community Services. This questionable action by the department would not have seen the light of day had it not been for the budget estimates process. The Minister was also questioned about the delivery of Stronger Together 2. We wanted to make sure that coordinators were in place to assist in its delivery. Pleasingly, both the Minister and his departmental heads provided as many answers as they could at the hearing and they then followed up on any information they did not have to hand.

The Health portfolio hearing was probably one of the most entertaining because of the forensic skills of my colleague the Hon. Luke Foley. The Minister for Health, and Minister for Medical Research could not give a clear definition of the use of the word "bed" in the annual report of NSW Health. At times the Minister was uncertain as to whether the term included beds, chairs or basinetts; by the end of the hearing she was still unable to clarify the term. Members of the media were very interested in the way in which the Hon. Luke Foley's questions exposed the Minister's lack of understanding of the use of the definition of "bed" in that report. The Minister and her departmental heads were not able to give a clear indication as to what stage the review of the grants programs in the portfolios of Health and Medical Research was up to, or as to what it would mean to various research projects and community services reliant on funding—in particular I refer to women's health centres.

It is now only a matter of months until the end of the 2012-13 financial year and the findings of that review are yet to be made public. Women's health centres still do not know whether or not they will be receiving funding beyond the end of June. These centres provide basic services such as pap smears, breast checks, advice particularly around women's reproductive health, counselling and support to women who are victims of domestic violence. In some areas women's health centres provide a clinical practice that would not otherwise exist. Women will often go to these services in preference to a general practitioner because they know in these supportive environments they will be attended to by a female doctor. There is a real risk to women's health centres in this State and the Government needs to let these organisations know whether funding will be continued beyond June. It creates uncertainty in the community and it makes it difficult for those non-government offices to retain staff. It is an absolute disgrace that the Minister for Health, and Minister for Medical Research and the Government have not been willing to tell women's health centres whether or not they will continue to receive funding.

Other members referred to the Education portfolio hearing but I particularly want to address the impact of the funding cuts to TAFE colleges on disadvantaged students. A number of TAFE courses are no longer

available to at-risk students, vulnerable students, students with disabilities and, in particular, young people who have not been able to remain in school; they have suspended their schooling for a variety of reasons. TAFE has given them an opportunity to re-commence their education with a view to acquiring qualifications and skills that will provide them with employment opportunities in the future. The severe TAFE cuts have affected many students and students with disabilities in particular.

I felt that the Minister did not provide us with adequate answers to our questions during the hearing. We gave examples of courses in high-need areas that had been cancelled or cut. When we were questioning the Minister I gave the example of the purpose-built spray painting facility at Granville TAFE. That facility was only a few years old and it had been closed. That course is no longer available at Granville. Only three colleges will provide that course. That affects young people in western Sydney, in particular, who looked to that course to ensure that they got the skills that make them employable. [*Time expired.*]

The Hon. Dr PETER PHELPS [6.01 p.m.]: I was not part of the committee's deliberations. However, I congratulate the Hon. Lynda Voltz on her comments about sport and the importance of sport in our community, especially amateur sport. I have spoken on this matter previously. The furtherance of amateur sport is a good thing for the community generally. The Hon. Lynda Voltz expressed concern—and I agree with her—about the rising costs of sport. I say that as a parent in terms of sport for children in particular, although I saw this happen when I was playing amateur sport only a couple of years ago. The rise in costs is noticeably precipitous. The member also said that she did not understand why costs are rising. I think we can ascribe the rise in costs to two significant factors. I have done this because I asked my sporting organisation why this was happening.

Two factors are primarily responsible for the increase in costs. The first is the promotion of elite sports programs within sports. I have no problem with elite sports programs, but I object to the vast majority of us effectively cross-subsidising elite sports programs. If people wish to engage in elite sports or sports at an elite level to further their professionalisation or their career, that is fine as long as they do it on their own coin. I am happy with that. I am not happy with cross-subsidisation by ordinary amateurs for the furtherance of people's potential careers.

The second factor is something in which we as legislators have a role—that is, the significant rise in the cost of insurance for sports. The significant rise is occasioned by insurance firms charging more, but it is not simply because they are gouging, although I am open to arguments that they are gouging unnecessarily. It remains a fact that there is a greater level of reliance upon the legal system to seek to remedy injuries that have occurred through the growth in tort law claims. To this extent, firms that have a close association with Labor, such as Maurice Blackburn, Slater and Gordon and the rest of the ambulance chasers, have been making a pretty penny out of tort law and tort law claims over a long period.

That has a debilitating effect on children who want to be involved in sport as the organisations that register them are required to pay more and more money by way of premiums to help insure them against very large, and in many cases unreasonably large, claims through injuries occasioned during sport. I refer members to a document—I will not read all of it because it is a public document—called, "Themes in the Law of Torts" by Justice David Ipp, AO—yes, it is that Justice David Ipp but he wrote it before he was head of the Independent Commission Against Corruption. It is brilliant and I recommend anyone read it. He said:

Over the last 80 years, the law of torts has been a weathervane, blown by the winds of political, social and economic change that have swept through the western world. These movements underlie the two great themes that have pervaded the law of torts during this time.

The first and most obvious theme is the dominance of the tort of negligence—

and he goes on to say a few words about that. The second part is particularly pertinent to sport in Australia today. He said:

The second theme is the movement of the tort of negligence from a defendant-oriented position that endured until after the Second World War, to the rampant pro-plaintiff attitude that prevailed during the last quarter of the twentieth century, followed by an abrupt U-turn tending to a more balanced approach.

