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LEGISLATIVE COUNCIL

Wednesday 29 May 2013

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

The President read the Prayers.

INDEPENDENT COMMISSION AGAINST CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL 2013

Message received from the Legislative Assembly agreeing to the Legislative Council's amendments.

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

NATIONAL RECONCILIATION WEEK

Motion by the Hon. AMANDA FAZIO agreed to:

1. That this House notes that:
 - (a) National Reconciliation Week is celebrated across Australia each year between 27 May and 3 June,
 - (b) the week is a time for all Australians to learn about our shared histories, cultures and achievements and to explore how each of us can join the national reconciliation effort,
 - (c) the theme for 2013 is "Let's Talk Recognition", with a focus on how Australians can better recognise each other, and recognise the contributions, cultures and histories of Aboriginal and Torres Strait Islander peoples,
 - (d) the dates for National Reconciliation Week commemorate two significant milestones in the reconciliation journey, being the anniversaries of the successful 1967 referendum and the High Court Mabo decision,
 - (e) 27 May 2013 marks the anniversary of Australia's most successful referendum and a defining event in the nation's history, as the 1967 referendum saw over 90 per cent of Australians vote to give the Commonwealth the power to make laws for Aboriginal and Torres Strait Islander peoples and recognise them in the national census,
 - (f) on 3 June 1992, the High Court of Australia delivered its landmark Mabo decision which legally recognised that Aboriginal and Torres Strait Islander peoples have a special relationship to the land, which existed prior to colonisation and still exists today, and this recognition paved the way for land rights called Native Title, and
 - (g) 2012 marked the twentieth anniversary of the Mabo decision.
2. That this House notes that:
 - (a) 2013 marks the twentieth anniversary of National Reconciliation Week which started as "The Week of Prayer for Reconciliation" in 1993 and was supported by Australia's major religious groups, and
 - (b) in 1996, it changed to National Reconciliation Week under the guidance of the Council for Aboriginal Reconciliation, now Reconciliation Australia.
3. That this House congratulates Reconciliation Australia for the important work that they do in promoting reconciliation and recognition of the contribution of Aboriginal and Torres Strait Islander peoples to Australia's culture and history.

COMMUNITY SPORTS AWARDS 2013

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes:
 - (a) the 2013 Community Sports Awards, hosted by the NSW Sports Federation, provide an opportunity to celebrate the contribution made by volunteers in sport,
 - (b) volunteer coaches, managers, committee members, umpires, referees, and fundraisers make up around 8 per cent of all non-playing roles in sport, and
 - (c) sport volunteers make up nearly 30 per cent of all volunteers in New South Wales.

2. That this House acknowledges the recipients of the awards for 2013:
 - (a) Official of the Year: David Gentles—Hockey Illawarra,
 - (b) Young Official of the Year: Lachlan Daniel—Football Ambarvale,
 - (c) Coach of the Year: Maria Lynch—Netball Sutherland,
 - (d) Young Coach of the Year: Max Enders—AFL Narara,
 - (e) Administrator of the Year: Neil Cameron—Bicycle Moto Cross Lennox Head,
 - (f) Volunteer Support of the Year: Judy Mustard—Australian Football Queanbeyan,
 - (g) Volunteer Management of the Year: 2013 Allphones State SLS Championships—Surf Life Saving NSW,
 - (h) Community/Regional Event of the Year: Fernleigh 15—Athletics NSW Newcastle,
 - (i) Community/Regional Media of the Year SEA FM/2GO—Surf Life Saving NSW Gosford, and
 - (j) Distinguished Long Service:
 - (i) Barry Blanchard—Softball, South Penrith,
 - (ii) Michael Clay—Rugby, Ashfield,
 - (iii) Lorraine Dunkley—BMX, Lyndhurst,
 - (iv) Jenny Frankum—Pony Club, Orangeville,
 - (v) Rozlynn Grey—Swimming, Royal Life Saving Heathcote,
 - (vi) Ron Hughes—Football, Liverpool,
 - (vii) Trevor Klein—Equestrian, Millthorpe,
 - (viii) Dorothy Lockwood—Netball, Tamworth,
 - (ix) Michael Parslow—Tennis, Glenhaven,
 - (x) Peter Smith—Archery, Neath,
 - (xi) Yvonne Talbott, OAM—Wheelchair Sports, Beverly Hills,
 - (xii) Jim Woodlock—Australian Football, Coffs Harbour,
 - (xiii) Ian (Rick) Wright—Surf Life Saving, Swansea.
3. That this House congratulates and commends all Community Sports Award recipients and the Minister for Sport and Recreation, the Hon. Graham Annesley, MP, for his continued support of the Community Service Awards, the NSW Sports Federation and volunteers across New South Wales.

ST GEORGE COPTIC ORTHODOX CHURCH

Motion by the Hon. DAVID CLARKE agreed to:

1. That this House notes that:
 - (a) on 26 May 2013 the Coptic community of Sydney held an ecumenical prayer service at St George Coptic Orthodox Church, Kensington, in support of the Coptic Christian community of Egypt who are suffering an ongoing campaign against them of sectarian persecution and violence, and
 - (b) those who attended as guests included:
 - (i) Reverend Father Scoutas, representing His Eminence Archbishop Stylianos, the Greek Orthodox Church of Australia,
 - (ii) Reverend Father Dominic Ceresoli, Episcopal Vicar for Migrants and Refugees in the Catholic Archdiocese of Sydney,
 - (iii) Deacon George Tadourion and Deacon Michael Soliman, representing His Eminence Archbishop Robert Rabbat of the Melkite Catholic Church,
 - (iv) Reverend Father Loubnan Tarabay, representing His Lordship Archbishop Ad Abi Karam of the Maronite Catholic Church,

- (v) Reverend Father Aloysius of the Catholic Church, Parish of Kensington,
 - (vi) Reverend Craig Segart, Rector of St Nicolas Anglican Church,
 - (vii) Reverend Abdallah Bahri representing the Iraqi Evangelical Arabic Church,
 - (viii) Senator Matt Thistlethwaite, representing the Federal Minister for Immigration, the Hon. Brendan O'Connor, MP,
 - (ix) Mr Craig Kelly, MP, Federal member for the seat of Hughes,
 - (x) Reverend the Hon. Fred Nile, MLC, Assistant President of the Legislative Council of New South Wales,
 - (xi) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier of New South Wales,
 - (xii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and representing the Hon. Greg Smith, MP, Attorney General and Minister for Justice,
 - (xiii) Mr Michael Daley, MP, shadow Treasurer and shadow Minister for Finance and Services, representing the Hon. John Robertson, MP, Leader of the Opposition,
 - (xiv) the Hon. Sophie Cotsis, MLC, shadow Minister for Local Government, shadow Minister for Housing and shadow Minister for the Status of Women,
 - (xv) Dr Eman Sharobeem, Commissioner of Community Relations Commission NSW,
 - (xvi) Councillor Morris Hanna, Marrickville Council, and
 - (xvii) Councillor Kent Johns, Mayor of Sutherland Shire Council.
2. That this House expresses its solidarity with those who organised and attended the ecumenical prayer vigil in their protest at the ongoing sectarian persecution and violence being perpetuated against Egypt's Coptic Christian community.

AUSTRALIAN ARAB BUSINESS NETWORK

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

1. That this House notes that:
- (a) on 21 May 2013, a business luncheon was held between the Australian Arab Business Network [AABN] and 37 members of the Parliament of New South Wales, including the Hon. Don Harwin, President of the Legislative Council, Mr Thomas George, MP, Deputy Speaker, the Hon. John Robertson, MP, Leader of the Opposition, the Hon. Amanda Fazio and others,
 - (b) the luncheon was held to discuss the importance of a strong trade relationship between Australia and the Arab world,
 - (c) the luncheon was hosted by Mr Tony Issa, MP, and the Hon. Shaoquett Moselmane, MLC, and
 - (d) Mr Hassan Moussa, President of the Australian Arab Business Network, noted that Australia has an opportunity to raise its export and import potential with the Arab world and urged both members of government and businesses to work together to take advantage of possible trade opportunities with the Arab world.
2. That this House congratulates Mr Moussa and members of the Australian Arab Business Network on a successful luncheon and wishes them well in future endeavours to expand trade opportunities between Australia and the Arab world.

ITALIAN NATIONAL DAY

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:
- (a) on Sunday 26 May 2013 Italian National Day was celebrated by thousands of people at Club Marconi, Bossley Park,
 - (b) Italian National Day commemorates the institutional referendum of 1946 when, by universal suffrage, the Italian population was called to decide what form of government, monarchy or republic, to give to the country after the Second World War and the fall of fascism and after 85 years of monarchy,
 - (c) with 12,717,923 votes for and 10,719,284 votes against, Italy became a republic, and the monarchs of the House of Savoy were deposed and exiled,

- (d) the Premier of New South Wales, the Hon. Barry O'Farrell, MP, officially launched the festival and celebrations and the service was presided over by Father Antonio Fregolent, and
 - (e) other dignitaries in attendance included:
 - (i) Senator Concetta Fierravante-Wells, representing the Federal Leader of the Opposition, the Hon. Tony Abbott, MP,
 - (ii) the Hon. Chris Bowen, MP, representing the Prime Minister, the Hon. Julia Gillard, MP,
 - (iii) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier,
 - (iv) Mr Guy Zangari, MP, shadow Minister for Citizenship and Communities, representing the New South Wales Leader of the Opposition, the Hon. John Robertson, MP,
 - (v) Mr Andrew Rohan, MP, member for Smithfield,
 - (vi) Mr John Sidoti, MP, member for Drummoyne,
 - (vii) Councillor Frank Carbone, Mayor of Fairfield City Council,
 - (viii) Fairfield City councillors Dai Le, Ken Yeung, George Barcha and Milovan Karajcic,
 - (ix) Councillor Tony Mustaca, OAM, Secretary of the New South Wales Government's Italian Ministerial Consultative Committee,
 - (x) Councillor Joe Cossari, Knox City Council, Victoria,
 - (xi) Mr Vince Foti, President of Club Marconi and member of the New South Wales Government's Italian Consultative Committee,
 - (xii) Mr John Caputo, OAM, President of the Italian National Day Celebration Committee, Sydney, and member of the New South Wales Government's Italian Consultative Committee, and
 - (xiii) Mr Armando Tornari, OAM, *La Fiamma* newspaper.
2. That this House acknowledges Club Marconi and its board of directors: President Vince Foti, Mario Soligo, Joe Romeo, Graziano De Bortoli, Frank Oliveri, Robert Carniato, Berti Mariani, Sandro Beretta, Sam Noiosi, Morris Licata, Andrea Carnuccio and Delfina Pipitone for hosting the successful 2013 Italian National Day celebrations.

CO.AS.IT. ITALIAN NATIONAL BALL

Motion by the Hon. AMANDA FAZIO agreed to:

- 1. This House notes:
 - (a) that on Friday 17 May 2013 Co.As.It held the forty-fifth Italian National Ball at Le Montage, Lilyfield, under the auspices of the Italian Embassy, the Italian Consulate General in Sydney and COMITES NSW,
 - (b) the ball celebrates Italian National Day and raised over \$45,000 to support the Italian Bilingual School as it develops on its new grounds at Meadowbank. Over 500 guests attended, including prominent figures from businesses, community organisations, political representatives and members of the community,
 - (c) Paul Bongiorno, National Affairs Editor, Ten News, acted as master of ceremonies, and
 - (d) that the following dignitaries were present:
 - (i) Mr Sergio Martes, Consul-General of Italy in Sydney, and Mrs Martes,
 - (ii) The Hon Anthony Albanese, MP, Federal Minister for Infrastructure and Transport, representing the Prime Minister,
 - (iii) Senator Concetta Fierravanti-Wells, representing the Federal Leader of the Opposition,
 - (iv) Mr John Murphy, MP, Federal member for Reid,
 - (v) The Hon. John Robertson, MP, Leader of the Opposition,
 - (vi) The Hon. Victor Dominello, MP, Minister for Citizenship,
 - (vii) The Hon. Amanda Fazio, MLC,
 - (viii) The Hon. Marie Ficarra, MLC,
 - (ix) The Hon. Shaoquett Moselmane, MLC,

- (x) Mr John Sidoti, MP, member for Drummoyne
 - (xi) Ms Carmel Tebbutt, MP, member for Marrickville, and
 - (xii) Mr Guy Zangari, MP, shadow Minister for Citizenship.
3. That this House recognises the hard work and dedication of the board of directors:
- (a) President Lorenzo Fazzini,
 - (b) Vice President Frank Chiment,
 - (c) Treasurer John De Bellis,
 - (d) Honorary Secretary Claudia Ganora, and
 - (e) Directors Lou Bacchiella, Paul Dovico, Maria Pirrello, Linda Restuccia and Rita Zammit.
4. This House notes the contribution of the sponsors of the event:
- (a) Principal sponsor—Cathay Pacific
 - (b) Major sponsors—Navarra venues, Prografica
 - (c) Event sponsors—Italianicious, LAF Group, De Lorenzo, Gulli Distributors, Duncan Dorico, Barilla, Club Marconi, Curwoods Lawyers, Silhouette Smash Repairs, Cranbrook Care, Ben Sonogo and family, Applaud Services and Technologies, Club Italia, Prysmian Group and the Commonwealth Bank.
 - (d) Support sponsors—CME Consulting Engineers, SOP Real Estate, Moretti Café, Gelatissimo, Ducati and Emporium Rossini.
5. This House congratulates Co.As.It on the success of this event and for the wonderful contribution they have made in the last 45 years for the Italian-Australian community.

KOREAN AUSTRALIAN PROFESSIONAL COCKTAILS FOR CHARITY NIGHT

Motion by the Hon. DAVID CLARKE agreed to:

1. That this House notes that:
- (a) on 24 May 2013 the second annual Korean Australian Professional Cocktails for Charity Night organised jointly by the Korean Australian Lawyers Association and the Korean Australian Young Leaders was held in Sydney to raise funds for the Wayside Chapel at Kings Cross,
 - (b) at the event the following individuals were recognised as the Korean Australian Young Professional Achievers for the year 2013:
 - (i) Mr Ken Woo, accountant,
 - (ii) Ms Alice Lee, doctor,
 - (iii) Mr Charles Cho, lawyer, and
 - (c) those who attended as guests and addressed the gathering were:
 - (i) Reverend Graham Long for the Wayside Chapel, Kings Cross,
 - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Greg Smith, MP, Attorney General and Minister for Justice, and
 - (iii) Mr Charles Casuscelli, MP, member for Strathfield.
2. That this House:
- (a) congratulates Mr Ken Woo, Ms Alice Lee and Mr Charles Cho for being chosen as the Korean Australian Young Professional Achievers for 2013, and
 - (b) commends:
 - (i) the Korean Australian Lawyers Association and the Korean Australian Young Leaders for their ongoing work for charity and for so ably representing Korean Australian young professionals, and
 - (ii) the Wayside Chapel for its humanitarian and charitable work in aiding those in need within New South Wales since 1964.

AUSTRALIAN ARABIC COMMUNITY EVENTS**Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

1. That this House notes that Australian Arabic community organisations have held many events recently, including:
 - (a) Al Mabarar Association Australia held its annual orphans fundraising event in Lidcombe,
 - (b) the Lebanese Community Council of NSW and the Australia South Lebanon Youth and Community organisation marked the anniversary of the liberation of Southern Lebanon on 25 May 2000 with community celebrations,
 - (c) on 26 May 2013 the Bhanin Elminieh Association held its fundraiser barbeque for autism at Campbell Hill Park, Guildford, in the presence of Federal Minister the Hon. Jason Claire, MP, the Hon. Barbara Perry, MP, member for Auburn, and the Hon. Shaoquett Moselmane, MLC, and
 - (d) on 26 May 2013, the Iraqi community held its annual fundraiser at Fairfield for Iraqi orphans.
2. That this House notes the Australian Lebanese Community celebrations of liberation of South Lebanon.
3. That this House notes the many charitable and humanitarian work undertaken by the Australian Arabic speaking community.

BRUNSWICK HEADS MARINE RESCUE**Motion by the Hon. AMANDA FAZIO agreed to:**

1. That this House notes that:
 - (a) on 16 May 2013 Brunswick Heads Marine Rescue commissioned their new vessel BR30 at the boat harbour at Brunswick Heads,
 - (b) the following people were present for the commissioning:
 - (i) Stacey Tannos, Commissioner of Marine Rescue NSW,
 - (ii) Nigel Stewart, Arakwal and Bundjalung member,
 - (iii) Diane Woods, Deputy Mayor, Byron Shire Council,
 - (iv) Allen Hunter, Councillor, Byron Shire Council,
 - (v) Craig Elliott, representing the Federal member for Richmond Ms Justine Elliott, MP,
 - (vi) the Hon. Amanda Fazio, MLC, Labor duty MLC for Ballina,
 - (vii) Owen Danvers, Brunswick Heads Unit Commander,
 - (viii) Lazlo Szabo, Deputy Unit Commander and boat captain,
 - (ix) Bill Collingburn, boat builder, Yamba Welding and Engineering,
 - (x) Laurie Hart, Christian Life Centre Church, Billinudgel,
 - (xi) Robert Goodacre, former boat captain for 22 years,
 - (xii) Andrea Danvers, Treasurer, Brunswick Heads Marine rescue, and
 - (c) the commissioning ceremony took place during National Volunteers Week and Marine Rescue NSW has more than 3,200 volunteers in 47 units along the coastline from the Queensland border to Eden in the south and inland on the Alpine Lakes and the Murray River at Moama.
2. That this House notes that:
 - (a) the Brunswick Heads bar is reputedly the third most dangerous in the State,
 - (b) vessels need to be registered and skippers need a New South Wales boat licence or equivalent,
 - (c) life jackets must be worn when crossing the bar and it is strongly recommended that boat owners contact the radio tower before crossing the bar, both outward and inbound,
 - (d) in 2012 Brunswick unit members assisted 33 people aboard 17 vessels, and
 - (e) so far this year the unit has gone to the aid of another 13 people on nine vessels.

3. That this House notes that:
 - (a) the new rescue vessel BR30 is a purpose-built, \$390,000 rescue boat which features state-of-the-art navigation and rescue equipment such as infrared cameras which will enable quicker response times to emergencies and will also allow the rescue crew to conduct rescues further out to sea, and
 - (b) the rigid-hulled inflatable boat is powered by twin 250 horsepower Mercury Verado engines and can reach speeds above 40 knots, 74 kilometres per hour.
4. That this House notes that the vessel was built just a few hundred kilometres south at Yamba by Yamba Welding and Engineering which employs around 20 local people, providing vitally needed regional jobs.
5. That this House recognises and thanks the volunteers of Brunswick Heads Marine Rescue for the lifesaving work they perform for the boating community.

CEBIT AUSTRALIA 2013 CONFERENCE

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:
 - (a) on 28 May 2013, the Premier, the Hon. Barry O'Farrell, MP, and Deputy Premier and Minister for Trade and Investment, the Hon. Andrew Stoner, MP, announced that the Government has secured CeBIT Australia for Sydney over 2014-16,
 - (b) CeBIT Australia is the Asia-Pacific arm of the world's largest trade fair event and the largest business technology event in the Asia Pacific, attracting more than 30,000 attendees from more than 45 countries each year, and generating around \$30 million in direct flow-on value to the New South Wales economy,
 - (c) 2013 marks CeBIT Australia's twelfth consecutive year in Sydney,
 - (d) CeBIT Australia is a magnet for the best tech talent the world has to offer, and maintaining the event in Sydney helps promote the State's reputation as one of the Asia Pacific's leading hubs for technology, productivity and innovation, and
 - (e) Sydney is Australia's information and communications technology [ICT] hub and the Government wants to ensure it remains a beacon for growth and innovation in the digital economy in the Asia-Pacific and around the world.
2. That this House:
 - (a) acknowledges the Premier, the Hon. Barry O'Farrell, MP, the Deputy Premier and Minister for Trade and Investment, the Hon. Andrew Stoner, MP, and NSW Trade and Investment for securing CeBIT in Sydney for another three years, and
 - (b) acknowledges CeBIT for continuing to showcase and promote Sydney's role as an information and communications technology hub around the world.

TRIBUTE TO MR UMAR GHANI

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

1. That this House notes that:
 - (a) a prominent member of the Australian-Pakistani Community, Mr Umar Ghani, passed away on Wednesday 22 May 2013 after a long and courageous battle with cancer,
 - (b) Mr Ghani was the Public Relations Officer of Rabitah International Magazine and for many years was also Vice President of the Pakistan Association of Australia,
 - (c) Mr Ghani was a very popular and hard-working community volunteer, and was most well-known for his compassion and charity, and
 - (d) a memorial service was held on 26 May 2013 which was attended by hundreds of mourners including politicians, business, community and religious leaders and members of the Indo-Pakistani community.
2. That this House express its condolences to Mr Ghani's friends and family, particularly to his wife and children.

INDIAN LINK'S MOTHER OF THE YEAR**Motion by the Hon. AMANDA FAZIO agreed to:**

1. That this House notes that Sweetie Makwana received the award for being *Indian Link's* Mother of the Year 2013 in recognition of her dedication to her two-year old daughter, Twisha, who has Long Gap Oesophageal Atresia due to being born without an oesophagus, which means she requires special care for 24 hours each day.
2. That this House notes that a fundraising campaign is being conducted to raise the \$800,000 necessary for Twisha to travel to the Boston Children's Hospital to have extensive corrective surgery which cannot be performed in Australia.
3. That this House congratulates Sweetie Makwana on her award and the runners up Nandita Roy and Akila Ramarathinan and wishes Sweetie Makwana every success in raising funds for Mission Twisha.

INDIAN ARMY AND NAVY ANZAC DAY MARCH**Motion by the Hon. AMANDA FAZIO agreed to:**

1. That this House notes that:
 - (a) 10 veterans of the Indian Army and Navy participated in the Sydney Anzac Day parade who marched under the banner of the Indian Defence Forces honouring and remembering the Indian soldiers who fought alongside the Anzacs at Gallipoli,
 - (b) a Sikh contingent also marched under the banner of the Sikh Council of Australia,
 - (c) at Gallipoli, the 7th Indian Mountain Artillery Brigade, the Indian Mule Corps, a medical establishment and the 29th Indian Infantry Brigade represented the Indian Army, and
 - (d) over 1,000 Indian soldiers lost their lives in the Gallipoli campaign including 371 from the battalion of the 14th Sikh Regiment and 136 from the first battalion of the 5th Gurkha Rifles.
2. That this House welcomes the participation of these veterans in the Sydney Anzac Day march.

BANGLADESHI GARMENT WORKERS**Motion by the Hon. AMANDA FAZIO agreed to:**

1. That this House notes that:
 - (a) Bangladesh is the third largest exporter of garments in the world to the United States, following only China and Vietnam, and a large exporter to Europe, and
 - (b) Bangladesh's garment workers are among the hardest working women and men in the world, but also the most exploited, earning the lowest minimum wage in the world.
2. That this House notes that there are serious deficiencies on the working conditions for Bangladeshi garment workers which have been highlighted by the following recent workplace tragedies, including:
 - (a) Tazreen Factory Fire on Saturday night 24 November 2012, during which well over 112 Bangladeshi workers were burned to death, trapped in a factory sewing garments for Wal-Mart, Disney, Sears, Sean Combs/ENYCE, Target, and others, and both the Bangladeshi police and firefighters have confirmed that the collapsible gates on each floor were padlocked to keep the workers from fleeing the fire, as firefighters had to use bolt cutters to cut the locks,
 - (b) Smart Fashion Garment Factory Fire on Saturday 26 January 2013:
 - (i) during which seven women garment workers were crushed to death as workers raced to escape the fire,
 - (ii) approximately 700 workers, over 70 per cent of whom are young women, toiled at the Smart Fashion factory, which is housed on the second floor of a two-storey building,
 - (iii) the Smart Fashion factory illegally lacked even the most rudimentary fire safety equipment, and
 - (c) Rana Plaza Building Collapse on 24 April 2013:
 - (i) a multi-storey building where five major factories employed more than 4,000 people collapsed in Dhaka leaving over 1,100 dead and around 1,000 injured,
 - (ii) large structural cracks appeared in the Rana Plaza the day before and an evacuation order was given,
 - (iii) the building and factory owners ignored the warning and insisted work continue hours before the building collapsed,
 - (iv) this was the worst ever industrial accident in Bangladesh.

3. That this House notes that:
 - (a) the people affected are poor garment workers, most of them women, who do not have any kind of insurance or support,
 - (b) their injuries are severe, including several amputations, which require long term medical treatment and rehabilitation, all of which is very expensive,
 - (c) relatives have been forced to sell the little they have to cover the immediate cost of the treatments for the victims,
 - (d) they are also selling their livelihoods, their only source of income, which threatens their future and holds people back in poverty,
 - (e) many families that lost the only breadwinner are struggling to meet ends and buy food and basic items, in particular, those who left behind children, disable and older members, and
 - (f) the impact on the families is enormous and it is particularly devastating for women.
4. That this House welcomes the announcement of the Government of Bangladesh to allow the country's garment workers to form trade unions without prior permission from factory owners and their plan to raise the minimum wage for garment workers, who are paid some of the lowest wages in the world to sew clothing bound for global retailers.
5. That this House:
 - (a) does not support any boycott of garments produced in Bangladesh, and
 - (b) calls on other Australian retailers to follow the actions of some of Australia's biggest retailers, including Woolworths, Coles owner Wesfarmers and department stores Myer and David Jones, who have announced they will review supply arrangements for garments sourced from Bangladesh to ensure that the goods are made in safe circumstances.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1363 outside the Order of Precedence objected to as being taken as formal business.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a Performance Audit Report of the Auditor-General entitled "Management of historic heritage in national parks and reserves: Office of Environment and Heritage—National Parks and Wildlife Service", dated May 2013, and authorised to be printed this day.

IRREGULAR PETITION

Leave granted for the suspension of standing orders to allow the Hon. Penny Sharpe to present an irregular petition.

Pensioner Public Housing Rents

Petition calling on the Government not to raise public housing rents for pensioners when the Federal Government increases pensions, received from the **Hon. Penny Sharpe**.

HEAVY VEHICLE (ADOPTION OF NATIONAL LAW) BILL 2013

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

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.21 a.m.]: I move:

That this bill be now read a second time.

The purpose of the Heavy Vehicle (Adoption of National Law) Bill 2013 is to apply the National Heavy Vehicle Law as a law in New South Wales. This delivers a decision of the Council of Australian Governments [COAG]

to establish a single national heavy vehicle regulator [NHVR] to streamline safety and access regulation for heavy vehicles over 4.5 tonnes across Australia, whilst ensuring that the standards which apply to heavy vehicles in New South Wales are maintained and strengthened.

In June 2009 the Council of Australian Governments voted to establish a single national regulator for heavy vehicles, rail safety and marine safety, as well as a national rail safety investigator. New South Wales has already passed applying law for rail safety and domestic commercial vessels, thus leaving only heavy vehicles to attend to. The Heavy Vehicle National Law received Royal Assent in Queensland on 26 February 2013, paving the way for other jurisdictions to follow suit. The bill marks the New South Wales Government's strong commitment to the national reforms and to establishing the National Heavy Vehicle Regulator in New South Wales. In fact, this strong commitment has been on display for some time. The New South Wales Government provided over \$5 million to the then National Project Office to develop and establish the national regulator. In addition, the Government has agreed to provide \$5.2 million to the regulator for the 2014 financial year to help fund the regulator's first full year of operations.

These reforms are part of the National Partnership Agreement to deliver a seamless national economy which aims to reduce costs incurred by business in complying with unnecessary and inconsistent regulation across jurisdictions, enhance Australia's longer term growth, improve workforce participation and overall labour mobility and expand Australia's productive capacity over the medium term, through competitive reform, to enable stronger economic growth. A single national regulator for heavy vehicles overhauls the situation where, for the past two decades, the heavy vehicle industry has been governed by a dozen nationally approved model laws that lack coherence across jurisdictions.

While model laws were agreed, each State and Territory varied them upon introduction, leading to increased red tape for business. This Government is about reducing red tape and making it easier for business to understand what its obligations are under the law. Much like other national reforms, such as the national registration scheme for health practitioners, the National Transport Regulations Reforms are what is known as applied law schemes. This means that a single host jurisdiction—in this case Queensland—passes the national law, with each other participating jurisdiction then adopting that national law as a law of their own jurisdiction. There will be one set of laws that the National Heavy Vehicle Regulator will administer.

Industry has been seeking a national regulator for heavy vehicles and a national law for heavy vehicle regulation for several years. Industry wants a true one-stop shop. Since 2009 Transport and Roads Ministers from all jurisdictions have been working towards delivering that outcome and the Heavy Vehicle (Adoption of National Law) Bill 2013, once commenced, will make it a reality for heavy vehicle operators. The National Heavy Vehicle Regulator is an independent statutory body accountable to responsible transport ministers. As the single contact point for operators, the regulator will improve productivity and safety and streamline regulatory arrangements. In addition, the regulator will act as a central link between State road authorities and local governments, to ensure that single access arrangements, with a simplified set of operating conditions for all participating jurisdictions, can be issued.

The National Heavy Vehicle Regulator commenced initial operation on 21 January 2013, when it began managing the National Heavy Vehicle Accreditation Scheme [NHVAS] performance-based standards approvals at a national call centre. The Heavy Vehicle National Law sets out the functions, powers and objectives of the National Heavy Vehicle Regulator, which include promoting public safety, managing the impact of heavy vehicles on the environment, roads, infrastructure and public amenity, promoting industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles and encouraging and promoting productive, efficient, innovative and safe business practices.

More specifically, the Heavy Vehicle National Law also establishes the National Heavy Vehicle Regulator, provides for the national registration of heavy vehicles, imposes duties and obligations on operators, drivers and other persons whose activities may influence whether the vehicles or drivers comply with requirements in relation to the standards, mass, dimension, loading and speed of the heavy vehicle as well as driver fatigue, and includes measures to allow improved access to roads in certain circumstances.

The Heavy Vehicle (Adoption of National Law) Bill 2013 makes the necessary first round of legislative amendments to establish the National Heavy Vehicle Regulator in New South Wales, which will introduce more consistent regulatory arrangements for heavy vehicle operators across the country and complements the many initiatives already implemented by this Government to reduce red tape, whilst promoting safety and productivity in the heavy vehicle industry.

The PRESIDENT: Order! I ask members of the Government, Opposition and crossbenches to keep the noise level to a minimum so Hansard can accurately record the Minister's second reading speech.

The Hon. DUNCAN GAY: Since 2011 the New South Wales Government has implemented many reforms to benefit the heavy vehicle industry. Some of these include: delivering an extra 1,739 kilometres of roads in New South Wales for higher mass limits access since April 2011, with about 25 per cent of these being regional or local roads managed by councils; more than 21,270 kilometres of State, regional and local roads are now open to high mass limits access; abolishing the requirement for transport operators to carry half a dozen truck notices; allowing performance-based standards quad and quin dog trucks to operate on the approved B-double network in New South Wales; delivering modern road train access on select routes east of the Newell Highway; delivering baled agricultural commodities with load width exemptions for wool, hay, straw and cotton; and allowing modular B-triples to operate in New South Wales, under a nationally agreed framework, on approved road train routes west of the Newell Highway.

They also include: abolishing the requirement for New South Wales based transport operators to pay stamp duty on the purchase of new truck trailers; delivering a new livestock loading scheme for New South Wales—something that took 25 years to achieve, but it was worth it—introducing a concessional mass limit exemption for the 2012-13 grain harvest; working in partnership with the NSW Police Force and industry to deliver a 79 per cent drop in the past year in the number of trucks detected speeding at more than 105 kilometres an hour; delivering a two-axle bus-coach mass limit increase from 16.5 to 18 tonnes; and working with Transport Certification Australia to deliver a new, flexible pricing framework and an entry options initiative to help reduce the cost of the Intelligent Access Program.

The bill before us today adds the Heavy Vehicle National Law and Regulations to the long list of initiatives, already delivered by this Government, which benefit both the heavy vehicle industry and the community generally. It applies the Heavy Vehicle National Law and National Regulations as laws of this State and clearly delineates which oversight and administrative provisions apply to functions exercised by a New South Wales government sector agency or employee and the national regulator. Additionally, the bill also contains important definitions and declarations and sets them in a New South Wales context, as contemplated in the national law. Chapter 2 of the national law, which deals with the registration of heavy vehicles, is to commence at a future time. Transport Ministers have agreed that this will commence in mid-2015 once a national system has been developed. Therefore, this bill allows for the continuation of the registration scheme under current New South Wales law until such time as the national framework is available.

Importantly, before the national law commences it will be necessary to enact legislation providing for: the supplementation of, and any modification to, the national law as adopted in New South Wales; consequential repeals and amendments of other Acts; as well as savings and transitional arrangements. Therefore, a second bill is to be introduced early in the spring session to achieve this. It is anticipated that the national regulator will commence full operations on 1 September 2013 once all participating jurisdictions have passed their application law. New South Wales will ensure that the second bill is finalised and passed before that time. The National Heavy Vehicle Regulator and the National Transport Commission have consulted extensively with stakeholders, including industry and union representatives, to ensure that this will be a workable, fair and, importantly, safe national approach to heavy vehicle regulation. I trust honourable members will lend their support to the bill and these proposed amendments. I commend the bill to the House.

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

LOCAL GOVERNMENT AMENDMENT (CONDUCT OF ELECTIONS) BILL 2013

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

Second Reading

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

That this bill be now read a second time.

I am pleased to introduce the Local Government Amendment (Conduct of Elections) Bill 2013. The purpose of the bill is to increase the flexibility of councils to manage their own elections, and to address timing issues that

have become apparent following the implementation of the 2011 amendments to the Local Government Act 1993. The 2011 amendments were implemented to fulfil the Government's election commitment to enhance the autonomy of local government by allowing councils to conduct their own elections, constitutional referendums and polls, while maintaining the option of engaging the Electoral Commissioner should councils wish to do so. The implementation of this Government's election commitment saw the successful conduct of 14 local council elections in 2012.

The Government wants all councils to have the opportunity to run their own elections. Although the current legislation technically allows this, in practice the autonomy of councils is unnecessarily constrained by a time limit for making a decision on the conduct of local elections. This means they are forced to make a decision without adequate information on costs or alternative options. Both councils and the Electoral Commissioner want to see this time limit changed. The Act, as amended in 2011, provides that council elections are to be administered by the general manager of the council concerned. The Act also provides that a council may, within 12 months after an ordinary election, resolve to enter into a contract or make arrangements with the Electoral Commissioner to administer all elections for the council. If such a contract is entered into the Electoral Commissioner is to administer all the elections, constitutional referendums and polls of the council until the conclusion of the following ordinary election.

The practical impacts of the current provisions in the Act are: to require councils to decide whether to use the services of the Electoral Commissioner for the September 2016 elections three years in advance, that is, by September 2013; and to bind councils that have engaged the Electoral Commissioner to conduct a by-election in the first 12 months since the 2012 election to continue using the services of the Electoral Commissioner for all subsequent elections, including the next ordinary election in 2016. Clearly, the current timeframes do not allow councils sufficient time to test the market and make a fully informed decision about an event that is to occur in three years time. Similarly, the Electoral Commissioner is not in a position to determine and quote service levels and costs for an election to be conducted three years in the future.

Reducing the cost of local elections to ratepayers was one of the key reasons for returning the conduct of elections to councils. It is essential, therefore, that councils have the ability to test the market in order to choose the most cost-effective option. This ability is currently unnecessarily limited in the Act and risks undermining the original policy intent. The bill deals with this by permitting a council to make a decision on the conduct of all its elections, referendums and polls up to 18 months prior to an ordinary election, with a view to finalising all election arrangements, by contract or otherwise, with the Electoral Commissioner no later than 15 months before the election. The contract will expire 18 months prior to the next ordinary election unless terminated by either party at any time by notice in writing following the ordinary election. This proposal also allows councils to opt out of any contract with the Electoral Commissioner after the ordinary election if they want to, thereby freeing them to conduct any by-election, polls or referendums that arise in the new term of the council.

The bill further provides that a council may decide to enter into an election arrangement with the Electoral Commissioner to conduct the council's individual elections, other than ordinary elections. This arrangement may be made at any time and will provide increased flexibility for councils. Another important proposal in the bill is designed to limit the risk of a failed election. It provides that the Electoral Commissioner may agree to conduct a council's ordinary election even after the 15-month deadline if the Electoral Commissioner is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the Electoral Commissioner. The expectation is that this provision will be used only in emergency situations where, for example, a council, having determined to conduct its election, is no longer able to do so for reasons that are beyond its control. The decision on whether to conduct an election for a council in such circumstances ultimately rests solely with the Electoral Commissioner.

Further, it is proposed that all first elections of a council for an area after its constitution and following the establishment of a new council are to be conducted by the Electoral Commissioner. This is because new councils are unlikely to have the resources or capacity in place to allow the first election to be conducted in-house. In the case of first elections, a new council will be charged by the Electoral Commission on a cost-recovery basis. This will avoid the need for what may be complex commercial negotiations between the Electoral Commission and an administrator during a short period between the constitution of a new area and the council election date.

Finally, the bill provides for a transitional provision that ensures that councils and the Electoral Commissioner are not bound by any existing contracts to conduct elections for a council. To minimise the

disruptions to elections that have already commenced, the transitional provision preserves those contracts where preparations for an election have commenced. These contracts will then be terminated at the conclusion of the election. The Division of Local Government has consulted the local government sector and the Electoral Commissioner about the proposals in the bill. The Electoral Commissioner and Local Government NSW support the need for amendments. However, Local Government NSW is of the view that the required timing for a council to enter into a contract with the Electoral Commissioner should be three months shorter than is proposed.

Given the Government's election commitment to return powers to councils to conduct elections, it recognises the importance to maximise the opportunity for councils to use these powers. However, this should not be at the expense of ensuring that council elections are conducted appropriately and effectively. The proposals in the bill strike an appropriate balance between these positions. They are designed to reconcile the desire of councils to have greater flexibility with the Electoral Commissioner's need for certainty to allow forward planning and to put in place the logistical arrangements necessary to ensure that council elections are conducted properly and effectively. I commend the bill to the House.

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

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 1 to 6 postponed on motion by the Hon. John Ajaka.

ENERGY SERVICES CORPORATIONS AMENDMENT (DISTRIBUTOR EFFICIENCY) BILL 2013

Second Reading

The Hon. JOHN AJAKA (Parliamentary Secretary) [11.41 a.m.], on behalf of the Hon. Greg Pearce:
I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

This bill is part of the Government's Electricity Network Reform Program to achieve efficiency savings and place downward pressure on electricity prices. It will improve the combined operational and capital efficiency of the three State-owned electricity distributors by creating more streamlined board governance arrangements. The Government is proud to be meeting its election commitment to reform the electricity networks. This bill will ensure that those reforms continue.

In July 2012, the Government implemented interim governance arrangements for the three State-owned electricity distributors—Ausgrid, Endeavour Energy and Essential Energy. These arrangements provided for the appointment of common board members, and also provided for a common chief executive officer and senior management structure. The results of these arrangements have already exceeded the Government's initial expectations.

At the time of the March 2011 election, the Coalition Government targeted operating cost savings in the order of \$400 million across the three businesses. Current indications are that this target will be substantially exceeded, with total operating cost and capital benefits now expected to be in the order of \$2.5 billion across the businesses, including over \$600 million in operating savings.