Unfortunately most insurance firms seem to be working on the basis that that rampant pro-plaintiff attitude remains to this day. I contend that a large part of the problem of increasing fees, especially for junior sport, is due to this rampant pro-plaintiff attitude in the courts. If we wish to improve the health of Australian society, and especially Australian children, it will not come through the Ministry of Sport; it will come through the

Attorney General's department. The Attorney General's department will decide that now is the time to reform torts in New South Wales, to engage in genuine tort law reform and return a bit of common sense to this matter.

We could start by returning the notion of voluntary assumption of risk, that people voluntarily engage in risky activities as, if not a full defence, at least a substantial mitigation in claims for payouts. That would be a great thing to do; it would immediately have the effect of reducing the amount that organisations pay in premiums in this State. While we are at it we could also do substantial tort law reform in relation to the law of defamation, but that is entirely outside the remit of General Purpose Standing Committee No. 2. In conclusion, I congratulate the committee on its work, and I congratulate the staff. I agree that promoting amateur sport is a fundamentally healthy and worthwhile activity, and we as legislators should be doing everything in our power, including considering serious tort law reform, to help give effect to that vision.

The Hon. MARIE FICARRA (Parliamentary Secretary) [6.08 p.m.], in reply: I thank the Hon. Lynda Voltz, Dr John Kaye, the Hon. Mick Veitch, the Hon. Jennifer Gardiner, the Hon. Helen Westwood and the Hon. Dr Peter Phelps for their contributions on various aspects of the portfolios considered by the committee. In the short time available I will highlight some issues around health and medical research that are of great importance, particularly the Government's expenditure on capital works. We have made solid progress in many areas of need. I compliment Minister Jillian Skinner and Premier Barry O'Farrell on the emphasis that they are placing on medical research. For the first time there is a serious commitment to medical research in the future. They are well aware that we must reward the key scientists and clinicians in this State, and those interstate who want to help with our research projects in the future. That is a vital lifeline.

I shall refer to some of the issues covered by Minister Skinner during the budget estimates hearings of General Purpose Standing Committee No. 2, particularly the recruitment of 3,000 nurses since we were elected. The system was crying out for front-line nursing and medical specialists. In total, we have a nursing workforce of approximately 46,700 by head count—that is, 3,000 more nurses and more than 900 more doctors since we were elected. The community has welcomed this and continues to monitor what we are doing. We are spending \$5 billion in rebuilding and expanding our hospitals. There is a lot of emphasis on rural and regional hospitals and health facilities. We are reforming the Health portfolio by improving ambulance response times. To achieve this we are working in consultation with the ambulance system—the workers, the paramedics and ambulance officers. It is not dictated from above; it does not work that way. This must be done in consultation with the workers on the ground.

The Minister spoke of the wonderful things that we have done to eliminate smoking in public places in New South Wales. I note that that has been a bipartisan achievement. Minister Jillian Skinner will continue to provide leadership in New South Wales on public health issues. Organ donation rates were discussed, particularly the increase in donations. There is better communication with the community about the value of having meaningful discussions with loved ones about organ donations. As I said, we are seeing a good lift in those rates.

[Interruption]

I think most of us are. I am an organ donor, but I would not like to say for the rest of the committee. Perhaps some would like to see my organs donated prematurely, but when the time comes they will be donated if they are in a fit state for transplantation. Targeting an 80 per cent reduction in HIV transmission by 2020 is an important issue to the Minister and to this Government. We are serious about improving public education and access to medical facilities for those at risk of HIV transmission. Increasing access to palliative care for all people in New South Wales is another area where we are determined to do better. I am referring to palliative care for people who wish to stay in their own homes or, if the case necessitates, go into a hospice. If people wish to have palliative care in their homes the Government will do all it can to provide those services.

In 2012-13 the total Health budget was \$18.3 billion—\$1 billion more than the previous year. We are fair dinkum in actual money being placed in the system, not just words and rhetoric. There was a 5.4 per cent growth in recurrent expenditure and \$1 billion in capital works in 2012-13, or \$4.7 billion projected over a four-year term. Growth funding was provided for local health districts to treat more patients. We have devolved a lot of decision-making to local health districts because they know their situation better than some central head office group of bureaucrats. Thus far it is working well and is appreciated by nurses, healthcare workers and doctors working within those local health districts. In relation to emergency department presentations, it is estimated that the Government has funded more than 103,000 proportionally over and above since the last

election. The Government has funded 7,700 more planned surgical procedures proportionally since the last election. These are all important milestones and performance indicators that we need to tick off and report regularly to this Parliament.

It is pleasing that 1,300-plus nurses were recruited to hospitals in rural and regional New South Wales. It is always important that we focus on rural and regional New South Wales. In 2013, 2,000 more nurse graduates are expected in toto, and 500 of those 2,000 will be allocated to hospitals in rural and regional New South Wales. I have talked about 900 additional doctors, but it is also important for us to have medical interns coming through the system. In 2013 a total of 925 medical interns will go through the system in New South Wales. We are delighted to say that that is a record and many of those interns will be posted to rural and regional areas. We have had \$4.7 billion to rebuild hospitals at Blacktown, Mount Druitt, Wagga Wagga, Campbelltown, Hornsby, Tamworth, Wollongong, Dubbo, Port Macquarie, Bega and on the Northern Beaches.