These savings will deliver real benefits for the people of New South Wales with network price changes stabilising from 1 July this year at or below CPI. The Government anticipates that this price stability will continue for at least the next six years.

Following a review of legal advice provided on this issue, the Government is now moving to formalise the interim structure to ensure the continuing success of the network reform initiatives.

This bill will help streamline the decision-making process at board level by formally providing for a joint board of the distributors. Currently, the decisions that help drive electricity reform initiatives are made at three separate board meetings which is inefficient and administratively cumbersome. The bill also helps to remove any potential conflict of interest for board members in observing their directors' duties.

The bill provides for the joint board to act in the best interests of the distributors as a combined operation, as if the individual businesses were being operated as parts of a single enterprise. The joint board will be constituted in exactly the same way as the current boards and will include the current Chief Executive Officer of each of the businesses as well as each of the current directors.

The bill makes a consequential amendment which ensures that the existing provisions governing a situation where a direction from the Government affects the commercial interests of a business align appropriately with a situation where a joint board is acting in the best interests of the distributors as a combined operation. As a result of the amendment, a distributor will not be entitled to be reimbursed for the costs of complying with a direction from the Government that is not in its commercial interests, if the direction is in the combined commercial interests of all three distributors. Further, any amount that an individual distributor will be entitled to be reimbursed is to be reduced by the amount of the net benefit accruing to any of the other distributors as a result of compliance with a direction.

The bill recognises that the chief executive officer should be able to delegate his functions in respect of a particular distributor to senior officers of that distributor, subject to any direction of the joint board. This power of delegation supports the role of the chief executive officer in implementing these important reforms in a way which is consistent across the businesses and which enables the efficiencies and benefits of the reformed governance arrangements to be realised.

I am delighted to introduce this bill, which, in a simple and effective manner, will facilitate the continuation of extremely successful governance arrangements which have led to real and significant savings and benefits for the people of New South Wales.

I commend the bill to the House.

The Hon. LYNDIA VOLTZ [11.42 a.m.]: The Opposition does not oppose the Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013. However, I question why it has taken the Government so long to enact this legislation that has the effect of protecting the common directors of the energy utilities such as Ausgrid, Endeavour Energy and Essential Energy. The bill amends the Energy Services Corporations Act to improve the combined operational efficiency of energy distributors by providing for the appointment of a single board of directors. The board of each of the energy distributors will act in the best interests of the energy distributors as if they had formed part of a combined operation.

Why did the Treasurer not know that appointing directors to the three boards of the State-owned energy distribution companies would potentially expose them to liability? Why did the Government not obtain legal advice on this issue before it made its announcement almost a year ago? Why it has taken so long to get this legislation before the House is a mystery to the Opposition. The boards of the three energy corporations have been meeting consecutively because they are three different corporations, although a proprietary limited company called Networks NSW has been incorporated.

The implication arising from the bill is that there must have been a concern that directors were making decisions that may have been to the advantage of one corporation and to the disadvantage of another corporation, otherwise item [1] of schedule 1 would not be required. New section 9A of the principal Act is being inserted not just to require each corporation to have the same board but also to entitle those directors to act to the detriment of one or more of those corporations, provided it is to the benefit of all corporations. New section 9B exempts State-owned corporations from being entitled to reimbursement under section 20N of the State Owned Corporations Act 1989 should the Minister give a direction to the detriment of one corporation, provided the direction is to the benefit of all three corporations as a whole. The Opposition believes the bill should have been introduced earlier but does not oppose it. The shadow Minister will enlarge on that argument later in the debate.

The Hon. LUKE FOLEY (Leader of the Opposition) [11.44 a.m.]: I thank the Hon. Lynda Voltz for her exposition of the issues in the Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013, which was a superb presentation. I could not have done it better. I add to her comments in addressing the bill. I am grateful to the member for Heffron in the other place, the shadow Minister for Energy, for conducting detailed research into the provisions of the bill and providing me with guidance that I will now draw on. The boards of the three energy corporations—Ausgrid, Endeavour Energy and Essential Energy—have been meeting consecutively because they are three different corporations, although it seems that proprietary limited company Networks NSW has been incorporated.

The implication arising from the Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013 is that there must have been concern that directors were making decisions that may have been to the advantage of one corporation and to the disadvantage of another, otherwise item [1] of schedule 1 would not be required. New section 9A of the principal Act is being inserted not just to require each corporation to have the same board, but also to entitle those directors to act to the detriment of one or more of those corporations, provided it is to the benefit of all corporations as a whole.

New section 9B exempts State-owned corporations from being entitled to reimbursement under section 20N of the State Owned Corporations Act 1989 should the Minister give a direction to the detriment of one corporation provided the direction is for the benefit of all three corporations as a whole. If there is any doubt that

the Government has got itself into some difficulty with the way in which it approached this matter last year by not obtaining proper legal advice, one need only look at item [1] of schedule 1, which in part 4 proposes validating the appointment of directors and any action of previous boards relating to the current directors previously appointed to the board.

Why are these issues important? They are important because they affect the Treasurer's credibility when he asserts that the Government's promise of effecting savings of \$400 million across the three businesses is on track and that the total operating costs and capital benefits are now expected to be about \$2.5 billion across the businesses, including more than \$600 million in operational savings. The Treasurer has asserted that these savings will deliver real benefits to the people New South Wales, with network prices stabilising from 1 July this year. There is a debate about electricity prices paid by ordinary householders and about who is to blame. That is bizarre because the reality is the reason that people in New South Wales are paying through the nose for electricity is in large part the huge amount of revenue that the State Government extracts from its electricity assets. Those amounts must be calculated from the TransGrid, Endeavour Energy, Essential Energy and Ausgrid 2012 annual reports.

Government sources of revenue from those organisations are incorporated into dividends, tax equivalent payments and interest. They are as follows: TransGrid, \$388.3 million; Endeavour Energy, \$507.3 million; Essential Energy, \$450.7 million; and Ausgrid, \$1.007 billion. The total revenue from those State-owned electricity assets is \$2.353 billion. It does not matter whether they are called dividends, tax equivalent payments or interest because, in effect, the consumers of the New South Wales are paying an electricity tax. New South Wales Treasury has become so dependent on receiving huge amounts of revenue from State-owned electricity assets that it keeps running efficiency arguments not to benefit electricity consumers in New South Wales but to benefit consolidated revenue—that is, Treasury.

The shadow Minister, the member for Heffron, advises me that according to the 2012 annual reports of our State-owned electricity corporations their debt levels are as follows: TransGrid, \$2.26 billion; Endeavour Energy, \$3.01 billion; Essential Energy, \$4.17 billion; and Ausgrid, \$8.18 billion, giving a total debt of \$17.62 billion. Despite the huge amount of debt carried by these corporations, even after paying interest on the loans from which the State derives a benefit, huge revenues are still being generated for Treasury from dividends. Of course, capital expenditure—or "gold plating" as some call it—has delivered even greater revenue to Treasury. Whether one adopts the economic rationalist model that the State is entitled to a good, efficient return on its electricity assets or whether one thinks electricity should be a public utility and the public should not pay a huge amount for it in part due to the payment to the State Government of an electricity tax, the amount people are paying to New South Wales Treasury as a component of their electricity bill should be transparent.

The Opposition does not oppose making government-owned enterprises more efficient and reducing operating costs. However, there is a suspicion that Treasury is motivated in part by its addiction to generating more revenue from State-owned corporations. The Government should not lose sight of the fact that the State-owned distributors are significant employers throughout New South Wales. Substantial savings can be achieved by consolidating the businesses in a number of ways, such as using common technology. However, maintaining employment in rural and regional New South Wales is important. In its zeal to drive greater efficiencies, the State Government should not forget how important it is to maintain employment in country areas. It is important not only for the efficiency of energy distributors but also for the health of rural communities.

In order to preserve employment in these electricity corporations for a period, the Opposition will propose an amendment requiring each distributor to ensure that its regular staff employed at a rural centre be maintained, as far as practicable, at not less than the same level of staff employed by the energy distributor at that centre immediately before the commencement of new section 9 of the principal Act. This is not a novel statutory provision. A similar provision for maintaining staff numbers in rural centres exists in section 218CA of the Local Government Act relating to council amalgamations. That provision requires employees to be retained for three years. The Opposition's proposed amendment to the bill provides for employees to be retained for five years. The maintenance of employment in rural areas is not only about jobs for employees and their families, but also about the economic benefits that their income provides to regional communities.

State-owned energy corporations employ people in rural areas across New South Wales. To explain the scope of that employment I will provide members with details of where those people are employed. Essential Energy employs people in Albury, Ballina, Barwon, Bathurst, Bega, Burrinjuck, Clarence, Coffs Harbour, Dubbo, Goulburn, Lismore, Monaro, Murray-Darling, Murrumbidgee, Myall Lakes, Northern Tablelands,

Orange, Oxley, Port Macquarie, Tamworth, Tweed and Wagga Wagga; Endeavour Energy employs people in Bathurst, Blue Mountains, Camden, Goulburn, the South Coast and Wollondilly; TransGrid employs people in Burrinjuck, Orange, Shellharbour, Tamworth and Wagga Wagga; and Ausgrid employs people in Cessnock, Gosford, Maitland, the Entrance, Wallsend, and Wyong.

At last year's estimates committee hearings held on 12 October, I took the opportunity to ask the Minister, Mr Hartcher, about the maintenance of employment in rural towns following the restructure. I asked the Minister about the guarantee given by the Premier in Port Macquarie. I quote *Hansard*:

The Hon. LUKE FOLEY: Will any go in Port Macquarie?

Mr CHRIS HARTCHER: The Premier has already made the announcement in relationship to Port Macquarie.

The Hon. LUKE FOLEY: Which was a commitment that no jobs will go in Port Macquarie, is that right?

Mr CHRIS HARTCHER: The Premier is the Premier and I stand by the announcements made by the Premier.

He has shown his love for the Premier. It is right up there with Bill Shorten saying, "I don't know what the Prime Minister said but whatever it is I agree with it." The estimates exchange continues:

The Hon. LUKE FOLEY: What if any guarantees or commitments have or will be given to the regional workforce apart from that in Port Macquarie? Are there any other similar undertakings from the Premier or from the Government about positions not going in other regional centres?

Mr CHRIS HARTCHER: I am not aware of any other undertakings given by the Premier but I think the question that you raise, Mr Foley, is a very legitimate one because rural communities especially are concerned about the level of services that are available to them ...

The Hon. LUKE FOLEY: But to date the only commitment that the Government has given to regional New South Wales is to the community of Port Macquarie, is that right?

Mr CHRIS HARTCHER: That was the commitment given by the Premier, yes.

The Minister is wrapped in the Port Macquarie commitment given by the Premier. It raises a question. If the Premier when asked a question by a Port Macquarie journalist can move to a declaration that no jobs will go in Port Macquarie, it begs the question: What about Queanbeyan, Bathurst, Tamworth and all those other country towns where a significant number of employees work for the State owned energy corporations? It is just, of course, manifestly inconsistent for the Premier to give a Port Macquarie jobs guarantee but for there to be no guarantees given to the electricity workers in any other country community. I foreshadow that the Opposition will move an amendment during the Committee stage. The Opposition will not oppose this legislation. However, we have concerns about employment levels in country New South Wales, which we will address during the Committee stage.

Dr JOHN KAYE [12.02 p.m.]: On behalf of The Greens I address the Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013. I state from the outset that The Greens oppose this legislation as we would oppose any legislation that leads to a reduction in employment, a reduction in services, an increased opportunity for privatisation and a reduction in the capacity of the energy service corporations, the distributors, to innovate and create a sustainable electricity industry. I state from the outset that I do not agree with many of the propositions put forward by the Leader of the Opposition. I think the real issue is the Government is trying to shift blame for its failure and the failure of its predecessor to rein in the massive over-expenditures on wires and poles and the transformers of the three distributors and the transmission company in New South Wales. It is trying to shift the blame onto the employees of that company, rather than onto the boards and onto the politicians where that blame belongs.

This is about punishing the employees of the energy service corporations for their loyal service to those corporations and for doing the right thing by the people of New South Wales by passing to them the blame for the massive increases in electricity bills, which rightly and properly belongs with the energy Ministers and the Treasurers of the previous government, with the boards of directors of the four corporations involved and with the current Government that failed when it got to power to do the right thing and rein in that over-expenditure. The \$17.9 billion in wires and poles—at least three-quarters of which was completely unnecessary and at least \$3 billion of which will sit around being unused but for two hours a year—is the real problem and this legislation does not address it. On the contrary, this legislation will make that problem more likely, rather than less likely, to be repeated in the future. I will explain why that is so as I go through this bill.

The bill amends the Energy Services Corporations Act 1995 by allowing the creation of a joint board—that is, a board that will serve as a board for three separate corporations. The bill stipulates that an energy distributor is not entitled to be reimbursed as allowed under the State Owned Corporations Act 1989 for compliance with a direction that is not in the commercial interests of the distributor if it is in the combined commercial interests of each of the energy distributors—that is, the board cannot seek compensation for something it does that perhaps disadvantages one distributor if the overall benefit for all three distributors is positive. The bill appoints existing chief executive officers of each of the energy distributors to the joint board. Some might say this is just fiddling with the deck chairs while the *Titanic* steams towards an iceberg, and they may well be correct.

In order to understand the frustration of people, one needs to look at the genesis of Coalition policy. In February 2011 during the election campaign the Coalition announced that it would merge from three to two distributors. As members are aware, currently the three electricity distributors are Ausgrid, Essential Energy and Endeavour Energy. Essential Energy is largely the distributor in rural and regional New South Wales; Ausgrid is Sydney and Newcastle, covering the old EnergyAustralia franchise area; and Endeavour covers the old Integral Energy franchise area, being the Illawarra, the Blue Mountains, and western and south-western Sydney.

Prior to March 2011 the Coalition said it would create two energy service corporations by effectively merging Ausgrid and Integral Energy—then called EnergyAustralia and Integral Energy—the distribution components of which are now called Ausgrid and Endeavour Energy. By merging those two the then Opposition Treasury spokesperson, now Treasurer Mike Baird, said that it would save approximately \$400 million a year by doing so, largely by savings in head office. Why did the Coalition merge the two coastal distribution undertakings, Endeavour and Ausgrid, and leave Essential Energy alone? I suggest the answer to a lot of these issues is with respect to The Nationals. The Nationals do not like people fiddling with these companies, and for good reasons. I agree with them.

The Nationals were right, but clearly the Liberal Party preferred to merge all three but was rolled by The Nationals, its mates. Its rural and regional cousins said, "No, you can't do that; we need to keep Essential alone." In fact, the role played by The Nationals in the upper echelons of the Coalition has been very interesting throughout this whole issue. At every stage The Nationals have tried to hold onto a separate identity for Essential Energy. I remember well that the Minister for Resources and Energy, Chris Hartcher, announced on 18 March 2012:

The three businesses Ausgrid, Endeavour Energy and Essential Energy, will be united under a single New South Wales State owned corporation while retaining their existing brands.

The Minister suggested that 780 jobs would be lost over the next four years and he had a different view on the amount of money being saved. Shortly after that political reporter Imre Salusinszky, who now works for Treasurer Mike Baird, just to make the plot even more complicated—

The Hon. Charlie Lynn: A very good one.

Dr JOHN KAYE: The Hon. Charlie Lynn says he is a good bloke.

The Hon. Charlie Lynn: He is.

Dr JOHN KAYE: He actually disagreed and made Chris Hartcher out to be a liar for having earlier announced a scheme on behalf of the Coalition that would save \$240 million over four years. It was referred to as the "mothership" energy plan, where State-owned electricity distribution companies would be merged into a single entity generating savings of around \$800 million over four years. So we have competing plans: one from the Treasurer's flack-in-waiting who was serving Rupert Murdoch—who knows who he was really serving—one from the energy Minister, and if we fast forward a year this bill will make a third plan on the table.

This bill will not create a mothership. It will not merge the managements or merge two of the distributors; it will effectively merge the boards. In fact, to that extent it is hard to argue against this bill; it makes what has been happening legal. Up to now we have had three boards with identical people on them; there will now be one board. In that sense the bill is sensible, but the path there was not sensible. We have now got three plans on the table with different amounts of savings. This plan is supposed to deliver \$600 million in savings a year, more than the \$400 million before the election or the unknown amount that Imre Salusinszky said was \$200 million a year—or \$800 million over four years. This really speaks to a Coalition energy policy

that is ill-informed. The Coalition is lacking in understanding of what really happens in the distribution industry and an understanding of how to make this work; it is driven by an internal fight between The Nationals and the Liberal Party.

In this instance I am probably siding with The Nationals. These internal fights go on over all sorts of energy issues and I find myself swapping sides between the two Coalition parties. It is similar to how I feel about New South Wales Rugby League. I do not have a loyalty to any particular team; I just enjoy seeing them bashing each other up. That is what happens in Coalition politics in New South Wales—namely, policy is determined by who gets the upper hand in Cabinet. Neither Coalition party really understands what is going on here. In reality jobs are being hollowed out of the three distributors. As I said when I started, the loyal, hardworking, intelligent, innovative workforce of the three distributors are being turned into the scapegoats for shocking Labor Party policy and appalling Coalition neglect.

The Coalition and the Labor Party have not come to grips with the issue of how to reshape an energy service company into a twenty-first century player in a twenty-first century electricity industry. Part of the problem is that both political parties are addicted to coal. As surely as a heroin addict cannot go a day without his or her fix, neither political party can even contemplate the idea that we can go beyond coal and have an intelligent, smart grid that distributes energy, facilitates energy savings and creates opportunities to make our grid 100 per cent renewable. Neither party shows any faith in that at all. Since the O'Farrell Government came to power an untold number of jobs have been lost. I would be interested to hear from the Parliamentary Secretary what the exact employment figures are and how many jobs have been hollowed out as a result of the restructure in his speech in reply.

The unions and The Greens agree that sensible things can be done across the three distribution companies. No-one is arguing against the synergies, just as no-one is arguing against the regional organisation of councils. However, that should not be used as an excuse to downsize these organisations and reduce two key functions: to get the network up and running again when there is an outage and to begin to configure the network to respond to the twenty-first century. I noticed the Hon. Marie Ficarra mocking my statements about what a twenty-first century energy system would look like. The Hon. Marie Ficarra and the Coalition can, if they like, keep their heads well and truly stuck in about 1955. In fact, 1955 is where this energy policy belongs. It is still about building electricity super highways from coal-fired generators to households. That policy is not only devastating for the environment and appalling bad for the State's economy, but it is also contributing to ever-increasing household power bills.

The Coalition and the Labor Party have never come to grips with the fact that the dominant component of household power bills is the cost of wires and poles. I acknowledge that the Hon. Luke Foley did say that the overriding cost is wires and poles in his contribution. It is a shame that the Hon. Luke Foley was not the energy Minister in the previous Labor Government because maybe some of the appalling mistakes that we are still paying for today would not have happened. There are four fundamental problems with the direction of energy distributors in New South Wales, and this bill plays a part. The first problem is job losses and the overall weakening of the sector. The March 2012 projection was 780 jobs lost, the list goes on.

This means when there is a blackout in rural and regional New South Wales it will take longer to repair it. People will be in the dark for longer. People will be without internet services and the ability to operate their electrical equipment. Farms and households will suffer because the O'Farrell Government is waging a war against the workers in the electricity sector. It is all very well to talk about head office functions but head office functions are often things such as dispatching crews to fix power lines. It will simply not work if, for example, a dispatcher in Sydney sends a team to fix the power line that runs between Tamworth and Guyra.

Mr Scot MacDonald: I do not know if we have got electricity in Guyra yet.

Dr JOHN KAYE: It shows. Without local knowledge of the geography and needs of an area it is almost impossible to do a good job dispatching a team, and in that sense I am with The Nationals in not allowing Essential Energy to be centralised in Sydney. The second problem is loss of service. If we downsize the workforce then inevitably the quality of service will be destroyed. Interruptions, call centre work and the work that goes into maintaining the grid will be downgraded, but the loss of person power to remake the grid into a new one is even worse. The third problem is that this legislation and the policy behind it fail to acknowledge the real source of rising power bills. As I said before, the massive over expenditure in wires and poles was approved by the former Labor Government and perpetrated by the O'Farrell Government.

Reverend the Hon. Fred Nile: The carbon tax.

Dr JOHN KAYE: Reverend the Hon. Fred Nile clearly did not understand the graph I sent him. He needs to talk to the Independent Pricing and Regulator Tribunal and have it explained to him that it is not carbon price—in fact, I am happy to set up a meeting between them. Carbon price and all the other green schemes are less than one-fifth of the cost of wires and poles; it was wires and poles that drove the prices up. Members should talk to anyone not caught up in the rhetoric of the Coalition about bringing down power prices. We need to understand the reality of this industry before we make more mistakes and householders suffer more. Members appear to be blinded to the reality that we have to get spending under control. The fourth problem is that we are increasing the political capacity of that board to bully governments into allowing them to spend more money.

The history of electricity in New South Wales goes back to the days of the Electricity Commission of New South Wales [ELCOM], when the boards of the electricity corporations always argued for more spending at the expense of households. What is needed is not more spending but smarter spending. We do not need one big board that can front up to a Minister, as they did repeatedly under Labor and the Greiner Government, and threatened them with blackouts. Why did we get Mount Piper power station? We almost got Mardi power station but we did not need it for two decades. The Electricity Commission board fronted up to the Minister and the chief executive officer, Frank Brady, Neville Wran and his Minister, Mr Cox, and said, "You'll have blackouts unless you build these power stations." We do not need big monoliths in the electricity industry; we need publicly owned smaller organisations that service their communities.

Finally, we oppose this legislation because it is a pathway to privatisation. The O'Farrell Government has made no secret that it will go to the next election with a plan to privatise the wires and poles. In the eyes of a neoliberal, the wires and poles are a plum for privatisation. They are the sweetest fruit of all. That is where most of the capital is tied up. For the benefit of Reverend the Hon. Fred Nile, that is where the majority of the money is tied up and why they contribute so heavily to power bills. But the success of publicly owned grids is an offence to the neoliberal. We say the opposite; we say that public ownership of those grids is essential to the conversion of the grids into twenty-first century smart grids, grids that allow 100 per cent renewable energy, and grids that work with households to reduce energy consumption by improving efficiency.

The private owners of those grids will only want to push more energy down them, rather than provide high-quality services. They will only want to push up power prices and invest more. If where we have gone so far is not particularly good, I put it to the House that privatisation will take every mistake that has been made by the Labor Party and the Coalition and make them 10 times worse. Under a privatised electricity grid, we will be locked into 1955 in perpetuity, turning us into a rust bucket State.

The Hon. Marie Ficarra: There has been no decision.

Dr JOHN KAYE: I am glad to hear that no decision has been made. If a decision has been made it is in favour of privatisation, which would make this legislation even worse. The legislation is another step towards even greater job losses, a loss of services, rising power bills, a powerful centralised body that pushes up power prices and bullies governments, and privatisation. For each of those reasons we oppose this bill and will be voting against it.

The Hon. LUKE FOLEY (Leader of the Opposition) [12.23 p.m.]: Pursuant to Standing Order 89, I wish to make a brief explanation of my speech as I claim to have been misunderstood. I think Dr John Kaye in part misunderstood my earlier contribution. I acknowledge that capital expenditure has been the single greatest factor in rising electricity prices. Indeed, I have made a stream of comments on the public record to that effect, certainly through the time I was the shadow Minister for Energy. The point I was making today was that dividends have made a significant contribution to rising electricity prices. I thank you for your courtesy, Mr President. I will leave it at that.

The Hon. MARIE FICARRA (Parliamentary Secretary) [12.24 p.m.]: I support the Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013, which seeks to amend the Energy Services Corporations Act 1995 in order to see an improvement in the operational and capital efficiency of the three State-owned electricity distributors, Ausgrid, Endeavour Energy and Essential Energy. This was a clear election commitment made by the Liberal-Nationals when in opposition, and with this legislation we continue to deliver our electricity network reform process. There will be many such announcements and legislation to follow.

Let me put on the record that today the Treasurer, the Hon. Mike Baird, has highlighted the Opposition's disgusting scare campaign regarding the Government's reform of the State's three electricity

network businesses and said that the Opposition's claims are completely unfounded. State Labor continues to spread more lies, this time about the Government's reform of this network business approach. In July 2012 the New South Wales Government announced its plan to reform the State's three electricity distribution businesses.

Dr John Kaye: Which plan was that?

The Hon. MARIE FICARRA: For the benefit of Dr John Kaye, I will outline the plan. The Government announced a plan to reform the State's three electricity distribution businesses—Ausgrid, Endeavour Energy and Essential Energy—to form one entity while retaining three existing identities and brands. The Treasurer said that the Government recognises the burden of increasing power bills. It is absolutely highlighted; every time I knock on a door a constituent tells me that the issue they are most concerned about is rising electricity prices. No other party is more aware of that than the Liberal-Nationals. We know there is an expectation that price increases will be kept in check and peak supply will be managed well. We are moving in the direction of smart grids or self-healing grids. As we move into the twenty-first century the Government is aware of the burden that increasing power bills places on families and we are working hard to reduce the impact of those price increases. There were many duplications in the former structure.

The reform before us today is focussed on creating a much more efficient structure that will limit future network charges and put downward pressure on electricity price increases for all New South Wales households. Yesterday in the other place the Treasurer made it clear that there will be no impact on the number of jobs as a result of the Energy Services Corporations Amendment (Distributor Efficiency) Bill. No front-line positions will be lost and there will be no forced redundancies. Those who wish to leave the businesses will do so of their own free will, their own choice. The Treasurer made it clear that the New South Wales Government is committed to a vibrant, sustainable regional New South Wales. At the same time the Government is asking these businesses to ensure that they are running as effectively and efficiently as possible while also delivering their services to their communities, including regional communities, in the best possible way.

The Opposition spokesperson, the Hon. Ron Hoenig, is a friend of mine but I do not agree with his comments. I have spent many years in local government, as has the Hon. Gareth Ward, the member for Kiama. Ron Hoenig and I have had many years of discussions. The Hon. Helen Westwood should smile. Ron is a friend but that does not mean that I agree with him. She is very dubious about that. You will have to have a chat with Ron Hoenig yourself. However, he was helpful to me during a Local Government Association conference in Albury, but we will leave that one alone. I was going to be accosted by another councillor at the Local Government Association conference and Ron Hoenig, the member for Heffron, ran to my defence. I am still thankful, after so many years, that he did that.

However, I do not agree with the comments he made in the other place on this bill. They demonstrate that Labor does not understand the burden that families are facing with their increasing power bills, otherwise those opposite would be embracing the legislation before us. The legislation will put electricity prices in a downward spiral. It is not surprising that those opposite do not understand this because Labor left a legacy of a 60 per cent price increase—a 60 per cent price increase—over five years. So I ask those opposite not to get up in this Parliament and lecture the Government about how they would have done it better. Labor's record speaks for itself.

In his media release, from which I am reading today, the Treasurer announced that the reform has already helped to drive significant efficiency savings, currently estimated at \$2.5 billion. This reform process will continue to ensure that taxpayers and electricity consumers will get the best value for their money. However, the Government acknowledges that there is a lot more to be done. In order to maximise the operational efficiency of the three network providers to their full potential, the bill takes a more streamlined approach to board governance arrangements.

We are on target to substantially exceed expectations, with operating costs and capital benefits expected to be approximately \$2.5 billion across these businesses, including more than \$600 million in operational savings. Those savings are substantial and will deliver real benefits to the people of New South Wales. The Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013 is important legislation. If the bill is passed, it will be part of the process that will stabilise electricity prices at or below the Consumer Price Index from 1 July this year.

The Hon. Luke Foley: That is a heroic statement.

The Hon. MARIE FICARRA: It is a heroic statement that the Treasurer has made—I am not making that statement on my own. It has been made in the other place. But we are very confident to make this heroic statement.

The Hon. Dr Peter Phelps: She will resign if it doesn't come to fruition.

The Hon. MARIE FICARRA: I have made many heroic statements, as the Hon. Trevor Khan can attest. From 1 July this year, electricity prices will stabilise at or below the Consumer Price Index and the Government expects this to continue for at least the next six years. In July 2012, the New South Wales Government implemented the interim governance arrangements for Ausgrid, Endeavour Energy and Essential Energy, in order to govern the three networks under one board and put downward pressure on electricity prices through efficiency savings. Following the success of these interim measures, the New South Wales Government is now seeking to formalise these measures to ensure that the growth of the structure will continue to be successful.

The bill will see the appointment of common board members, a common chief executive officer and senior management structure from the three businesses. This has helped streamline decision-making at the board level by formally providing a joint board for the distributors. Currently the decisions that should drive electricity reforms are made at three separate board meetings. Clearly, that is administratively inefficient. The bill will remove conflicts of interest for board members in the delivery of their duties as directors. The joint board will be constituted as the current boards are and will include the chief executive officers of each of the three businesses as well as each of the current directors. The joint board will act in the best interests of each distributor but under the one authority. Under the provisions of the bill, the chief executive officer of the board may use his or her discretion to delegate any of their functions to a senior officer of the individual distributor, in consultation with the board.

Finally, any of the three distributors will not be entitled to be reimbursed for the cost of complying with government direction, if the direction is not in the combined interests of all three distributors. As a result of compliance with any direction offered by the Government, any amount that a single distributor is reimbursed will be reduced by the amount of the net benefit accruing to any of the other distributors. This measure will ensure that a sense of equity and fairness prevails between the three distributors.

The people of New South Wales will benefit from the provisions of the Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013. The savings made by the distributors will be passed on to consumers and reflected in the containment of the network electricity prices. Not only will the bill ensure better governance, with a streamlined and effective approach to management and functions of the three major electricity distributors in New South Wales, but the benefits and savings of these provisions will be passed on to New South Wales households and businesses. The interim structure that was implemented in July 2012 paved the way for this amendment. I commend the New South Wales Premier, the New South Wales Treasurer and the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast, for their work in overseeing this much-needed electricity reform.

Reverend the Hon. FRED NILE [12.36 p.m.]: On behalf of the Christian Democratic Party, I support the Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013. This bill amends the Energy Services Corporations Act 1995 to improve the combined operational efficiency of the three State-owned electricity distributors through a more streamlined board governance arrangement. At the moment each of the three State-owned electricity distributors, Ausgrid, Endeavour Energy and Essential Energy, has a board composed of the same directors. The purpose of the interim arrangements in July 2012 was to allow the networks to operate under that common board to achieve efficiency savings and to put downward pressure on electricity prices.

The interim arrangements have been successful in driving operation on capital efficiency and this bill now will formalise that interim structure to continue the success of the network reform initiatives. The bill will provide for the appointment of a single joint board for all three distributors. As I have said, each of the boards has the same directors, so it would be far more efficient for those three boards to operate as one single joint board. However, I understand that they would still separately consider the various aspects that apply to each one of those electricity distributors—Ausgrid, Endeavour Energy and Essential Energy.

The chief executive officer may delegate any of his or her functions in respect to a particular distributor to an employee of that distributor, which again will assist the operation of the boards. The joint board will act in

the best interests of the distributors, as if the individual businesses were being operated as parts of a single enterprise. A distributor will not be entitled to be reimbursed for the costs of complying with a direction from the government that is not in its commercial interests if the direction is in the combined commercial interests of all three distributors. Any amount that an individual distributor will be entitled to be reimbursed is to be reduced by the amount of the net benefit, if any, accruing to any of the other distributors as a result of compliance with the direction.

At the time of the March 2011 election, the Coalition Government targeted operating cost savings in the order of \$400 million across the three businesses. The current indications, according to the Treasurer, are that this target will be substantially exceeded, with total operating costs and capital benefits now expected to be in the order of \$2.5 billion across the businesses, including more than \$600 million in operating savings. Obviously, those savings will deliver real benefits for the people of New South Wales, with network price changes stabilising from 1 July this year at or below the consumer price index. Hopefully, this price stability will continue for at least the next six years.

Those cost savings and capital benefits will be quite an achievement, especially in view of the dramatic increase in electricity prices that have occurred over the past few years. There will be no impact on the businesses' operations or the number of employees as a result of this bill. However, on 27 May I received a letter from the New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union, known as the United Services Union, signed by the General Secretary, Mr Graeme Kelly, in which he states:

The United Services Union (USU) represents workers in local government, the energy sector, clerical and administrative roles in the private sector, airlines and utilities.

Our members in the energy sector work across a number of different organisations including Ausgrid, Endeavour Energy and Essential Energy. ...

The USU has a number of concerns about the impact of this Bill on our members, especially in regard to how decisions are made about employee redundancies and reductions in the number of positions at regional centres and/or at each respective distributor. We are concerned that if the joint board made decisions in the best interests of the combined operation in the above situations, employees and local communities could be significantly disadvantaged with the Bill opening up the potential for job losses across the state.

I have been briefed by the Government that there will not be a change in the number of employees as a result of this bill. We have to accept that assurance of the Government. The businesses will continue to exist as three separate entities. The bill will help streamline the decision-making process at board level. Currently, the decisions that help drive electricity reform initiatives are made at three separate board meetings, and this is inefficient and administratively cumbersome. The bill will help alleviate concerns regarding the potential conflict of interest of joint board members in discharging their director duties. Directors will act in the best interest of all three businesses as if they were a combined entity. Whether at some future date the Government is planning to amalgamate these three entities, we will have to wait and see. It is obviously getting very close to that with the introduction of this legislation and the establishment of a joint board for the three entities.

We are all concerned about the increases in electricity prices. They have had a big impact on families in New South Wales, but particularly on pensioners and others. The Government must keep its eye on the ball, so to speak, to ensure that electricity prices do not increase despite the carbon tax and other imposts, because a carbon tax item has been included in electricity bills. The impact of the carbon tax, and of other policies promoted by The Greens that I believe have contributed to those price increases, have been part of the cause of the bankrupting of a large number of businesses that is now occurring quite dramatically across this State. So we are pleased to support the bill.

The Hon. AMANDA FAZIO [12.44 p.m.]: I rise to speak to the Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013. At the outset I say that, like my colleague the Leader of the Opposition, I do not oppose the bill; but I think it is necessary that some amendment be made to it in order to provide some guarantee of employee protection. I think that is a fair and reasonable thing to do in the circumstances. There is precedent in that where local councils are amalgamated the jobs of council staff are guaranteed protection for a stated period. I think it is worthwhile including a similar protection provision in this bill. The Government has claimed that it will save \$600 million by combining the three distributor entities. I think it would be fair for anyone to assume that part of that \$600 million in savings may well come from a reduction of staff.

The savings should not be at the cost of people's jobs, particularly in rural areas; and many employees of the three energy distributors, Ausgrid, Endeavour Energy and Essential Energy, work outside the

metropolitan area. We all know the impacts on country towns of job losses. So I think it is more than reasonable to have employee protection provisions in the bill, to guarantee employees that they will have a job for the next five years. Earlier in the week we heard a lot of crowing from The Nationals about the result of the Northern Tablelands by-election, saying how strong a voice they are for rural New South Wales. If that is so, and The Nationals are true to their word, they should be supporting the Opposition's proposal of guaranteed protection of the jobs of employees of the three corporations who work in rural New South Wales.

As I have said, the Opposition does not oppose the bill; but it is worth having a look at how we come to be in the position we are in today. This bill shows that this Government does not clearly think through many of the decisions that it makes. Last year the Government announced that it would establish Networks NSW, saying that would come from a merger of the three distribution corporations, Ausgrid, Endeavour Energy and Essential Energy, into a single corporate structure which, it said, would reduce waste and duplication and generate savings through economies of scale. Instead of thinking out what would be the best way to legislate to do that, the Government simply appointed identical boards to each company, and then incorporated a proprietary limited company, called Networks NSW Pty Ltd, thereby establishing merged corporations. That seems to me to be a very strange way for the Government to go about achieving its objectives. I quote the shadow Minister in the other place, Mr Ron Hoenig, who stated:

It really is a bizarre way to achieve its objective, which is typical of the Government's lack of intellect.

That is, if you want to make these sorts of changes, you do not do that by some backdoor way of setting up a shelf company. I know that a lot of the members of the Government are used to doing this sort of thing—setting up shelf companies and taking shortcuts to try to achieve what they want in business models that they develop; and I am sure a lot of them have had a bit of strife over doing that in the past. But for a government to be doing that is really a complete abrogation of its responsibility. The Government really should have done some 12 months ago what it is doing now; it should have legislated then to amalgamate the three distributor corporations, instead of taking this shortcut.

As I said, I am sure that some of their members are used to taking shortcuts in business, but it is not the role of government to be doing that. Now, we have a situation that the Government needs to legislate to formalise arrangements, otherwise issues, such as breach of fiduciary duties, are likely to arise from having common directors across the three corporations. And of course there is heaps of potential for other conflict of interest issues. The Government is proposing to fix this problem—which is of its own creation—by the insertion of new section 9A in the Act.

The other issues that the bill seeks to remedy are the reimbursement provisions of the State Owned Corporations Act 1989. Sections of that Act require any ministerial direction not in the commercial interest of the company to entitle that company to reimbursement. The Government was not so clever using a shortcut last year. It created problems for itself and the Government is now returning to Parliament to fix the problems because it was trying to be too clever by half.

The bill also makes consequential provisions relating to retaining appointed directors and validating decisions of the boards prior to the commencement of the amendments. They are provisions that should have been enacted at the time of the Government's announcement. We are not opposing this, but it is an indictment on this Government and the way it has recruited people with shonky business backgrounds. It takes advice from those people with shonky backgrounds and takes shortcuts that are a disgrace. I and other members have received correspondence from the New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union, also known as the United Services Union that raises concerns about the bill.

Anybody who has received those representations from the United Services Union and supports the concerns that have been raised should seriously consider, along with The Nationals—whose members should of course consider the issue of retaining employment guarantees for people in rural areas—supporting the amendments raised by the Opposition. They would go a long way to resolve the concerns of the employees in the industry, as well as to make sure that certainty for rural jobs is provided. I do not oppose the bill but I believe strongly that members should support the amendments proposed by the Opposition.

The Hon. Dr PETER PHELPS [12.50 p.m.]: The simple fact is that The Greens hate cheap energy, and the crocodile tears that they cry for the energy workers are precisely that. This is a party that wants to see the coal industry shut down in New South Wales. It wants to see the gas industry in New South Wales never get off the ground. The question to be asked is: Why do The Greens hate cheap energy? Cheap energy means that human beings can consume. Everyone in the community has the ability to consume. At the core of their beliefs

The Greens are fundamentally anti-humanity. They see humanity as a parasite upon Gaia, and if we must exist—which is a very big question for many of The Greens extremists—we should be living in a subsistence existence. That is what The Greens believe in. The second reason they hate cheap energy is because, fundamentally, cheap energy in Australia means one of two things: coal or gas. There is no nuclear industry in Australia so at the present time the only way we get cheap energy is if we have coal and/or gas.

They talk about alternative energy. Alternative energy is only alternative because it is grossly uneconomic. That is the alternative that they offer in their energy policy. Let us face the simple facts. It costs roughly 6¢ to produce one megawatt hour of coal-fired electricity. Compare that to the 60¢ that is required via the feed-in tariff to produce one megawatt hour of solar electricity. That is not one, two, three, four, five, six or seven times more expensive, it is 10 times more expensive to produce energy using the fantasy ideals of The Greens than it is for the ordinary reality of Australians who rely upon cheap coal-fired electricity.