The Hon. Steve Whan: Federal funding—Bega.

The Hon. MARIE FICARRA: Some Federal funding was allocated and Bega is in a situation where the Commonwealth is contributing significantly. We acknowledge that and welcome it. As the Opposition has now indicated that it has a deep and burning interest in this, I will go through the sums: Blacktown and Mount Druitt, \$324 million; Wagga Wagga, \$215 million; Campbelltown, \$139 million; Hornsby, \$120 million; Tamworth, \$100 million; Wollongong, \$86 million; and Dubbo, \$73 million. It is quite sizeable. The public is always interested in car parks. A total of \$108 million will go towards better car park access at Blacktown, Nepean, Liverpool, Wollongong and Shoalhaven. There is much good news in the Health and Medical Research portfolio and it delights me to talk about our achievements. We will constantly remind everyone in both Houses of these achievements and the attached time frames and performance auditing. I commend the report to the House and thank all honourable members for their contributions.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Postponement of Business

Committee Reports Order of the Day No. 3 postponed on motion by the Hon. Dr Peter Phelps, on behalf of the Hon. Natasha Maclaren-Jones.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Budget Estimates 2012-2013

Debate resumed from 19 February 2013.

The Hon. SARAH MITCHELL [6.19 p.m.]: As chair of General Purpose Standing Committee No. 4 it gives me great pleasure to present to the House the report entitled, "Budget Estimates 2012-2013". Before I review the portfolios covered by the committee during the hearings I follow the lead of many of my colleagues on both sides of the House and thank members who participated in the hearings and the Ministers and departmental staff who appeared and helped to answer our questions. I also extend my appreciation to the many committee staff for their diligence and assistance throughout the estimates process. I mention particularly Madeleine Foley, who is in the Chamber. This was my first time chairing a committee, having been elected chair of General Purpose Standing Committee No. 4 only last year, and I was very thankful to have that level of professionalism and capability from Madeleine and the rest of the team. It made the task an excellent learning experience for me. I also thank Hansard who, as always, did a wonderful job of covering the hearings.

The budget estimates hearings week is an important one in the parliamentary calendar because it gives all of us an opportunity to analyse the agency reports for the year. General Purpose Standing Committee No. 4 examined the portfolios of Police and Emergency Services, the Hunter, and Attorney General and Justice. I will cover each portfolio separately in my report and detail the topics covered in each hearing. I begin by referring to the hearing relating to the portfolio of the Hunter, during which we heard from the Minister for Police and Emergency Services, the Hon. Mike Gallacher, who is also Minister for the Hunter. It was particularly pleasing to hear that the Government has continued its strong investment in the Hunter region. This is particularly true of health services in the Hunter.

In 2012-13 a share of \$3.3 million is allocated to the Hunter New England Local Health District to employ approximately 51 more nurses. The Hon. Marie Ficarra referred in her contribution to the importance of regional nurses and I am sure all members would agree that nurses do a wonderful job particularly for local hospitals. This boost in funding is welcome news for those in the Hunter. The Hunter will also benefit from a further \$2.6 million to provide subacute rehabilitation services at Belmont and Kurri Kurri hospitals. This investment is under the umbrella of the National Partnership Agreement on Improving Public Hospital Services and brings the total annual commitment to \$9.6 million.

I was also delighted to hear during the estimates hearings that this Government is investing a further \$1.4 million in the John Hunter Children's Hospital for neonatal and intensive care services. It is an issue that is particularly close to my heart because, as members would know, many rural and regional families use John Hunter Children's Hospital if their children need help. As many members will know, perhaps not all, my husband and I are expecting our first baby in August.

The Hon. Matthew Mason-Cox: Congratulations.

The Hon. SARAH MITCHELL: Thank you. It is on the record now. I am almost halfway so there is no hiding it—not that I was trying to. As parents-to-be you hope and expect that things will go well with your own child but it is encouraging to know that if you need the services of a facility such as John Hunter Children's Hospital there is more money being invested by this Government for the care of children needing neonatal and particularly intensive neonatal services. That is a great initiative and we should all be very pleased to see that money going into John Hunter Children's Hospital.

I turn now to some of the capital works in the Hunter in 2012-13, which include \$1.5 million to commence upgrades to Cessnock Hospital emergency department. This department has been in desperate need of an upgrade for many years and it is only under a Coalition Government that the people of the Cessnock area are receiving the services that they have been asking for. We will also continue work on priority healthcare projects including \$11.4 million for Raymond Terrace HealthOne and \$1.5 million for maintenance at Newcastle Mater Hospital. Furthermore, \$16.8 million has been committed to planning and land acquisition for the new Hunter Valley Hospital in 2013-14. It is great to see the Hunter has been receiving the investment it deserves under the Minister for the Hunter, the Hon. Mike Gallacher. I am sure we will continue to invest in the region to ensure the citizens receive the services and facilities they deserve.

Policing is a major part of the portfolios covered by General Purpose Standing Committee No. 4. It is certainly a complicated and important portfolio and it is reassuring to know that we have a Minister who is an experienced hand and who understands the task in front of him. The Minister was able to inform the committee about the success of several police operations including Operation Spartan which, up until 2 October 2012, had made 522 arrests, laid 970 charges and seized or located 49 firearms. This is an excellent result by the officers involved and they deserve to be congratulated on their efforts. Furthermore, Operation Spartan has conducted nearly 6,000 person searches and over 2,000 vehicle searches.