Obviously some people are happy to pay a bit extra for green power schemes, but I am not sure that everyone in New South Wales would be happy to pay 10 times their bill for alternative energy. Perhaps if one is a bourgeois Marxist from the eastern suburbs of Sydney on a good income, then one is happy to pay whatever is necessary for energy. But those people who are not bourgeois Marxists from the eastern suburbs of Sydney, the people living in western Sydney, Queanbeyan, Tamworth or Broken Hill, would perhaps prefer their energy to be cheap and affordable so it does not cut into their lifestyle. Perhaps they would like an electricity supply that is regular, guaranteed and not expensive.

There is a strong link—we should never forget this; they talk about business interests—between The Greens party and the alternative energy industry. There is a clear and identifiable link between them. When The Greens say money talks, the alternative energy industry and its supporters are big supporters of The Greens party. The simple fact is that coal is good. Coal made our nation rich. Alternative energy of the sort proposed by The Greens will make us poor. It will make us a peasant agrarian nation. That is what they live for: The road to serfdom is writ large on the lips of Dr John Kaye and other members of The Greens.

Dr John Kaye: Point of order: Firstly, the member was using hand gestures, which I think are unparliamentary—the whole speech is unparliamentary. Secondly, he made a direct imputation about me. If he wishes to say that I support agrarian serfdom and poverty, which is an allegation against me, he should do so by way of substantive motion. We are happy to debate that issue.

The PRESIDENT: Order! I did not hear the personal imputation of which the member complains. I counsel the Hon. Dr Peter Phelps not to make imputations against members during his contribution; he has largely avoided doing so.

The Hon. Dr PETER PHELPS: The issue also raised today by The Greens and the Labor Party is jobs. Businesses do not exist so that jobs can be created. The cart is before the horse in the arguments of The Greens and the Labor Party. Jobs come about because a service is required by the community and businesses fulfil that service need. To suggest that a job should be the overriding priority of a business decision is ridiculous. It is the great Keynesian fallacy. We might as well get people to bury hundred-dollar bills in glass bottles in coalmines and then pay people to dig them up and have some grand explanation of this as a worthwhile job-producing, job-creation project. Of course, it is nothing of the sort. The lunacy of fabricating jobs on the basis of taxpayer dollars is writ large throughout humanity. It is classic rent-seeking behaviour and the electrical unions are perhaps the greatest rent-seekers of all.

What is rent seeking? From large multinational firms to small civil society groups representing social security recipients, individuals and organisations lobby government not simply in pursuit of the public good but also to tilt the field in their favour. Electricity unions have been very successful in this respect in recent years. The aim of such behaviour is to capture rents resulting from price distortions and policy measures that come with government intervention. Variable economic resources tend to be expended on the lobbying process because competing special interest groups attempt to influence the content of policy.

In response, politicians do not act in the general public interest, but behave in the same self-interested manner as other economic actors and encourage rent seeking. The result is the risk that the policies implemented in response to such lobbying will favour specific interests rather than serve the broader notion of the public good. Those individuals and organisations that have more power in the political arena benefit most from this process. The patterns of growth and distribution by which economic performance can improve are thus hindered by the artificial redistribution of resources through non-economic means, thus the aggregate of such a process of

rent seeking reduces overall economic efficiency. In short, rent seeking is bad for the economy, tends towards corruption and favours the greedy, the cynical and the unprincipled over ordinary, decent citizens and represents a massive state-endorsed conspiracy against the taxpayer.

The question is: When is a job not a job? When it is a green job. It is not a joke, it is not funny and it is not new. Anyone who has read about the economics of alternative energy would have been aware of that inescapable truth for some time. They also would have read the 2010 report produced by Dr Gabriel Calzada Álvarez of King Juan Carlos University in Spain showing that for every green job created by taxpayer subsidy another 2.2 jobs are destroyed in the real economy, and the even more damning research undertaken by Verso Economics showing that for every green job created by taxpayer subsidy another 3.7 jobs are destroyed in the real economy. They also would have read the report produced by Professor Gordon Hughes appropriately titled "The Myth of Green Jobs" and surely would be aware of the stupendously large quantities of United States taxpayers' money—\$38.6 billion—that has been squandered by President Obama on futile enterprises such as the solar energy company Solyndra. This is a good bill and the socialists opposite should recognise it as such.

[The President left the chair at 1.01 p.m. The House resumed at 2.30 p.m.]

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

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

QUESTIONS WITHOUT NOTICE

WESTCONNEX MOTORWAY

The Hon. LUKE FOLEY: I direct my question without notice to the Minister for Roads and Ports. Will the Minister give the House an undertaking that the WestConnex road project will be fully funded in the Government's budget?

The Hon. DUNCAN GAY: It is interesting that the Leader of the Opposition, who is a member of the Labor Party, asks this Government to give a commitment that WestConnex will be fully funded in the upcoming budget. There are two important things that as a very new member of Parliament and Leader of the Opposition he should now. First, unlike his Federal colleagues, this Government does not disclose what will and will not be included in the budget. The O'Farrell Government does not play those sorts of silly games so they can work out what will be in the budget through a process of elimination. One of the key factors in helping the people of western suburbs with WestConnex is a proper funding package from the Federal area.

The Hon. Amanda Fazio: Is a new tollway.

The Hon. DUNCAN GAY: Just be quiet for a moment. Mr President, they ask the question but they do not like the answer. Those opposite do not like good news or the truth. Those opposite really hate the home truth that in this case Albanese the Bad and the Hon. Julia Gillard have duded the people of New South Wales. They did their sneaky story to the *Daily Telegraph* and promised that there would be billions. The people of western Sydney were imagining a rainfall of money from the Labor Party and that muppet Bradbury has been blatantly dishonest on this issue. As the Assistant Treasurer he would have known that there was no money in the budget in the early stages. The Federal Government has money for WestConnex in its budget but it is that far out that it is meaningless.

I cannot believe that a canny political operator like the Leader of the Opposition would give those on this side of the House such a free kick unless the New South Wales Labor Party has a plan to highlight the inadequacies of the Federal Labor Party in this area. They are absolutely hopeless. There is a clear distinction between the Federal Government and the Federal Opposition. The Federal Opposition has promised \$1.5 billion in the essential timespan for delivery to the people of western Sydney. The Federal Government is putting together a plan—a plan that cannot and will not work—which only addresses those who do not travel to the city, and to not put a toll on it will ensure that it does not happen. The Federal Government is disadvantaging the people of western Sydney. Bradbury is a disgrace and he is joking if he thinks he can kid the people of western Sydney.

The Hon. Luke Foley: Point of order: I seek the guidance of the President as to whether it is parliamentary and in accordance with standing orders for the Minister to reflect on a member of the House of Representatives? The Minister called the Assistant Treasurer a Muppet. He also said that Mr Bradbury has engaged in blatant dishonesty and is a disgrace.

The PRESIDENT: Order! I have previously ruled that the standing orders extend only to members of this Parliament. I think it is appropriate that members place themselves in the shoes of members of other parliaments when making such remarks. The Minister's time has expired.

COMMUNITY AWARENESS IN POLICING PROGRAM

The Hon. MELINDA PAVEY: I address my question to the Minister for Police and Emergency Services. Will the Minister update the House on the latest instalment of the Community Awareness in Policing Program?

The Hon. MICHAEL GALLACHER: I am pleased to inform the House that the eighth instalment of the Community Awareness in Policing Program [CAPP] commenced in early May. This program is designed to provide an opportunity for prominent community members such as civic or religious leaders, business luminaries and cultural identities to gain greater knowledge and understanding of what a police officer's job entails and, in so doing, help to strengthen relationships between the community and the NSW Police Force. The program was launched in 2010 and I understand that it is the first of its kind for an Australian law enforcement agency.

Nineteen participants were chosen by senior police to participate in this instalment of the program, including journalists Miranda Devine and Geoff Thompson, representatives from the Administrative Appeals Tribunal, the Affinity Intercultural Foundation, the Jewish Board of Deputies, the Australian Asian Association, Marrickville Council and the New South Wales public sector. The four-week program was designed to provide participants with a broad overview of the wide range of commands that make-up the modern NSW Police Force. For example, the participants visited the NSW Police Academy at Goulburn, the Public Order and Riot Squad, the Marine Area Command, the Forensic Services Group, and the Sydney Police Centre at Surry Hills. They also experienced a range of different aspects of everyday police work, including driver training and road safety strategies, marine search and rescue, victim identification, criminal investigation and weapons training. They witnessed demonstrations by the Tactical Operations Unit, the Counter Terrorism and Special Tactics Command, and the Dog and Ballistics units. This in itself highlights the complexities of modern policing.

Importantly, the participants of the Community Awareness in Policing Program not only watched these units in operation and training but, in many instances, they also participated in the key aspects of the daily routine of the various policing sections. They had the opportunity to speak with officers from across the NSW Police Force, from constables to commanders, about the challenges and rewards that our police officers deal with on a daily basis—what it is like to walk the thin blue line. Thankfully, under the O'Farrell Government the thin blue line is getting thicker every day—much like some of those opposite who are also getting thicker every day. Members will agree that it is a terrific initiative.

It is important that our police force is, and is seen to be, part of the community; not separate from it. Programs such as this play an important role in helping to build bridges and engage with the community. From my perspective it is always a pleasure to report on the great work of the NSW Police Force. I hope the current instalment of participants in the Community Awareness in Policing Program has been a great success, and I look forward to speaking with them at the graduation dinner tomorrow night to find out firsthand how they enjoyed their experience.

WESTCONNEX MOTORWAY

The Hon. ADAM SEARLE: My question is addressed to the Minister for Roads and Ports. Will the Government's contribution to the WestConnex project be in the form of equity or a cash contribution?

The Hon. DUNCAN GAY: Frankly, if the Deputy Leader of the Opposition had listened to my answer to the previous question he would have realised that his question is redundant. I indicated that the budget will be the budget, and when the budget comes out we will find out. We are not ruling anything in or out of the form, although we have made it clear that we will be investing \$1.8 billion from the lease of assets. When we lease an asset we return money to the State to invest in other infrastructure across the State. Members will remember the successful lease of Port Botany and Port Kembla which grossed \$5 billion, with a net \$4 billion that can be invested in developing New South Wales. That is beyond the wit of the losers sitting on the losers lounge.

COBBORA COAL PROJECT

Dr JOHN KAYE: My question without noticed is directed to the Minister for Finance and Services, representing the Treasurer. What action has the O'Farrell Government taken in response to concerns I raised in a

letter to the Treasurer on 16 April 2013 relating to Cobbora Holding Company exerting undue pressure and deploying intimidation tactics against landowners while in the process of acquiring land for the proposed Cobbora coalmine site?

The Hon. GREG PEARCE: I thank Dr John Kaye for reminding us once again of the absolutely appalling transaction that members opposite did before they left office in relation to the State's electricity assets. We all wish Eric Roozendaal well in his new career, whatever it is, but it will not be in anything to do with the finance industry, the coal industry, selling assets or anything on which one is not looking to get a top discount. The former Hon. Eric Roozendaal gave the biggest discount of all time when he entered into the gentrader transactions and gave away more than \$5 billion of the State's assets. As an extra bonus, he threw in the dreaded Cobbora coal problem. I admit that we are having difficulty trying to find a way to deal with that legacy of the Labor Government. Certainly, as Dr John Kaye indicated, part of what was left in place by the Labor Government was an obligation to build this loser of a coalmine with coal that is not up to quality.

The PRESIDENT: Order! The Minister will ignore interjections.

The Hon. GREG PEARCE: The Leader of the Opposition may have a plan, which may be a whole bunch of new Cobbora mines. That is why members opposite will never be in government. They will never have the opportunity to impose on the people of New South Wales another disaster like the Cobbora coalmine. Part of the transaction, part of the poison pill that members opposite left the people of New South Wales, was an obligation to build the mine and associated transport infrastructure. I am not aware of the particular issues raised by Dr John Kaye and I will take them up with the Treasurer. I am sure the Treasurer will respond to the member separately. Certainly, part of the absolute dog of a legacy that the Labor Government left us, the pain that it inflicted—even when Labor has gone it continues to inflict pain on the people of New South Wales like—

The Hon. Michael Gallacher: Scar tissue.

The Hon. GREG PEARCE: Yes, scar tissue.

The Hon. Amanda Fazio: We have pain on us from you every question time.

The Hon. GREG PEARCE: I hear the Hon. Amanda Fazio rousing from her lunch.

The PRESIDENT: Order! The Minister will resist the temptation to listen to the Hon. Amanda Fazio.

The Hon. GREG PEARCE: Part of what is required to build the coalmine is the acquisition of land. Of course, there will be one or two train lines if that comes to pass. That will cause further dislocation and angst for the people who are affected in the local area, and it will continue to be a drain on the State. I thank Dr John Kaye for raising the issue.

PACIFIC HIGHWAY UPGRADE

The Hon. JENNIFER GARDINER: My question without notice is directed to the Minister for Roads and Ports. Will the Minister update the House on the Pacific Highway upgrade between Tintenbar and Ewingsdale?

The Hon. DUNCAN GAY: I have good news. I am delighted to report that construction is going great guns on current Pacific Highway projects after a period of wet and substantial work is underway to prepare the next round of projects for construction. In recent days we have been putting explosives to good use to start tunnelling work below St Helena Road.

The Hon. Amanda Fazio: Have you woken up Don Page yet?

The Hon. DUNCAN GAY: It is like the Big Bang theory.

The PRESIDENT: Order! Opposition members will cease interjecting.

The Hon. DUNCAN GAY: In recent days we have been putting explosives to good use to start tunnelling work below St Helena Road as part of the Tintenbar to Ewingsdale Pacific Highway upgrade. It was a

dramatic start to an important leg of this project, and I encourage members to visit the Roads and Maritime Services website to see a video of the tunnel blasting. Workers are doing a fantastic job and have begun excavating the tunnel using drill and controlled blast methods to get through the strong basalt rock.

[Interruption]

I can hear members opposite muttering. They do not like progress. They do not like the State making progress. That is why they were turfed out of office after 16 years, and it is the reason that two years later there was a record vote to the Government and against the Labor Party.

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

The Hon. DUNCAN GAY: I am told that by Friday workers will be five metres into the tunnel and making good headway. The project team is using state-of-the-art technology to help break through rock believed to have originated from lava flows from a volcano centred on Mount Warning—that is a distance away—roughly 23 million years ago. The tunnel will eventually be 434 metres long, 19 metres wide and approximately 46 metres below St Helena Road. It will be temporarily supported with steel rock bolts and reinforced concrete to provide a safe working environment for tunnel workers, and will require 30,000 cubic metres of permanent concrete, more than 40,000 square metres of waterproofing membrane, contain more than 3,000 steel rock bolts, have 32 reversible jet fans for ventilation and 2.4 million litres of water stored in tanks to supply the tunnel's fire deluge system.

The project is part of priority one—the completion of a four-lane divided highway between Hexham and the Queensland border. The tunnelling is expected to take 10 to 12 months and when completed in 2014 will accommodate three lanes of traffic in each direction. The New South Wales Government has made it clear from the start that the full upgrade of the Pacific Highway is a top priority, and we have put more than \$2 billion on the table to do just that. That is our 20 per cent of the funding to the communities that live along the Pacific Highway, and I promise that we will continue to try to hold the Federal Labor Government to account and to come good on the 80 per cent of the cost. Come September there is a clear choice—a vote for Tony Abbott and Warren Truss will mean that the Federal Government will provide 80 per cent of the funding. The only chance for the Pacific Highway is a change of government federally. They will put in the \$5.6 million to complete the duplication and restore the 80:20 funding split. Members opposite can scream all they like, but they have failed to come good— [Time expired.]

PARRAMATTA TO EPPING RAIL LINK

Reverend the Hon. FRED NILE: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Transport. Is the Government aware that it has been reported that the Prime Minister, Julia Gillard, has axed the \$2 billion for the Parramatta to Epping railway line? Will the Minister confirm that this project will still go ahead and that Premier O'Farrell will keep his election commitment to build this new line?

The Hon. DUNCAN GAY: I thank the member for his important question. I am not surprised that the Opposition has been quiet on this issue because it had its genesis in the dying days of the Labor Government. When we indicated our priority was for the North West Rail Link and asked to have that money transferred to that project, those opposite refused. They left it on the shelf. I assure Reverend the Hon. Fred Nile that his question is a valid one about which the people of western Sydney would be concerned. The Government has planned to fund the North West Rail Link. We will stick to that commitment, which was made by the Premier and the Minister for Transport. The Government would have loved to have had Federal Government help in doing that, but the Labor Party does not like western Sydney. We saw the Federal Minister for Finance tell fibs to the papers on the eve of the budget; he knew there was no money—only out there in cloud cuckoo land, somewhere in the dim, distant future but not now when it is needed. He was briefing the newspapers, knowing that his comments on the eve of the budget were wrong.

Members opposite have been denied the right to represent the people of western Sydney. Unlike them, Government members like the people of western Sydney and, as the Minister for Roads and Ports, I am putting a record budget into road construction in western Sydney. As Reverend the Hon. Fred Nile asked a proper question, I answer by saying that the Government's commitment is to build the North West Rail Link—we will build that. No-one was surprised that the Labor Party pulled more money out of western Sydney, but the Government will push on and build the North West Rail Link, without that money.

WESTCONNEX MOTORWAY

The Hon. STEVE WHAN: My question without notice is directed to the Minister for Roads and Ports. Given that the Government's WestConnex project was announced almost a year ago, when will the final route be determined? What is the timetable for the start and finish dates for the WestConnex project?

The Hon. DUNCAN GAY: I thank the honourable member for that question. We were going to ask the same question, but the Opposition has done so. While the Hon. Steve Whan asked a question concerning western Sydney, the chattering and inane comments from those opposite indicates that they really do not care about western Sydney.

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

The Hon. DUNCAN GAY: The Government indicated that a plan would be released—and my understanding is that that will happen in July. The steering committee has been working towards that. If those opposite had any doubt about the validity of what we are doing—working with communities, working with local councils, working with chambers of commerce—I remind them that the Federal Government is represented on our steering committee. Yet the Muppet I referred to earlier, together with the Prime Minister, indicated that there should be changes to WestConnex. The Federal Minister for Finance said, first, that there should be no tolls and, secondly, that there should be a new dedicated route to the city and a new dedicated route to the ports. That would add between \$5 million and \$8 million in costs and reduce our ability to pay for it.

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

The Hon. DUNCAN GAY: Members opposite have got to be dreaming if they think anyone can do that. Those opposite look like they are out of *The Castle*. I repeat: They have got to be dreaming if they think anything could happen out of that. You guys are pathetic. No wonder the polls are showing that you are going to be annihilated in western Sydney. With the stupidity you are showing in matters concerning the development of this State, you deserve everything that is coming to you.

The Hon. Steve Whan: Point of order: My point of order relates to relevance. The Minister was asked a question about the timing of the WestConnex project. He seems to be lecturing someone called "you" and pointing at us, but he is not actually talking about us. I ask that he give us the timing and route of the project.

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

CEBIT AUSTRALIA 2013 CONFERENCE

The Hon. MATTHEW MASON-COX: My question without notice is addressed to the Minister for Finance and Services. Will the Minister advise how the Government is using information and communications technology to deliver better services?

The Hon. GREG PEARCE: That is a wonderful question from the Parliamentary Secretary. This morning I attended the CeBIT Australia trade fair. For those opposite, CeBIT is the Asia-Pacific arm of the world's largest information and communications technology trade fair and New South Wales has just secured it in Sydney for another three years, from 2014 to 2016. Hear, hear!

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

The Hon. GREG PEARCE: There is no doubt that CeBIT Australia attracts the best tech talent in the world. Keeping the event in Sydney sends a clear message that Sydney is one of Asia-Pacific's leading hubs for technology, productivity and innovation since we came into government. I was fortunate to walk around the exhibition room and get a taste of the innovative ideas being brought to reality by some of the biggest names in information and communications technology, the research sector and local start-ups. From AAPT Limited and Salesforce, to the CSIRO and National ICT Australia, from smaller firms such as the locally based Invitbox, to international firms such as the Indian-based Kerela, the exhibition hall provides attendees an interactive playground showing how information and communications technology is shaping the way we work and play.

I was pleased to see the Advantage Wollongong team, which showcased a diverse range of innovative ideas being borne out of one of the fastest growing information and communications technology regions. The

Hon. Matthew Mason-Cox is going to the trade fair tomorrow afternoon. Hopefully, he will give me a report of his visit and I can relate it to the House later. One of our primary goals on coming into government was to reconnect with the community.

The PRESIDENT: Order! I call the Hon. Lynda Voltz to order for the first time.

The Hon. GREG PEARCE: If she has her tablet device there and if she looks on the *Australian* website for today she will see another lovely photograph of me. It is a very nice photograph and I encourage everyone to have a look at it on the *Australian* online today. Today I saw that I can autograph on some of the tablet devices. If those opposite have such a device, I am happy to give them an autograph.

One of our primary goals on coming to office was to reconnect with the community and to provide better services. The Government knew that it would not be able to do this by continuing with the same systems and processes left to us by the Labor Government. The expectations of citizens have changed. They expect the Government to pay attention to them and to be interested in delivering services. They expect to interact with Government in the same way they do with all their favourite vendors or brands—online, anywhere, any time and on any device.

They expect their relationship with government to be personalised and relevant to them. Local start-ups and small and medium businesses were, for the O'Farrell Government, a previously untapped resource for innovation and ingenuity that could provide the Government with the opportunity to achieve its objectives speedily. A year ago the Deputy Premier and I released a raft of new information and communications technology policies specifically targeting small and medium enterprises, the citizens and citizens' experience of government; that was the NSW ICT Strategy 2012. The reform program that underpins this strategy has already delivered major improvements.

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

The Hon. GREG PEARCE: Of the 85 actions in our information and communications technology strategy, a third have already been delivered. We have made reforms to information and communications technology procurement specifically designed to make it easier and more attractive to do business with the New South Wales Government. We also committed to making it easier for businesses and the community to turn a good idea into a marketable reality by unlocking government data. It is my pleasure to inform the House today that DataNSW, our one-stop-shop for government data sets, has been rebuilt on a new open source platform with a better search function to make it easier to find government data. I encourage all members to jump online and see the data sets that are now available. We have also drafted an open data policy. The consultation draft is now available on the Have Your Say website for public comments.

Beyond making data available, we are also making it easier for information and communications technology businesses to tap into government by creating an Online Marketplace, to be run out of the two new data centres opening later this year. The marketplace will provide opportunities for private and government suppliers to reach all New South Wales agencies and offer government three main types of cloud services: infrastructure-as-a-service, platform-as-a-service and software-as-a-service. A whole-of-government cloud policy is also on track to support agencies in making the transition to cloud-based "as a service" solutions, and provide clarity for industry about our needs. The policy is being informed by the recently commenced government cloud trial.

Other reforms that members will see this year include multichannel services being rolled out through Service NSW centres, a software rationalisation project, a new suite of technical standards, a new category management approach to information and communications technology procurement, and information and communications technology service catalogue enhancements. I am sure honourable members opposite will take pleasure in knowing that as we roll out each one of those reforms, I will be able to report to the House in detail on our information and communications technology reforms.

INDUSTRIAL RELATIONS LEGISLATION REVIEW

Mr DAVID SHOEBRIDGE: Sadly, my question is directed to the Minister for Finance and Services. Is it true that the Department of Finance and Services is proposing to undertake a full review of the Industrial

Relations Act 1996 and the Employment Protection Act 1982 as a consequence of the operation of the Fair Work Act 2009 of the Commonwealth and the referral of certain matters relating to industrial relations to the Commonwealth?

The Hon. Duncan Gay: Point of order: The question contains argument; the member prefaced the question by saying "sadly".

The PRESIDENT: Order! I do not consider that to have been argument. The Minister may answer the question.

The Hon. GREG PEARCE: That is another example of why The Greens will never be in government anywhere in the world; they do not understand even the basics—

The Hon. Duncan Gay: They are in government in Canberra.

The Hon. Michael Gallacher: And the Australian Capital Territory.

The Hon. GREG PEARCE: As I said, no government in the world.

The Hon. Jeremy Buckingham: Germany.

The Hon. GREG PEARCE: Are you still getting donations from the German Greens?

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

The Hon. Jeremy Buckingham: He doesn't like you, Greg. Throw him out, Mr President.

The PRESIDENT: Order! I call the Hon. Jeremy Buckingham to order for the first time.

The Hon. GREG PEARCE: Unfortunately for Mr Shoebridge, he has been asleep again.

Mr David Shoebridge: You won't like my supplementary.

The Hon. GREG PEARCE: He did not note that industrial relations is a matter for the Industrial Relations portfolio, and that the Minister for Industrial Relations is the Treasurer, and Minister for Industrial Relations.

Mr David Shoebridge: You'll love my supplementary question.

The Hon. GREG PEARCE: It would be interesting if the member had directed the question to the right Minister—in which case he might have got a different answer.

Mr DAVID SHOEBRIDGE: I ask a supplementary question. Can the Minister explain and elucidate his answer, given that schedule 5 to the Statute Law (Miscellaneous Provisions) Bill 2013 states:

The Department of Finance and Services is proposing to undertake a full review of the Industrial Relations Act 1996 and the Employment Protection Act 1982 as a consequence of the operation of the Fair Work Act 2009 of the Commonwealth and the referral of certain matters relating to industrial relations to the Commonwealth.

Or is the Government asleep at the wheel?

The Hon. Duncan Gay: Point of order: Technically, a supplementary question should arise from the answer given. The honourable member indicated, before the Minister had completed his answer, "You won't like my supplementary." I submit that the supplementary question is out of order because it was pre-written and did not come from the answer given.

Mr David Shoebridge: To the point of order: The fact that I suspected that the Minister would not give a full explanation, but would give a partial and potentially erroneous explanation, does not preclude a supplementary question. The Minister said in his answer that it would not be undertaken by certain departments. In light of that, I asked the Minister a supplementary question, given what is in a bill.

The PRESIDENT: Order! As the bill referred to is on the *Notice Paper*, the supplementary question is out of order.

WESTCONNEX MOTORWAY

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Roads and Ports. How will the departure of the Infrastructure NSW chief executive officer and chair, Nick Greiner and Paul Broad, affect the delivery of the WestConnex project?

The Hon. DUNCAN GAY: It will not affect it one iota; not one little bit. The legacy of having two outstanding persons in these jobs is to look outside the envelope and work on bringing plans before government; and for an enlightened government to grab those plans with both hands to develop them in order to look after this city and this State. Mr Greiner and Mr Broad did a terrific job at Infrastructure NSW. The people replacing them are equally outstanding. But things have moved away from Infrastructure NSW and into the WestConnex development area. The departure of Mr Greiner and Mr Broad will not affect the delivery of WestConnex one iota. If Opposition members actually studied the structure and knew what was happening in the State, instead of trying to create this deceitful impression that there is something wrong, they would understand how silly that question is.

TRAFFIC AND HIGHWAY PATROL COMMAND

The Hon. NATASHA MACLAREN-JONES: My question is directed to the Minister for Police and Emergency Services. Can the Minister update the House about the delivery of the Government's election commitment to create a stand-alone Highway Patrol?

The Hon. MICHAEL GALLACHER: I thank the member for her question. Promoting and enhancing road safety is clearly in everyone's interest. As we committed to, the O'Farrell Government created a new stand-alone Traffic and Highway Patrol Command in December 2011. Prior to the restructure, police enforcement was delivered from 63 individual local area commands and 76 separate enhanced enforcement funding programs. Now, it is delivered through a single command, whereby 25 regional clusters coordinate both statewide and local traffic operations. This also enables funding to be pooled and allocated more strategically.

The authorised strength of the command now stands at 1,295. This includes an additional 30 positions brought online at the beginning of May as part of our commitment to increase the strength of the command by 100. I understand that that is not as well as some, but as of 1 March this year the Highway Patrol fleet totalled 551 vehicles, and 198 of those have now been fitted with mobile automatic number plate recognition [AMPR] units. Three State Crime Command vehicles have also been fitted with mobile automatic number plate recognition units. When the rollout of mobile automatic number plate recognition units is complete, 218 vehicles will have been equipped with the mobile units, and they will include the 100 additional units that were promised before the 2011 election.

With the transition to a stand-alone command there is much less division of traffic police into general duties. We all agree that there is a more visible police presence on the roads. Particularly in the central business district, commuters can see the newly established Motorcycle Response Team as they move around the city. A 10-member squad was also established last August. These are newly created positions in the Traffic and Highway Patrol Command, funded by my colleague the Hon. Duncan Gay and Transport for NSW until 2015. The role of the Motorcycle Response Team is to improve traffic flow of congestion hot spots and to prevent small problems from spreading across the traffic network. Where appropriate, officers will use their move-on powers to improve traffic flow as well as issue infringement notices to road users who breach the rules. The Motorcycle Response Team will interact with motorists, pedestrians, cyclists, bus drivers, taxidriver, couriers and truck drivers because all road users have a responsibility to follow the rules and to contribute to road safety.

The new command structure has enabled police to coordinate better with Roads and Maritime Services to establish a joint heavy vehicle task force. The two agencies have worked together since 2012 to target heavy vehicle safety and compliance. They focus on speeding, drug and alcohol use, and compliance with fatigue laws. Officers also conduct vehicle inspections to ensure that loads are properly secured, that vehicles are roadworthy and that speed limiters have not been tampered with. The introduction of the Vehicle Sanctions Act, which received the unanimous support of Parliament last year, is another achievement. Police can now impound a vehicle or confiscate its number plates at the roadside when the owner of the vehicle is charged with certain offences. I congratulate the NSW Police Force on the quick and smooth transition to the new Traffic and Highway Patrol Command and its ongoing work to keep our roads safe.

As I got to my feet, I heard that Martin Ferguson is pulling the pin and I heard the Hon. Lynda Voltz say something about going somewhere. She was teleporting her own position. We have to know now because there is a real battle going on in the Australian Labor Party for pre-selection in the upper House. Only a couple of seats are up for grabs. Who is in the seat of death?

The Hon. Lynda Voltz: Point of order: The Minister is obviously being irrelevant to the question.

The PRESIDENT: Order! I note that the Minister's time has expired.

DISABILITY SECTOR WORKFORCE

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Finance Services, representing the Minister for Disability Services, and the Minister for Education. In light of recent media reports regarding the anticipated shortage of disability workers, will the Minister advise the House what steps are being taken to ensure that there is a doubling of the skill disability sector workforce in New South Wales as required for the National Disability Insurance Scheme commencement in 2018? In particular, will the Minister advise the House on the impact that recent TAFE funding cuts will have on the workforce recruitment strategy?

The Hon. GREG PEARCE: We all hope that the Hon. Jan Barham is feeling all right. It is winter. We know that sickness travels and that some substances lower resistance levels. I was discussing this issue with the Minister for Ageing, and Minister for Disability Services a couple of days ago. He made the point that we will see a significant change in the workforce with the national scheme. Obviously there is a need for skills and capacity building in the community sector because of the work that will be taken on, and there will be considerable changes in relation to the government workforce.

I know that the Minister is now working on that issue. I cannot give the commitments that have been asked for because I do not know whether they are the correct numbers. I can assure the Hon. Jan Barham that we are conscious of the changed requirements and the opportunities that it will bring for people with disabilities to get better services and better care. When I next see the Minister, I will raise this issue with him. I am sure he will work hard to ensure that as these changes are implemented we will do our best for those who most need our assistance.

POLICE TRANSPORT COMMAND

The Hon. PENNY SHARPE: My question without notice is directed to the Minister for Police and Emergency Services. Will the Minister confirm that once security on trains is provided solely by the Police Transport Command it will only be patrolling guardian train services on a user-pays basis?

The Hon. MICHAEL GALLACHER: I can guarantee one thing: the travelling public will feel a darn sight safer under our proposals for a transport command than they have for many, many years. I intend to look closely at the honourable member's question to see exactly what her intent is. Despite the fact that she is not a public transport user, I guarantee that people in New South Wales will benefit greatly from an increased police presence on our streets and on our public transport system.

RESTRICTED PROVISIONAL DRIVER LICENCE PILOT

The Hon. SARAH MITCHELL: My question without notice is directed to the Minister for Roads and Ports. Will the Minister update the House on the restricted provisional licence pilot in regional and rural New South Wales?

The Hon. DUNCAN GAY: I thank the honourable member for her question and acknowledge her efforts in achieving the great result in the Northern Tablelands during the election—which will no longer be necessary because we now have a National Party member in that electorate.

The Hon. Jeremy Buckingham: Gunnedah? Gunnedah is not the Northern Tablelands.

The Hon. DUNCAN GAY: Just be quiet.

The Hon. Jeremy Buckingham: He doesn't even know where Gunnedah is.

The Hon. DUNCAN GAY: I said "Northern Tablelands".

The Hon. Jeremy Buckingham: Gunnedah is not in the Northern Tablelands.

The PRESIDENT: Order!

The Hon. Jeremy Buckingham: The Hon. Duncan Gay should go out there.

The PRESIDENT: Order! I call the Hon. Jeremy Buckingham to order for the second time.

The Hon. DUNCAN GAY: In March when I announced the Safer Driver Course, I also announced the new initiative of a provisional licence pilot to help young learner drivers in rural and remote areas gain a licence. Learners in the selected areas who have 50 hours of experience recorded in their logs books can apply for a restricted provisional licence, which will allow them to drive to health appointments, education and work. To ensure that learner drivers are up to scratch, they will have to hold their learner licence for at least 12 months and pass the driving test to get the restricted P1 licence. The pilot will support young people in rural and remote areas who often do not have access to alternative transport and have to travel long distances to access important services.

I am pleased to inform the House that the locations selected for the pilot program are Brewarrina, Walgett, Bourke, Broken Hill, Balranald and Hay. To identify the pilot areas, Transport for NSW carried out an extensive analysis of different regions in the State and considered factors such as the number of learner licence holders, the young drivers licensing rate and the rate of unauthorised driving. These locations west of the Newell Highway represent a broad cross-section of communities from the north to the south of the State. When pilot participants have held a restricted P1 licence for six months they will automatically graduate to a regular P1 licence. The pilot will begin in July, at the same time as the rollout of the Safer Drivers Course.

The Government has been working hard to deliver the recommendations of the independent board of road safety experts to assist disadvantaged learner drivers living in regional and remote areas or Aboriginal communities and learners from lower socio-economic backgrounds to complete their logbook requirements and to access licensing. For example, in line with the recommendation to support existing community mentoring programs, the Government is also supporting Youthsafe to deliver training to support up to 10 community-based programs delivering driver mentoring for disadvantaged young people in regional New South Wales; the Keep Aboriginal Youth Safe driver instruction program in Blacktown; and GreenLight, a not-for-profit community organisation servicing homeless youth, which helps learner drivers to gain on-road driving experience and which I visited at Bondi Junction.

The Government is also supporting Adult Community Education Lismore, which will deliver driver instruction programs in six locations in northern New South Wales to assist more than 70 Aboriginal young learner drivers; a project to assist the New South Wales Aboriginal Legal Service to address the traffic-related legal problems of people from socially and economically disadvantaged backgrounds in the Taree area; and the Driving Change Program run by The George Institute. The New South Wales Government is committed to supporting them in the licensing system—*[Time expired.]*

FIREARMS SEIZURE

The Hon. ROBERT BORSAK: I direct my question to the Minister for Police and Emergency Services. I refer to a recent comment attributed to the Commissioner of Police about the number of firearms seized by the Police Force. Will the Minister advise what is the definition of the word "seizure" as used by the commissioner?

The Hon. MICHAEL GALLACHER: I will seek a response from the Commissioner of Police as has been requested by the honourable member.

TWEED HEADS HOMELESSNESS AND SUPPORTED ACCOMMODATION

The Hon. WALT SECORD: I direct my question to the Minister for Finances and Services, representing the Minister for Family and Community Services. Given that 2012 Pride of Australia Medal—Community Spirit Award winner, Mr John Lee, who runs the You Have a Friend organisation, reports that

Tweed Heads has the longest waiting list in the State for supported accommodation at 16.2 years compared to the State average of 2.6 years, will the Government honour its commitment and build a facility for the homeless in the region?

The Hon. GREG PEARCE: There is something magic about that term "16 years". I must admit that the Government is still grappling with many of the problems left behind after 16 years of Labor neglect and mismanagement in this State.

The Hon. Michael Gallacher: No area was safe.

The Hon. GREG PEARCE: No, nowhere was safe. From Tweed Heads to Eden and west to Broken Hill, people were not given the support and services they needed. The Labor Government refused to build the infrastructure required to deliver such services. One of the worst legacies left by the Labor Government involved the social housing sector. Of course, the Hon. Walt Secord in his prior life was very much a driver of the former Government's approach of all spin and no action. Indeed, he was smart enough to jump ship a little before the election catastrophe. He knew what was coming. Former Premier "KK" Keneally was devastated and even a little angry when he jumped ship because she thought he would stick with her until the bitter end. But no, he was more interested in securing a few years for himself in this Chamber.

The Hon. Walt Secord: Point of order: My point of order relates to relevance. I asked a serious question about homelessness on the Far North Coast and the Minister is mocking the community.

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

The Hon. GREG PEARCE: The Hon. Walt Secord was not homeless. He was looking after himself while the ship was sinking.

The PRESIDENT: Order! I call the Hon. Greg Pearce to order for the second time. Does the Minister have anything else he wishes to add?

The Hon. GREG PEARCE: No.

PRIORITY SEWERAGE PROGRAM

The Hon. MARIE FICARRA: I direct my question to the Minister for Finance and Services. Will the Minister update the House on the progress being made on key projects under the Priority Sewerage Program? We are still cleaning up the Labor Government's mess.

The Hon. GREG PEARCE: I thank the honourable member for that important question. The New South Wales Government is delivering on its election commitment to fast track key projects under the Priority Sewerage Program. This will give almost 3,000 families in north and south-west Sydney the basic services that they have been waiting years to receive—in many cases more than 16 years. The Government made changes to Sydney Water's operating licence and doubled the subsidy that it receives to ensure that this program can be delivered more quickly. Sydney Water works closely with local residents to make the construction and connection process as easy as possible.

The Priority Sewerage Program is improving services for local communities while reducing public health risks, improving the local environment and saving property owners money by reducing ongoing maintenance and pump-out costs. The communities involved are Bargo, Buxton, Cowan, West Hoxton, Wilton, and Douglas Park. Services will be provided to those villages by 30 June 2014. Galston and Glenorie will be provided with services by 30 June 2015, and planning is underway for the delivery of services to Yanderra by 30 June 2015.

In the two years it has been in office this Government has invested \$347 million in this program, which has seen wastewater services made available to residents in Agnes Banks, Londonderry, Appin, Glossodia, Freemans Reach, Wilberforce, Yellow Rock, and Hawkesbury Heights. Earlier this month, representatives from Sydney Water and the member for Hornsby observed the installation of the first property wastewater system in the \$20-million Cowan Wastewater Scheme. Work is proceeding to connect about 220 properties to Sydney Water's system by the middle of next year. The Hornsby electorate will also benefit from the Galston and Glenorie scheme, with planning underway to determine the best servicing option and to identify the lots that will

be able to be connected. Sydney Water will write to locals in the coming weeks and will advise of the servicing strategy later in the year. Construction will start in early 2014 to ensure connections are available to locals by mid-2015.