I am sure all members would agree that the violence we have seen in Sydney over the past few years is cause for concern. The Minister informed the committee of some of the actions the Government is taking to ensure our police resources are allocated where they are needed most. Police established Strike Force Kinnarra to investigate a series of shootings in what is believed to be related to a feud between the Hells Angels and Nomads outlaw motorcycle gangs. Strike Force Kinnarra has made 43 arrests, laid 146 charges, and seized 13 firearms and 2,500 rounds of ammunition.

The Police portfolio hearing was interesting because we found ourselves in somewhat uncharted waters mainly as a result of reports that were circulating at the time and questions that were asked about ongoing internal police matters that related to Strike Force Emblems. Given that it was a sensitive topic and there was a quagmire of legal issues surrounding the proceedings it is important for me as chair to acknowledge the professionalism of the committee members when we dealt with the issue. I express the committee's thanks to the secretariat staff and especially to the Clerk, David Blunt, who provided us with timely advice so that we could be guided appropriately through the procedural maze in which we found ourselves.

I turn now to the issue of injury management funds for police. I am pleased to report that we were informed that the Government has allocated \$15 million over three years for the establishment of an injury management fund for injured officers to help them return to duty. The NSW Police Force is using this funding to trial and evaluate a number of new injury management initiatives. These new initiatives include leadership

and a psychological job analysis tool to better determine where injured officers can go to get the best out of their career. All members will agree that police officers perform a heroic role for our State and it is great to see this Government supporting a program that can help officers get back on their feet after injury.

A main part of the hearing into the Police portfolio surrounded the use of tasers. This is an important topic and I think other members of the committee would agree that a few misconceptions about taser deployment were cleared up during the proceedings. The New South Wales Ombudsman has recently released a report titled, "How are Taser weapons used by the NSW Police Force?" The findings of the Ombudsman show that the NSW Police Force should be commended for the steps it has taken to ensure that tasers are used appropriately. The NSW Police Force has extensive procedures for taser usage and each deployment is reviewed by senior police to ensure appropriate force has been exercised.

The hearings also raised the question of hazardous material such as asbestos and lead paint. The 2012-13 budget provides \$16 million to the NSW Police Force to remediate and manage hazardous materials. This is part of a broader allocation of \$61 million over four years. The committee was told that this funding will also include ongoing monitoring to deal with problems as soon as they arise, which I am sure is welcome news to everybody. The Government remains committed to ensuring the NSW Police Force works in the best possible environment and having a handle on the issues related to asbestos management is a great step in that direction.

I will briefly touch on the Emergency Services portfolio, which the Minister spoke about during the hearings. One issue that arose was the review of the emergency services levy. The committee was informed that the Government had made a commitment prior to the 2011 election to review the emergency services levy. Submissions are now open for the Funding Our Emergency Services discussion paper. The Government has advised it will closely consider the community feedback.

The Attorney General and Justice hearing took place on the second day of the budget estimates. The Attorney General and the Minister for Justice gave evidence. A wide range of topics was covered, including the reforms the Government has undertaken since coming to office, such as the Intensive Drug and Alcohol Treatment program, the performance of Corrective Services Industries, and the education and vocational training for inmates prior to their return to the community. I will begin with the reforms the Government has embarked upon and achieved over the past couple of years. One of the significant legislative reforms was the amendment of the Crimes Act 1900—

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

ADJOURNMENT

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [6.30 p.m.]: I move:

That this House do now adjourn.

WAY IN NETWORK

The Hon. NATASHA MACLAREN-JONES [6.30 p.m.]: This evening I will speak about the Way In Network and its annual International Women's Day dinner, the Glamorous Starry Night Dinner Gala, held last Friday 8 March, which I attended as the Premiers' representative. It was a pleasure to join in the celebrations for International Women's Day, which is a day for both celebration and reflection. It is a day to celebrate the achievements of women in our society and a day to reflect on the work that lies ahead in achieving gender equality for women. In addition to the annual dinner for International Women's Day, the association held the Women in Art Expression Exhibition to promote the exchange of artistic talent amongst women in Australia and Hong Kong. This exhibition is co-organised with the Hong Kong Economic and Trade Office and held at its office in Sydney. The Hon. Marie Ficarra was present at that exhibition.

The current president of Way In Network is councillor Annie Tang and the Board of Honorary Presidents includes the Hon. Helen Sham-Ho, OAM, and Jenny Wallace, a former director of the Hong Kong Economic and Trade Office. These women, along with the committee members, are making valuable contributions to help Chinese Australians to build better futures for themselves and their families. The work they do not only inspires the pursuit of excellence in art but also ensures the continued creation of initiatives that provide development opportunities and support networks for women. I acknowledge and congratulate not only the committee members but also the organisation on its achievements over the past 21 years.

The Way In Network is a migrant women's association that began in 1992 with the aim of supporting and assisting women migrating to New South Wales to integrate into Australian society. The association assists a number of women from Hong Kong, the People's Republic of China, Singapore, Indonesia, Malaysia, Vietnam, Thailand and Taiwan. Over the past 21 years, the Way In Network has assisted countless women to develop self-esteem and confidence to successfully integrate into society. The association is actively involved in the community, most notably during times of disaster. In 2002 it won the New South Wales Premier's Community Service Award. Chinese-Australian women, like all women, have contributed to all walks of life through sport, academia, business and politics. I know they will continue to play an important role in Australia into the future. It is also important that we recognise the valuable role corporate-giving has in our communities: it is good for business and for the community and it enables business to more fully engage with their social responsibilities. The Way In Network does this well whilst ensuring that people can reach their full potential.

Celebrations such as the Glamorous Starry Night Dinner Gala and other events provide a medium for the Chinese-Australian community to share their achievements, challenges and dreams. Over the past 21 years the association has raised more than \$2 million for various charities, including the Royal Blind Society of New South Wales, the Asthma Foundation, the Leukaemia Foundation, the Victor Chang Cardiac Research Institute, the Salvation Army Bushfire Appeal, the St George Hospital cancer unit, the China Earthquake Appeal, the Victoria Bushfire Appeal, and the Queensland Flood Appeal. This year the proceeds from their fundraising efforts went to the Royal Institute for Deaf and Blind Children.

The Royal Institute for Deaf and Blind Children commenced in 1860 as a small school for deaf children. Since then it has grown to be one of Australia's largest non-government providers for people with hearing and vision loss. It provides early intervention programs for children from birth to five years; five preschool programs for children aged three to five years based on a reverse integration model and support in mainstream preschools; three schools as well as a school support services for children with hearing or vision loss who attend mainstream schools; a regional or remote service where families and children receive services via teleconference; individual therapy sessions; assessment and planning services, including ophthalmologists and audiologists; outreach programs for Indigenous communities; a world-class research program and postgraduate courses for professionals working with children who are vision or hearing impaired; and a professional development program for professionals working with children with vision or hearing loss. The aim of the organisation is to develop life-changing technology, therapy, early intervention and educational services to give children with vision and hearing loss the opportunity to reach their full potential. I thank and congratulate Annie Tang and the Way In Network for the support and assistance they provide.

INTERNATIONAL WOMEN'S DAY

The Hon. HELEN WESTWOOD [6.35 p.m.]: Last Friday 8 March was the 102nd anniversary of International Women's Day. I thank the organisers of the Sydney International Women's Day march that was held last Saturday. The Sydney theme was "Our Time to Fight". It was well attended by more than one thousand people marching down George Street in celebration. This year the special guest speaker was Tara Moss, the best-selling author, television presenter and journalist. I especially congratulate Victoria Brookman and the organising committee on all of their hard work. These successful events come about with a lot of hard work, planning and stress. The march had the objectives of promoting full equality, ending breastfeeding discrimination and harassment, promoting affordable child care for all, ratifying the migrant workers convention, and stopping violence against women. During the week I noted the coverage of International Women's Day in the Sydney media. International Women's Day was largely ignored. This commentary from feminist Cathy Bloch is telling:

Yesterday, March 8th was International Women's Day. I expected the *Sydney Morning Herald* to include special features to celebrate this important day for women.

This is what I found. On page 1 was a story about the Governor-General, Quentin Bryce and her three women aide-de-camps—it ran over to page 11—near the end of the news section.

Ann Summers had a piece on page 39—nothing unusual, she is a regular contributor. I did not count the article about Julia Gillard on page 8—after all, she is Prime Minister, or Gail Kelly's appearance in Business Day as chief executive of Westpac.

At the back of the paper there were 15 pages of men's sport and one-page article about a woman discus champion, Dani Samuels.

The short article on page 22 about the NSW Woman of the Year awards was headed "Awards provoke a prize fight". And that was about it.

However, what you did feature was a two-page article about three men behaving badly.

Need I say more. Little wonder some of us despair of any fair representation in the press.

Happy International Women's Day for yesterday to 51% of the world's population who hold up half the sky.

This response is not surprising when you look at how little women are celebrated in our press. There was an article this week in *New Matilda* about the control of the media by men and the fact that women are absent from the boards. In fact, of the 95 board members identified in media corporations and companies 74 are men and only 21 are women. Twenty-two per cent of board members are men. Of the 24 chief executive officers identified, 23 are men. The domination of men in the media leads to the absence of positive features about women and appropriate coverage of many of the issues that women face. I congratulate Karen Willis, OAM, Executive Officer of the NSW Rape Crisis Centre, on her opinion piece in the *Daily Telegraph* on 5 March entitled, "Sexual violence won't be tolerated". She commented on the reported gang rape of a young woman on Sydney's streets. Karen Willis rightly points out that the focus should be on the perpetrator's behaviour. She states:

To those who committed this shocking act of violence, your behaviour is offensive in the extreme and you will be brought to account. For the rest of us, be angered and appalled that such a thing should happen, but do not jump to conclusions, or accept victim-blaming excuses, or decide that we need to say half the population should live in fear or limit their living to avoid sexual assault. Any thought women should change their movements to avoid this violence should be rejected. Women have every right to be in any place at any time doing whatever it is that they choose, just as men do. It is the offenders who are wrong. They are the ones who should not be there. It is their behaviour that needs to change. Often the offender will blame—and threaten—the person to stop them reporting to police. Clearly this is an effective strategy as only about 15 per cent of those who suffer sexual assault will report it. Focus needs to always be on the behaviour of the offenders. Too often, when it comes to sexual assault, we say the victim should not have been there, or done that, or looked like this, or behaved like that when, in fact, what we should be saying is where does the offender get off thinking they can behave like that. How dare they?

After 102 years of celebrating International Women's Day, which places the emphasis on respecting women, these commentators show that we clearly have a long way to go when it comes to women achieving true equality. I commend and congratulate Karen Willis on receiving her Order of Australia in the Australia Day Honours this year.