More than 1,900 properties in Bargo, Buxton, Douglas Park, West Hoxton and Wilton will be able to connect to the new wastewater systems by mid-2014. Construction has started in Bargo and the first wastewater property installation is imminent. Construction will start in Buxton, Douglas Park and Wilton later this year.

The Hon. Greg Donnelly: Have you issued a media release about this?

The Hon. GREG PEARCE: I have issued lots of media releases. Construction is underway on the \$9-million West Hoxton Wastewater Scheme. That scheme will be completed soon and connections will be available later this year. I congratulate Sydney Water and its alliance partners on honouring the Government's election commitment to ensure that these environmentally sensitive villages receive a priority wastewater service.

RENEWABLE ENERGY INDUSTRY

The Hon. ROBERT BORSAK: I direct my question to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Is the Minister aware of recent claims made by Dr John Kaye that "powering the State entirely on renewable energy, not fossil fuels, is possible"? What will be the cost to consumers and how long will it be before solar power and wind power are economically viable given the cost of coal-fired power stations?

The Hon. DUNCAN GAY: I have to treat some of the statements made by Dr John Kaye carefully. As I have pointed out in this place, Dr John Kaye is a great fan of coal seam gas. In fact, he lobbied very hard for coal seam gas development on the North Coast as an alternative to a powerline. Dr John Kaye said in this House that I was misleading the House but later said, "Well, maybe he wasn't misleading the House, maybe I have had a change of mind." We have to be a little bit careful with the comments of The Greens, particularly those of Dr John Kaye. I had the displeasure to hear Dr John Kaye bash on yesterday about renewable energy; he thought it would be terrific to have a wind farm in every community in regional New South Wales.

I live in Crookwell, a community with wind farms and this normally harmonious community is split down the middle between those who are in favour of wind farms because they are a great drought proofing for a farm to have an income coming in and, frankly, I do not blame farmers for trying to protect his or her future and family future. Farmers have done it tough particularly under Labor Governments, and from blokes like Hon. Walt Secord who jumps ship before train wrecks happen as he did with the Hon. Kristina Keneally and Northern Tablelands. However, other people in our community, friends and neighbours, have to put up with the impact of a wind farm and that is where the split has happened. It has been a terribly unfortunate development in our community. If Alby Schultz is as good as he claims he is he would have stopped the former Government from providing an incentive for big business to install them.

The Hon. MICHAEL GALLACHER: The time for questions has expired. If there are any further questions members should put them on the notice paper and they will be answered in the normal course of events.

LOCAL GOVERNMENT PENSIONER CONCESSIONS

The Hon. GREG PEARCE: On 2 May the Hon. Paul Green asked me a question, representing the Minister for Local Government, in relation to local government pensioner concession. The Minister has provided the following response:

I advise that the NSW Government is committed to maintaining the Pensioner Rebate Scheme.

The Government has absolutely no intention of abolishing the scheme.

Questions without notice concluded.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Hon. Justice Beazley, Administrator of the State of New South Wales:

Office of the Governor
Sydney 2000

M. Beazley
ADMINISTRATOR

The Honourable Justice Margaret Beazley, Administrator of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the Government of the Commonwealth, and as a result of the Lieutenant-Governor being absent from the State of New South Wales, she has assumed the administration of the Government of the State.

Wednesday 29 May 2013

COURTS AND OTHER MISCELLANEOUS LEGISLATION AMENDMENT BILL 2013**WORK HEALTH AND SAFETY (MINES) BILL 2013****SUCCESSION TO THE CROWN (REQUEST) BILL 2013**

Bills received from the Legislative Assembly.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Michael Gallacher agreed to:

That the bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for a later hour.

Bills read a first time and ordered to be printed.

Second readings set down as orders of the day for a later hour.

POLICE TRANSPORT COMMAND**Personal Explanation**

The Hon. PENNY SHARPE, by leave: I wish to make a personal explanation. During question time the Minister yet again verbalised me and suggested I do not catch public transport. As anyone in this House would know, I am a daily public transport user. The Minister has misled the House.

CO.AS.IT. ITALIAN NATIONAL BALL**Personal Explanation**

The Hon. AMANDA FAZIO, by leave: I wish to make a personal explanation. I advise the House that this morning in formal business Private Members' Business motion No. 1351 standing in my name and relating to the Co.As.It Italian National Ball was agreed to. I omitted from paragraph 1 (d) of that motion that Reverend the Hon. Fred Nile, the Assistant President of the Legislative Council was also present.

ENERGY SERVICES CORPORATIONS AMENDMENT (DISTRIBUTOR EFFICIENCY) BILL 2013**Second Reading**

Debate resumed from an earlier hour.

The Hon. STEVE WHAN [3.37 p.m.]: Earlier the Government Whip, the Hon. Dr Peter Phelps, provided another one of his—

The Hon. Dr Peter Phelps: Classics.

The Hon. STEVE WHAN: I was not going to say "classic". He provided another one of his servings about jobs and job creation. As a Country Labor member of this House I am particularly concerned about putting in place some guarantees for jobs in regional New South Wales. The Opposition has foreshadowed an amendment to this bill which will ensure the maintenance of staff numbers in rural centres. I strongly support that aspect of the bill. Essential Energy in particular is a major employer around regional New South Wales and provides jobs in many large and small centres. I have always admired the organisation since it was known as Country Energy for employing apprentices in the local area. Over a number of years I was often able to greet new apprentices who had been taken on in Cooma, Braidwood and Queanbeyan. They worked in depots in those areas and were based there. At times they travelled to other areas, and I will come back to their work in times of natural disaster in a moment.

Essential Energy formed a vital base and provided an important opportunity for young people who wanted to pursue an apprenticeship and stay in their local area. I know that in the Monaro electorate particularly Essential Energy has depots in Braidwood and Cooma. They have a number of staff based in Queanbeyan at the depot and in their offices upstairs at the City Link Plaza where monitoring of the system and of storms is carried out. They also identify faults and make reports after storms have occurred and carry out call centre work. Those jobs are a significant part of the local economy. The Opposition is very keen to try to build some sort of security for them.

The Leader of the Opposition mentioned an exchange he had with Minister Hartcher during the estimates hearings. In that exchange Minister Hartcher confirmed that the Premier had guaranteed jobs in Port Macquarie. That was welcomed because the people working for Essential Energy at Port Macquarie were concerned as to what would happen to them when the three distributors merged into one. However, that job guarantee did not extend to other communities. For instance, there are a large number of Essential Energy jobs in the electorate of Northern Tablelands—where many of us were last weekend—and those people also want security and certainty for the jobs in their local area.

I note that the Government Whip derided jobs as being an objective. That is in stark contrast to the claimed policies of The Nationals before the election about decentralisation of jobs in regional New South Wales, which were set out in "Decade of Decentralisation". They are more than just jobs in local areas and opportunities for apprentices. They provide a workforce familiar with country New South Wales that is able to move quickly in order to assist people in other areas during natural disasters. For example, I have seen Essential Energy, and formerly Country Energy, bring crews from other parts of country New South Wales to assist in flood situations. In fact, some years ago when that tornado went through Lennox Head crews came from far and wide to restore power in quick time.

There was also a snowstorm in the Snowy Mountains some years ago where a fairly wet sort of snow fell and froze on the lines. Powerlines were brought down right across the alpine area and crews from many hundreds of kilometres away came to assist. The benefit of having crews located in country communities is that they often move between these areas and are familiar with the sorts of situations likely to be faced. It is not good enough to say that the Government will maintain the jobs at Port Macquarie, which are vital jobs; it also needs to ensure that people are on the ground. It is not good enough to have a workforce that can move from the city to the country because it will be of no assistance in times of emergency.

A number of members have spoken about the provision of power to country New South Wales and, in particular, the cost of power. I have not been as critical as some of the idea of rolling the three boards into one. First and foremost I wanted to ensure jobs in country New South Wales. But for a number of years one critical part of the National Electricity Rules has been a negative for country New South Wales—namely, the Independent Pricing and Regulatory Tribunal can only attribute costs to customers for the infrastructure in their respective areas. This has meant that the more expensive cost of providing infrastructure in New South Wales has been borne only by the residents of country New South Wales.

Perhaps the only positive to come out of having a single organisation—and I urge the Government to do this—would be to make a submission that takes into account equalising the cost of infrastructure across New South Wales. We would then have an element of cross-subsidisation for country and regional New South Wales, which used to be the case before many of those National Electricity Rules came into place. The history of the rollout of electricity in country New South Wales is interesting. Labor undertook the vast bulk of the work in rolling out the electricity infrastructure to country New South Wales. When Labor came into office in the 1940s there were about 12,000 farms connected to the electricity grid.

The Hon. Luke Foley: Bill McKell was the greatest Premier ever.

The Hon. STEVE WHAN: New South Wales Labor and the McKell Government put the New South Wales Electricity Commission in place, which was strenuously opposed by the Country Party. But it vastly increased the number of properties in New South Wales that were connected to electricity and made an incredible difference to agriculture and to rural communities. One can imagine the difference on a dairy farm, for example, after having the electricity grid connected. The figures went up from the 12,000 farms at the start of the program to about 95 per cent of country New South Wales in 1965. That demonstrates that one cannot rely just on the market to deliver these things because the electricity market was doing what broadband would be doing if it was left to the market now—namely, providing service to high-return city areas and cheaper infrastructure areas but not providing service to communities in country New South Wales where the cost of infrastructure is higher. Labor extended the electricity grid and it has been of great benefit in industry and farming and, importantly, in the living standards of the people of country and regional New South Wales.

Electricity is one of the key ingredients in raising people's living standards anywhere in the world; country New South Wales is no different. Essential Energy is now the country distributor and over the past few years it has continued to upgrade infrastructure. I agree that has been costly but Dr Kaye—who has just left the Chamber—said that the last Labor Government had spent far too much on unnecessary infrastructure. Let us consider that in context. One of the key things to come out of the Victorian Bushfires Royal Commission was that poorly maintained infrastructure had led to some of those fires. Dr Kaye also spoke about expensive infrastructure. The duplication of the transmission line from Cooma to Bega was one of the biggest pieces of infrastructure built in the Monaro and it was paid for by New South Wales customers. It was needed because the good people of Bega decided that they would not accept having a gas-fired power station in the local area. A gas-fired power station could have taken some of the load off that line and would have allowed the people of Bega to have reticulated natural gas from the Eastern Gas Pipeline that was constructed through the mountains at the same time.

I agree there was a big investment in infrastructure and it led to increased prices over a number of years. Indeed, that was the biggest influence on rises in prices in the past few years, not the carbon tax as suggested by those opposite. The carbon tax is only a portion of increased prices, which the Federal Government has more than compensated for. Labor took the rolling out of infrastructure very seriously and a lot of the investment in that infrastructure has now concluded. Consequently we will see a stabilising of those prices in the next few years. As I have said, the bill proposes to roll the three existing boards into one. The Government has got itself into a knot over some aspects of this bill because different directors are on different boards. Perhaps it should have foreseen that a little earlier in this process. It is critical that we take the opportunity to build guarantees of regional employment into this legislation and the amendment that the Opposition will be moving will seek to do that. Given the pronouncements we have heard from The Nationals in the past on these issues, I confidently expect The Nationals will support the amendment to ensure that jobs are protected in regional communities. If The Nationals do not support it, they will have to explain themselves to regional communities.

The Hon. JOHN AJAKA (Parliamentary Secretary) [3.49 p.m.], in reply: I thank members for their contributions to the debate. I will not name them all; there were so many and they know who they are.

The Hon. Luke Foley: You don't know who they are.

The Hon. JOHN AJAKA: I note that interjection. They are the Hon. Lynda Voltz, the Leader of the Opposition, Dr John Kaye, the Hon. Marie Ficarra, Reverend the Hon. Fred Nile, the Hon. Amanda Fazio, the Hon. Dr Peter Phelps and the Hon. Steve Whan. The Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013 amends the Energy Services Corporations Act 1995 to improve the combined operational efficiency of the three State-owned electricity distributors through more streamlined board governance arrangements. In July 2012 the Government implemented interim governance arrangements for Ausgrid, Endeavour Energy and Essential Energy. The purpose of the interim arrangements was to drive network reform, achieve efficiency savings and put downward pressure on electricity prices.

The interim structure has helped drive significant efficiency savings, currently estimated at \$2.5 billion of capital expenditure and operational expenditure. This includes more than \$600 million of operational expenditure savings over five years, up from original forecasts of \$400 million. These savings will deliver real benefits for the people of New South Wales with network price changes stabilising from 1 July this year, at or below the consumer price index. The Government anticipates that this price stability will continue for at least the next six years. The bill provides for a joint board of directors to act in the best interests of the distributors as if the individual businesses were being operated as parts of a single enterprise.

This will assist in streamlining the decision-making process at board level. Currently, the decisions that help drive electricity reform initiatives are made at three separate board meetings, which is inefficient and administratively cumbersome. The bill will also help to alleviate concerns regarding the potential conflict of interest of board members in discharging their director duties. The bill provides that the chief executive officer may delegate any of his or her functions in respect of a particular distributor to an employee of that distributor, subject to any direction of the joint board.

The amendment allows for streamlined management arrangements while maintaining appropriate levels of oversight. The bill also provides that a distributor will not be entitled to be reimbursed for the costs of complying with a direction from the Government that is not in its commercial interests if the direction is in the combined commercial interests of all three distributors. Any amount that an individual distributor will be entitled to be reimbursed is to be reduced by the amount of the net benefit, if any, accruing to any of the other distributors as a result of compliance with the direction. I commend the bill to the House.

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

The House divided.

Ayes, 31

Mr Ajaka
Mr Blair
Mr Borsak
Mr Clarke
Ms Cotsis
Ms Cusack
Mr Donnelly
Ms Fazio
Ms Ficarra
Mr Foley
Mr Gay

Mr Green
Mr Khan
Mr Lynn
Mr MacDonald
Mrs Maclaren-Jones
Mr Mason-Cox
Mrs Mitchell
Mr Moselmane
Mrs Pavey
Mr Primrose
Mr Searle

Mr Secord
Ms Sharpe
Mr Veitch
Ms Voltz
Ms Westwood
Mr Whan
Mr Wong

Tellers,
Miss Gardiner
Dr Phelps

Noes, 5

Ms Barham
Mr Buckingham
Ms Faehrmann

Tellers,
Dr Kaye
Mr Shoebridge

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [4.02 p.m.]: I move The Greens amendment No. 1 on sheet C2013-066B:

No. 1 Page 3, Schedule 1 [1], proposed section 9A. Insert after line 15:

- (3) It is in the best interests of energy distributors as a combined operation for the joint board to consider the impact of its decisions on the employees of energy distributors and to seek to minimise:
 - (a) the number of employees of an energy distributor who are made redundant (including by voluntary redundancy), and

- (b) any reduction in the number of employee positions of an energy distributor in regional communities, and
- (c) any reduction in the number of employees of an energy distributor.

This amendment will insert into the bill, and hence into the Act, a requirement for the joint board of the energy distributors—

The CHAIR (The Hon. Jennifer Gardiner): Order! There is too much chatter, especially on the Government benches.

Dr JOHN KAYE: This amendment would insert into the Act a requirement that the joint board consider the impact of its decisions on employment in each of the individual energy distributors, and particularly seek to minimise the number of employees who are made redundant, minimise any reduction in the number of employee positions of an energy distributor in a regional community, and minimise any reduction in the number of employees of an energy distributor. Labor has foreshadowed that it will move an amendment that is in a similar vein to The Greens amendment. It is prompted by a similar desire to protect jobs across each of the individual distributors, particularly in regional and rural communities. It will be interesting to see how The Nationals members vote on this amendment. We hear a lot from them about rural communities. For example, the Leader of The Nationals in this place, the Hon. Duncan Gay, often gets up, puts his hand on his heart and exclaims how he is for rural New South Wales.

Mr David Shoebridge: He's hiding a stain.

Dr JOHN KAYE: I acknowledge the interjection. He often says in the House what a great fellow he is for rural New South Wales. This is a little test of whether he cares about rural jobs or it is just another front for the member from Redfern. We will put it to the test and see how he votes. I imagine that he has been so comprehensively infected by his Liberal Cabinet colleagues that he—

Mr David Shoebridge: "Compromised".

Dr JOHN KAYE: Did I say "infected?" I retract that word. The member has been compromised by the people he hangs out with and he has forgotten what it will mean to rural and regional communities when central jobs in the distribution industry are hacked out in the name of efficiency. What it will mean to those small communities—

The Hon. Duncan Gay: We don't want them. Crookwell doesn't want them.

Dr JOHN KAYE: I acknowledge that interjection from the Leader of the House. He said, "Crookwell doesn't want jobs". That probably explains a lot.

The Hon. John Ajaka: That's not what he said.

Dr JOHN KAYE: I was talking about jobs.

The Hon. Trevor Khan: Point of order: Dr John Kaye is deliberately misleading the House. It is plain—

The Hon. Lynda Voltz: What is the point of order?

The Hon. Trevor Khan: The point of order is that Dr John Kaye is misleading the House. He should be called to order for misleading the House.

The Hon. Duncan Gay: To the point of order: I do not mind my interjection being recorded, but not incorrectly. I said, "Crookwell does not want wind farm jobs". Dr John Kaye claimed that I said, "Crookwell doesn't want jobs"—which is a complete distortion.

The CHAIR (The Hon. Jennifer Gardiner): Order! There is no point of order. Members will cease interjecting.

Dr JOHN KAYE: Thank you, Madam Chair. I appreciate your ruling. I was talking about jobs in rural New South Wales. I had not mentioned wind farms in my speech—I make that absolutely clear.

Mr David Shoebridge: Until now.

Dr JOHN KAYE: That is a good point. I have been distracted into discussing wind farms. But I return to the important issue of jobs in rural New South Wales. We know that many communities are suffering. Withdrawing public services such as maintenance crews will hurt those communities in two ways: first, jobs will be lost, as will the economic benefit that those jobs bring to the community; and, secondly, workers will not be there to maintain the powerlines. That means there will be longer outage periods as well as social and economic impacts on those communities. If The Nationals members in this place are anything but Liberal lite, they will stand up and vote for this amendment. They will stand up and say, "We are for rural New South Wales; we know what the withdrawal of jobs from those communities means." That might not be something the Leader of The Nationals stands for, but I know there are members in this Chamber who are genuinely committed to rural jobs and I would like to see where they stand on this amendment.

The amendment is necessary because the legislation as drafted would enable the new board to hack out jobs. That is already happening. Madam Chair, I am sure you are aware how many jobs have already been lost in your area. Approximately 1,000 New South Wales jobs have already been lost from the three energy distributors. The Greens are concerned that a combined board will continue that process and will decimate employment in both rural and urban areas. These are important jobs. I note that the Government Whip in his little contribution—I call it a "contribution" because I have a strong sense of irony—said that talking about jobs in the distribution industry is no better than talking about burying things down a mine and getting people to dig them up again. What utter nonsense. These are jobs in dynamic, crucial and central infrastructure that keeps the lights on. Some really stupid people might argue that the market will take care of it. Some people who have no understanding of how infrastructure works—none whatsoever—and who have spent their lives with their heads buried in books written by idiots like Hayek might argue, "Oh, the market will take care of it". They do not understand three key concepts. One is monopoly.

The Hon. Dr Peter Phelps: I know about Monopoly: You put your hotel on Park Lane or Mayfair.

Dr JOHN KAYE: The second is social benefit. Madam Chair, there is a lot of background noise. Can we ask the Clerks to fix the problem? There is some sort of noise in the system.

The CHAIR (The Hon. Jennifer Gardiner): Order! Contributors to the background noise will desist.

Dr JOHN KAYE: Thank you, Madam Chair. I appreciate your ruling. An essential feature of monopoly infrastructure is that it will not operate according to a market. There is no market here. The board will make determinations as to the size of the workforce. If the board gets it wrong, we will lose jobs, we will lose reliability on the network and we will lose the capacity of the network to innovate. There is no parallel universe—although sometimes I wonder whether some members in this Chamber live in a parallel universe—where a separate experiment is being run and there is competition between the two universes. There is but one set of wires that provide electricity to rural New South Wales, one set of wires that provide electricity to Sydney, and one set of wires that provide electricity to Endeavour Energy's franchise. There is no other set of wires in competition with them; there is no marketplace for this to work in.

It is a natural monopoly and we need to set the employment level in that natural monopoly—not at infinity in some kind of spherical universe, where everything works according to the simple laws of microeconomics. We need to set the level according to what the community needs not just in terms of employment but also in terms of the quality of its electricity supply. As the years pass and the situation evolves, it is inevitable that we will decentralise the electricity industry further. Despite some of the utterly absurd things that have been said in this Chamber today, any impartial observer will acknowledge that there has been a substantial fall in the cost of manufacturing and installing rooftop solar panels, not only at a household level but also at the—

[*Interruption*]

The CHAIR (The Hon. Jennifer Gardiner): Order!

Mr David Shoebridge: Point of order: Despite repeated rulings from the Chair, the Government Whip continues to sing, mutter and interject. It is distracting the speaker. I ask that the Government Whip be called to order.

The CHAIR (The Hon. Jennifer Gardiner): Order! I agree that the Government Whip is being unruly. I call the Hon. Dr Peter Phelps to order for the first time.

Dr JOHN KAYE: The essential ingredient of this measure is that there is no market. As the price of solar panels falls, as the price of other forms of distributed energy falls—and I know this is a complex concept for many in The Nationals—it is inevitable that there will be less emphasis on the distribution system, and in particular the transmission system. This will happen anyway, regardless of policy settings. In fact, if you destroy the integrity of the distribution system, it will probably happen more rapidly as people lose confidence in their reticulated supply and move to self-sufficiency. Nonetheless, it will happen. What is important is that we get the best of both worlds in the transition. We get the best of both worlds by making sure we have a series of distribution systems that adjust to world's best technology, that adjust to the growing demand for distributed energy, and that adopt the cheaper ways of maintaining reliability. Rather than the absurdity of the \$17.9 billion investment in wires and poles—

The Hon. Dr Peter Phelps: Point of order: The member would be fully aware that the rules relating to discussing an amendment are much more strict than those regarding contributions during the second reading debate. The member should speak directly to the amendment at hand, rather than going off and raising a series of extraneous issues that would have been dealt with more appropriately during the second reading debate. I ask that the member be drawn back to the amendment before the Committee and that he speak directly to that amendment.

Dr JOHN KAYE: To the point of order: If the member knew anything that went beyond the pages of Friedrich Hayek's books, he would understand that I was talking directly about the importance of maintaining employment in distribution systems—which is what the amendment is about—in order to support the transition to a distributed energy system and secure the technological capacities of these distributors to make that transition occur in a way that captures jobs in Australia.

The CHAIR (The Hon. Jennifer Gardiner): Order! There is no point of order.

Dr JOHN KAYE: I was saying it is important that this State maintains the technological and technical capacity within the distribution agencies in order to make that transition. I know it is a complex idea, and I apologise to those who struggle with it; but I also need to warn them that this is the twenty-first century, and in the twenty-first century life will get a lot tougher and much more complex. This Chamber cannot afford to be left behind. This amendment respects rural communities and urban communities by saying that we need to maintain adequate employment by not undermining jobs in those distributors. We need to respect those communities by maintaining a reliable supply and by making sure that when there is an outage there is a crew available to fix it—and not one that is despatched by somebody in Sydney who does not know where Guyra is, knows nothing about local conditions in Guyra, and knows even less about the sort of workforce that he or she is despatching from Sydney. This amendment is about protecting jobs, protecting the integrity of the distribution system and protecting regional economies. I commend the amendment to the Committee.

The Hon. JOHN AJAKA (Parliamentary Secretary) [4.15 p.m.]: The Government opposes The Greens amendment No. 1 on sheet C2013-066B. There will be no impact on the number of employees as a result of this bill. I will quote the Treasurer, the Hon. Mike Baird, who said:

There will be no impact on the number of jobs as a result of the Energy Services Corporations Amendment Bill.

He went on further to say:

No frontline positions will be lost. There will be no forced redundancies, and those who leave the businesses will be doing so by choice.

The key objective of the bill is to formalise infrastructure put in place in July 2012 to ensure the continuing success of the network reform initiatives. The savings achieved through the reform initiatives will deliver real benefits for the people of New South Wales, with network price changes stabilising from 1 July this year at or below the consumer price index. The Government anticipates that this price stability will continue for at least the next six years. The amendment would preclude options, such as voluntary redundancy—an option that many employees across the business may be very interested in taking. This is not a constraint we want to put on the business. The New South Wales Government and distributor businesses are committed to regional New South Wales. At the same time, we are asking businesses, commercial enterprises on behalf of the Government, to run as efficiently as possible and deliver services to the community in the best possible way. We are doing everything possible to put downward pressure on electricity prices. The O'Farrell Government will continue to stand up for regional and rural New South Wales. The Government opposes the amendment.

The Hon. LUKE FOLEY (Leader of the Opposition) [4.17 p.m.]: It is simply disingenuous of the Parliamentary Secretary to say that there will be no jobs impact from this legislation. I quote an exchange at the estimates hearing between me and the Minister for Resources and Energy, which is as follows:

The Hon. LUKE FOLEY: Will 780 positions go as a result of the formation of Networks NSW and the consequent restructure?

Mr CHRIS HARTCHER: Over a period of time, yes.

That was an admission on Friday 12 October 2012 by Minister Hartcher that 780 positions will go as a result of this measure. Yet the Parliamentary Secretary said a minute ago that the bill will have no impact on jobs. He is dead wrong; he contradicts the clear and explicit answer given by the Minister. We support The Greens amendment.

Dr JOHN KAYE [4.18 p.m.]: I thank the Leader of the Opposition for his statement; I think he is absolutely right. I also find the level of contradiction puzzling. I thank also the Minister for Resources and Energy for his statement. I will come to the Minister shortly. I point out that the Parliamentary Secretary said, "No jobs will be lost; don't worry about that; trust me, there will be no jobs lost here." Then he went on to say, "Ah, but the Treasurer says nobody will be forced to leave; they will leave voluntarily. So in fact there will be jobs lost because people will be leaving voluntarily. I did not speak about forced redundancies; it was the Government that introduced that issue into this debate. We are talking about the loss of a number of jobs in the industry. Regarding the point made by the Leader of the Opposition, I note a media release of Sunday 18 March 2012 from the Hon. Chris Hartcher, Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast, which states:

Electricity network merger to provide benefits to NSW households

It is anticipated that the current combined workforce of 13,000—across the three distribution networks—will be reduced by up to 780 jobs over four years through the reform.

There is only one way out now for the Parliamentary Secretary, and that is to say that this legislation is not part of the reform. He will then have to explain to the House how we are combining the boards—which is part of the reform but not part of the reform. The Parliamentary Secretary should back down and say, "I was wrong; jobs have been lost and, like the Leader of the House, we do not care about jobs in rural New South Wales."

Question—That The Greens amendment No. 1 [C2013-066B] be agreed to—put.

The Committee divided.

Ayes, 19

Ms Barham	Mr Moselmane	Ms Westwood
Mr Buckingham	Mr Primrose	Mr Whan
Ms Cotsis	Mr Searle	Mr Wong
Mr Donnelly	Mr Secord	
Ms Faehrmann	Ms Sharpe	<i>Tellers,</i>
Mr Foley	Mr Shoebridge	Ms Fazio
Dr Kaye	Mr Veitch	Ms Voltz

Noes, 18

Mr Ajaka	Mr Gay	Mrs Mitchell
Mr Blair	Mr Harwin	Mr Pearce
Mr Borsak	Mr Khan	
Mr Clarke	Mr Lynn	
Ms Cusack	Mr MacDonald	<i>Tellers,</i>
Ms Ficarra	Mrs Maclaren-Jones	Mrs Pavey
Mr Gallacher	Mr Mason-Cox	Dr Phelps

Question resolved in the affirmative.

The Greens amendment No. 1 [C2013-066B] agreed to.

The Hon. Dr PETER PHELPS [4.28 p.m.]: I seek leave to have the vote recommitted.

The CHAIR (The Hon. Jennifer Gardiner): Order! We will proceed to the end of the Committee stage and before I leave the Chair the amendment will be recommitted.

The Hon. LUKE FOLEY (Leader of the Opposition) [4.29 p.m.]: I move Opposition amendment No. 1 on sheet C2013-050:

No. 1 Page 5, Schedule 1 [6]. Insert after line 13:

21 Maintenance of staff numbers in rural centres

- (1) Each energy distributor must ensure that the number of regular staff of the energy distributor employed at a rural centre is, as far as is reasonably practicable, maintained at not less than the same level of regular staff as were employed by the energy distributor at the rural centre immediately before the commencement of section 9A.
- (2) This section operates for 5 years after the commencement of section 9A.
- (3) In this section:

regular staff of an energy distributor means:

- (a) staff appointed to a position within the organisational structure of the energy distributor, otherwise than on a temporary basis, and
- (b) casual staff who are engaged by the energy distributor on a regular and systematic basis for a sequence of periods of employment during a period of at least 6 months and who have a reasonable expectation of continuing employment with the energy distributor,

but does not include senior staff.

rural centre means a centre of population of 30,000 people or fewer.

This amendment is similar to The Greens' amendment.

The Hon. Penny Sharpe: But better.

The Hon. LUKE FOLEY: I acknowledge that interjection. State-owned corporations should act efficiently and they can do that in a number of ways. In moving from three State-owned corporations to one entity in an operational sense, efficiencies can be achieved by sharing technology and with licence agreements.

The CHAIR (The Hon. Jennifer Gardiner): Order! There is too much audible conversation. I cannot hear the Leader of the Opposition.

The Hon. LUKE FOLEY: However, the Opposition is concerned about employment levels, particularly in country New South Wales. One can contemplate downsizing and, indeed, Vince Graham has been quite open about it, as was the Minister in the estimate committee exchange which took place in October last year and which I mentioned during the debate on Dr John Kaye's amendment. The State has an obligation to rural communities. In my second reading contribution I listed the large number of electoral districts in rural and regional New South Wales in which employees of these three State-owned corporations work.

The Opposition does not apologise for saying that the State-owned electricity corporations are not simply corporations in a private sector sense but have wider societal obligations. That is one of the reasons that the Parliament has decided that they should remain State-owned corporations. I refer members to a similar provision to this in the Local Government Act. When rural councils are amalgamated they are required to retain their existing staffing level for three years. That is designed to ensure that employees and their rural communities are maintained and protected. This amendment seeks to insert a similar provision in this bill. I commend the amendment to the Committee.

The Hon. JOHN AJAKA (Parliamentary Secretary) [4.33 p.m.]: The Government opposes this amendment. I refer members to what I said in addressing The Greens' amendment on sheet C2013-066B. For those reasons the Government opposes the amendment.

Dr JOHN KAYE [4.34 p.m.]: The Greens support this amendment. It is narrowly focused and is an even sharper challenge to The Nationals than my successful amendment. This amendment focuses purely on

rural centres, which are defined as having a population of 30,000 or fewer, so we are talking about relatively small rural communities. It provides that the level of regular staff—which is sensibly defined as permanent or casual staff who have been employed for at least six months—at a rural centre cannot be decreased, where reasonably practicable. That reference to "reasonably practicable" makes this a practical amendment. It does not bind the hands of an energy distributor.

If there were a substantial decline in a population or people moved off grid and that resulted in less demand and therefore a reduced need for maintenance—systems anneal and age less rapidly if they are used less—a smaller number of staff would be required. That is sensibly recognised in the amendment. It effectively provides that a board should not issue an order to reduce the size of a rural or regional maintenance centre simply because it wants to save money. It prevents a board from using the excuse that it is downsizing to save money because that would not be "practicable". To that extent, this is a narrowly focused amendment designed to protect jobs in rural and regional communities by ensuring that a board does not destroy jobs unless there is an overriding reason to do so.

I note that the Parliamentary Secretary relied upon the same argument that he used unsuccessfully to defeat my amendment. He was unsuccessful then and should be now if there is any justice in this world. What he said was transparently wrong. Either he was wrong or Minister Hartcher was wrong—but both of them are most likely wrong. If these reforms are about reducing costs then they must be about reducing jobs, and those jobs will inevitably be lost in the rural centres that would be protected by the passage of this amendment. I challenge The Nationals members to support this amendment and to demonstrate that they really do support rural New South Wales.

Question—That Opposition amendment No. 1 [C2013-050] be agreed to—put.

The Committee divided.

Ayes, 17

Ms Barham	Dr Kaye	Mr Veitch
Mr Buckingham	Mr Moselmane	Ms Westwood
Ms Cotsis	Mr Primrose	Mr Wong
Mr Donnelly	Mr Secord	<i>Tellers,</i>
Ms Faehrmann	Ms Sharpe	Ms Fazio
Mr Foley	Mr Shoebridge	Ms Voltz

Noes, 20

Mr Ajaka	Mr Gay	Mr Mason-Cox
Mr Blair	Mr Green	Mrs Mitchell
Mr Borsak	Mr Harwin	Reverend Nile
Mr Clarke	Mr Khan	Mr Pearce
Ms Cusack	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mr MacDonald	Mrs Pavey
Mr Gallacher	Mrs Maclaren-Jones	Dr Phelps

Pair

Mr Whan

Mr Colless

Question resolved in the negative.

Opposition amendment No. 1 [C2013-050] negatived.

Schedule 1 as amended agreed to.

Title agreed to.

The Hon. JOHN AJAKA (Parliamentary Secretary) [4.45 p.m.]: I move:

That the Chair do now leave the Chair and report the bill to the House with an amendment.

The Hon. LYNDIA VOLTZ [4.45 p.m.]: I move:

That the question be amended by omitting all words after "that" and inserting instead:

"the Committee reconsider Schedule 1".

Question—That the amendment of the Hon. Lynda Voltz be agreed to—put and resolved in the affirmative.

Amendment of the Hon. Lynda Voltz agreed to.

Motion as amended agreed to.

Motion by the Hon. Lynda Voltz agreed to:

Page 3, schedule 1 [1], proposed section 9A (3) as inserted in Committee. Omit the subsection.

Question—That reconsidered schedule 1 as amended be agreed to—put and resolved in the affirmative.

Reconsidered schedule 1 as amended agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. John Ajaka, on behalf of the Hon. Greg Pearce, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. John Ajaka, on behalf of the Hon. Greg Pearce, agreed to:

That this bill be now read a third time.

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

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 8 and 9 postponed on motion by the Hon. John Ajaka.

CHILD PROTECTION LEGISLATION AMENDMENT (CHILDREN'S GUARDIAN) BILL 2013

Second Reading

The Hon. JOHN AJAKA (Parliamentary Secretary) [4.50 p.m.], on behalf of the Hon. Greg Pearce:
I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Child Protection Legislation Amendment (Children's Guardian) Bill 2013 will improve child protection in New South Wales by integrating related child protection regulatory systems. The bill integrates the Working with Children Check within the newly established Office of the Children's Guardian, an independent division of the government service.

The Office of the Children's Guardian is the specialist accreditation and licensing agency of the New South Wales child protection system. It regulates out-of-home care, adoption and prescribed children's employment.

Integrating the check within the office will provide one single independent regulator for the child protection system.

I commend the Minister for Citizenship and Communities, the Hon. Victor Dominello, and the staff of the Commission for Children and Young People for developing the new Working with Children Check, which will start on 15 June 2013.

The New South Wales Liberals and Nationals Government recognise the improved check is a critical child protection safeguard—a strengthened safeguard that needs to be integrated with other child protection regulatory systems. That is what this bill does.

The current working with children check leaves the decision to employ a person in child-related employment to the employer, unless the person is a prohibited person as a result a relevant conviction. That means that people who have been assessed as posing a serious risk to children by a screening agency can still work with children. That must change.

The new check is no longer merely a risk-assessment system, but an accreditation-based licensing system for people who wish to work with children. The new check will either clear people to work with children or bar them, rather than leave it to an employer to make his or her own decision.

This bill integrates child protection regulatory functions within a single agency.

Schedule 1 [4] and other provisions of schedule 1, along with schedule 3.5 [1] of the bill, transfers responsibility for administering the check from the Commission for Children and Young People [CCYP] to the Children's Guardian.

Schedules 3.2 and 3.9 make consequential amendments, with the Children's Guardian to audit child-related conduct declarations under the Parliamentary Electorates and Elections Act 1912 and appear in relevant proceedings under the Child Protection (Offenders Registration) Act 2000.

Schedule 3.2 also incorporates the Working with Children Act definitions of "employer" and "worker" into the Offenders Registration Act. This responds to the Director of Public Prosecution's concerns about a Local Court decision that participation in the Work for the Dole program was not employment that registered offenders needed to report to police. Schedule 3.2 will ensure that registered offenders must report work for the dole and other volunteering arrangements to police.

Schedule 1 [5] to [7] requires adults living with home-based childcare providers, rather than those living with childcare managers, to obtain Working with Children clearances.

Schedule 1 [12] is a key provision. It transfers to the Guardian the Commission for Children and Young People function of encouraging organisations to develop their capacity to be safe for children. This function supports the check and can be integrated with the related out-of-home care and adoption accreditation and children's employment licensing functions of the Children's Guardian.

The Children's Guardian's existing staff, who conduct over 100 employer visits a year, will all provide education and compliance monitoring for the new check and the child safe organisation program.

Schedule 1 [15] of the bill is an important new initiative and I thank the Catholic Commission for Employment Relations for its lead role in developing it.

The regulations exclude most parents who volunteer in activities that involve their own children from the check, although parent volunteers who provide mentoring services or intimate personal care services for children with disabilities must obtain clearances.

This reflects the reality that parents have contact with their children's peers as part of normal life. It is neither practical nor appropriate for the State to impose checks on all parents who have contact with their children's peers.

However, employers should be able to introduce their own risk management strategies as part of making their organisations safer for children.

The Catholic Commission for Employment Relations will be requiring some categories of parent volunteer to sign statutory declarations that they have not been convicted of a barring offence under the Working with Children Act. Other employers may also choose to require statutory declarations targeted in accordance with their own workplace risk assessments. The penalty for swearing a false declaration is up to five years imprisonment.

The proposed statutory declaration arrangements can be distinguished from the outgoing prohibited employment declarations, which are not targeted, only have a two-year penalty for breach, are not understood or supported by many employers, and are seen as ineffective. The prohibited employment declaration arrangements are so broad that they do not allow for effective risk-based auditing. That is why the Working with Children Act provides for the repeal of the prohibited employment regime on 15 June.

Schedule 1 [15] will enable the Children's Guardian or an approved person to conduct audits of a sample of employer-initiated statutory declarations.

Schedule 2 [2] of the bill requires an authorised carer to notify their out-of-home care agency as soon as practicable after another adult starts living in their household. This improves the current three-month timeframe, which is incompatible with check requirements.

Schedule 2 [3] of the bill consolidates the principal functions of the Children's Guardian, reflecting the transfer of Commission for Children and Young People's child-related work and voluntary accreditation functions.

New section 181 (1) (d) of the Children and Young Persons (Care and Protection) Act 1998 requires the Children's Guardian to establish and maintain a register for the purpose of authorising persons as authorised carers. The Carers Register will ensure all carers have undergone necessary probity and other assessments and support agencies in sharing information about prospective carers. The transfer of the working with children check to the guardian will support the integration of the check and carers register systems.

New section 181 (1) (g) of the Care Act and Schedule 2 [1] and [6] to [12] of the bill also provide for the Children's Guardian administering the children's employment provisions of the Care Act, which the Guardian has been doing under Ministerial delegation since 2003. Schedule 2 [10] reduces the time frame for processing applications for a children's employment authority from 28 to 14 days.

Schedules 1 [16] and 2 [4] to [5] replicate provisions of the Commission for Children and Young People Act that are necessary to support the Children's Guardian's new functions. The other provisions, with the exception of Schedule 3.5 [3] to [4] are consequential or address matters inadvertently omitted when the Working with Children Act was introduced.

Schedule 3.5 [3] to [4] contain critical provisions to ensure the Children's Guardian independently and transparently administers the child-related employment functions transferred from the Commission for Children and Young People.

The member for Canterbury has suggested that the transfer diminishes the independent administration of the check. She is wrong.

Section 36 (2) of the Commission for Children and Young People Act, introduced by the former Labor Government, provides that the Commission for Children and Young People must comply with the written directions of the Minister in administering the current check. That is the Labor way.

It was this Government that made the new check at arm's length from government by not replicating that provision in the Working with Children Act.

It was the former Labor Government that removed the independence of the Commission for Children and Young People and the Children's Guardian. Labor shut them down as independent departments in 2006, incorporating them into the Office of Children within the Premier's department and later the Department of Communities, now part of the Department of Education and Communities. The Children's Guardian's budget and staffing have since been controlled by that department.

This Government has restored the independence of the Children's Guardian by establishing the Office of the Children's Guardian as a standalone division of the government service, with the Children's Guardian remaining an independent statutory office. Just like the Ombudsman's Office. Just like the Office of the Director of Public Prosecutions. Just like the Office of the New South Wales Electoral Commission.

The Children's Guardian is completely independent of the Department of Family and Community Services. It has a separate budget.

It will continue to report directly to me as the Minister, as it does now.

The Children's Guardian will continue to be appointed by the Governor, and may only be removed by the Governor for misbehaviour, incapacity or incompetence.

The Children's Guardian will also continue to have the ability to report directly to Parliament.

And the bill provides for the Joint Parliamentary Committee on Children and Young People monitoring, reviewing and reporting on the exercise of the Children's Guardian's functions under the Working with Children Act.

The functions of this bill are well supported by the sector.

The Ombudsman, Bruce Barbour, has advised he supports a single independent body administering child protection probity systems and that integrating the working with children check with the Children's Guardian's other regulatory systems will improve the coordination of child protection regulation and assist his office in its work with the community services sector.

The 2010 Review of the Commission for Children and Young People Act 1998 supported a move towards an accreditation-based check. A number of submissions to the review highlighted the tension between the Commission for Children and Young People's advocacy role and its administration of the check.

- The Benevolent Society recommended that the check be part of an integrated system of risk reduction for all organisations that provide services to children and young people and suggested the exploration of a link with out-of-home care accreditation.
- Save the Children recommended that the Commission for Children and Young People's responsibility for conducting checks be transferred to a separate regulatory agency, as did the National Children's and Youth Law Centre, which suggested that the check might be transferred to the Children's Guardian.

These comments reflected the 2004 submissions of the Council of Social Service of New South Wales [NCOSS], the Association of Children's Welfare Agencies [ACWA], and Ethnic Child Care, that administering the check diminished from the Commission for Children and Young People's advocacy, education and research functions.

The Commission for Children and Young People's own submission to the special commission of inquiry stated that advocacy and regulatory functions do not appropriately sit in the same agency. The new check has a much stronger regulatory character than the outgoing one.

This bill does not make any changes to the Commission for Children and Young People's advocacy and policy functions and Minister Dominello has announced that the Commission for Children and Young People will be consulting with key stakeholders on how best to strengthen these important areas.

The regulatory and advocacy benefits of the bill are acknowledged by Louise Voight, the CEO of Barnardos, who has advised that situating the new check with the Children's Guardian cements the guardian's role as a strong regulator and enhances the status of this function, and the separation of regulation from advocacy will be beneficial for children's interests.

Claire Robbs, the Chief Executive of Life Without Barriers, has welcomed the transfer of the check to the Children's Guardian as "a fantastic opportunity for regulatory streamlining".

The Catholic Commission for Employment Relations believes the transfer will allow for the more efficient and responsive delivery of the check and aligned child protection services.

This bill provides for an independently administered working with children check, subject to parliamentary oversight. It integrates that check with other child protection regulatory systems, improving child protection in New South Wales. It also allows for a renewed and reinvigorated focus on policy and advocacy work for children and young people.

The New South Wales Liberals and Nationals Government came to government to improve service and lives for vulnerable children in New South Wales. That is what we are doing.

I commend this bill to the House.

The Hon. MICK VEITCH [4.51 p.m.]: I lead for the Opposition in debate on the Child Protection Legislation Amendment (Children's Guardian) Bill 2013 and state from the outset that the Opposition will not be opposing the bill. The object of the bill is to transfer the core work of the Commission for Children and Young People—which is the legislative functions and operations of the Working With Children Check, a necessary prerequisite for anyone in child-related work—to the Office of the New South Wales Children's Guardian. The Opposition's main concern is not about what the bill contains but, rather, what it does not contain—a clear picture of the future for the Commission for Children and Young People. The Commission for Children and Young People, which was established in 1998, is an independent advocate for children and young people.

I shall begin my contribution by pointing out those aspects of the bill with which the Opposition agrees. The bill has a number of positive aspects, such as expanding and adding to the number of people who will be required to undergo a Working With Children Check. It also requires adults who live with home-based childcare providers to obtain clearances. The bill will ensure that first-time carers who perform intimate functions with disabled children will have to undergo clearances. The Opposition supports all these measures. A number of child protection advocates and commentators have expressed concern about possible conflicts of interest and about the maintenance of independence if the functions of the Commission for Children and Young People are transferred to the Children's Guardian, who will fall under the umbrella of the Department of Family and Community Services.

The Minister in the other place noted in her second reading speech that while the Children's Guardian will become an office in the Department of Family and Community Services, it will be maintained as a separate statutory organisation with its own budget. The Minister provided an assurance that these two measures were enough for the Children's Guardian to retain its independence. However, I echo the concerns of my colleague Ms Linda Burney, the shadow Minister for Family and Community Services, who said:

The Minister cannot escape the fact that if the Children's Guardian office becomes an office within the Department of Family and Community Services, questions will arise about the independence of that organisation.

I, like my colleague in the other place, call on the Minister to be clear and open about what this bill will mean for the future of the Commission for Children and Young People. I ask the Parliamentary Secretary to be clear in his speech in reply, on behalf of the Minister, that this bill will not undermine the primary advocate for children and young people in New South Wales. It would be devastating if this bill meant the impairment of an independent and separate commissioner. The Parliamentary Secretary claimed that under this bill the Children's Guardian will have the same independence as that of the Ombudsman or other authorities, but this is not clear from the bill. However, I note that some non-government organisations have supported the move to place all regulatory functions for child protection in one place.

This proposed legislation makes provision for Working With Children Checks to commence on 15 June 2013 and to shorten the process time of the checks from the current 28 days to 14 days. In order to achieve this some positions from the Commission for Children and Young People will be transferred to the Children's Guardian office. This too sounds alarm bells for the Opposition about the future and viability of the Commission

for Children and Young People in this State. As I said earlier, the Opposition will not be opposing this bill. However, we seek a clear answer from the Parliamentary Secretary in his speech in reply about the impact of the bill on the future of the Commission for Children and Young People.

The Hon. CHARLIE LYNN (Parliamentary Secretary) [4.55 p.m.]: I support the Child Protection Legislation Amendment (Children's Guardian) Bill 2013, which will improve child protection in New South Wales. The main purpose of the bill is to transfer child protection regulatory functions from the Commission for Children and Young People and the Minister for Family and Community Services to the Children's Guardian. The issue of child protection is close to the heart of every member in this place. According to the Australian Institute of Family Studies, in 2011-12 more than 23,000 cases of confirmed abuse and neglect of children were recorded in New South Wales. This number, while an improvement on the 34,078 cases recorded in 2008-09 under the former Labor Government, demonstrates that further action is needed to protect our children. The bill is an important step forward in that direction.

Under the proposed legislation, all regulatory functions will be transferred to one singular independent body: the Office of the Children's Guardian. The Children's Guardian will incorporate additional regulations to the existing system under the Working With Children Check, which will reduce duplication and red tape. These additional regulations will not only protect our children from existing or past offenders but also introduce measures to prevent employers from employing individuals who have been identified as posing a serious risk to children. Individuals who fail accreditation-based system assessment will be banned from coming into contact with children. The proposed amendments encourage employers and private institutions to introduce their own strategies to minimise risk to the children they care for. This measure will introduce a healthy culture in child-related services to recognise the importance of prevention rather than dealing with issues of abuse after they have occurred.

Current regulations allow offenders to roam around communities without being detected. Under the existing system offenders are not required to report to police if they take part in the Work for the Dole or volunteering programs. This leaves children vulnerable targets for these offenders. The bill recognises these dangers and introduces measures that will require all offenders to report any work-related activities to the police. The bill will deter volunteers from misleading employers by introducing tough penalties of up to five years imprisonment when they fail to declare any offences they have committed that breach the Working With Children Check. The new Working with Children Check is the most comprehensive child-related employment checking system in Australia and has the lowest annual cost for workers of any State or Territory. Volunteers and foster carers are checked free of charge.

The new check imposes one standard for all categories of workers, irrespective of whether they are employees, contractors, volunteers or self-employed people. It considers a person's full criminal history rather than a limited subset of offences and continuously monitors New South Wales criminal and disciplinary records to manage ongoing risk. The most important reform is that persons who want to work in child-related employment will be given either a clearance or a bar. This will replace the system where an employer was ultimately required to make an employment decision based on an approved screening agency's risk assessment of an applicant. An employer could decide to employ a person assessed as high risk. By virtue of this bill, the decision on whether a person can be employed in child-related employment will be made by the Children's Guardian.

The new check is a paperless online system—the first of its kind in Australia. It is also the first system in Australia to operate without a card by providing a verifiable number instead. That spares the community the cost of issuing, replacing and withdrawing cards. It will also enable employers and parents to go online to verify directly whether a person working for them or with their child has a Working With Children Check clearance. The new check will be fast and efficient, with more than 60 per cent of applicants receiving the outcome of their check on the same day that a motor registry verifies their identity. By using a number instead of a card, New South Wales will reduce greatly the potential for fraud and unsafe persons working with children.

The bill establishes a fully independent Office of the Children's Guardian, with a separate budget and staff from the Department of Education and Communities. It provides the Office of the Children's Guardian with the financial and regulatory requirements to fulfil its goals. It is extremely important that the Office of the Children's Guardian continues to report directly to the Minister. This means that the Government will continue to engage with child protection issues in order to respond effectively to challenges faced by the Office of the Children's Guardian. Furthermore, measures in this bill providing the joint parliamentary Committee on Children and Young People with the authority to monitor activities of the Children's Guardian will enhance the

Guardian's transparency and accountability. The proposed amendments have received support from the Catholic Commission for Employment Relations, Barnardo's and Life Without Barriers. I commend the bill to the House.

The Hon. HELEN WESTWOOD [5.00 p.m.]: I speak on the Child Protection Legislation Amendment (Children's Guardian) Bill 2013. As other members have identified, the bill transfers the core work, the administration of child protection regulation, of the Commission for Children and Young People to the Office of the Children's Guardian. The bill also seeks to expand a number of aspects of the Working with Children Check. The Opposition will not oppose the bill. However, as the Hon. Mick Veitch said, we have some questions, particularly about the future of the Commission for Children and Young People. As legislators we have no greater role in this place than the protection of children. Over the past few years, and particularly over the past few months, we have seen continuous reports of acts of abuse against children within institutions, churches and places where parents send their children to be cared for and educated. Indeed, parents thought their children were receiving pastoral care. However, they were being raped and sexually molested.

Over the past few months we have also seen the establishment of a number of significant inquiries into the history of abuse in this country and in this State. I do not think anyone could help but be moved and, indeed, be ashamed that we allowed such abuse to continue unchecked in our society. Many perpetrators were not, and still have not been, brought to justice. Many children who were abused grew into adulthood carrying great pain and ill health. Often their mental health was affected, and that also led to serious physical ill health for people who had been abused as children. The history of child abuse in this country has made many of us aware of the importance of child protection legislation and regulation. To that end, the Opposition is pleased to see the expansion of those aspects of the Working With Children Check; that is definitely worthy of support.

I am concerned about the uncertainty of the future of the Commission for Children and Young People. The commission has played an important role. I do not think we should dismiss its role in advocating for children and looking at ways that we as legislators can enact legislation and regulations that ensure that children placed in the care of organisations, be they educational organisations or care organisations, will be protected from abuse. My colleague Dr Andrew McDonald in the other place expressed concern about the future of the commission. He said:

... the O'Farrell Government has gutted the idea that was conceived in 1998 that children needed a strong independent voice whose core business was activities that are pivotal to the care and protection of children in society.

I hope that the Government takes that on board. Dr McDonald is the only person in the Parliament who has served in a child protection role. The Government could do well to take his experience as a paediatrician on board. Some of the concerns he raised when speaking on the bill in the other place need to be addressed. We need to be sure that the Government is not attempting to shut down the commission through stealth. That will not be accepted by the community or by advocates for the protection of children. I hope that the Parliamentary Secretary can assure the House that the Government will not shut down the commission, that the commission will still have an important role in advocating for children, particularly in the area of child protection.

The Hon. Charlie Lynn referred to the role of the Catholic Commission for Employment Relations, as did the Minister, the Hon. Pru Goward, in her second reading speech. The Minister said the existing staff of the Office of the Children's Guardian who conduct more than 100 employer visits a year will provide education and compliance monitoring for the new check and the child safe organisation programs. She referred to schedule 1 to the bill as an important new initiative and she thanked the Catholic Commission for Employment Relations for its leading role in developing it. I do not think many people in New South Wales have faith in an organisation under the governance of the Catholic Church. Frankly, I am concerned.

[Interruption]

The Hon. Trevor Khan can shrug.

The Hon. Trevor Khan: It is not a question of shrugging. I think you are defaming a lot of good people who work within the system.

The Hon. HELEN WESTWOOD: What we need is independence. If we look at the history of the Catholic Church in relation to child sexual assault and the abuse of children, people can rightly be concerned about that. I do not think that is necessarily an organisation in which many of us have faith at this point. If it can be proved that we can have faith in this organisation, I would like to see that proof. At present I do not have it.

I am sure I am not the only person in this State who feels that way. One need only look at the history and at some of the evidence at the inquiries to date. I do not think my concerns about an organisation under the governance of the Catholic Church having a role in child protection are unreasonable. If the organisation is autonomous, that is great. It would be nice to know that, but we do not. The Catholic Commission for Employment Relations is being held up as an organisation in which we should have confidence in terms of its child protection role. The Hon. Trevor Khan may have that confidence, but I certainly do not, and I do not think I am alone in that position in this State or, indeed, in this country.

As I said, most aspects of the bill are important, particularly the expansion of the role of the Working With Children Check. Regrettably, we all probably heard the reports this morning of another perpetrator who worked as a volunteer bus driver for an organisation and as a scout leader but who is now facing court for assault on boys as young as seven years old. Regrettably, not a week goes by when we do not hear reports of incidents of assault against children and charges being laid. Those charges are often historical. The prevention of child abuse is an issue with which we are still grappling. There is still a long way to go before we can feel confident that our children will be safe from abuse. As legislators we have an important role in doing whatever we can to put protections in place for children.

We know that when children or young people are placed in the care of organisations—whether they are for-profit organisations, childcare centres, private schools, non-government organisations, government organisations, health facilities, or institutions caring for children and young adults with intellectual or physical disabilities—they are often at risk of abuse. It is important that legislation, policies and education and awareness programs are introduced. Those approaches to the prevention of child sexual assault should be a priority for governments in each State. The Opposition will not oppose the Child Protection Legislation Amendment (Children's Guardian) Bill 2013, but we have legitimate concerns, particularly in relation to the future of the NSW Commission for Children and Young People and its role in advocating for the safety of children. Other members will be moving amendments to the bill and the Opposition will be supporting those amendments.

The Hon. TREVOR KHAN [5.11 p.m.]: I speak in support of the Child Protection Legislation Amendment (Children's Guardian) Bill 2013. Notwithstanding the Hon. Helen Westwood's observation that the only person in either House capable of speaking on this position with any knowledge of matters relating to child protection is Dr Andrew McDonald, I note that for some 20-odd years, off and on, I worked in the Children's Court, including as an advocate for children.

I make another observation: I note that the Hon. Helen Westwood has been highly critical of any organisation associated with the Catholic Church. I think people know my lack of religious disposition. Nevertheless, one is entitled to look to organisations and to note the very serious historical issues of child sexual assault involving not only the Catholic Church but also many other institutions. However, one is not entitled simply to apply a broad brush and accuse every organisation or every person connected to an organisation with the name "Catholic" in its title as being associated with child sexual assault. That is a gross oversimplification of a very difficult problem. There are many dedicated people in organisations such as CatholicCare, who work diligently for the protection of children. Their contribution, along with that of people in many different organisations, should be recognised and applauded.

The Child Protection Legislation Amendment (Children's Guardian) Bill 2013 will place child protection regulatory functions within the Office of the Children's Guardian and allow for a renewed focus on advocacy for children and young people. It will make children safer and give them a stronger voice. After all, that is what I think all members in this place seek to achieve. The bill also makes important changes to the Child Protection (Offenders Registration) Act 2000. That Act requires registrable persons—they are persons who are sentenced for murder, sexual, or kidnapping offences involving a child or persons who a court has determined pose a risk to the lives or sexual safety of children—to keep police informed of certain information after they are released into the community. This information has been used by police to link offenders to particular crimes and the requirement to register information with police, and associated police monitoring, provides a deterrent to reoffending. One might say it also provides a significant element of safety for the community and for the children of our community.

New South Wales was the first State to introduce an offenders' registration scheme and it has led the development of model national legislation for other jurisdictions. Section 9 (1) (f) of the Child Protection (Offenders Registration) Act 2000 requires registrable persons to keep police informed of their employment arrangements, including the nature of their employment, the name of any employer and the addresses or localities at which they are to be employed. The Child Protection (Offenders Registration) Act uses the definitions of "employer" and "employment" in the Commission for Children and Young People Act 1998.

In November 2012, the Local Court heard a matter that I will not identify for legal reasons. The magistrate in those proceedings held that a person who had been convicted of child pornography offences was not required to report Work for the Dole volunteering at a hospital to police on the grounds that the relevant definitions in the Act did not extend to such arrangements. The hospital in question caters for elderly patients, some of whom have dementia. There is clearly a question as to whether it is appropriate for persons who commit offences with a sexual element to work with vulnerable people such as elderly people with dementia. If made aware of such an arrangement, police would have been able to discuss the appropriateness of that Work for the Dole volunteering with hospital management. The judgment has broader implications for the reporting of volunteer work generally under the Child Protection (Offenders Registration) Act 2000. In that matter the magistrate recommended urgent legislative review in light of his judgement, as he believed there was a clear need for registrable persons to report such work arrangements to police. The Office of the Director of Public Prosecutions also requested that this matter be reviewed.

Schedule 3.2 of the bill amends section 9 of the Act, adopting the Child Protection (Working With Children) Act 2012 definition of "employer" and "worker". Both definitions clearly extend to voluntary work and the amendments will require participants in the Work for the Dole program and other volunteers to keep police informed of their volunteering work.

New section 181 (1) (d) of the Children and Young Persons (Care and Protection) Act 1998, as inserted by schedule 2 [3] of the bill, supports the Children's Guardian's development and maintenance of a restricted access online Carers Register. Foster and relative and kinship carers are the lifeblood of the out-of-home care system. They give vulnerable children and young people a home when their birth family can no longer properly care for them. There can be no more important role in our society than raising a child in a safe and loving environment. I am sure that the Hon. Mick Veitch would agree with that observation. This role carries with it great responsibilities. The agencies that supervise out-of-home care have an equally great responsibility in ensuring that carers are suitable to care for some of the most vulnerable children in New South Wales. I note the observation made by the Hon. Mick Veitch that members of carers' households must also be suitable.

The Government is transitioning Community Services' out-of-home care services to the non-government sector, consistent with the direction set by the Special Commission of Inquiry into Child Protection Services in New South Wales. The transfer of carers to an increased number of non-government organisations poses particular challenges for carer assessment. Information about previous carer history or past applications to become a carer becomes more fragmented. The Carers Register will provide a common resource that all agencies can use to share information about carers and prospective carers. A carer de-authorised by one organisation will not be able to present at another organisation without the two organisations discussing the person's suitability to be a carer.

As well as supporting agencies in discussing carers' histories, the Carers Register will require agencies to certify that foster and relative and kinship carers, and relevant members of their households, have undergone each required probity and suitability check, including the Working With Children Check. This means that the Carers Register will operate as an independently administered licensing system for all foster and relative and kinship carers. The register will also contain information about whether people have been refused authorisation or been de-authorised as a carer, and information about the existence of any current or finalised reportable conduct matters involving carers. The Carers Register, in licensing carers after completion of all required probity and suitability checks and supporting effective interagency information exchange about carers, will improve the quality of out-of-home care services in New South Wales.

The transfer of responsibility for the Working With Children Check from the Commission for Children and Young People to the Children's Guardian will enable the check and Carers Register systems to be linked. It will also support improved compliance monitoring of Working With Children Check arrangements through the Children's Guardian's out-of-home care and adoption accreditation programs, and during Children's Guardian voluntary out-of-home care and children's employment visits. The bill provides for improved independent oversight of child protection regulatory systems. That means it offers greater protection to our children. I commend the bill to the House.

The Hon. PAUL GREEN [5.21 p.m.]: The Child Protection Legislation Amendment (Children's Guardian) Bill 2013 will improve child protection in New South Wales by integrating the Working With Children Check within the newly established Office of the Children's Guardian, which is an independent division of the government service. The bill establishes the Office of the Children's Guardian as the specialist accreditation and licensing agency of the New South Wales child protection system. It will regulate out-of-home

care, adoption and prescribed children's employment with integrated office checks that will provide one single independent regulator for the child protection system. I commend the Government for recognising in this bill that the improved checks are part of a critical child protection safeguard system.

The current Working With Children Check leaves the decision to employ a person in child-related employment to the employer, unless the person is a prohibited person as a result of a relevant conviction. That means that people who have been assessed as posing a serious risk to children by a screening agency are still able to work with children. The Christian Democratic Party is very concerned about this loophole and agrees with the Government that it needs closing. The new check will no longer be a risk assessment system but an accreditation-based licensing system for people who want to work with kids. The new check either allows people to work with children or bars them from doing so, and takes out of the hands of employers the ability to make their own decision. It does this by integrating child protection regulatory functions within a single agency.

I turn to the specifics of the bill. Schedule 1, item [4], as well as other provisions of schedule 1 and schedule 3.5 [1], transfers responsibility for administering the check from the Commission for Children and Young People to the Children's Guardian. Schedules 3.2 and 3.9 make consequential amendments, giving the Children's Guardian the power to audit child-related conduct declarations under the Parliamentary Electorates and Elections Act 1912 and appear in relevant proceedings under the Child Protection (Offenders Registration) Act 2000. Schedule 3.2 also incorporates the Working with Children Act definitions of "employer" and "worker" into the Offenders Registration Act. This addresses concerns of the Director of Public Prosecutions about a Local Court decision that participation in the Work for the Dole program was not employment that registered offenders needed to report to police. Again, the Christian Democratic Party congratulates the Government on closing this loophole. Under schedule 3.2, registered offenders must report Work for the Dole and other volunteering arrangements to police. This is another win for the safety of children.

Schedule 1 [5] to [7] requires adults living with home-based child care providers, rather than those living with child care managers, to obtain working with children clearances. Schedule 1 [15] is a common-sense amendment; the Christian Democratic Party notes that it excludes from the check most parents who volunteer in activities that involve their own children. However, parent volunteers who provide mentoring services or intimate personal care services for children with disabilities must obtain clearances. This reflects the reality that parents have contact with their children's peers as part of normal life. The Christian Democratic Party supports the Government's view that it is neither practical nor appropriate for the Government to impose checks on all parents who have contact with their children's peers. That is just part of everyday life, and this is a common-sense amendment. I note that in the other place the Hon. Pru Goward said:

... employers should be able to introduce their own risk management strategies as part of making their organisations safer for children. The Catholic Commission for Employment Relations will require some categories of parent volunteers to sign statutory declarations that they have not been convicted of a barring offence under the Working with Children Act. Other employers may also choose to require statutory declarations targeted in accordance with their own workplace risk assessments. The penalty for swearing a false declaration is up to five years imprisonment. The proposed statutory declaration arrangements can be distinguished from the outgoing prohibited employment declarations, which are not targeted, have only a two-year penalty for breaches and are not understood or supported by many employers. Consequently, they are seen as ineffective. The prohibited employment declaration arrangements are so broad that they do not allow for effective risk-based auditing. That is why the Working with Children Act provides for the repeal of the prohibited employment regime on 15 June.

Schedule 1 [15] will enable the Children's Guardian or an approved person to conduct audits of a sample of employee-initiated statutory declarations. Schedule 2 [2] to the bill requires an authorised carer to notify their out-of-home care agency as soon as practicable after another adult starts living in their household. This is another great move by the Government. Schedule 3.5 [3] and [4] contain critical provisions to ensure that the Children's Guardian independently and transparently administers the child-related employment functions transferred from the Commission for Children and Young People. I note that in the other place the Hon. Pru Goward stated:

The Children's Guardian is completely independent of the Department of Family and Community Services. It has a separate budget. It will continue to report directly to me as the Minister, as it does now and as it did under the previous Government.

The Children's Guardian will continue to be appointed by the Governor, and may only be removed by the Governor for misbehaviour, incapacity or incompetence. The Children's Guardian will also continue to have the ability to report directly to Parliament. The bill provides for the Joint Parliamentary Committee on Children and Young People monitoring, reviewing and reporting on the exercise of the Children's Guardian's functions under the Working With Children Act.

The functions of this bill are well supported by the sector. In addition, the Ombudsman, Bruce Barbour, has advised he supports a single independent body administering child protection probity systems and that integrating the Working with Children Check with the Children's Guardian's other regulatory systems will improve the coordination of child protection regulation and assist his office in its work with the community services sector. The 2010 Review of the Commission for Children and Young People Act 1998 supported a move towards an accreditation-based check. A number of submissions to the review highlighted the tension between the Commission for Children and Young People's advocacy role and its administration of the check.

The Benevolent Society recommended that the check be part of an integrated system of risk reduction for all organisations that provide services to children and young people and suggested the exploration of a link with out-of-home care accreditation.

Save the Children recommended that the Commission for Children and Young People's responsibility for conducting checks be transferred to a separate regulatory agency, as did the National Children's and Youth Law Centre, which suggested that the check might be transferred to the Children's Guardian. These comments reflected the 2004 submissions of the Council of Social Services of New South Wales [NCOSS], the Association of Children's Welfare Agencies, and the Ethnic Child Care that administering the check diminished the Commission for Children and Young People's advocacy, education and research functions. The Commission for Children and Young People's own submission to the special commission of inquiry stated that advocacy and regulatory functions do not appropriately sit in the same agency. The new check has a much stronger regulatory character than the outgoing one.

As I understand the current law, a principal function of the commission is to encourage organisations to develop their capacity to be a safe place for children. As part of the process of harmonisation and continuity with the previous commission, the Christian Democratic Party believes the Children's Guardian should continue to act in its advocate role by encouraging organisations to develop their capacity to be safe for children. To this end, the Christian Democratic Party will move an amendment to schedule 2 [3]. I thank the Hon. Pru Goward for taking the time to listen to our concerns on this matter and for her cooperation. I thank her for bringing the bill forward and congratulate her on improving the safety of children in New South Wales. The Hon. Jan Barham and her staff have been incredibly helpful in ensuring that the amendment will tighten this legislation. I acknowledge her gracious contribution to improving the legislation.

The Hon. JAN BARHAM [5.31 p.m.]: As the spokesperson for Family and Community Services, I speak on behalf of The Greens in debate on the Child Protection Legislation Amendment (Children's Guardian) Bill 2013. I am also a member of the joint Committee on Children and Young People that oversees the functions of the Commissioner for Children and Young People. More than ever before we are aware of the vital need to protect our children and to keep them safe, and we continue to increase and strengthen protections for young people. Last year the Government proceeded with legislation that created new Working With Children Checks, which enjoyed wide support. The previous system of Working With Children Checks was advanced in line with provisions in the United Nations Convention on the Rights of the Child.

The bill transfers the responsibilities of the new Working With Children Check that is due to commence on 15 June 2013 from the Commission for Children and Young People to the Children's Guardian. The intention of the transfer is to separate the key regulatory function—the Working With Children Check—from the advocacy functions of the commission and to bring the different regulatory functions relating to child safety and protection under one body because the Children's Guardian already accredits out-of-home care providers. While there is great support for this provision, there are also concerns about what happens to the commission's other functions. Unfortunately, those concerns have been raised for some time but there has been no response. This should not undermine the good work that is being done in relation to the changes. I acknowledge that the Government is introducing a new, comprehensive child-related employment checking system. Importantly, it has made great changes that will improve the system for those working in the volunteer sector. Better principles will be put in place under the new legislation.

I will comment on some of the concerns that have been raised by colleagues, particularly those who serve with me on the joint committee. In the other place we heard from former committee member Dr McDonald, and Linda Burney also raised some concerns. In February this year we became aware that the New South Wales Commissioner for Children and Young People was to become the inaugural national Commissioner for Children and Young People. The committee queried what was to happen to the commissioner's role and those concerns were raised through the committee with the Minister's office. To a cynic, it appears that this process separates the functions of the commissioner so they are unclear and the role of the commissioner may well be cast aside. We are strongly opposed to that outcome. As I said previously, child protection is paramount in people's mind at present. Therefore, we need to understand the key issues and strengthen and create more opportunities for the important roles of policy development and research.

Unlike what occurred in the past, we must face those issues and understand what is happening for young people. We must take action in those areas that risk the protection and safety of children. There are extreme concerns about young people and social media, involving bullying, exposure to pornography and other activities. The commission has taken action in those areas, and will do so again. We are concerned about what will happen if the commissioner's role is not sustained. The Government has not indicated whether policy and research will be strengthened under the commissioner when those functions are extracted from his or her role. There is genuine fear that the position will be removed.

The bill makes a number of other supportable modifications to safeguard child-related work issues such as the transfer of functions relating to the employment of children, including granting, refusal and revocation of

employer's authority from the Minister and director general to the Children's Guardian; correcting language in the legislation to clarify that people who reside where home-based education and family day care occur rather than where the service provider—the management—is based require a working with children clearance; and granting powers to the Children's Guardian to order statutory declarations relating to workers, including volunteers who are exempt from a clearance requirement under the Child Protection (Working With Children) Regulation 2013. This includes parents who volunteer in schools and other organisations, administration staff and others in roles that involve limited contact with children. It is concerning that some people who offer assistance in schools or in other child-based organisations do not have a clear knowledge that they are being checked. We may be putting children at risk, and no-one wants that to happen again.

The role of the Children's Guardian to use information acquired under the Working With Children Check to report that a child or young person may be at risk of significant harm has been defined. This role is an important safeguard against risk of harm to children. The register of authorised carers is also very important. We need to know that the register exists and to have a clear understanding of who is on it. We need to know whether registered offenders report volunteering and training arrangements to police in addition to the existing requirement to report paid employment. A number of members have spoken about the Work for the Dole scheme and why it was necessary to make changes after a court case made it clear that there were problems with the lack of checks and balances.

Interestingly, New South Wales is the only Australian jurisdiction to have its Children's Guardian and Commission for Children and Young People as separate statutory authorities. The commission's legislative framework was passed in 1998 as a result of recommendations from the Wood Royal Commission into the NSW Police Service and it was established in June 1999. The Children's Guardian was established in 2001 under the Children and Young Persons (Care and Protection) Act 1998. The guardian's functions are to promote the best interests and safeguard the rights of children in out-of-home care. I am proud to say that I have raised and will continue to raise concerns about out-of-home care because it is an important issue. I recently attended the release of the CREATE Foundation report card.

The Hon. Mick Veitch: It is a great organisation.

The Hon. JAN BARHAM: Yes, it is a great organisation. However, it does work that it should not be required to do. It monitors how poorly the Government is performing in ensuring that young people in foster care get the help they need. Leaving care plans have been dealt with in legislation, but the delivery rate is very poor. We must ensure that those plans are prioritised so that kids have the best chance possible when they enter the adult world without the protection that a family would normally provide. The Commission for Children and Young People's functions involve promoting, monitoring and making recommendations about issues affecting children through research, training, public awareness and other activities. It is also responsible for promoting organisations that are safe for children, and that includes promoting the Working with Children Check.

The Hon. Paul Green referred to one of the commission's important functions that has been removed but not transferred to the Children's Guardian. That primary function relates to the safety of children in organisations. I think everyone would agree that children have been most at risk within organisations, and that is why the Working With Children Check is so important. The removal of that function and the fact that it has not been transferred to the Children's Guardian is very concerning. I have raised that issue, spoken with other members and had amendments drafted. I think everybody agrees that its omission is strange.

The Hon. Trevor Khan: The Christian Democratic Party intends to move an amendment dealing with that.

The Hon. JAN BARHAM: I am pleased that the Christian Democratic Party, which is always willing to listen to concerns about children, accepts that this is an important issue.

The Hon. Trevor Khan: You know that the Government intends to agree to that amendment. Mock outrage is not necessary.

The Hon. JAN BARHAM: I do not engage in mock outrage; I do not need to. I have been genuinely outraged over the past 24 hours that this would happen and that my concerns were not addressed. I am glad that I had the ear of the Christian Democratic Party. Another concern has been raised, and I hope it will be seen as being equally important. I refer to the role of the parliamentary committee that oversees the Children's Guardian. The Committee on Children and Young People has a limited role in this area in that it can oversee only the

Working With Children Check function. That is unusual given that it is one of the Children's Guardian's functions. That is a particular concern because there is no guarantee that those functions will be maintained and therefore that that important oversight role will be retained. The committee must oversee all the functions of the Children's Guardian and The Greens have addressed that issue in an amendment.

The Children's Guardian's principal functions have been moved to section 38, which has been amended to provide that the guardian "may" carry out public awareness and advice functions. I am sure all members agree that that is not good enough. We all know that those functions may not be carried out if appropriate funding is not provided. If we accept keeping the word "may" in the bill, we will be seen as neglecting our responsibility to protect young people. That is why members have indicated strong support for the proposed amendment. We all know that we must act now more than ever before to protect our children. The role of the Committee on Children and Young People is important and I will address that issue during the Committee stage.

Members support the independence of the Commission for Children and Young People and the Children's Guardian, but unfortunately we have not received much information about the separation of their functions. When I have asked people whether they think these important roles should be separated, they quite rightly agree that they should be independent. However, if I were to suggest that that separation might result in the loss of a commissioner and therefore his or her responsibilities, they might answer differently. We do not know what questions were asked or what advice was provided. I have raised a number of important issues as a member of the Committee on Children and Young People, and the Government should address them.

One issue that is not receiving the attention it deserves is children's exposure to advertising and marketing. That exposure affects their quality of life and wellbeing. Like many people, I am also concerned about the sexualisation of children by marketing organisations, and the commissioner agreed that the issue should be examined. We must also deal with bullying using social media. A great deal of work must be done to address those issues, some of which may be the subject of a committee inquiry and subsequent legislation. I am particularly concerned about advertisements that prey on young girls' insecurities, which is resulting in serious problems. The Standing Committee on Social Issues also heard about alcohol abuse and the dramatic effect that alcohol marketing is having on the lives of many young people.

I previously congratulated the Government on its Working With Children Checks, but I am concerned about stories I hear of the risks and dangers that children are exposed to at work. There are many issues that need to be investigated further, and it would be sad if, as a result of some advancements in child protection and Working With Children Checks, we lost a commissioner whose role is to progress research and policy around the protection of young people. It is disappointing that the Government has taken months to get to this point. It has not advertised to fill the vacancy left when the previous commissioner took up the important role of inaugural National Children's Commissioner. Unfortunately, that breaks down the trust and the relationships that one hopes exist in working together to protect children and young people. I am pleased that it appears the House will support reinstating the principal function of the guardian in protecting children and ensuring their safety in the workplace.

Mr DAVID SHOEBRIDGE [5.51 p.m.]: I support my colleague Hon. Jan Barham, who led for The Greens in debate on the Child Protection Legislation Amendment (Children's Guardian) Bill 2013. I will concentrate on two matters. The first is concern about the future of the Commission for Children and Young People. It would appear that the Government seems intent on if not downgrading then potentially abolishing that office entirely following a review in the coming months. If the Government is of that view it should state it openly now in this legislation. The bill will transfer the great majority of the functions of the Commission for Children and Young People to the new Children's Guardian. If the position of Commissioner for Children and Young People is substantively filled with a separate appointment, its future will be very much up in the air. It is appropriate to address that matter now; we should not effectively undermine 90 per cent of the role and allow it to remain in name only. It is not appropriate to say in three or four months, following a review, that the commissioner has few functions left and so the office is abolished, or that a temporary or part-time appointment should be made. It is essential to have a robust, independent advocate for children. To date, the commissioner has filled that role and it would be a great tragedy if, with the passing of this legislation, we saw the removal of that robust and independent children's advocate.

The second aspect about which I have reservations is that although the Children's Guardian will be appointed by the Governor—it will be an independent statutory appointment and so will have some statutory

independence—it will be an office within the Department of Family and Community Services that reports to the Minister. The Children's Guardian needs to be absolutely independent of the department. The office should have absolute statutory independence and not have to report to the Minister. One imagines that if the Children's Guardian were to exercise its duties frankly and fearlessly there will be occasions when it will be deeply critical of departmental practices. I am concerned that having a reporting role within the department will potentially prejudice its fierce independence to some extent.

I note the balance of observations by my colleague the Hon. Jan Barham, and I endorse her position in relation to this bill. However, I think she has been a little modest about the amendment that I hope will receive majority support in this Chamber. The amendment will insert on page 8 in schedule 2 to the bill a further provision in what will become new section 181, which sets out the principal functions of the Children's Guardian. I note that the Hon. Jan Barham has circulated amendments that will make one of the principal functions of the Children's Guardian to "encourage organisations to develop their capacity to be safe for children". I understand that in order to guarantee majority support my colleague the Hon. Jan Barham will not move her amendment but that substantially the same amendment will be moved by the Christian Democratic Party. I respect her position that the outcome is more important than claiming credit. If only all members in this Chamber were as focused as my colleague on getting a good outcome for children, regardless of whose name attaches to it.

The Hon. JOHN AJAKA (Parliamentary Secretary) [5.55 p.m.], in reply: I thank the Hon. Mick Veitch, the Hon. Charlie Lynn, the Hon. Helen Westwood, the Hon. Trevor Khan, the Hon. Paul Green, the Hon. Jan Barham and Mr David Shoebridge for their contributions to debate on the Child Protection Legislation Amendment (Children's Guardian) Bill 2013. The bill integrates child protection regulatory functions within the independent office of the Children's Guardian, improving child protection in New South Wales. The separation of advocacy and regulatory functions will also support a stronger focus on advocacy for children and young people of this State. In response to issues raised by Opposition members, the Office of the Children's Guardian recently established by the Government is an independent division of the government service. While administratively grouped within the Family and Community Services cluster, which reflects the children's protection functions of that office, it is completely independent of the Department of Family and Community Services. The bill in no way affects the advocacy functions of the Commission for Children and Young People. The Minister for Citizenship and Communities has committed to being a strong advocate for children and young people and of course there is oversight by the parliamentary joint Committee on Children and Young People.