WESTERN AUSTRALIA ELECTION RESULTS

The Hon. ROBERT BROWN [6.40 p.m.]: I will be brief but full of joy.

The Hon. Jan Barham: Why?

The Hon. ROBERT BROWN: Because I want to share a good news story with members. It is not a local story, so members may not have seen much coverage of it in the media. It appears that The Greens lost two of their four seats in the Western Australian Legislative Council in the election held on the weekend. That is not necessarily the good news. The good news is that the Shooters and Fishers Party appears to have won a seat in that Chamber. I will tell members why that is particularly joyous in a minute. Of course, it was the first time that our party has run candidates in another State election. Mr Rick Mazza put in a remarkable effort and he will probably be elected to represent the Agricultural Region. In fact, the party also came close to winning a second seat in the Mining and Pastoral Region. While counting is still underway, and it is close, I think we will lose the second seat by a whisker to The Greens. For a first attempt at standing for election in another State, it was a good effort, particularly given that the Shooters and Fishers Party (WA) Inc. was registered only in November 2012.

The Shooters and Fishers Party will run Senate candidates in the Federal election—whenever it occurs—and on the basis of the Western Australian experience our expectations are moderately high. We are humble. There is no doubt that the Federal Government, in association with The Greens, has made the situation toxic for many electors. The Greens have used their balance of power like zealots—some of them cannot help themselves. They used to be environmentalists—and some still are—but then they became social engineers, wealth redistribution experts and unemployment creators, particularly in the coalmining industry and, indeed, in any industry they chose not to like. But enough about The Greens.

The Shooters and Fishers Party did not and does not relentlessly impose its will on either the Labor Party or the Coalition at any time. We simply negotiate hard on behalf of our main constituent base. The Western Australians have looked at what is happening in the eastern States and they respect it. The shooters, the fishers, the off-roaders, the horse riders and all outdoor recreation lovers have for years been cast aside by the major parties in alliance with parties such as The Greens. Of course, the bugbear of Western Australians, most of whom are fishers, is the lockup of Commonwealth marine reserves. Western Australian fishers have been particularly badly affected by that policy. The Shooters and Fishers Party also has proved to be a pragmatic party, as the Western Australian election demonstrates. Government policies or proposals that pass the test of being in the best interests of the State and that do not impinge on our constituents will attract our support.

The New South Wales Coalition Government understands our platform and has little difficulty in talking to us about any suggestion we might make. We have every expectation that Mr Mazza will enjoy the same approach from the newly re-elected Western Australian Premier. Nearly halfway through his first term in office Premier Barry O'Farrell has put in place a number of plans that will benefit the State. However, like many others, we would like to see him start some major infrastructure projects as soon as possible. We stand ready with helpful advice. The results of the Western Australian election were heartening for the Shooters and Fishers Party, but not entirely unexpected given the hard work and outstanding performance of Mr Mazza and his dedicated team of Western Australian freedom fighters.

NATIONAL INDIGENOUS CULTURAL INSTITUTION

The Hon. WALT SECORD [6.45 p.m.]: I draw the attention of the House to the need to establish a national Indigenous cultural institution. I speak as an Australian of Canadian Indigenous descent whose father belongs to the Mohawk and Ojibway First Nations. As a proud and mature nation, Australia has an obligation to embrace, promote and preserve the vast Indigenous cultures of this great land. Australia has the unique privilege of being home to the oldest continuous culture in the world. Australian Indigenous art is the oldest ongoing visual tradition in the world, with rock carvings, body painting and ground designs dating back more than 30,000 years. I believe such a unique legacy demands a unique and prominent response on our cultural landscape.

Yet to the amazement of thousands of domestic and international visitors who gather to see Australia's unique Indigenous culture each year, there is no national centre to house any artistic representation of this culture. Now is the appropriate time to address that omission. Australia's Indigenous art and culture is not an artefact or an ethnographic interest. It is a thriving deep well of creative expression that is respected and admired internationally. It is the representation of ancestral forces in ritual contexts such as the rock paintings of the Kimberley region and the lyrical songs of Eastern Arnhem Land. In modern times, it has been employed to raise issues and assert rights to land and recognition such as the Yirrkala Bark Petitions.

It takes in the figurative landscapes of Albert Namatijira; the Papunya Tula art movement, including the internationally acclaimed Clifford Possum Tjapaltjarri; *The First Supper* by Susan Dorothea White; the challenging 1978 painting *Judgement by His Peers* by Gordon Syron; the challenging of stereotypes in the evocative work of Tracey Moffatt; and the shell work of Esme Timbery. Australian Indigenous artists such as Vernon Ah Kee, Yvonne Koolmatrie, Trevor Nickolls and Judy Watson have proudly represented Australia at many international art fairs, including the various Venice biennales. Closer to home, artists such as the Euraba Papermakers, Fiona Foley and Gordon Hookey have all been showcased into various biennales held in Sydney.

Indigenous culture is a vibrant, living and fluid affair and it is as rich as, or even richer than, any other culture. It is complex and is reflected in multiple mediums and languages. It now features in the collections of great cultural institutions on every continent such as Paris's Quai Branly museum and the Aboriginal Contemporary Art Museum in Utrecht in The Netherlands. The Kluge-Ruhe Aboriginal Art Museum at the University of Virginia in the United States stages contemporary exhibitions and art residencies each year. A selection of etchings printed at the College of Fine Arts in Sydney will be exhibited there later this year. Therefore, I find it incomprehensible that we, as a mature nation, have no public institution of our own that is dedicated to showcasing the complex Indigenous cultures of this land.