In response to the issues raised by the Hon. Jan Barham, new section 1 (12) of the bill incorporates into section 38 of the Child Protection (Working with Children) Act 2012 the function of the Commission for Children and Young People of encouraging organisations to develop their capacity to be safe for children. The check and child-safe organisation functions are inseparable. The check is one tool that helps make organisations child safe. The staff of the Commission for Children and Young People currently provide education support through the child-safe organisation program also provide education and support on the check.

Integration of the child-safe organisation program with the Children's Guardian's current child-related employment program, which has a child safety and welfare focus, will improve the consistency and co-ordination of those programs. The transfer of this program is also consistent with work the Children's Guardian has been doing in improving career authorisation requirements and will support child-safe organisation principles being embedded in the out-of-home care and adoption accreditation programs of the Children's Guardian. The function was placed in the working with children Act to ensure that the child-safe organisation function is subject to parliamentary joint committee oversight. The Government will also support this function being recognised in the Act. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Schedule 1 agreed to.

The Hon. PAUL GREEN [6.00 p.m.]: I move Christian Democratic Party amendment No. 1 on sheet C2013-076A:

No. 1 Page 8, Schedule 2 [3]. Insert after line 13:

- (j) to encourage organisations to develop their capacity to be safe for children as referred to in section 38 of the *Child Protection (Working with Children) Act 2012*.

The child safe organisation function in the Child Protection (Working with Children) Act 2012 should be recognised as a principal function of the Children's Guardian. The amendment to section 181 of the Children and Young Person's Care and Protection Act 1998 makes it clear that the child safe organisation function is not in any way a secondary function or a function that the Children's Guardian can decide not to exercise. The section 181 reference to children in the Child Protection (Working with Children) Act ensures the definition of "children" in that Act to persons under the age of 18 applies, otherwise the function would be restricted to children under the age of 16, which is the age at which the Children and Young Person's Care and Protection Act defines "children".

Section 38 of the Child Protection (Working with Children) Act continues to refer to the role of the Children's Guardian to encourage organisations to develop their capacity to be safe for children. This is necessary to ensure that this function is subject to parliamentary joint committee oversight. I acknowledge that other members in the Chamber will be supporting this amendment. I again thank the Hon. Jan Barham and her staff for bringing this issue to my attention.

The Hon. JOHN AJAKA (Parliamentary Secretary) [6.03 p.m.]: The Government has listened to the arguments that the child safe organisation function in the Child Protection (Working with Children) Act should be recognised as a principal function of the Children's Guardian under the Children and Young Person's Care and Protection Act 1998. The amendment to section 181 of the Children and Young Person's Care and Protection Act 1998 makes it clear that the child safety organisation function is not in any way a secondary function or a function that the Children's Guardian can decide not to exercise.

The section 181 reference to children referred to the Child Protection (Working with Children) Act ensures that the definition of "children" in that Act—that is, persons under the age of 18—applies, otherwise the function would be restricted to children under 16, which is the age at which the Children and Young Person's Care and Protection Act. Section 38 of the Child Protection (Working with Children) Act continues to refer to the role of the Children's Guardian to encourage organisations to develop their capacity to be safe for children. This is necessary to ensure that the function is subject to parliamentary joint committee oversight. The Government agrees with the amendment and will support it.

The Hon. JAN BARHAM [6.04 p.m.]: I support the Christian Democratic Party amendment, which I am pleased will be supported by the Committee. It is paramount that organisations be encouraged to develop their capacity for safety for children and as a principal function it may save the lives of children in the future. The idea that this should be presented as an optional function in the bill was unacceptable. It may have been an oversight but it raised concern that it might not have received the priority it deserves. In the commissioner's reports it is referred to as a principal function. The reports talk of the collaboration that exists and the work that is done to ensure that management strategies are in place with other organisations. Perhaps a template document for management strategy will be developed and those small businesses and community organisations that do not have the capacity to develop documents should be given such a template document. This will avoid risk.

I liken this to the Independent Commission Against Corruption being given support from individuals, community organisations and local government to strengthen its capacity to combat the risks faced in the workplace or in community organisations, et cetera. We need to have collaboration and be smart about risk avoidance. In order to do this we need to continue an engagement with organisations and make sure they are given the support they need. Hopefully, being a principal function will convince people to recognise it as an important function of the role. It needs to be set as a priority. It cannot be put to one side because funds or the interest is not there. The Commission for Children and Young People has previously run child safe organisation training.

When one works at community level one realises that sometimes governments get great ideas, they roll something out and everyone says, "Isn't that good?" Sometimes, if one is lucky, one can even apply for a grant. Some of the cynicism in the community exists because over the years some great ideas and a pot of money may have come along and then was lost. When a great idea that is supported by government is taken away the

community is much worse off. We cannot do that to children. We have a responsibility to do everything we can to secure the safe future of children. For me, The Greens, the Christian Democratic Party—I hope everyone in this place—this is about one of the most important things we can do. We must keep looking to the future to see where we can avoid risks that we know exist. Hindsight is a wonderful thing, but we have the capacity for foresight in this area. I hope as a principal function this will give us that and we will retain the protection and safety of our young people.

The Hon. MICK VEITCH [6.08 p.m.]: I make a brief contribution to the debate. I am pleased to see the members working so well together on this issue. The Hon. Jan Barham has identified an issue with the legislation and all sides of the Chamber are constructively working towards resolving it. I concur with Mr David Shoebridge, who said that while we should acknowledge the Hon. Jan Barham's contribution, fixing the issue in the bill is what matters. I have a real interest in the Working with Children Check and the provisions for the safety of children from a couple of angles. I spent 15 years working in the not-for-profit sector and in that time I administered Working With Children Checks to a range of people. My wife and I have also been foster parents to children with disabilities for 15 years.

So I come at this issue from two sides. I think the amendment fixes an issue with the bill. The transfer of the principal functions of the Commissioner for Children and Young People will ensure that the Act contains the words "to encourage organisations to develop their capacity to be safe for children as referred to in section 38 of the Child Protection (Working with Children) Act 2012". The Opposition will be supporting the Christian Democratic Party's amendment to schedule 2. It is worthwhile. As for the comments by speakers on all sides, it is heartening when the Committee works in such a manner. We will be supporting the amendment.

Question—That Christian Democratic Party amendment No. 1 [C2012-076A] be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 1 [C2012-076A] agreed to.

Schedule 2 as amended agreed to.

The Hon. JAN BARHAM [6.10 p.m.], by leave: I move Greens amendments Nos 3 to 5 on sheet C2013-072B in globo:

No. 3 Page 13, schedule 3.5 [3], lines 4 and 5. Omit all words on those lines. Insert instead "Guardian of the Children's Guardian's functions".

No. 4 Page 13, schedule 3.5 [4], lines 7–9. Omit "exercise of the Children's Guardian's functions under the *Child Protection (Working with Children) Act 2012*". Insert instead "Children's Guardian or connected with the exercise of the Children's Guardian's functions".

No. 5 Page 13, schedule 3.5. Insert after line 9:

[5] Section 28 (1) (c) and (d) and (3)

Insert "or the Children's Guardian" after "Commission" wherever occurring.

[5] Section 28 (3)

Insert "and a reference in that section to the Commission includes a reference to the Children's Guardian" after "such a report".

These amendments relate to the oversight of the role of the Children's Guardian by the parliamentary joint committee. They will ensure that the functions of the Children's Guardian are open to examination and comment by the parliamentary joint committee. The bill currently provides that only the functions of the Children's Guardian under the Child Protection (Working With Children) Act 2012 can be monitored, reviewed and reported on by the parliamentary joint committee. This capacity for parliamentary review and comment should be extended to the full range of functions carried out by the Children's Guardian. New South Wales has two statutory authorities responsible for ensuring the best interests of children, and under the new division of the functions the commission—that assume that the commission will exist after conducting the review announced in the Legislative Assembly by the Minister for Citizenship and Communities—has responsibility for advocacy on issues affecting children and young people.

The Children's Guardian has assumed a growing range of functions that are crucial to ensure that the best interests of diverse groups of children are being safeguarded. These include children being employed in

industries such as entertainment and modelling. As I have said previously, and as we know from current events in the world we live in and from the media, there is significant risk in those industries. We need to be proactive not only with regulatory controls but also with oversight of the Children's Guardian. As issues arise and as the world changes—we know it is changing incredibly quickly with technology—the risks are increasing, and we want the committee to play a role. As members responsible for communities we hear about concerns immediately. Sometimes it is the nature of our experience in our communities that means we hear of certain events that shape the priorities that we bring to the Parliament.

As I said, I have seen some of the work at a local level relating to social media bullying, and the sexualisation of children and the impact that is having on children in respect of eating disorders, self-mutilation and attacks on young people. These important issues relate to the safety of children. The committee has an important role to play in overseeing the Children's Guardian to ensure that we can act promptly if further action is necessary or reports need to be written and reported to the Parliament. In respect of children in out-of-home care, children being placed for adoption, as well as children who encounter professionals and volunteers going through the Working With Children Check clearance, the changes in this legislation are important. I congratulate the Government on going down this path.

It is unnecessary to reduce or diminish the opportunities for a joint parliamentary committee to play a role. As my colleague the Hon. Mick Veitch said, with members from all parties working together we get great outcomes and we truly reflect the concerns of the community. The committee is able to do that in such a way that it has a strong principle of protecting the rights of children. Through this bill we need to emphasise that one role of the Parliament is to integrate and to align the Working With Children Check with the other regulatory functions of the Children's Guardian. If the committee has no oversight, it is more likely that we will have a time lag in things coming to Parliament or in the Government being able to respond. So these amendments are putting in place changes to ensure that the provisions refer to the exercise of all the functions of the Children's Guardian, and to ensure that we do not lose any of the strength we currently have with the parliamentary joint committee overseeing the commissioner; that with the translation of those functions to the Children's Guardian we will still have a committee that operates in that way.

The Hon. JOHN AJAKA (Parliamentary Secretary) [6.16 p.m.]: The Government does not support these amendments. I note that the bill provides for continued parliamentary Joint Committee for Children and Young People oversight of the Working With Children Check and child safe organisation program. The committee has played an important oversight role in those areas and that oversight should continue. However, the Government does not support broadening the committee's oversight role to functions of the Children's Guardian that have never been subject to that oversight. The Special Commission of Inquiry into Child Protection Services in New South Wales considered submissions calling for the committee to oversee the functions of the Children's Guardian. It did not recommend that the committee's oversight be extended in this way, and the former Labor Government did not provide for such oversight in response to those submissions. However, the Government agrees that the new check should be overseen by the committee as it has historically done so.

The Hon. MICK VEITCH [6.17 p.m.]: The Opposition will be supporting The Greens' amendments as moved by the Hon. Jan Barham. The bill proposes that the Committee for Children and Young People will oversee the work of the Children's Guardian only in relation to the Working With Children Check. These amendments intend to extend the oversight of the committee to all functions of the Children's Guardian. We see that as a worthwhile exercise and prudent when it comes to ensuring that our children stay safe. We will be supporting the amendments.

Question—That The Greens amendments Nos 3 to 5 [C2013-072B] be agreed to—put.

The Committee divided.

Ayes, 18

Mr Buckingham
Ms Cotsis
Mr Donnelly
Ms Fazio
Mr Foley
Dr Kaye
Mr Moselmane

Mr Primrose
Mr Searle
Mr Secord
Ms Sharpe
Mr Shoebridge
Mr Veitch
Ms Voltz

Ms Westwood
Mr Whan

Tellers,
Ms Barham
Ms Faehrmann

Noes, 20

Mr Ajaka
Mr Blair
Mr Borsak
Mr Clarke
Ms Cusack
Ms Ficarra
Mr Gallacher

Mr Gay
Mr Green
Mr Harwin
Mr Khan
Mr Lynn
Mr MacDonald
Mrs Maclaren-Jones

Mr Mason-Cox
Mrs Mitchell
Reverend Nile
Mr Pearce
Tellers,
Dr Phelps
Mrs Pavey

Question resolved in the negative.

The Greens amendments Nos 3 to 5 [C2013-072B] negatived.

Schedule 3 agreed to.

Title agreed to.

Bill reported from Committee with an amendment.

Adoption of Report

Motion by the Hon. John Ajaka, on behalf of the Hon. Greg Pearce, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. John Ajaka, on behalf of the Hon. Greg Pearce, agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly with a message requesting its concurrence in the amendment.

[Deputy-President (The Hon. Sarah Mitchell) left the chair at 6.27 p.m. The House resumed at 8.00 p.m.]

LOCAL LAND SERVICES BILL 2013**GOVERNMENT SECTOR EMPLOYMENT BILL 2013****MEMBERS OF PARLIAMENT STAFF BILL 2013**

Bills received from the Legislative Assembly.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Duncan Gay agreed to:

That the bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for a later hour.

Bills read a first time and ordered to be printed.

Second readings set down as orders of the day for a later hour.

VICTIMS RIGHTS AND SUPPORT BILL 2013**Second Reading**

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [8.01 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

The Government is very pleased to introduce the Victims Rights and Support Bill 2013.

The purpose of the bill is to establish a new Victims Support Scheme to replace the existing Victims Compensation Scheme and to provide for a new Commissioner of Victims Rights.

The Victims Compensation Scheme was established in 1987 and revamped in 1996.

But, by mid-2010 the Victims Compensation Scheme that was meant to help victims of violent crime was crippled by a growth in demand that had almost doubled in the previous five years. This led not only to cost blowouts but to protracted delays for victims in receiving compensation. The Auditor General identified from 2009 that the then Government needed to take action to deal with the backlog of claims.

Despite these warnings, the previous Labor Government did very little to try and stem the ballooning liability of the scheme.

The consequences of inaction are only too clear. The most recent figures show that victims now wait on average at least 30 months before they receive any money, long after the bills for medical treatment, funeral expenses and the costs of relocating out of harm's way.

This is simply not good enough. Having to wait such a long time undermines the very spirit of the scheme, which was designed to help rehabilitate victims of violent crime. Victims need to be supported while they recover and come to terms with what has happened to them, not wait years for a handout that they hope will cover all those unexpected medical bills and relocation costs while worrying how they will manage in the meantime.

Victims of violent crime deserve better than that. That is why this Government decided to tackle the tough job of taking a good, long, hard look at the Victims Compensation Scheme and see how it could be brought up to date and in line with the demands of the twenty-first century.

The Government commissioned PricewaterhouseCoopers to review the Victims Compensation Scheme and provide an independent assessment of how it could be improved to provide faster and more effective support to victims of violent crime.

The review involved consultation with a broad range of stakeholders—but the unanimous points were:

- (1) that assisting victims at the earliest point after the act of violence delivers the best outcomes;
- (2) that the provision of counselling is supported and should continue; and
- (3) that a lump sum payment in recognition of trauma is an important part of the rehabilitation process.

In reviewing the scheme, PricewaterhouseCoopers noted that:

whilst counselling in general is provided in a timely and effective manner, there [are] other services and supports identified which are not currently provided by the scheme, but which would be beneficial to claimants and assist them to begin their healing process shortly following the act of violence. These include relocation assistance, security upgrades and assistance with medical and dental expenses.

PricewaterhouseCoopers' report was delivered to the Government in the second half of 2012. It recommended a radical overhaul of the way in which victims are supported, by closing the Victims Compensation Scheme and replacing it with a new scheme—the Victims Support Scheme—that is underpinned by the following key principles:

- first: financial viability—to ensure that victims receive timely support;
- second: appropriate prioritisation of funds to:
 - meet the immediate needs of victims of violent crimes;
 - provide financial assistance and rehabilitation; and
 - recognise and acknowledge the trauma suffered;
- third: consistency with the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

It is my great pleasure today to announce that the Government has adopted PricewaterhouseCoopers' recommendations. We acknowledge that the Victims Compensation Scheme needed to be replaced with something more effective. This bill does just that—it establishes the new Victims Support Scheme which is modelled very closely on the scheme proposed by PricewaterhouseCoopers. It is an excellent scheme that the Government is confident will provide an infinitely better response to victims than that provided by the Victims Compensation Scheme.

Instead of reducing everything to a lump sum compensation payment, the focus of the Victims Support Scheme will instead be on providing a package of practical and financial support, tailored to victims' individual needs and provided to victims at the time they need it, while still providing a lump sum payment in recognition of the trauma experienced by victims of crime. But instead of the lump sum being determined according to what is known under the existing legislation as a "Schedule of Compensable Injuries"—that is, compensation for specific injuries to particular parts of the body—under the new scheme the payment will be related to the nature of the violent act.

Counselling will continue to be provided, but the rates have been increased and counsellors will now be able to claim for travel time in excess of two hours. This is so the scheme will improve access to counselling services in rural, remote and Aboriginal communities.

The Victims Support Scheme will provide the following types of support to victims who have sustained an injury as a result of a violent crime:

- firstly, 22 hours of counselling, which can be extended where appropriate;
- secondly, an individually tailored package of up to \$5,000 to address a victim's immediate needs. This might include emergency medical or dental treatment, the costs of cleaning up a crime scene and expenses for relocation from a situation of continuing or potential violence or installation of safety measures in the home;
- thirdly, up to \$8,000 for funeral expenses incurred by family members of homicide victims;
- fourthly, needs-based financial assistance of up to \$30,000 for victims who can demonstrate economic loss, to aid in their rehabilitation and recovery. This is designed to cover items such as ongoing medical or dental expenses, up to \$5,000 for expenses associated with related criminal or coronial proceedings and up to \$1,500 for expenses incurred through loss or damage to clothing or personal effects worn or carried at the time of the act of violence and up to \$20,000 for demonstrated loss of actual earnings, or up to \$5,000 for out-of-pocket expenses where loss of actual earnings cannot be demonstrated; and
- finally, a lump sum payment to acknowledge the violence and trauma. The amount will vary, depending on the nature of the act of violence, as follows:
 - \$15,000 for a family member who was financially dependent on a homicide victim;
 - \$7,500 for a parent of a homicide victim but who was not a dependent;
 - \$10,000 for a victim of the most serious kind of sexual assault—one involving serious injury, the use of a weapon or multiple offenders or for a victim of a series of related acts involving sexual assault, indecent assault or attempted sexual assault involving serious bodily injury;
 - \$5,000 for a victim of a less serious sexual assault, a victim of an attempted sexual assault resulting in serious injury or an assault resulting in grievous bodily harm, including the loss of a foetus, or for a victim of a series of related acts involving the physical assault of a child; and
 - \$1,500 for a victim of an indecent assault, an attempted sexual assault involving violence, a robbery involving violence or an assault not resulting in grievous bodily harm.

While these amounts are less than the maximum amounts of compensation available under the Victims Compensation Scheme, they are in addition to financial assistance available for immediate needs and longer-term expenses. And, most importantly, they will be able to be paid up front, rather than victims having to wait for two or three or more years. In general therefore, victims will be better served by the new Victims Support Scheme with its emphasis on up-front practical and financial assistance at a time when they need it most.

Staff within Victims Services in my department will assist victims to quickly access appropriate help under the Victims Support Scheme, by assessing victims' immediate needs and preparing an appropriately tailored support package, including counselling, financial assistance and referral to local support agencies. Victims Services will also help victims to understand what documentation they need to provide and to navigate the service system. Accessing help from the Victims Support Scheme will be so much simpler and more straightforward than the Victims Compensation Scheme, which means that there will be no need for victims to routinely obtain lawyers to help them apply for assistance.

The fact that victims of crime regularly sought legal representation in order to apply for compensation was a clear indication to this Government that the existing scheme was not easily accessible to the public.

Claims for financial assistance will need to be lodged within two years of the incident—or within two years of a child victim turning 18. Claims for a recognition payment must also be lodged within two years of the incident, or two years of a child victim turning 18, with the exception of claims in relation to domestic violence, child abuse and sexual assault which must be lodged within 10 years of the incident, or 10 years of a child victim turning 18.

The bill will abolish the Victims Compensation Tribunal, in line with the Government's general approach to streamlining the justice system and rationalising the number of tribunals, and establish in its place a Victims Support Division of the Administrative Decisions Tribunal. The NSW Civil and Administrative Tribunal, which will replace the Administrative Decisions Tribunal in 2014, will also have a Victims Support Division. Victims will be able to seek a review of a decision related to an application for a recognition payment, by applying to the Administrative Decisions Tribunal or the Civil and Administrative Tribunal.

The Victims Compensation Scheme will be closed immediately and all existing claims that have not yet been finalised will be transferred to the Victims Support Scheme. This will provide a speedier resolution for victims with existing claims, who will be able to seek counselling and a recognition payment right away—plus an additional payment of \$5,000, provided they lodged their claim within two years of the incident, or of turning 18 if they were a child at the time.

This will also enable the contingent liability to be addressed expeditiously. Continuing the Victims Compensation Scheme in tandem with the new scheme would mean that the contingent liability could not be paid out for several years. When combined with the additional resources that would be required to deal with the extra administrative overheads involved in dealing with two schemes, it would result in significantly less funding for victims in the short to medium term.

Any appeals that are currently on foot before the Victims Compensation Tribunal will be finalised by the Administrative Decisions Tribunal or the Civil and Administrative Tribunal, under the rules of the old scheme.

The bill will retain related provisions from the old scheme, appropriately amended, that enable Victim Support Scheme payments to be recovered from offenders responsible for the relevant acts. Also retained will be the provisions that impose levies on all persons convicted of certain crimes to help fund the Victims Support Scheme and the provisions allowing a court to award compensation, as an alternative to the statutory scheme.

The Charter of Victims Rights will be transferred into the bill from the Victims Rights Act 1996, along with the provisions establishing the Victims Advisory Board.

In addition, the bill will fulfil one of the Government's commitments under NSW 2021: A plan to make New South Wales number one, by establishing a Commissioner of Victims Rights. The commissioner will be appointed as the head of Victims Services in my department and will oversee the Victims Support Scheme and otherwise assist victims of crime in exercising their rights.

The commissioner will promote and oversee the implementation of the Charter of Victims Rights, helping government and non-government agencies to improve their compliance with the charter and receive complaints about breaches. Where complaints cannot be resolved, the commissioner will be able to recommend that agencies apologise to victims of crime and to provide me with a report to present to this House. The commissioner will also be the Chair of the Victims Advisory Board.

And finally, in keeping with the Government's adopted principle of reducing regulation, the bill will repeal both the Victims Support and Rehabilitation Act 1996 and the Victims Rights Act 1996.

I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [8.02 p.m.]: I lead for the Opposition on the Victims Rights and Support Bill 2013. The Opposition opposes this bill very strongly. It is a bad piece of legislation both in principle and in practice. It represents the triumph of Treasury over the real human needs of victims of crime. The bill is derived from a report by PricewaterhouseCoopers that the Government has been sitting on since July 2012. The clearest sign of the underlying intention of the O'Farrell Government is its embrace of the PricewaterhouseCoopers recommendation to remove the word "compensation" from the legislation and indeed, if this bill is passed, from the scheme. The recommendation, as with the rest of the report, has been adopted with unseemly enthusiasm by this Government. The bill repeals the currently operative victims compensation legislation and the compensation scheme that it provides for, which allows lump sum payments to the victims of crime for amounts of up to \$50,000, and for other purposes.

The bill that is now before the House is completely retrospective in its effect. Part 2 of schedule 2 provides that compensation under the current scheme is not payable unless the matter was finally determined before 7 May 2012, the day on which this bill was introduced in the other place. Matters are finally determined not only if a determination has not been made, but even if a determination has been made and any period for bringing an appeal has not expired. This will capture not only claims not made, but claims which have been made, lodged and are awaiting determination, including those that have already been decided but not paid. These number many thousands of cases. By the Government's own estimate, some 23,000 victims will now be brought under the new arrangement, rather than the scheme currently in place when the claims were made.

Mr David Shoebridge: A disgrace.

The Hon. ADAM SEARLE: It is an utter disgrace. I acknowledge that interjection. This constitutes an unscrupulous confiscation of the existing valuable rights of those who have suffered terrible trauma at the hands of criminals. The Government, in taking the action proposed in the bill, is aiding and abetting the abuse already

suffered, and is in fact compounding it. I turn to the scheme of the bill itself. There is now a complexity to the payments that may or may not be available to victims, clearly designed to confuse and in fact to hide the true effect of these draconian changes.

The types of payments that can be made under this bill are: up to \$5,000 for immediate needs; up to \$8,000 for funeral expenses incurred by family members of a homicide victim—a wholly inadequate amount, in my view; up to \$30,000 for economic loss for things such as medical and dental expenses; up to \$20,000 for demonstrated loss of actual earnings; 22 hours of counselling; \$5,000 for expenses associated with related criminal or coronial proceedings; up to \$1,500 for loss or damage to clothing and personal effects; and up to \$5,000 for out-of-pocket expenses when economic loss cannot be demonstrated. There can also be recognition payments, up to a maximum of only \$15,000. These are certainly not compensation payments, and are far more modest than the present payments available in the existing scheme.

There will be, if this bill is enacted, four categories of recognition payments. Category A relates to an act of violence that apparently occurred in the course of the commission of a homicide; category B relates to an act of violence that is a sexual assault resulting in serious bodily injury or which involved an offensive weapon or was carried out by two or more persons, or a sexual assault, indecent assault or attempted sexual assault involving violence that is one of a series of related acts; category C relates to an act of violence that is an attempted sexual assault resulting in serious bodily injury, an assault resulting in grievous bodily harm, a sexual assault that is not one of a series of related acts, or a physical assault of a child that is one of a series of related acts; and category D relates to an indecent attempted sexual assault involving violence but not resulting in serious bodily injury, a robbery involving violence, and an assault not resulting in grievous bodily harm.

Part 3, in schedule 4, sets out prescribed amounts for recognition payments. Category A includes payments of \$15,000 to family members of a homicide victim financially dependent upon the victim, and \$7,500 to each parent, step-parent or guardian of a homicide victim; category B sets a recognition payment at \$10,000; category C sets a recognition payment at \$5,000; and category D sets a recognition payment at \$1,500. Illustrations of the devastating effects of this bill on victims of crime have been provided by the Inner City Legal Centre, which I will touch on but briefly. There is the case of a nine-year-old ward of the State of New South Wales placed in a children's home. The defendant worked at that home as a house parent, and on three separate occasions seriously assaulted the child, in ways that I will not go into.

The defendant, further, committed more than 25 acts of indecency against the applicant, which constituted a pattern of sexual abuse. No report about these assaults was made to the police or to the New South Wales Department of Community Services due to the applicant's age and fear. The applicant was 35 years old at the time of applying for compensation. The solicitor acting for the applicant obtained the applicant's school records from the Department of Community Services. The records showed the applicant's economic progress up until the time of the assaults and the resultant psychological breakdown. The records also indicated that the applicant's sexual behaviours while placed at the children's home increased, and the solicitor drew strong inferences from the indirect evidence to demonstrate that the applicant's school records were symptomatic of child sexual assault.

Under the old Act, for a category 3 sexual assault, an amount of \$50,000 would have been available. Under the new scheme, an amount of \$10,000 will be available if the violence is one of a series of related acts, and only \$5,000 if it is not. However, as the applicant did not make a report to the police or to a government agency, no payment will in fact be received by a victim of this profile under this bill. As the applicant was outside the 10-year limitation, as I read the bill, no payment will be able to be achieved if this bill is made law. The time limit under the existing Act is two years, with a presumption in favour of an extension. Under the new scheme, there will be an absolute 10-year cut-off on the day the child turns 18 years of age.

In relation to interim awards, a case study has been provided of an applicant using a wheelchair. The applicant, who had almost no ability to walk, lives in Penrith, in Sydney's west. While in a wheelchair on a public street the applicant was approached and physically assaulted by the defendants with a weapon. The defendants forced the applicant out of the wheelchair and beat the applicant with the weapon. The applicant was significantly injured, and the wheelchair was damaged beyond repair. The applicant sustained a psychological injury that is severely disabling. The applicant was awarded a \$6,000 interim payment to repair the wheelchair, and the final award was \$37,000 for the psychological injury and assault.

Under this new scheme, the applicant will be entitled to only \$5,000. The new scheme caps the maximum amount of financial assistance to meet immediate needs at \$5,000, which includes the cost of

relocating a victim from the location where the domestic violence has occurred. Another case of domestic violence that was provided to the Opposition involves an applicant who was married to a defendant for 10 years. The defendant physically assaulted the applicant repeatedly during their relationship, often in the company of the defendant's friends. However, there were no grievous bodily injuries. The applicant was subjected to social and financial isolation and violent emotional taunts that resulted in the applicant developing a major depressive disorder, social anxiety disorder and post-traumatic stress disorder. A victim with this profile under the old Act would receive a payment of \$38,000. If this bill is made law, an applicant will receive only \$1,500.

These are illustrations of situations that demonstrate beyond argument that there are significantly less payments available under this legislation than is currently available to victims of crime. Just as importantly, claims are to be determined in a different manner. The new scheme simply looks at the offender's behaviour to determine the amount of compensation: What section of the Crimes Act is this offence within? The answer to that question automatically gives the figure to be paid. It is justice that is entirely determined by the offence and there is no consideration of how the offence has impacted on the victim. That is not an adequate situation because it explicitly ignores the experience of the victim and completely devalues the trauma and suffering which, of course, is compounded by the fact that the amounts to be received for these terrible traumatic experiences are being slashed, not only to the bone, but beyond. Not only are the financial consequences of the bill devastating and adverse to the victims of crime, but the studied contempt for victims in the community recognition aspect of the scheme is just as deplorable. No two assaults are the same, whatever the Government might think. However, the Government bill reduces the devastating experiences into a one-size-fits-all low-dollar value.

Another aspect of the scheme that should be condemned in the bill is the imposed time limitation. Because the scheme is retrospective these time limits apply to acts that occurred well before the bill was introduced and before PricewaterhouseCoopers was asked to do a job on the victims compensation scheme. Clause 40 of the bill deals with the time for lodging applications. An application for a recognition payment must be made within two years of the date of the act of violence, or within two years of a victim turning 18 years of age.

The exception is for applications for a recognition payment in respect of an act of violence involving domestic violence, child abuse, or sexual assault where the application must be made within 10 years of the act of violence or within 10 years of the victim turning 18 years of age. This is a complete disgrace. Anyone who knows anything about this subject knows that it can take victims of these terrible crimes a very, very long time before they feel strong enough to come forward and tell anyone about their tragic and terrible experiences. It could be even longer before they bring any kind of claim, or action, if ever. This bill slams the door in their face and devalues their experience.

The limit of 10 years will arbitrarily and retrospectively preclude a vast number of victims of paedophile activity and sexual assault in institutions and victims of family and domestic violence from achieving justice. As I said, it often takes a long time for victims to come to terms with what has happened to them. Many never do. It can take literally decades to talk about what has happened to them. Having been abused once, these victims are now being treated with complete contempt by this Government. It is particularly perverse to do this at a time when a royal commission and a special commission of inquiry have been established to look into allegations of sexual abuse. The establishment of the inquiries recognises how significant and systemic these sexual assaults were, and the bill does exactly the opposite. On the one hand, victims of historical abuse are being asked to come forward to tell their stories and, at the same time, this Government is seeking to bar them from claiming victims compensation.

One does not have to wonder too hard what cynical purpose has prompted the Government to introduce this bill at this time. The current Attorney General, the Treasurer and the Minister for Finance and Services have each refused to answer questions about the calculation of savings made in compensation that will not be paid, if this bill becomes law, to the victims of historic abuse that may be revealed by the royal commission and the special commission of inquiry. We should remember that the Government has been sitting on the PricewaterhouseCoopers report for almost a year. The timing suggests that this bill, which prohibits historic abuse compensation claims, has been brought forward at the instigation of Treasury in the face of the royal commission and the special commission of inquiry.

It is not only people who may give evidence at the royal commission who may be affected. On 8 May, the day after this bill was introduced, a former priest appeared at the Armidale Local Court, facing 64 additional offences. They were all historical child sexual assault charges from the 1970s and the 1980s. Should the

allegations be established, no matter how heinous or serious the circumstances may be, no compensation claim will be payable under this scheme because of the 10-year rule provision of the bill. It is a serious matter. People who are finally coming forward are being slapped in the face and banned from seeking compensation. How much more harm will this do to those who have already been so badly and tragically damaged by their experiences? The NSW Police Force issued a media release report about the Armidale matter which said, in part:

Strike Force Glenroe investigations are ongoing and detectives urge anyone with information to assist them to come forward.

State Crime Command's Sex Crimes Squad is comprised of experienced detectives dedicated to investigating crimes of a sexual nature, regardless of the passage of time. Any person who has been a victim of sexual abuse, no matter how long ago the incident occurred, is encouraged to make a report at their local police station.

The NSW Police Force is rightly dedicated to investigating these matters, regardless of the passage of time. The Government seems to be equally determined to ensure that those victims who bravely come forward cannot claim compensation. This 10-year prohibition will cause a significant loss for victims of historic sexual abuse, but not only in money terms. The diminution of the value of payments that will be available to them, if made by this Parliament, will say that the elected representatives of the community do not take seriously the harm that has been suffered by them. What other construction could be placed upon the passage of this bill? However, there are some winners. If money is paid to victims, recovery procedures are available for victims to obtain money from perpetrators. However, if no compensation is paid then there can be no recovery from the perpetrators. Apart from the New South Wales Treasury, the handful of winners from this bill will include criminal offenders, including very serious criminal offenders. The Government was told clearly by the PricewaterhouseCoopers report:

There has been an increasing number and proportion of sexual assault and domestic violence claims reported in recent years and this has resulted in increasing proportions of younger claimants and female claimants. The number of claims lodged out of time (over 2 years after incident) has increased by over 150 per cent over the last five years from about 1,000 to over 2,500 per annum, mainly from sexual assault and domestic violence claims.

When this is combined with the royal commission and the special commission of inquiry, it is clear that the Government knew that there would be more claims coming forward, and it has decided to take action to shut down any claims that may be causing financial inconvenience for the New South Wales Treasury. The Government is wiping out the opportunity of these victims to claim compensation. In September last year, 70 organisations, including Mission Australia, wrote to this Government to ask it not to cut the scheme. My colleague the shadow Attorney General highlighted those concerns in a speech he made in the other place on 5 September. Members of advocate and support services are horrified by the changes contemplated and, indeed, that would be enacted by the bill. Anna Cody the chairperson of Community Legal Centres NSW stated:

Compensation payment for pain suffered is a symbolic recognition of a public wrong and an important part of addressing violent crime in our society. A reduction in payments for victims of violence has detrimental effects on a victim's ability to reclaim their life, but also sends a clear message that this is not important to us as a society.

Janet Loughman from the Women's Legal Services stated:

The new scheme ignores and undervalues trauma suffered by victims of domestic violence and child sexual abuse.

For instance, there appears to be no recognition payment for psychological harm and financial assistance favours those employed.

We are also extremely concerned by the imposition of 10-year time limits for victims of domestic violence, child abuse and sexual assault which is half what the Government's own agency recommended. Ten years is not long enough. It means that many victims appearing before the Royal Commission could be excluded from victims' compensation in New South Wales.

Rachael Martin, convenor of Community Legal Centres NSW victims compensation committee, stated:

It is especially concerning that these changes will apply retrospectively. Any changes to the scheme should have adequate consultation. Retrospective changes are inconsistent with human rights standards and do not recognise the status of victims and is not consistent with the New South Wales charter of victims' rights. The New South Wales Department of Attorney General and Justice's review of the victims' compensation fund acknowledged that for existing claimants it would be unfair to change the goal-posts midway.

The O'Farrell Government has decided to pick on some of the weakest and most vulnerable people in our community. The scheme has a backlog of claims because the Government has refused to provide adequate funding. That means that claimants who have been waiting up to three years will now have their claims transferred to the new scheme without warning. Experienced legal practitioners estimate that many victims of crime who are now entitled to receive about \$30,000 will receive only \$1,500.

Mr David Shoebridge: If anything.

The Hon. ADAM SEARLE: I acknowledge that interjection and concur. This is a result of the Government's determination to butcher the scheme until it fits the \$62 million a year that it is prepared to provide. Many practitioners regard these as token amounts and they represent savage cuts to benefits. The inescapable truth is that acts of violence can dramatically alter the course of a person's life. As the New South Wales Society of Labor Lawyers has recently reminded all involved in this debate, civil and criminal proceedings often do not provide a realistic avenue for restitution. If this bill is passed and the scheme is abolished, there will be nothing else. That would be a disgrace.

The Premier has recently attempted to offload this problem to Canberra by saying that it should be considered by the Commonwealth royal commission. To say that that comment is unworthy of a Premier of this State is putting it very mildly. This is clearly an area of State responsibility. Since the late 1980s the State has voluntarily assumed that responsibility and successive governments have sought to retain the Victims Compensation Scheme and to improve it. Clearly this Government would like to avoid this difficult issue altogether. I should also point out the concern of many other groups that advocate for the victims of crime, especially victims of family and domestic violence and sexual assault. The North and North West Community Legal Service, whose office is in Armidale, is very concerned about the bill. It states:

We are concerned that under this bill the schedule of injuries will be removed and replaced with a "recognition payment" that equates to payments of significantly lower awards for the "pain and suffering" endured by victims. This is a tragedy for victims of domestic violence and sexual assault in particular, who are overwhelmingly women and children.

We find the categories of recognition payments particularly insulting to victims of domestic violence. The focus seems to be very much on the "act of violence" as opposed to the significant long-term harm and trauma caused by the violence.

For such victims the issue of focus will be the type of physical injury suffered and not the very significant psychological harm caused to a victim. In fact the proposed recognition payments contradict the current legislative policy and social recognition, and sends a message to those victims of domestic violence that their pain and suffering is less worthy.

The service also makes some valid points about the limitations on the category of payments for what the bill calls immediate needs. It states:

We note that the bill proposes a category of financial compensation for immediate needs. While this is a good thing for those victims in crisis who need to move quickly, or need some type of assistance with security issues, the majority of our clients do not seek support and compensation until the crisis is over. Often they do not seek assistance until it is physically or psychologically safe for them to do so.

This is often after the perpetrator is sentenced to gaol. It is academic to talk about covering expenses for moving house or securing new accommodation. In reality there is a shortage of affordable rental accommodation and social housing. Many of our clients are economically disadvantaged women experiencing domestic violence are listed on waiting lists for social housing, or a priority transfer for many months. Private rental accommodation is often not an option as these women do not have the appropriate references to enable them to obtain such.

Another useful commentary on the bill comes from the Wirringa Baiya Aboriginal Women's Legal Centre Incorporated, which shares the views I have mentioned. It also states:

We are deeply concerned about capping the time limit for victims of domestic violence, sexual assault and child sexual assault for an application for recognition payment. It is our strong submission that ten (10) years is not sufficient time for these groups of victims. Many of our clients struggled with the consequence of the violence for many years before reaching a point where they could seek compensation and counselling.

Some describe a life of half living, feeling numb and distant from their children and friends, or highly anxious, phobic and house-bound, unable to talk about the terrible trauma they endured. Other clients self-medicated with alcohol or drugs for years to block out the memories of their abuse.

Victims of violence in childhood, particularly sexual abuse, struggle for many years to disclose what happened to them, let alone seek help and or compensation.

The centre goes on to quote the report from PricewaterhouseCoopers. At page 65 the report states:

We recognise that any change in eligibility requirement would have a significant impact on victims. In particular, imposing stricter time limitations would have a significant impact on victims of violence which occurred many years ago, in particular those related to child sexual assault and domestic violence. We acknowledge that as the societal attitude to violence has changed and victims of historical claims have had time to reflect and come to terms with their past trauma, and feel more supported by changing cultural attitudes, they have started to come forward in increasing numbers and report these acts of violence.

That quote is from the PricewaterhouseCooper's report, which the Government has used as the basis for this legislation. As with many other groups, both this centre and the North and North West Community Legal Service are outraged that the new scheme is imposed on existing claims. The Liverpool Women's Health Centre has also written to the shadow Attorney General expressing its concerns. It stated:

The new scheme will apply to victims already in the old scheme. This means that victims' awards will likely be significantly lower and in cases where the act of violence occurred outside of 10 years, they will likely receive nothing. The government's own review of the victims' compensation acknowledged that for existing claimants it would be unfair to change the goal-posts midway.

The new scheme imposes a 10 year time limit for claims by victims of domestic violence, child abuse and sexual assault. This means that many victims appearing before the royal commission into institutional responses to child sexual abuse could be excluded from victims' compensation in New South Wales.

The new scheme ignores and undervalues trauma suffered by victims of domestic violence and child sexual abuse. There are no recognition payments for psychological abuse and harm and financial assistance favours those employed.

The new scheme requires victims to have reported the crime to the police or government agency to be eligible for compensation. Many victims are fearful of police and report their crime to support service.

I refer briefly to a letter dated 17 May from the Women's Legal Services NSW and addressed to the Attorney General. It makes a number of points and calls upon the Attorney General to withdraw the bill. The letter states:

We are deeply concerned about the bill as it will introduce a scheme that fails to respond to some victims with respect to dignity and compassion in a culturally sensitive manner.

It also states:

We believe the bill in its current form will perpetrate further injustice for these victims.

Women's Legal Services are also concerned at the failure of the Government to release an exposure draft of the bill and seek public comments.

Of course, that would have been a sensible course and in this difficult area of social and legal policy it would have been a much more appropriate response. Women's Legal Services regards the failure of the Government to have done so as a denial of natural justice for victims, who will now have their rights stripped away from them by the stroke of a pen. It states:

We are also concerned that the proposed changes will have a disproportionate impact on victims of some of the most serious crimes, including victims of child abuse, sexual assault and domestic violence.

Additionally, given the gendered nature of these crimes, women and girls will be significantly more disadvantaged by the changes.

Women's Legal Services NSW has also expressed concern about the imposition of a 10-year time limit and the failure to explicitly include in recognition payments compensation to account for a significant psychological injury associated with domestic violence, child abuse and sexual assault. It reiterates the comments made previously about restrictions on the type of documentary evidence required. A member of the public directed my attention to a letter published in a major metropolitan newspaper. The letter, from a victim of a serious assault, stated:

A man tried to rape me when I was six. I was at the beach ...

I think about the attack every day. I am now 61. I felt strong enough to claim victim's compensation at age 57. The compensation improved my life and made me feel better about myself. Under the new legislation, a person in my situation would need to speak up by the time they were 28. Clearly the depth of my trauma robbed me of the capacity to talk about it at all at that age ...

If the Government truly wishes to support victims, it needs to drop the 10-year cap for applying for compensation from sexual abuse. The time of 10 years is not supported by any research. Most people would consider it a time frame invented by a bean counter to save money. I ask politicians to genuinely help and support victims. They can do this by removing the 10-year cap in the legislation now before the Parliament. They can also restore current funding and payout levels.

I also refer to a 2009 report by Professor Patrick Parkinson into sexual abuse claims against the Anglican Church that found the average delay in reporting these assaults was 23 years. A letter I received from UnitingCare Children, Young People and Families on 17 May stated:

There are many reasons why survivors of child sexual assault delay reporting the abuse to authorities. Often, children have been bullied and intimidated into silence when they try to report, until the child gives up. The trauma that they experience means that children also lose the ability to trust other people and authorities.

I also received a submission from Bravehearts, which states:

Survivors of child sexual assault face enormous barriers in disclosing. The impacts of child sexual assault typically mean that the victim does not disclose until they feel safe to do so, and this frequently does not occur until some time has passed, certainly past the 10 year limitation period proposed in the *NSW Victims Rights and Support Bill 2013* ...

Where the perpetrator is a relative, research shows an even more prolonged process ...

Having been, in many cases, completely disempowered by an offender, the psychological consequences of child sexual assault have far reaching consequences: shame and guilt can often mean that survivors are unable to disclose until parents have passed away; many survivors are simply not ready to disclose as they may still be processing the psychological trauma and impacts of the sexual assault; and victims may experience post-traumatic stress disorder (essentially this means that a victim is aware of the harm they experienced but disassociate themselves from any reminders of the traumatic event, including litigation).

The relevance of these descriptions of the psychological effects is that even if a survivor is aware of the possibility of legal action they may decide that to take such action would revive traumatic memories and may even be destructive and therefore delay proceeding with the matter.

Identifying that it can take many years for victims to be ready to recognise and confront what happened to them ...

In response to this phenomenon many States in America are currently reviewing their limitations laws. The Bravehearts' submission also goes on to provide an analysis from Professor Ben Mathews in 2003 of Queensland Police Service data, which shows that 25.5 per cent of survivors took one to five years to report the acts against them, a further 9.7 per cent took five to 10 years, 18.2 per cent took 10 to 20 years, and more than 14 per cent took more than 20 years to be able to come forward. It is clear beyond argument that this time limitation would be a real injustice and should be rejected by this House.

I note at this point that the Opposition—I am sure not only the Opposition—will be moving an amendment and otherwise supporting efforts to remove the 10 years shutdown of historic claims. There are other much shorter time limits for claiming the meagre benefits that will exist under this regime. For these benefits, include counselling I think, all claims must be lodged within two years or within two years of a child victim turning 18 years of age. In our view these limitations are also too restrictive. The NSW Women's Legal Service also states:

The significantly reduced compensation awards to victims of domestic violence and sexual assault ignores both the frequency and severity of these types of violence and diminishes the hard fought for recognition of private acts of violence.

The Women's Legal Services also notes that the proposed retrospective effect of the bill will substantially diminish the rights of existing claimants. This bill will deprive an often disadvantaged person of modest financial support—support that can sometimes help victims completely turn their life around. The Government's assertion that this scheme has been forced on it by the financial position is, of course, complete nonsense. The Attorney General claimed that this bill has the support of victims groups, including that of Ms Martha Jabour of the Homicide Victims' Support Group. Ms Jabour sent a letter to the shadow Attorney General that stated:

We are very disappointed and saddened that the bill has passed through the lower House in its current form after very little consultation or consideration given to the over 3,000 families we support within our group

For the reasons outlined in the attached submission the passing of this legislation will be catastrophic to our members ... It will affect greatly the people that need assistance the most—the family members trying to survive the horror of someone they love being murdered.

The O'Farrell Government is bereft of sympathy for any matter involving compensation, as we saw in the debate on compensation for asbestos victims and the private member's bill on the Strikwerda principle brought forward by the shadow Attorney General in the Legislative Assembly. I note that bill is also on the *Notice Paper* of this House in my name and can be actioned at any time the Government or the crossbench are minded to do so. The Opposition sees the same lack of sympathy or interest in victims in the workers compensation changes made last year and in the legislation on motor accident changes the Government is proposing. There is a coherent ideological theme in the actions of this Government that is mean-minded: It is about attacking the existing legal rights of people and taking away whatever financial and medical benefits they are able to gain from these tragedies under law. It is stripping those rights back to the absolute bare minimum—sometimes even lower than that—a civilised society would contemplate.

Mr David Shoebridge: And they are not generous now.

The Hon. ADAM SEARLE: I note the interjection that the benefits in all those schemes are not what one would describe as overly generous, even before the proposed changes. The Opposition sees the same lack of

sympathy or interest in the victims of crime in this bill. There is no compassion or sympathy, merely an acceptance of Treasury's obsession with cutting out compensation in the name of budget savings. Budgets are about priorities. Through a Government's priorities one begins to know its soul and its real agenda. This is about the priorities of the Government. The Government got its accounts wrong by \$1 billion in the last budget but it cannot find the money to fund victims compensation properly. It does not regard assisting the victims of crime as a priority; that is not important to this Government. We can see from the bill that this Government has no compassion.

The Opposition has been given a whole range of case studies. I will end my contribution by referring to one involving a woman named Frederica, who was repeatedly sexually assaulted by a family friend when she was 10 and 11. She did not disclose these assaults to anyone as the family friend told her that she would be in big trouble. She did not disclose the assaults until she became a mother, at nearly 30 years of age. This triggered in her an overwhelming and constant fear for her own children. She was diagnosed with post-traumatic stress. She reported the assaults to the police and the perpetrator was eventually found guilty of multiple aggravated assault charges. She did not lodge a claim for victims compensation until the trial was over. She was 32 at that time. She has now been waiting 18 months for her claim to be assessed under the existing scheme.

According to this bill—which we will vote on at some advanced hour this evening—she will be entitled only to a recognition payment of \$10,000. But on my reading of it under the current law she would be entitled to compensation of \$50,000. If she were making a new claim—that is, if she did not already have a claim in the system—she would not be entitled to claim at all because she would be lodging her claim more than 10 years after turning 18. That shows in a nutshell how damaging and mean-spirited this legislation is. The bill should be utterly rejected by the House. In the event that it is not rejected, the Opposition will be moving a series of amendments to try to ameliorate the worst excesses in the bill. I urge members across all parties who have any skerrick of conscience to join in addressing at least some of those concerns, such as victims of historic child sexual assault. The Opposition completely and resolutely opposes this mean-spirited bill.

Mr DAVID SHOEBRIDGE [8.40 p.m.]: On behalf of The Greens I strongly oppose the Victims Rights and Support Bill 2013. Indeed, I find it remarkable that we have to consider such an appalling act by this Government. One can judge a society, and particularly a government, by how it treats the most marginal, vulnerable and needy in a community. If that measure is applied to the Government in terms of this bill, then the Government is morally bankrupt. The Government's heart is a stone and its mind is a calculator. The Government has no interest at all in the rights of victims of crime and the rights of those who should be receiving strong community support.

The bill has been introduced to deal with the deficit in the Victims Compensation Scheme. There is no doubt that the scheme is in deficit after more than a decade of consistent underfunding, and needs additional funding. Some estimates say it is hundreds of millions of dollars in deficit but it is clearly running at \$20 million or \$30 million deficit each year. As I said before, one can judge a government by how it deals with the most vulnerable. In one bill this Government gave a \$300-million tax concession to clubs for poker machines. It made a promise to ClubsNSW that every year \$300 million in tax concessions will be given to clubs for poker machines. Just that one decision would not only fund the entire deficit in the Victims Compensation Scheme but could improve the entitlements and rights to the scheme.

Government is about choices. This Government has made a choice—namely, to give tax concessions to the clubs for poker machines and utterly gut compensation payments to victims of crime. That sums up this Government's decision-making in one go. The Government has slashed workers compensation rights and is in the process of slashing the rights of victims of motor vehicle accidents. Now the Government is attacking some of the most vulnerable people in our community. Why do we have victims compensation at all? Of the many submissions received by my office in relation to this bill one was a submission from the Shopfront Youth Legal Centre, which provides free legal advice to homeless and disadvantaged young people aged 25 and under. That submission summed up why we have the scheme. In part, it said:

Compensation payment for pain suffered is a symbolic recognition of a public wrong and an important part of addressing violent crime in our society. A reduction in payments for victims of violence has detrimental effects on a victim's ability to reclaim their life, but also sends a clear message that this is not important to us as a society.

The new scheme ignores and undervalues trauma suffered by victims of domestic violence and child sexual abuse. After working so hard to bring violence that happens in the home into the public sphere, the government now appears to be giving greater recognition to "public" acts of violence.

It is particularly troubling that this attack on the rights of victims of crime, which will have a grossly unfair impact particularly on victims of historic child sexual abuse and victims of domestic violence, comes at a time

when many victims, particularly victims of historic child sexual abuse—which is one of the worst crimes, and I am by no means seeking to single out just one crime—thought that governments were finally listening to them. We currently have a Federal royal commission and a State commission of inquiry into childhood sexual abuse. Victims of crimes thought their voices were finally being heard. This bill, in the shadow of the Government's budget, has destroyed the Victims Compensation Scheme and, compounding that, has destroyed it retrospectively. The 24,000-odd claimants who have gone through the emotional turmoil of filing claims with the Victims Compensation Tribunal are having their rights taken away retrospectively. A submission from the Victims and Witnesses of Crime Court Support Inc., which was sent to me and to the Attorney General among others, stated:

The Victims and Witnesses of Crime Court Support Inc. is astounded at the timing of this Bill in the middle of public hearings of the Special Commission and at the commencement of private sessions of the Royal Commission. This is another block for adult survivors of child abuse seeking justice.

I echo those words and concerns. So what will this bill do? I will outline briefly some of the things that may be seen as positives in the bill. One of the positives is that it focuses on timeliness, and consequently payments will be made more quickly. It is well known that payments need to be made more quickly because under the current scheme there is a significant backlog—the average delay in processing claims is 31 months. This is the result of historical underfunding, not because it is an overly complex system. There is not enough money to manage the scheme and to assess the claims for compensation. A focus on timeliness is a good thing but it is not a goal in and of itself. Indeed, under this scheme many claims will be dealt with very quickly—they will be rejected either for being outside the time frame or because the new, more onerous evidentiary requirements in the bill cannot be proved.

The bill establishes a Commissioner of Victims Rights. Although the commissioner will not be an independent person—basically it will be another bureaucrat working in the department—this is a modest step forward. The bill remakes the Charter of Victims Rights but does not make it enforceable. It proposes slightly more prompt access to counselling for some victims but this will be seriously capped in almost all cases. The structure of financial assistance up to \$30,000 in rare cases may provide a modest benefit for a very small class of victims. At best, those are the benefits of the bill that I can see. But weighed against them is a raft of such savage attacks on the rights of victims of crime that the bill ought to be defeated. In any fair-minded Chamber, where elected representatives were genuinely concerned about the impact of legislation, this bill would be defeated on the voices.

Retrospectivity is the first attack I wish to focus on. The Government is proposing that these changes be retrospectively applied to each and every claim under the Victims Compensation Scheme. We now know that there are approximately 24,000 claims. Those 24,000 individuals have often relived the trauma of the crime they suffered. They have spoken to a psychiatrist or a psychologist and have often had to approach family members or others from their past to get corroborating witness statements about the crimes. I have spoken to victims who have told me that going through that process of reliving the crime and talking to medical professionals can be deeply traumatic. They have night sweats and trouble sleeping. They have difficulty attending work simply because they are going through the process of gathering together documentation to make a claim. Some 24,000 people have made claims in good faith on a promise that their entitlements would be in the form outlined in the current Act. The Government has changed the rules on them midway through the process.

Indeed, what is worse is that many claimants have already gone through the system in the Victims Compensation Tribunal and obtained a determination. However, under this bill, if three months have not elapsed from the time they received a decision in the Victims Compensation Tribunal to the time the bill was announced by the Attorney General—even if they had gone through all the trauma and finally received a decision; even if they felt they had some minor recognition of their insult—they will lose their entitlement. They will be hit by retrospectivity. This bill is ugly law. As I said, many people have been waiting years to have their claims determined. However, none of that matters to the Government, which simply wants every saving from the scheme paid for by victims. The Government does not care which victim it is or how much it hurts. In terms of retrospectivity, Marrickville Legal Centre said:

We submit that the retrospective application of the New Scheme, in effect, fails to recognise the time and energy victims have already invested in their applications. It also deprives victims of their legitimate expectation that there will be certainty in the law and legal process surrounding their claims.

Some of our clients have been in the compensation scheme process for up to 31 months. These victims of crime have been very patient in respect of their applications and may now find that they fail to meet the new criteria under the New Scheme.

Further, those victims who have already had their matters determined, and compensation amounts awarded, may also now find themselves in a position where their award remains uncertain, with the possibility that it may be now revoked or diminished, should the New Scheme apply.

MLC submits that these results are both unjust and unfair to victims who have already suffered considerable loss, pain and psychological trauma in most instances.

MLC requests that Parliament maintain the current victims compensation scheme for existing claimants, and amend the Bill so as to exclude the New Scheme's retrospective operation.

If The Greens, together with other members in the Chamber, do not have a majority to defeat the bill in its entirety, we will move amendments to stop the retrospectivity of this bill. A second—and one would think fatal—problem with this legislation is what it does in terms of time limits. It proposes a time limit of only two years for most claims—that is less than the standard time limit for other civil claims, which is three years—and a maximum of 10 years where the claim is one of sexual assault, child abuse or domestic violence. That can be 10 years from the time of the crime or 10 years from the age of majority, whichever is the longer. We know absolutely that a 10-year time limit, particularly in relation to child sexual abuse, is effectively a time bar for most claimants. The research that has been done on the time it takes victims to come forward to report historic child sexual abuse makes that absolutely clear. In what I can only say was a reasoned and carefully worded submission, Bravehearts said:

Survivors of child sexual assault face enormous barriers in disclosing. The impacts of child sexual assault typically mean that the victims do not disclose until they feel safe to do so, and this frequently does not occur until some time has passed, certainly past the 10 year limitation period proposed in the *NSW Victims Rights and Support Bill 2013*.

In Queensland, the Project Axis survey found that of 212 adult survivors:

- 25 took 5-9 years to disclose it;
- 33 took 10-19 years; and
- 51 took more than 20 years.

Where the perpetrator is a relative, research shows an even more prolonged process. A Criminal Justice Commission analysis of Queensland Police Service data found that of 3,721 reported offences committed by relatives:

- 25.5% of survivors took 1-5 years to report the acts;
- 9.7% took 5-10 years;
- 18.2% took 10-20 years, and
- 14.2% took more than 20 years.

Having been, in many cases, completely disempowered by an offender, the psychological consequences of child sexual assault have far reaching consequences: shame and guilt can often mean that survivors are unable to disclose until parents have passed away; many survivors are simply not ready to disclose as they may still be processing the psychological trauma and impacts of the sexual assault; and victims may experience post-traumatic stress disorder (essentially this means that a victim is aware of the harm they experienced but disassociate themselves from any reminders of the traumatic event, including litigation).

I will give one example that struck me. In September last year I organised and attended, with staff of the *Newcastle Herald*, a forum for victims of child sexual abuse by the Catholic Church in Newcastle. More than 400 people attended the forum. At the end of the forum there was an enormously emotional moment when victim after victim stood up in the hall and told their story about the abuse they had suffered. I saw 50-year-old, 60-year-old and 70-year-old men stand up and explain the impact of the abuse they had suffered as a child. One victim told me that he still had difficulty having his grandchild on his knee because that brought back the memory of the abuse he suffered on the knee of a priest.

On my way home from the forum I received a message to call a person who had been at the forum. I called him the following day. He told me that when on his way home from the forum—this man was in his seventies; it was the first time he had been able to talk about the abuse he had suffered—he told his wife about the abuse. I remember thinking about the pain in that room and about the bravery of that man in telling his wife when he was in his seventies. To think that a majority in this House support legislation that will disentitle him to victims compensation and in doing so treat that whole class of victims with high-handed contempt for a budget saving—a saving that is overshadowed by other tax concessions on things such as poker machines—lays bare the Government's morality and the ugliness of this bill.

I turn now to the recognition payments. What can only be described as insulting sums are being proposed as lump sum recognition payments for victims of crime. A category A recognition payment relates to an act of violence that apparently occurred in the course of the commission of a homicide. That is a lump sum payment of \$15,000, which is reduced to less than half if there is no evidence of financial dependence. Other

payments are \$15,000 for the loss of a father and \$7,500 for the loss of a child or a wife. That is downright insulting. Category B relates to sexual assault that resulted in serious bodily injury that involved an offensive weapon, that was carried out by two or more persons, or that is one of a series of related acts, with a cap of \$10,000. Category C relates to sexual assault and attempted sexual assault resulting in serious bodily injury—I am saying this quickly but each of these crimes destroyed someone's life. Each of these clauses I am talking about represents thousands of people whose lives have been destroyed by crime.

Category C relates to an assault resulting in grievous bodily harm or physical assault of a child that is one of a series of related acts, with a recognition payment of \$5,000. The Government does not even call it compensation because it knows that it is not compensation. It does not even pretend to be compensation. Category D applies to an indecent assault, an attempted sexual assault involving violence, a robbery involving violence or an assault, with a recognition payment of \$1,500. In terms of domestic violence, many victims are financially dependent on their spouse, and they might suffer years of humiliation, belittling, pushing, shoving, intimidation—violence that does not become grievous bodily harm but shows a pattern of abuse that can psychologically destroy a victim's life.

Victims can be physically intimidated and the only payment they will get under the new scheme is \$1,500. The psychological impact—the actual impact of the crime—is irrelevant in the eyes of this Government. No-one will even be looking at the impact of the crime. Victims will be sliced and diced on the criminal classification of the crime that occurred—irrespective of the damage done to their life; irrespective of the fact that it may destroy their life—and receive \$1,500.

I do not have time to read out all the enormously valuable submissions that my office received from so many groups, but I will read onto the record some of the groups that indicated their strong opposition to the bill: Community Legal Centres NSW, Bravehearts, the Homicide Victims Support Group, the Victims and Witnesses of Crime Support Incorporated, the Survivors Network of Those Abused by Priests, the Shopfront Youth Legal Centre, Uniting Care Burnside, Jenny's Place Women and Children's Refuge, Women's Legal Services NSW, the Marrickville Legal Centre, the Illawarra Legal Centre and the Warringa Baiya Aboriginal Women's Legal Centre. I stop there to say that more than 10 per cent of claimants under the current scheme are Aboriginal. Does the Government care? No, it does not care about an already disadvantaged, marginalised group that will be further damaged by this legislation.

I received further submissions from the Elizabeth Evatt Community Legal Centre, the Newcastle Domestic Violence Resource Centre, Care Legal, Artemis Legal, Kelso's The Law Firm and Kenny Spring Solicitors. My office has been contacted by many individuals and their families, friends, psychologists and counsellors. Do I hear yawning from the Government side?

The Hon. Michael Gallacher: I have a cold. You're a grub.

Mr DAVID SHOEBRIDGE: I hear yawning from the Government side—I cannot believe it. This bill should never have been brought before the House and it should be defeated. [*Time expired.*]

The Hon. WALT SECORD [9.00 p.m.]: I oppose the Victims Rights and Support Bill 2013. During my 13 years in various capacities working for different State governments my work as a ministerial staffer brought me into contact with the families of the victims of homicide and their sincere advocates. Labor parliamentarians in the other place and my colleague the Hon. Adam Searle have extensively canvassed aspects of the bill, such as the 10-year cap on historic claims and retrospectivity involving the 24,000 claims. While I support their concerns, tonight I will concentrate on matters raised by the families of the victims of homicide. The families have raised concerns about the way in which the Victims Rights and Support Bill 2013 will impact on them emotionally and financially.

By way of background, since 1995 I have had the honour and privilege of meeting with, listening to and learning from victims of crime support groups such as the Homicide Victims Support Group, the Victims of Crime Assistance League Inc. NSW and Enough is Enough. I have met people such as Ms Martha Jabour, who has dedicated her life to helping others and supporting them, especially those who have been the victims of horrific crimes or have lost family members to homicide. I note her presence in the public gallery this evening. She supports victims when they are grieving and as they go through often protracted court processes. She is there long afterwards—in fact, many years afterwards. She is sometimes still there 10 or 15 years later when the family attends parole hearings for the perpetrators of the crime of murder against their loved one. In public life one is fortunate to meet fine, honest, hard-working and caring people. Martha Jabour is one such person.

I have met the victims of crime and the family members of the victims of homicide—survivors of horrific crimes. Over the years, I have sat across the table from families that have survived unimaginable horrors and violence. I have met families which, in great moments of suffering, have shown kindness and generosity of spirit. Oliver and Rosemarie Zammit, from western Sydney, are the parents of Doujon Zammit, who was murdered in Greece in July 2008. He was 20 years old when he was bashed and slipped into a coma in Greece. In a wonderful, selfless act the Zammit family allowed Doujon's organs to be donated in Greece, thus saving five lives. I have met the surviving members of the families of Anita Cobby, Janine Balding and Ms Virginia Morse. Sadly, some have since passed away. They are families who have experienced deep and unending pain.

I will never forget meeting the brave young woman who survived an horrific gang rape. She testified against Bilal and Mohommed Skaf, two brothers who led a group of up to 14 young men to carry out a series of horrific gang rapes in western Sydney in 2000. Judge Michael Finnane described the severity of that crime as, "What you hear about or read about only in the context of wartime atrocities." I give this background so that we have a clear illustration of what we are debating this evening. We should bear these individuals in mind as we consider the bill.

Turning to the Victims Rights and Support Bill 2013, I begin by noting that its title is Orwellian. This bill does not extend support to the victims of crime; it reduces support to the families of the victims of crimes such as homicide. To call the bill a "support" bill is disgraceful and disingenuous. The victims of serious crimes will be worse off under this bill. That is the very intention of the bill—to ensure that victims are worse off. And those who will be worst off are the families of the victims of the most serious crime: homicide. The Homicide Victims Support Group, which supports some 3,000 New South Wales families affected by homicide, has told me that its members will be "worse off" under this bill.

On Monday 27 May, with my colleague the Hon. Luke Foley, we met with a delegation led by Ms Martha Jabour. It comprised retired Assistant Commissioner John Laycock, the police consultant to the group; Ms Mary Cusumano; Tom and Louise Menhennitt; and Ms Vanya King. They have all suffered through unimaginable horror. Mr and Mrs Menhennitt are the parents of Melloney, who went missing in March 2004. After 5½ years her body was found in bushland on the Northern Beaches. I note their presence in the public gallery this evening. Ms Vanya King is the mother of Lisa King, who was sexually assaulted and murdered at a party in 1999. Ms Cusumano is the gentle widow of a software salesman—a rags-to-riches businessman. He was murdered when two brothers and their friend robbed his computer store in Penshurst in December 1995. Over the decade, I have met Ms Cusumano on four occasions. I note her presence in the public gallery this evening. Retired Assistant Commissioner John Laycock rightly pointed out that this is a reform designed by accountants, not advocates for justice. He was present in the gallery earlier this evening.

The Homicide Victims Support Group has provided me with detailed tables and documentation proving other families of the victims of homicide will be worse off. I thank the group for that information and for the time that it has spent in preparing it. But it is not the numbers that speak to how egregious this bill is; it is the families. It is the stories of people who we all know have suffered the impacts of horrendous crimes; people who many of us would say deserve our support—those of us, it seems, except the Attorney General and the O'Farrell Government.

I give members the example of the late Mrs Kerry Whelan. As members will recall, she was murdered in 1997. Her family are left as victims of this notorious crime in which their mother's body has never been found. However, according to this bill the O'Farrell Government believes that they do not require more support; they need less. In fact, the O'Farrell Government believes they need none. Let me be clear: The family of Kerry Whelan would receive nothing under this bill and its changes. That is the advice that I have from the Victims of Homicide Support Group. The group further advises that the families of the late Ebony Simpson and the late Janine Balding would have received significantly less support. Even the family of the late Anita Cobby—the victims of a crime against a young woman that is now synonymous with unimaginable brutality—would receive reduced support. If this does not make those opposite ashamed, perhaps nothing will. I repeat: If this does not make those opposite ashamed, perhaps nothing will.

The Homicide Victims Support Group says it is particularly angry—and I join it—about the new O'Farrell system that looks at "dependency". In 1996 the Carr Government, in section 16 of the Victims Support and Rehabilitation Act, referred to "dependency". However, the O'Farrell Government has changed that definition to "financial dependency". Let us look at the impact of that simple change. Sadly, about 60 per cent of murders in New South Wales involve domestic violence. This includes the murder of mothers. I ask: Are young children dependent on their mothers? Of course they are. However, the O'Farrell Government is more concerned

about dependence and only financial dependence. Incredibly, it is now proposed that many of the children of those mothers will not receive support because their mothers were not in the paid workforce. According to this perverse logic, the children are not financially dependent upon their mothers. That is how it reads on paper, but how does it look in reality for these child victims?

Their father is in prison for murdering their mother. Their mother has been murdered. But because she was a stay-at-home mum, these kids get nothing. That is simply wrong. The situation I have just described can then be compounded by a bizarre loophole which means that a parent who has nothing to do with the murdered child, such as an estranged parent, can receive financial assistance. But the grandparent who often ends up raising the child does not receive any financial support under this bill. I repeat: No support under the bill for grandparents who look after children who are the product of a murder involving domestic violence. As my colleague the member for Kogarah, Cherie Burton, pointed out in the other Chamber, grandparents frequently step into this caring role where the criminal and victim are the parents. That the O'Farrell Government is cutting them off from any victim support is both disgraceful and strange.

It is perhaps in the blunt numbers of this bill that we see how little consideration this Government has for victims of crime as it seeks to drive down the price of a life lost. This bill slashes victims compensation for a murdered family member from \$50,000 to a maximum of \$17,500. These victims will be eligible only for an amount up to \$8,000 for funeral costs, whereas the eligibility is currently between \$10,000 and \$12,000. I take this opportunity to point out that many families cannot afford to contribute to a full funeral; they will be traumatised by a system that is supposed to be helping their rehabilitation. If an adult child who is murdered has no dependants, the parents are eligible to claim only \$7,500, down from \$50,000. I repeat: \$7,500 for a murdered son or daughter. This situation would throw any life into absolute trauma and chaos.

While no amount of money can ever replace a lost life, we had agreed as a community that we would use compensation as a way—albeit, perhaps, an imperfect way—to recognise suffering inflicted on the families of the victims of homicide. Now we have the grotesque sight of this Chamber debating a bill that will reduce financial support to them; we find this Chamber debating a provision to provide \$7,500 for a life lost, instead of \$50,000. The debate on reducing support to the families of victims of homicide diminishes us all. With present homicide rates in New South Wales, the maximum possible cost of the current compensation is minute in the context of the entire State expenditure. Does a responsible government need to manage expenditure? Certainly, it does. But at what point did the O'Farrell Government think that stripping compensation from families of the victims of murder was a good starting point?

In an overall multibillion dollar budget, payments to the families of the victims of homicide are minuscule. We are sacrificing a fundamental measure of our commitments to the community, to compassion and indeed to criminal justice for small change. This goes to the very core of what this Government is really about. It is about the O'Farrell Government reducing support to the most vulnerable and the weakest in our society. It is about taking away and reducing support to the vulnerable and the weakest and the families of the victims of homicide. As Ms Martha Jabour wrote to me:

I am so sad that the families who suffer so much will be further hurt.

This bill comes at a time when other States and Territories are increasing their support for the victims of crime. New South Wales is moving in the opposite direction. This bill winds back about 20 years of support and work in the area of victims support, particularly through the achievements of the Carr Government. Victims compensation is the product of the fine and balanced work of Premier Bob Carr, and of the fine Attorneys General, Justice and Police Ministers, including the late Jeff Shaw, John Hatzistergos, Bob Debus and Paul Whelan. I take this opportunity to pay tribute to the fine ministerial staffing of Bruce Hawker, Jane Fitzgerald, John Whelan, Jason Clare, Paul Bodisco, Adam Searle and Davina Langton. They are all former colleagues who worked in this area.

Since 1995, those individuals all advanced victims rights, in conjunction with advocates of the victims of crime like Ms Martha Jabour. State Labor listened to victims groups and acted. We put a counselling scheme in place and provided unlimited counselling, and interim payments were made in a timely way. Funeral expenses were paid. Victim impact statements and a charter of victims rights were created. We abolished dock statements, seized prisoners' assets to pay for victims compensation, re-determined life sentences, and introduced DNA legislation and standard non-parole periods. In contrast, under this bill, victims' families will be going backwards. In September last year 70 organisations, including Mission Australia, wrote to the Government telling it not to cut the scheme and not to proceed with the PricewaterhouseCoopers

recommendations. Those organisations include Community Legal Centres NSW, Women's Legal Services, the North and North West Community Legal Service, UnitingCare Burnside and the NSW Society of Labor Lawyers. Briefly, the NSW Society of Labor Lawyers president, Hannah Quadrio, said:

Being a victim of violent crime can alter the course of someone's entire life and it is often difficult or impossible for victims to seek restitution through criminal or civil claims. If the Government steps away from the responsibility of providing adequate financial support to victims, there will be no one to fill the gap.

Incredibly, the Homicide Victims Support Group was given only three weeks notice of this bill. That is typical of this Government's approach. Consultation by the Attorney General with the Homicide Victims Support Group, for example, has been nothing short of disgraceful. I am advised that the so-called consultation comprised two meetings: one on 7 May which lasted about 20 minutes, and another on 21 May which lasted a mere 16 minutes. That is effectively no consultation—on one of the most fundamental changes to victims rights in a generation, those relating to the families of the victims of homicide. No wonder they are angry and saddened that we are debating this bill today.

And, to be clear, this is not just about the money involved. What is just as significant is the way the new scheme looks at the offenders' behaviour to determine the amount of payment. How is a victim impacted? It is by looking at a section of the Crimes Act to automatically give the financial figure to be paid. That is justice designed by accountants. It explicitly ignores whatever the family of the victim felt and experienced. It completely devalues the trauma and experience of the victim. And while the financial consequences of this bill are extraordinarily adverse for victims of crime, just as reprehensible and deplorable is that there is no consideration of how the offence impacted upon the victim. This is compensation from the perspective of the offender.

Finally, and importantly, the new scheme is retrospective. Any claims not already completed must be dealt with under the new scheme. This not only includes matters that have commenced, but also includes those claims that have been lodged, heard, determined and a decision given if the appeal period had not expired before the day the bill was second read in Parliament. That date was 7 May. I have been advised that the proposed legislation has already affected some of the families of the victims of the Quakers Hill nursing home fire. Some have been told that they will not receive financial assistance for the funerals of their loved ones because they have missed the 7 May deadline, which they were unaware of. As I have said on other occasions, the New South Wales Legislative Council is a House of review. Established in 1823, this Chamber is the oldest in the nation. It is and always has been about keeping a government in check. [*Extension of time agreed to.*]

Is Dr John Kaye aware that members can seek to extend their speaking time under the standing orders?

Dr John Kaye: I am now. Thank you for teaching us something, Walt.

The Hon. WALT SECORD: I checked before.

Dr John Kaye: Your speech is teaching us something.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order!

The Hon. WALT SECORD: It is about steering policy back to reason if it veers astray. This is clearly one such occasion. We review and consider the legislation from the other Chamber. We offer a different perspective. We approve, amend, refer to committee or we reject outright the excesses of the Legislative Assembly and the O'Farrell Government. This is a role that I assume with great respect and undertake with a high level of responsibility. I humbly ask the Shooters and Fishers Party, the Christian Democratic Party and The Greens to put aside differences and to work with us to stop this bill. I say to all members that while we divide and disagree on many issues in this Chamber, we must come together on the matter of victims' rights. We must join together and strike down these changes.

The bill is the product of an Attorney General led astray by accountants and consultants. It is the product of a Premier who has lost sight of his promise to create a better and fairer New South Wales. Punishing victims of crimes can never lead to a fairer or better New South Wales. As a House of review we need to draw this Government back to that promise. I oppose this bill as a member of the Opposition and as a person who has dealt with the victims of crime organisations and individual victims of crime since 1995. On 22 May in the other Chamber the Attorney General, Mr Greg Smith, said:

I do not hang my head in shame. I am proud of it.

I repeat, the Attorney General said:

I do not hang my head in shame. I am proud of it.

The Attorney General, the Treasurer, the Minister for Finance and Services, members of the Liberal Party, members of The Nationals, and especially the Premier, should all hang their heads in shame because this is an horrendous and miserable bill. It slashes support to the victims of crime and grossly disrespects and diminishes the values of life taken in violence. We should not let it pass. I thank the House for its consideration.

The Hon. SHAOQUETT MOSELMANE [9.22 p.m.]: I speak against the Victims Rights and Support Bill 2013 and support the comments made by my Labor colleagues. I believe that the bill should be trashed and the paper it is written on should be shredded because it disgraces this House. The object of the bill is to repeal the Victims Support and Rehabilitation Act 1996 and to replace the statutory scheme for compensation for victims of crime and violence and approve counselling under that Act with a new support scheme. On behalf of Mr Greg Smith, Mr Brad Hazzard noted:

... this Government decided to tackle the tough job of taking a good, long hard look at the Victims Compensation Scheme to see how it could be brought up to date and in line with the demands of the twenty-first century.

What does it mean to bring it up to date with the demands of the twenty-first century? Does this mean that the Victims Compensation Scheme meets the demands of the twenty-first century? If anything, the twenty-first century demands that we address the full needs of victims of assault in all its forms because we now have a greater understanding of the needs of the victims and we should be expanding our services in support of the victims rather than limiting them in such an insulting and mean fashion. To justify this new scheme, the Attorney General commissioned PricewaterhouseCoopers to review the Victims Compensation Scheme and to give an independent assessment of how it could be improved to provide faster and more effective support to victims of violent crime. Following its investigation, PricewaterhouseCoopers noted:

... whilst counselling in general is provided in a timely and effective manner, there were other services and supports identified which are not currently provided by the scheme, but which would be beneficial to claimants and assist them to begin their healing process shortly following the act of violence. These include relocation assistance, security upgrades and assistance with medical and dental expenses.

On the face of it, this statement from PricewaterhouseCoopers sounds good, but it ignores the reality of the long-term financial, emotional and time needs of victims of abuse. This is particularly so when one notes that the bill proposes to reduce the maximum compensation from \$50,000 to a mere \$10,000. In a *Sydney Morning Herald* editorial the Attorney General cited Mr Howard Brown, a member of the NSW Victims Advisory Board, which recommended the changes, that victims of sex abuse need counselling, not money. The editorial of the *Sydney Morning Herald* rightly added that they need both.

The most concerning aspect of the bill is the new time limitation that it imposes. The general time limit is two years from the last act of violence, or two years from when an applicant turns 18 years of age. In cases of sexual assault, domestic violence or child abuse, the time limit is 10 years from the act of violence or 10 years from when the minor turns 18 years old. This is a disgraceful and unnecessary limitation on time. In a BBC News Magazine article, Kathryn Westcott and Tom de Castella quoted Peter Saunders, the Chief Executive of the National Association for People Abused as Children, as follows:

The more time passes, the easier it is for victims to talk about being abused.

Mr Saunders cited research from the United States that suggests that survivors come forward, on average, 22 years after their abuse has stopped. It is preposterous to think that the Government would come up with a bill that seeks to impose a time limit on abuse. John Robertson, the Leader of the Opposition, stated:

Survivors of child sexual abuse often delay reporting the crime to authorities because of trauma, fear and shame—and they deserve our compassion.