In Canada, the Museum of Inuit Art preserves and explores the cultures of various Arctic regions, and the United States of America has the Smithsonian National Museum of the American Indian. In Australia we find recognition of our Indigenous history and culture now writ large at almost any public gathering or indeed on many public buildings such as the Recognition Wall. I note that various State galleries and museums have substantial Indigenous collections. However, there is the need for a single national institution. I believe it is our duty to create an institution dedicated to the intricacies of Aboriginal and Torres Strait Islander culture. It would provide a new cultural voice to all Australians, whether or not they are Indigenous, by celebrating this unique and powerful aspect of our national identity. Sydney would be the appropriate site for such a national institution because it is the nation's oldest city and our only truly global city. I will go further and be so bold as to suggest that there is a perfect location in Sydney. The Barangaroo Delivery Authority has produced a cultural study exploring potential cultural uses of the northern part of the new foreshore site.

With access to our global central business district and a parkland setting on our iconic harbour, Barangaroo is the perfect setting for a great new addition to our cultural landscape. While many worthwhile ideas have been and will be submitted, I believe that this one should take precedence. I urge Premier Barry

O'Farrell to seize this opportunity to create something great and new for the culture of New South Wales, just like when Premier J. J. Cahill commissioned the Sydney Opera House. J. J. Cahill did so because he foresaw how the opportunities it would provide could enrich our city. Premier Barry O'Farrell now has a chance, in this aspect at least, to be remembered as a premier of similarly great vision. The O'Farrell Government could now honour this culture by establishing a national Aboriginal cultural institution. It will not only help bind Indigenous Australians to their culture but also engage Australia as a whole in one of the world's greatest cultural legacies. I thank the House for its consideration.

PACIFIC HIGHWAY UPGRADE ENVIRONMENTAL IMPACTS

The Hon. JAN BARHAM [6.50 p.m.]: I refer to the impact of the Pacific Highway upgrade on the koalas and long-nosed potoroos. On 20 February 2013 this Chamber discussed the Pacific Highway upgrade and State and Federal Government funding issues. I now raise concerns about the adverse impacts this development is likely to have on the biodiversity of the North Coast and, in particular, the proposed route between Broadwater and Coolgardie on two iconic endangered species, the koala and the long-nosed potoroo, and the impact on significant Aboriginal protected lands.

I present this information to raise awareness with the Minister that the current proposal is flawed in terms of environmental assessment. I request that the Minister require a review of the route and consideration of an alternative option that protects the significant ecological and cultural values but still delivers a much-needed safer road by way of a dual carriageway. The current proposal is flawed in terms of the adequacy of the environmental assessment. It is vital that an independent assessment is commissioned to highlight the potential impacts of the proposed route and the devastating effect it would have on these State and nationally recognised endangered species, as well as the fragmentation of significant ecological lands.

The current proposal does not fulfil the State and Commonwealth legislative requirements for assessment of ecological values and fails to meet the Government's commitment to avoiding and minimising impacts on biodiversity. The route currently proposed by the Roads and Maritime Services for the Broadwater to Coolgardie section of the Pacific Highway upgrade is highly inappropriate due to significant adverse impacts on biodiversity and its selection directly conflicts with the agency's stated policy to "avoid and minimise impacts ... when managing biodiversity". The proposed route is 2.5 kilometres longer than an alternative, a far less damaging route paralleling the existing alignment, and it appears to have been primarily selected to obtain fill from cuttings into intersected foothills.

It will isolate and degrade the Jali Local Aboriginal Land Council's recently designated 1,000 hectares Indigenous protected area, which has been recognised by the Federal Government and established primarily to manage its rich biodiversity. This land is particularly important for biodiversity conservation on the New South Wales far North Coast, which supports six endangered ecological communities and 40 threatened species. Two threatened species listed under State and Commonwealth endangered species legislation that will be severely impacted by the proposal are the koala and long-nosed potoroo. Populations of both these species will be fragmented and isolated by the preferred route, leading to their likely local extinction. Inexplicably, neither species has been adequately assessed in the impact statements by the Roads and Maritime Services, with the koala's occurrence being dismissed as of no importance and the potoroo being ignored altogether.

The likely severity of the effects of the route's construction and its ongoing operation on the koala and long-nosed potoroo, together with other federally listed endangered species such as the Wallum sedge frog and grey-headed flying-fox, demand that its selection be considered as impacting on matters of national environmental significance under the relevant Commonwealth legislation. The long-nosed potoroo has recently been incorporated by the Jali Local Aboriginal Land Council in its logo and the species has special cultural and conservation significance to the local community. The potoroo population on the Jali land and immediately to the west has also been identified as highly significant and crucial for the conservation of the species on the New South Wales far North Coast in a recent study by four experienced North Coast wildlife ecologists.

The reprehensible treatment by the Roads and Maritime Services of this species and all other biodiversity values associated with the proposed route is inexcusable, but unfortunately it typifies the well-established strategy of forcing through a predetermined preferred route by downplaying or refusing to consider constraints that might otherwise result in the selection of a different option. A few years ago significant input was required by many residents in the Byron and Ballina shires to avoid an inappropriate coastal route that was being proposed. In light of the known ecological risk I have presented, I call on the Minister to reconsider the proposed route and ensure the process is well informed by a new assessment. The Roads and Maritime Services

must commission an independent, balanced ecological assessment of the Jali land, together with adjoining native vegetation to the west that will be isolated, fragmented and degraded by this inappropriate proposal so that the preferred route's full impact on biodiversity can be appreciated and alternatives properly considered.

INDEPENDENT COMMISSION AGAINST CORRUPTION INQUIRY INTO MINISTERIAL CONDUCT

The Hon. RICK COLLESS [6.54 p.m.]: There has already been plenty of chatter in the House today about an excellent report on last night's ABC *Four Corners* program detailing the rise of Eddie Obeid and the toxic factional environment he was able to cultivate within the former New South Wales Labor Government. I was glued to the television set, as I would imagine were all members of this House, as reporters Marian Wilkinson and Morag Rainsey forensically set out the corrupting influence that Eddie and his acolytes had on the Labor Party throughout the 16 years Labor was in power in this State.

I am sure all members are aware that the Independent Commission Against Corruption is currently investigating the circumstances surrounding a decision in 2008 by the then Minister for Primary Industries and Minister for Mineral Resources, Ian Macdonald, to open a mining area in the Bylong Valley for coal exploration, including whether the decision was influenced by the business interests of Eddie Obeid and a network of his well-connected mates. Members would also be aware that the Independent Commission Against Corruption is investigating the circumstances in which Moses Obeid, son of Eddie Obeid, provided former Labor Treasurer, the Hon. Eric Roozendaal, MLC, with a motor vehicle in 2007.

While none of the most egregious accusations levelled at Eddie and his mates, who at the time were within the New South Wales Labor Party, comes as a surprise to the wider public, I think the full extent of the power that Eddie wielded in determining the fate of Premiers and who found favour when it came to Cabinet appointments may come as a shock to those not intimately involved with the inner factional machinations of New South Wales Labor.

Former New South Wales Labor planning Minister Frank Sartor previously has provided instructive commentary on the pervasive nature of Eddie Obeid's sinister hold over the New South Wales Labor Party, particularly when describing the lengths that one ambitious young member of Parliament was driven to in order to advance his career. While being questioned during the Independent Commission Against Corruption hearings on 13 November last year, Mr Sartor provided the following outline of the Hon. Steve Whan's efforts to secure a place in the Ministry:

I think it was January '09 Rees wanted to get Robertson into the Cabinet and there were ... two notional vacancies in the Cabinet.

When I say notional because the Cabinet's a moving feast, you can make it smaller or larger if you're the Premier, and Steve got put up along with Robertson and initially I thought it was because they were trying to get the non-Terrigals to have a win to calm everyone down.

But when I spoke to Steve I said, Have you joined the Terrigals, and he said yes.

The Hon. Lynda Voltz: Point of order: If members wish to make aspersions about other members in this Chamber they should do so by way of substantive motion.

The Hon. RICK COLLESS: To the point of order: I am reading from a transcript of the Independent Commission Against Corruption inquiry, which is on the public record.

The Hon. Lynda Voltz: To the point of order: Regardless of whether it is a transcript of the Independent Commission Against Corruption, he is casting aspersions upon another member in this Chamber. If the Hon. Rick Colless wishes to do so, he should do so by substantive motion in this Chamber so that the matter can be debated.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! I listened carefully to the Hon. Rick Colless. I do not think he has made any personal reflections on the Hon. Steve Whan. I remind the Hon. Rick Colless of Standing Order 91 (3), which states:

- (3) A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

The member will abide by the standing orders for the remainder of his speech.

The Hon. RICK COLLESS: The evidence continued:

And I said, But you have stood against them every other time. He said, Well, Frank, that is the only way I ever get into Cabinet. I had to join the Terrigals.

The pretence that the Hon. Steve Whan was promoted on merit and free of the Sydney Labor sleaze has now been totally shattered for those few poor souls who were still labouring under the pretence that the promotion of the Hon. Steve Whan had some merit to begin with—

The Hon. Lynda Voltz: Point of order: The Hon. Rick Colless is obviously casting aspersions on the character of another member of this Chamber. He should do so by substantive motion so that the matter can be debated.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! I remind the Hon. Rick Colless that personal reflections on a member of either Chamber are disorderly at all times.

The Hon. RICK COLLESS: Last night's *Four Corners* report has left viewers in no doubt as to the toxic influence the Terrigal faction has wielded over this State to advance the business interests of Eddie Obeid and company in opposition to the best interests of the people of New South Wales. The Hon. Steve Whan owes it to the New South Wales public to fully explain his involvement with the Terrigal faction and his support for Eddie Obeid.

The Hon. Lynda Voltz: Point of order: The Hon. Rick Colless should be called to order on repeatedly flouting your ruling about casting aspersions on the character of another member of this Chamber.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! The Hon. Rick Colless has completed his contribution.

WESTERN AUSTRALIA ELECTION RESULTS

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [6.59 p.m.]: I join with the Hon. Robert Brown to acknowledge the result in Western Australia and to offer the sincere congratulations of this House to Premier Colin Barnett and The Nationals on the magnificent result for the Coalition. It was certainly a great result for the Shooters and Fishers Party. I offer commiserations to the Australian Labor Party and The Greens. How sad for them to have such a poor result.

[*Time for debate expired.*]

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

Motion agreed to.

The House adjourned at 7.00 p.m. until Wednesday 13 March 2013 at 11.00 a.m.