We should be strengthening the laws to protect victims of abuse, especially children, not weakening them or watering them down. Children who are sexually abused often do not understand what is happening to them. It often takes them years, even decades, to take the first step of speaking out and seeking help. It should be noted that no amount of compensation can make up for the trauma, distress, and psychological, physical, emotional

and mental damage that is experienced by victims of sexual abuse. Hetty Johnston, the Executive Director of Bravehearts, said it was not in the best interests of victims of child sex abuse to limit the opportunity to claim extension. She also stated:

There are a really strong and powerful reasons why people won't disclose within that 10-year period. Disclosing is a traumatic event in itself. There should be no statute of limitations at all on victims of crime. It is immoral and all that does is benefit the institutions who sat by and did nothing.

There is much criticism of this bill, including from Malcolm Horner, who states:

I am a 44 year old male and only recently closed the door on a 4 year legal battle over my own abuse experiences as a 12 year old ... This amendment is an appalling step backward. In an age where sexual equality and freedom is already under stress we need to be taking every step possible to empower the victims and instigate real, lasting change.

I grew up in Glenbrook, where the crimes took place. It was almost 30 years after leaving my family home that I could return without trembling and feeling sick with shame. It was only when I felt 'old' enough that I could challenge the demon that haunted me all my life. I never knew about compensation before legal proceedings began, but ultimately the compensation payment was a small word of encouragement when so many things get stacked against you.

An email I received from David Fisher on behalf of Uniting Care Burnside states:

As one of the largest providers of services to support families and children in New South Wales, Uniting Care Children, Young People and Families has our grave concerns about the impact of the proposed changes to the New South Wales Victims Compensation Scheme on people who have experienced child sexual assault, child abuse and domestic violence. We are asking that this bill be withdrawn.

If this bill is not withdrawn, we urge you to support amendments to the bill to:

- Remove the retrospective application of the Bill
- Remove all time limitations on child sexual abuse claims
- Place a twenty year maximum limitation for the balance of matters in s40(5)
- Provide that prolonged domestic violence entitles the claimant to a recognition payment that is at least the equivalent of Category C
- Establish an independent Commissioner for Victims Rights (not a public servant as in the current Bill).

Sydney University student Edward McMahon from Camperdown expressed his dismay at the Government's presumptuous attitude in behaving as though the bill has already been passed. He states:

Victims of violence are amongst the most vulnerable and disadvantaged class of citizens in our society. Equally, they are often a class with limited access to legal redress. This is because perpetrators of violence often remain at large, or do not have sufficient personal assets to render the pursuit of common law remedies effectual.

He further states:

... full compensation is not viable. Yet a nominal sum in mere acknowledgement of an act of violence is equally insufficient.

The legal fraternity has also criticised this bill. The president of the New South Wales Society of Labor Lawyers, Ms Hannah Quadrio, has described the Government's legislation as an insult to the victims of violent crime. An emailed press release from her states:

Compensation has significant practical and symbolic value for victims. Compensation assists victims with their recovery and reinforces to the victim and the community that what happened to them was wrong.

She also states:

It is contrary to experience and empirical evidence to think that child victims will generally be in a position to make claims by the time they turn 28. The vast majority of child sexual assault claims are made many years (in fact many decades) after an alleged incident.

Our legal system should encourage victims of crime to come forward, no matter how much time has passed since an incident. Our concern is that the proposed legislation does not reflect this important policy goal.

The president of the New South Wales Bar Association, Phillip Boulton, accused the Government of unfairly punishing the victims of sexual assault, child abuse and violent crime. He states:

This Bill imposes a ten year limitation on claims for victims compensation, including child abuse and sexual assault. It is well documented that many victims of these crimes do not report abuse for many years, due to the trauma involved in disclosure.

This arbitrary limit will deny many of those most in need of assistance compensation for the abuse they have endured.

He goes on to say:

The Association recognises that existing victims compensation scheme has been under intense financial pressure for some time, however the government's changes are an insult to victims of sexual abuse and other violent crimes.

We call upon the Parliament to reject these changes, which undermine the very purpose of the victims compensation scheme and disregard the needs of those most in need of support.

I support those comments and the people who have said that this bill fails victims of abuse. I also support my colleagues in rejecting this inhumane bill.

Dr JOHN KAYE [9.35 p.m.]: I echo the comments made by my colleague Mr David Shoebridge about the Victims Rights and Support Bill 2013. I join him and members of the Labor Party in expressing outrage that this legislation has even made it into this Chamber. There can be no excuse for legislation like this, which puts the budget bottom line ahead of the most vulnerable individuals in our society. As Mr Shoebridge pointed out, the legislation makes some minor advances for a small class of victims who might be slightly better off. It removes from the overwhelming majority of victims the modest compensation that the previous legislation provided and replaces it with an insult.

By virtue of its paltry amount the compensation provided under this legislation is nothing but an insult. That insult is made worse by the bill's retrospectivity. Those decent people, who through no fault of their own have been victims of crime and who have done the right thing by working hard to submit an application in the fair and reasonable expectation of receiving decent compensation, are being tossed to the mercy of legislation that is nothing but workhouse mean. This is workhouse-mean legislation that should never have seen the light of day in the twenty-first century.

One of the worst aspects of this bill is that it removes the focus from the individual who has been the victim of crime and places it on the crime itself. Rather than asking valid questions about their pain, whether their relationships with loved ones are impaired, whether they have the capacity to love their children and to be good and loving partners and great friends and whether they have the capacity to live a good life to determine the appropriate compensation, this legislation focuses on spreadsheet-style categories of crime. This bill dehumanises victims of crime and defines them as members of a category solely on the basis of the nature of the crime inflicted upon them. That is an act of brutality towards people who have already suffered many acts of brutality. The State of New South Wales—courtesy of the heartlessness of the O'Farrell Government—is now imposing another level of pain on them.

This legislation comes as a shock to all of us who have heard the fine words of the great Liberal Party of this State in opposition to retrospectivity. Never did a piece of legislation containing an element of retrospectivity come before this Chamber over the 16 years of the former Labor Government which was not brutally criticised by the Coalition Opposition, on valid grounds that I must say I find deeply attractive. The grounds are that if somebody does something within the law that is seen as being right and proper by the administrative functions of this State, in the expectation of receiving compensation and fair treatment from the State, they should receive that fair treatment if that is the law.

If the Government changes the law it pulls the rug out from under the feet of people who have done the right thing and leaves those people struggling to understand why suddenly the Parliament has decided to withdraw their entitlement to compensation and recognition of what has happened to them. That is not only inhumane but also deeply dysfunctional. A generation of people is being created who no longer feel they can have trust in the laws of our society. They no longer feel they can put their faith in this Parliament and the Government of this State.

People lodged claims in good faith and went through a difficult process to develop their case. In many instances the process required them to relive the horror of what happened and to confront many unpleasant issues the crime has left them with. They have had to confront demons within themselves with all the courage they can muster. In many cases it is an act of bravery which many of us will never experience. They have done the right thing in the full and legitimate expectation that they will receive compensation under the scheme. This Government, with the connivance of this Parliament, is seeking to withdraw that compensation, despite these individuals having gone through that application process with legitimate expectations.

If this legislation goes through in its current form it will do grave violence to the social contract that exists between the Parliament and the people of New South Wales. This is not just any social contract—it is

between the Parliament of New South Wales and some of the most hurt and vulnerable people in our society. Yet this Government wants this Parliament to say, "Sorry folks, but we are going to pull the rug out from underneath you. If you do the right thing and you are the innocent victim of a crime we will stand by you, we will help you re-establish your life. We will give you money to recreate your life and rebuild the damage that has been done to you. Retrospectively, we will pull that rug out from under your feet." We are kicking in the guts some of the most hurt and vulnerable people in our society who have done the right thing and applied for compensation

Through no fault of their own these people have suffered domestic violence or sexual assault or are the relatives of victims of homicide. When they applied for compensation they expected to receive up to \$50,000. I must say that \$50,000 for some of the crimes I have read about is not enough, but at least they had an expectation to receive some or all of it. Now, having gone through the application process and perhaps being only months or weeks away from an award of compensation, they have been told they will get a maximum of only \$20,000. That is unfair and a vile thing to do to these individuals. It is a paltry amount of compensation. To add insult to injury, two-year time limits, except in the case of sexual assault and child abuse that have a 10-year time limit, are to be introduced.

There is powerful evidence that many people take up to 23 years to be able to face up to the crime that was perpetrated on them and appear before the victims compensation system and ask for compensation. In late May 2013 this society is confronting the awful reality of institutional child abuse, particularly in the Catholic Church, that victims many decades later—20, 30 or 40 years—are coming to grips with. They are still suffering the psychological consequences of those crimes. Despite that recognition this Government is legislating to give victims two years to lodge their claim—10 years in the case of sexual assault and child abuse—and after that they are out of the scheme. The Government does not care about them one iota. It will cut victims loose if they are out of time.

I do not understand how this Government could even contemplate changing the law in the face of the overwhelming evidence that has been presented to it. The Government is aware not only of the lifelong impacts of some of these crimes but also of the time it takes for people to come to grips with that crime and front up to it and be able to say, "I am hurt. The things that are going wrong in my life are directly related to the sexual assault that was perpetrated on me by people into whose care I was entrusted as a child. I now recognise that. It is 23 years later. I need help getting my life back together." They turn to the State of New South Wales and it slams the door in their face. They are left not only without any help but with a callous and hard-hearted message from this Government, and possibly this Parliament, that it does not care because they did not get their act together quickly enough and it is too bad but they are out on their face.

The cuts to compensation reduce the payments to a mere insult. The cuts to compensation from a maximum of \$50,000 to a maximum of \$15,000 demonstrate where this legislation is coming from. This legislation was clearly drafted without consideration of the victims. In particular, consideration of the impact on the victim's quality of life is now to be downgraded. There is now no avenue for consideration of psychological impact.

I thought this State had moved beyond the consideration of the mere physical. I thought we understood that things that happen to people leave lasting psychological impacts—on their capacity to feel good about themselves, to conduct normal human relations, to love another person, to love their children, to act as good parents to their children and to act as good neighbours and good citizens. That is because of the deep internal hurt that was inflicted upon them by a crime. I thought that was a common understanding and that we had moved beyond the notion of there being just a physical injury and that is all. But no, not in New South Wales where a victim of a crime now has to make sure they can show a lasting physical symptom because if they do not they are out on their ear.

By wiping out consideration of the psychological impact on victims the O'Farrell Government is sending a message that it no longer really cares, regardless of how much psychological damage there is. For example, let us take the hypothetical example of a homemaker who has a gun pointed at her head in a household invasion, which is a violent crime, and has no lasting physical injuries but cannot leave the house. She loses all her friends because she cannot socialise with them. She cannot hug her children anymore because she is so wrecked inside. She can no longer cope with sharing a bed with her partner because she is so hurt from what has happened to her. That housewife will get \$1,500 in so-called compensation and if she is super lucky she will be given 10 hours of counselling. That is not compensation; that is an insult and a slap in the face to that individual.

When the Coalition was in Opposition it regularly beat the law and order drum and talked about the fear that existed in the community because of supposedly inadequate policing and resources. The former Opposition exploited that fear to find its way into government. Now it is in government the people at the sharp end of that fear, the victims of that crime, are to be dumped on the slag heap because they are too expensive to look after. The Government is more concerned about what Moody's and Standard and Poor's have to say about it than what good people such as Hetty and Peter Johnson from the Bravehearts Foundation and Martha Jabour from the Homicide Victims' Support Group have to say about it. The Government is more concerned about the men in sharp suits who work for the rating agencies than the good people out there advocating for people who have been hurt by crime. The Government has proved its callousness in this regard.

The classification system whereby victims of crime are paid in recognition classes of payment shows, independent of the amount, that there will inevitably be injustice. It ignores the impact on the ability of a victim to live a good life. So long as a man whose life has been thrown into chaos, and whose personal relationships are shattered by the psychological impact of a violent crime, can still go to work he will get \$1,500. There can be no justice in a scheme that prohibits the consideration of impact. If the focus is on the crime itself we are being a heartless society in the way we limit the payment. The downgrading of the impact sends a message to the victims of crime that they do not count. This can only exacerbate the psychological impacts on those individuals. This callousness ignores the humanity of what we are dealing with today.

I was recently handed a letter from the management committee of Jenny's Place—a women and children's refuge—which talks directly to the injustice being done tonight in this Parliament. The letter talks about the injustice being done to women and children who are in refuges because their partner, their husband or father turned on them in an abhorrent and appalling way and inflicted lasting psychological damage on them. Because psychological harm is no longer a ground for compensation many of these individuals will not be able to receive any help in restarting their lives. In part, the letter states:

In fact many of the women we see have made comments to the effect that the bruises can heal but the psychological harm lasts years. As an example; one of the women assisted recently by our service had a gun held to her head. That leaves no bruises, however it is very simple to understand her ongoing terror at the thought of further contact with her former partner and her dilemma in deciding whether she should report to police at the risk of very serious retaliation.

The letter goes on to talk about the centre's concern for women who would be ineligible for compensation under the proposed laws. It states:

... even though many of them have been victims of serious domestic violence involving physical abuse, intimidation and stalking over periods of many months and sometimes over many years. Most of these women would not meet the "grievous bodily harm" criteria. In cases of sexual assault, this is in most cases impossible to prove in the absence of witnesses.

The management committee makes the extremely valid point, that the impact on children involved should never be underestimated. It continues:

As well as witnessing abuse and suffering responses such as fear, feelings of powerlessness, anger, or guilt, the children have to deal with being dislocated from their home, schools and social contacts in the community.

We cannot emphasise enough that helping the women helps the children too. For example, a compensation payment in the vicinity of \$7,500 can help a mother to pay off debts incurred in setting up alternative housing arrangements, or to purchase a second hand car. This case is a return to a more normal lifestyle, resulting in a mother being able to do the same things as other parents such as dropping children off to attend sports events, or being able to juggle parenting roles and work thanks to the convenience of having suitable transport.

The \$7,500 can be seen as an investment in the mother's and children's futures. It helps them to escape homelessness and sustain suitable housing and to break free from the cycle of poverty they have been thrown into as a result of fleeing violence.

The letter goes on to detail four key issues: the way in which psychological harm may no longer be considered as a grounds for compensation; the fact that most of the women they would see would be ineligible for compensation under the proposed scheme; the previous scheme was fair; and the issue of retrospectivity. If members will not listen to me at least they can listen to the women at the coalface who are looking after those who have been hurt by crime. Perhaps those members will then understand their concerns and fear for the people they care for—some of the most vulnerable people in our society. I will conclude by quoting from a letter by John Ellis, the solicitor after whom the Ellis defence was named. In that letter he said:

I work with and support many victims of childhood sexual assaults. To many of these people, the only access to support and financial assistance is through the scheme. Despite the faults of the scheme which I am aware have been identified by victims and advocacy groups during the PricewaterhouseCoopers review, it has provided valuable support to many such persons.

He then talks about the legislation and the way that it:

... alters the scheme is such that victims of childhood violence will be effectively precluded from assistance by the unrealistic timing of the claims, which are counter to all of the available evidence and can only have the effect of excluding such people from any entitlements they formerly had.

Mr Ellis calls for this legislation to be withdrawn or at the very least to be substantially rewritten and altered. This legislation is an abomination. It demonstrates the most heartless aspect of government policy towards those individuals who have been most grievously harmed by crime. I urge all members in this place to vote against this legislation and to stand up for those who have been most grievously hurt. I condemn the legislation and urge all members to vote against it. [*Time expired.*]

The Hon. SOPHIE COTSIS [9.55 p.m.]: The Victims Rights and Support Bill 2013 is a despicable bill. I begin by acknowledging the many representatives, strong advocates and angels in our society. Some are seated in the public gallery tonight. I congratulate them on the work they do. I congratulate them also on their big hearts and the expertise and professionalism with which they help victims of crime—the majority of whom are women and children. Those women and children do not have pockets big enough to pay lobbyists to doorknock Coalition members of Parliament to get them to change or defer this legislation. Nor would those Coalition members understand the stories that have been told by many of these victims. I, like many members in this place, have received many letters about this. I take this opportunity to acknowledge my colleague Cherie Burton in the other place. She has spoken with grace and heart about her knowledge and understanding of the many victims she has encountered during her many years as the member for Kogarah.

This is a shameful night for the Government. Many people in New South Wales voted for Mr O'Farrell and his Coalition colleagues for the very first time at the last election. But they did not expect this type of disgraceful legislation to be introduced into this Parliament in the twenty-first century. Governments are elected to protect the weakest and most vulnerable in our society, but this legislation does the opposite. It makes victims feel responsible for the crimes that have been occasioned to them. As I have said, the majority of those victims are women and children. Many of my colleagues on this side of the House have expressed outrage in opposing this shocking bill. The bill is bad in principle and bad in practice, and even more dreadful is the fact that it is retrospective.

I am astounded but I am not surprised. The Government no longer shocks me. The Government has taken away the rights of workers and low-income citizens, attacked pensioners and removed workers compensation, and now it is gutting the Victims Compensation Scheme. I cannot understand the Government members in this place. What have they told the Attorney General, the Treasurer or the Minister for Police and Emergency Services? The Minister for Police and Emergency Services has had experience of these crimes and met victims. I know that there are good people on the other side of the Chamber and on the crossbench. I know that they have hearts of gold and are compassionate. They work hard for their areas. They drive across the State and deal with people every day. They are on the phone and out in their constituencies listening to these people. These victims are women and children, and mothers and grandmothers of children who have been sexually abused and assaulted.

I know that there are good members opposite who have good hearts and who the angels are speaking to. They must do the right thing tonight. They must oppose this bill; otherwise how can they look in a victim's eyes and say that they, as a Government member, have protected them? I am a mother. There are many mothers, grandmothers and parents in this Chamber. We have children and it is our job as parents to protect our children. But sometimes that does not happen. These crimes occur and we find out about them in 15, 20, 25 or 40 years time, as many of us are reading the stories. We must listen because no crimes are the same. No two rapes are the same. No two sexual assaults on children are the same. No two bashings of a woman to a pulp—black or white to black and blue—are the same. Every crime of this nature is different. I know there are good people on the other side of the Chamber and I cannot understand why the Government has brought this bill forward.

The genesis of this bill is a report by PricewaterhouseCoopers, which the Government has been sitting on since July 2012. With no disrespect to PricewaterhouseCoopers, I know good people work there but they are accountants. They are bean counters. They have no experience. They have not sat on the front line and listened to victims of domestic violence. They do not understand what these people go through. They have no idea. They are about getting the statistics, tabulating and number crunching. That is their job. The Government hired a bunch of accountants who have no idea about these heinous crimes. What is disturbing about the bill is the recommendation of PricewaterhouseCoopers to remove the word "compensation" from the legislation and from the scheme.

This action smacks of pure ideology. It is shameful because governments should not operate from an ideological perspective. Governments must operate from the centre and must ensure that the most vulnerable in our society are looked after and protected. The Government has adopted this recommendation, like the rest of the report, with enthusiasm. The bill repeals the currently operative victims compensation legislation and consequently abolishes the current Victims Compensation Scheme, which allows for lump sum payments to the victims of crime for amounts of up to \$50,000. Part 2 of schedule 2 provides that compensation under the current scheme is not payable unless the matter was finally determined before 7 May 2013, which is the day on which the bill was introduced. What is the rush? Why are we here at 10.05 p.m. on a Wednesday rushing the bill through? The Government said that we will not leave until this bill has been passed, which is shameful.

Matters are finally determined not only if a determination has not been made but also if a determination has been made and any period for bringing an appeal as of right has not expired. Turning to the scheme, there is now a complexity to the payments that may or may not be available to victims. These are the types of payments that can be made: up to \$5,000 for immediate needs, up to \$8,000 for funeral expenses incurred by family members of a homicide victim, \$30,000 for economic loss for things such as medical and dental expenses, \$20,000 for demonstrated loss of actual earnings, 22 hours of counselling, \$5,000 for expenses associated with related criminal or coronial proceedings, up to \$1,500 for loss or damage to clothing and personal effects, and up to \$5,000 for out-of-pocket expenses when economic loss cannot be demonstrated.

It is obvious that this scheme was designed by an accountant because it lacks any sense of compassion. It certainly was not designed by a victims advocate. There are four categories of recognition payments: Category A relates to an act of violence that apparently occurred in the course of the commission of a homicide; category B relates to an act of violence that is a sexual assault resulting in serious bodily injury or which involved an offensive weapon or was carried out by two or more persons or a sexual assault; category C relates to an act of violence that is an attempted sexual assault resulting in serious bodily injury; and category D relates to an indecent attempted sexual assault involving violence but not resulting in serious bodily injury, a robbery involving violence and an assault not resulting in grievous bodily harm.

Part 3 of schedule 4 sets out prescribed amounts for recognition payments. Category A includes payments of \$15,000 to family members of a homicide victim financially dependent on the victim and \$7,500 to each parent, step-parent or guardian of a homicide victim; category B is recognition payments set at \$10,000; category C, \$5,000; and category D, \$1,500. There are several things to note about this. Most obviously, the payments are dramatically less than the lump sum payments currently available. Just as significantly, they are determined in a very different way. The new scheme simply looks at the offender's behaviour to determine the amount of payment. There is no consideration of how the offence impacted upon the victim. It is so-called justice that is entirely from the point of view of the offender. It explicitly ignores whatever the victim felt, thought and experienced. It completely devalues the trauma and experience of the victim.

The financial consequences of this bill are extraordinarily adverse for victims of crime. But the studied contempt for victims in the community recognition portion of the scheme is just as reprehensible and deplorable. As I said, no two assaults are the same—whatever the Government may think. Another aspect of the scheme that stands to be condemned is the time limitations imposed by the bill. This is absolutely disgusting. Because the scheme is retrospective, these time limitations apply to acts that occurred well before the bill was introduced and before PricewaterhouseCoopers was asked to do a job. Clause 40 of the bill deals with the time for lodging applications. An application for a recognition payment must be made within two years of the date of the act of violence or within two years of the victim turning 18 years of age.

One exception is applications for a recognition payment in respect of an act of violence involving domestic violence, child abuse or sexual assault where the application must be made within 10 years of the act of violence or within 10 years of the victim turning 18 years of age. That is a disgrace. This 10-year limit will arbitrarily and retrospectively preclude a vast number of victims of paedophile activity and sexual assault in institutions, and victims of family and domestic violence.

How can Government and crossbench members support this bill? This is outrageous. It is our job to protect people who are victims of these terrible crimes. Members will allow this bill to pass tonight. I ask them to think clearly and consider what they are about to do because in 10 years there will be wrecked human beings walking our streets, feeling worthless and thinking that they deserved what happened to them. That is not right. I did not come to Parliament to agree to this type of legislation. There are bean counters and ways of dealing with budgets but we must remember that there are bad people in our society and our job is to catch them and to make sure that they pay, every single day of their lives, for their disgraceful crimes.

It is our responsibility to protect young children—they could be our children. That is our job. We have a precious and a privileged position. It is our job to protect society's most vulnerable, especially children. How can those opposite support this legislation? I have been outraged by a number of bills but this bill is absolutely outrageous. I know many of those opposite are good people who work hard and have been in this place for many years. Many of them longed to be in government, and now they have the opportunity to do good. In some areas the Government has done well; I am fair, and will acknowledge that. But this legislation is not good and must be opposed. Before I conclude, I will quote from a couple of letters I have received. One arrived after an article was published in the *Sydney Morning Herald* on 27 May. Many in this Chamber will have read the story of Roslyn Parker—not her real name—who is nicknamed "Matches". The newspaper article states:

After the sexual abuse started, Roslyn ran away from home and would scream if anyone got too close to her. She was called "Matches" because she would "light up" so quickly. Roslyn (not her real name) hadn't told a soul until her 36-year-old daughter, "Jan", disclosed she too had been sexually abused. Keeping these secrets for so long means neither mother nor daughter will be eligible for any compensation—

if this bill is passed tonight. It continues:

Under the proposed law, an application for compensation must be made within 10 years of the sexual abuse ... from the time they turn 18 to lodge a claim.

If people take the time to read what victims have gone through, it is just unbelievable. I have another letter from a gentleman, Mr Horner, who read the article about the proposed changes. He states:

I am a 44-year-old male and only recently closed the door on a four-year legal battle over my own abuse experiences as a 12-year-old. The perpetrator died mid proceedings and his ill health led to a no billing. However, his grandson was rescued from his continuing predatory behaviour.

Recently I was awarded compensation, meagre compared to the pain and suffering, not just from the abuse but also the protracted legal battle. It took almost 30 years for me to recognise the painful patterns that cost, not only my mental health but also caused pain to anyone that would get near me. This amendment is an appalling step backward. In an age where sexual equality and freedom is already under stress, we need to be taking every step possible to empower the victims and instigate real, lasting change.

I grew up in Glenbrook where the crimes took place. It was almost 30 years after leaving my family home that I could return without trembling and feeling sick with shame. It was only when I felt old enough that I could challenge the demon that haunted me all my life. I never knew about compensation before legal proceedings began but ultimately, the compensation payment was a small word of encouragement when so many things get stacked against you. Please let me know you are not going to let this through unchallenged.

I say to Mr Horner that I hope other members will join the Labor Party in opposing this bill. The Victims Rights and Support Bill 2013 is a disgrace and should not be allowed to pass tonight.

The Hon. LYNDA VOLTZ [10.14 p.m.]: I have examined the Victims Rights and Support Bill 2013 and I join my colleagues in opposing it. I refer to the second reading speech in the other place in which Mr Brad Hazzard, who is not the Attorney General, said:

The Auditor-General identified in 2009 that the then Government needed to take action to deal with the backlog of claims.

That is the justification that Mr Brad Hazzard gave for introducing this legislation into the House: It was because of inaction in this area, which the Auditor-General identified in 2009. But in 2009 the Auditor-General said:

I recommend the Department should seek additional funding from the Consolidated Fund to ensure the backlog of claims is processed in a reasonable timeframe.

In 2009 he went on to say:

Claims are determined each year to the extent of the budget allocation, and claims in excess of the allocation add to the projected future liability.

So the reality is that we are here because of the Auditor-General, who said at the time that more funding was needed from the Consolidated Fund. At no time did the Auditor-General say that compensation needed to be cut. At no time did the Auditor-General say that victims should be denied the right to compensation—small though that compensation was. The Auditor-General said that more money needed to come into the system because the

system worked on the amount of money needed to process the claims and if the claims were not processed because there was a significant funding shortfall then more money should be allocated from the Consolidated Fund. In 2011 the Auditor-General made another recommendation. He said:

I again recommend the Department pursue further initiatives to address the backlog of victims' compensation claims, which now represents more than four years of claims and has more than tripled since 2006.

For the last two years, I have recommended the Department seek additional funding from the Consolidated Fund to ensure the backlog of victims' compensation claims is processed in a reasonable timeframe. Instead, the Department continues to pursue what it believes are more sustainable options to fund the scheme.

That is the reality of what is before us. The Auditor-General has said time and time again that more money is needed to address the backlog of claims because that backlog relates directly to the lack of funding for the scheme. In 2011 the Auditor-General said:

The number of new claims in 2010-11 decreased for the first time since 2006.

If crime figures are dropping, one would expect to see a drop in claims also. That is what the Auditor-General identified in 2011: Claims were dropping, consistent with the crime figures. The real problem is that the Auditor-General said time and time again that more money needed to be made available because claims could be processed only if the money was there to do that. Instead, this Government—as it has done on every occasion in this Chamber—has taken the opportunity to attack the victims in the scheme rather than fix the real problems. Time and time again, we have seen the Government attack victims—particularly with regard to the workers compensation scheme—and the victims have been gutted.

The way the insurance industry and workers compensation works is that when there is an economic downturn or global financial crisis and you have money invested in the global financial markets, you will get fewer funds for your workers compensation schemes. The minute there is an upturn in the market—which economic data coming out of America is indicative of—more money goes back into the scheme. Instead of the Government looking at the reality of economics—which should be fairly obvious to those on the other side, although given that the Treasurer relies on the Auditor-General to get the Treasury figures right perhaps not—it cut the scheme. Now, anyone who has an injury, even if the injury may in 10 or 20 years time require an operation, will be cut out of the scheme because the Government wants to cut medical expenses. That is exactly what the Government is doing through the new scheme: cutting out any payment for the long-term liability of an injured person.

Where victims are not able to get compensation within two or five years—particularly in cases of domestic violence or abuse of children, and particularly abuse of children in an institution setting—this Government makes it impossible for them to claim under this bill. Why the Government did not exclude victims of domestic violence and child abuse from the time limits set out in this legislation is incomprehensible to those on this side of the Chamber. I suspect some members on the Government side of the Chamber also would find that incomprehensible, because they know as well as I do that the first thought of a person who has been the victim of domestic violence that has been ongoing for years is to get out and get away. Their first thought may not be to seek compensation. For many women, particularly those who were the victims of domestic violence in the 1960s and 1970s and have suffered the pain of that for a long time, the first thought was to leave the environment that they were in. They may later seek compensation, but this bill should enable these victims to safely leave the environment they are in and get away safely. Under the current Act, the monetary amount available—small as it was, in the range of \$30,000 to \$50,000—might allow those victims to set up house in a new environment.

Under the bill, that will no longer be possible because a victim who is not working will not be eligible for payment for loss of income, which is set at only \$20,000 anyway. They will get a maximum of only \$5,000. They may get recognition of the fact that they have been the victim of domestic violence, but under this scheme that is recognised by a payment of only \$1,500. For a woman who is escaping years of abuse, that is not a lot of money to re-establish a life. Many victims of violent crimes and sexual assaults try to get on with their lives. It may be years later that they realise they cannot cope, they can no longer walk down the street where that awful thing happened to them, they can no longer look at faces on the street and wonder, "Are you the one?", and they decide to escape from that environment. Under the scheme proposed by the bill, any amount available is not adequate to enable them to go and set up a new life somewhere else. To some extent, there is a punishment implicit in the scheme in that these victims will be unable to escape the conditions of their environment.

The new scheme talks about recognition, but it should be enabling victims to cope with the hurt, the loss and the outrage of what has happened to them. Under this scheme, limiting the amount of money payable to victims of crime, particularly domestic violence and sexual assault, basically ties the victims to the scene of the crime, so to speak, so that they can no longer escape. The Government has provided for recognition payments that are in very small sums. In category D, which deals with assaults, the amount of the recognition payment is \$1,500. In category C, the recognition payment is only \$5,000—yet this category includes sexual assaults. This Government's recognition for the victim's pain and hurt is \$5,000. The fact that the Government puts such low limits on payments for such serious crimes is incomprehensible. It could be a sexual assault, or an attempted sexual assault resulting in serious bodily injury or grievous bodily harm. As I am sure members in this Chamber with lawyer and police backgrounds will tell us, the injuries stay with the victims for the rest of their lives.

Category C also includes the physical assault of a child that is one of a series of related acts. So the serious assault of a child that is one of a series of related acts is recognised by an amount of \$5,000. That is the limit set under this bill because children do not suffer a loss of income, and cannot therefore apply for loss of income. Nor can they move to make themselves safe. The hurt caused to them is limited to a payment of \$5,000—and they must claim that within two years of turning 18 years of age. Though a child has been subjected to these ongoing criminal acts, the response of the Government is, "You have two years from the day you turn 18 to lodge your recognition claim." Not every 18-year-old will be cognisant of that limitation and of their rights. Maybe the family member who has been hurting them will tell them what their rights are. These are the kinds of offences that come to light later in life.

I am really surprised that members of this Government would not think that those kinds of offences, domestic violence and sexual assaults, particularly offences against children that involve sexual assaults, should not be excluded from the time limits set by this bill. By all means, speed up the payment of compensation to victims. Government members who rely on comments made by the Auditor-General when talking about these things should quote accurately what the Auditor-General said. The Auditor-General said that government has not been putting enough money into the scheme and that is the reason for the backlog in claims. The number of claims that can be processed is relative to the amount of money available under the scheme. Brad Hazzard ignored that. He said that the Auditor-General said something should be done, but he did not say what the Auditor-General said. Time and time again the Auditor-General said that more money needs to come to the scheme from the Consolidated Fund. He said that in 2009, 2010 and 2011. Government members should quote what the Auditor-General said.

The Hon. Catherine Cusack: Who was in government in 2009?

The Hon. LYNDIA VOLTZ: Oh, the other kids did it! That is what my 12 year old tells me, "The other kids are doing it, Mum"—therefore I do not have to do anything about it. What an inane response. The Auditor-General said that the Government needs to put more into this scheme from the Consolidated Fund, and that that was the way to deal with the backlog of claims. The Government has chosen to ignore that; it has chosen to ignore it on every other occasion in this Chamber. It has reacted as it always does and ripped money from victims. It does not want to do the hard work and fix the scheme.

The Hon. PAUL GREEN [10.27 p.m.]: I speak on the Victims Rights and Support Bill 2013. In essence, this bill establishes a new Victims Support Scheme to replace the existing Victims Compensation Scheme, and provides for a Commissioner of Victims Rights. Specifically, the objects of this bill are as follows:

- (a) to repeal the Victims Support and Rehabilitation Act 1996 (the VSRA) and to replace the statutory scheme for compensation for victims of crimes of violence and approved counselling under that Act with a new support scheme (the new Scheme) that:
 - (i) provides for the approval of the giving of financial support and counselling and making of payments in recognition of the trauma suffered by certain such victims (recognition payments), and
 - (ii) provides for the Victims Compensation Tribunal to be abolished and its members to become a new Victims Support Division of the Administrative Decisions Tribunal, which is to have the power to review determinations relating to the approval of the making of recognition payments, and
 - (iii) provides for the cost of support paid under the new scheme to be recovered from persons found guilty of the crimes giving rise to the approval of the giving of support, and
 - (iv) imposes a levy on persons found guilty of crimes punishable by imprisonment for the purpose of partially funding the new scheme that is similar to the levy that currently funds the statutory scheme for compensation under the VSRA, and
 - (v) continues the alternative scheme established under the VSRA under which a court may order the person it finds guilty of a crime to pay compensation to any victim of the crime.

- (b) to repeal and re-enact (with minor modifications) the provisions of the Victims Rights Act 1996,
- (c) to provide for a Commissioner of Victims Rights and confer on the Commissioner functions similar to those currently exercised by Victims Services under the VSRA and additional functions intended (among other things) to lead to greater compliance with the Charter of Victims Rights.

The Christian Democratic Party understands that the State Government must address the significant debt it inherited from the previous Government. The demand upon the Victims Compensation Scheme has grown exponentially in the past few years—by 83 per cent between 2005 and 2009-10—and has led to massive cost blowouts and protracted delays for claimants, who now wait an average of 30 months to receive a compensation payment. A review conducted by PricewaterhouseCoopers last year found that the estimated contingent liability of the Victims Compensation Scheme was \$392 million as at 30 June 2012 and it was projected to increase by \$38 million each year. Significantly, the escalating waiting times between lodgement and determination of claims were undermining the objective of the Victims Compensation Scheme, that is, to facilitate the recovery and rehabilitation of victims. PricewaterhouseCoopers recommended that the Victims Compensation Scheme be replaced by a new scheme that would provide victims with up-front practical and financial support and longer term financial assistance rather than a compensation payment for injuries received as a result of violent crime.

The Christian Democratic Party understands that the Victims Rights and Support Bill will establish a new Victims Support Scheme to replace the Victims Compensation Scheme, funded at the existing level based on the models recommended by PricewaterhouseCoopers. The Victims Support Scheme will provide a variety of support measures including up to 22 hours of counselling, which can be increased where appropriate; a tailored package of support of up to \$5,000 to meet a victim's urgent and immediate needs, including emergency medical and dental treatment; home security measures or relocation costs from situations of continuing or potential violence; and crime scene clean-up.

The Christian Democratic Party notes that funeral costs of up to \$8,000 will be available for family members. Families of homicide victims would like that figure increased. The Christian Democratic Party encourages the Government to ensure that the funeral costs of homicide victims are appropriately met so as not to leave parents or relatives, who are experiencing a dire time in their lives, in a situation where they have to worry about the cost of a funeral. Financial assistance of up to \$30,000 is available for long-term expenses, including ongoing medical and dental costs, costs associated with criminal or coronial proceedings, loss of earnings and out-of-pocket expenses, and a modest lump sum between \$1,500 and \$15,000 is available to acknowledge the trauma of victims.

Under this bill, the Victims Compensation Scheme will be closed immediately. Existing claims that have not been finalised will be transferred to the Victims Support Scheme where they will be processed more quickly. It will enable the contingent liability to be addressed and avoid administrative duplication, thereby increasing costs and reducing the funds available to victims. The work of the Victims Compensation Tribunal will be referred to the Administrative Decisions Tribunal. Appeals already on foot will be determined by the Administrative Decisions Tribunal under the rules of the old scheme. Representations from stakeholders to the Minister were noted and the quantity of financial help for victims who have been assessed will remain the same. Any appeals will proceed and be settled under the present legislation.

The bill appoints a new Commissioner of Victims Rights who will oversee the administration of the new scheme. The new scheme is retrospective in the terms I have just noted: victims who have been awarded a financial outcome will be entitled to the award and those who have appealed will be entitled to continue their appeal. People who have already lodged a claim will have their claim assessed under the new Victims Support Scheme. Victims do not have to reapply. It is important that under the new scheme the 24,000 victims will not have to redo the paperwork and relive their trauma.

The Christian Democratic Party notes that this sensitive move by the Government will avoid further bureaucratic distress to victims by not having to reapply through another process. Victims who have lodged a claim within the two or 10 year time limit may be entitled to an additional \$5,000 special grant. Counselling is available immediately and there is no limitation period to access counselling, particularly in child sexual assault cases. I ask the Minister to clarify that that provision is in perpetuity for those victims. This is a good bill by the Government that will institute vital reform for victims of crime and sexual assault. The Christian Democratic Party understands that victims of crime can access counselling. Victims representatives have told the Government that access to counselling is one of the most important parts of the scheme.

The establishment of the new Victims Support Scheme is not related to the current Royal Commission into Institutional Responses to Child Sexual Abuse. There has been a longstanding need for reform of the

previous Victims Compensation Scheme, which for years has been criticised by the Auditor-General. I am aggrieved that 24,000 people are on a three-year waiting list to have their claims processed. That is disgusting. I note that many victims groups applaud the opportunity to conclude their matters more quickly. The new Victims Support Scheme will be more efficient and will make it easier for victims of crime to access government support and financial assistance. The bill allows victims to be allocated a support coordinator who will guide them through the process of seeking assistance. This means that victims will not necessarily need a lawyer to assist them in their application for compensation.

The Christian Democratic Party notes that in the past five years \$17 million from victims services funds has been paid in legal fees. In a practical sense, reducing those costs will ensure that more of the funds go directly to supporting the victims. The Christian Democratic Party notes that under section 26 of the Victims Support Rehabilitation Act 1996 an application for statutory compensation must be lodged within two years after the relevant act of violence occurred in the family of a victim or within two years after the death of a primary victim. However, we also note that applications lodged out of time can be accepted with the leave of the Director of Victims Services. The community expectation is that the director will be sensitive to victims of crime, given that the bill contains a clause that allows for a review within a three-year time limit of the functioning of the system.

The Christian Democratic Party hopes that the director will reflect community expectation and take a sensitive approach to applications lodged out of time. The new scheme imposes a time limit of two years to make an application or a time limit of 10 years for domestic violence and sex offences, from the time a victim turns 18 years of age. Clause 40 of the bill sets out the time frames for making an application for victims support. The standard time frame is two years after the relevant act of violence has occurred. The Government has provided some exemptions to this rule, such as an application for a recognition payment in relation to domestic violence, child abuse or sexual assault. The application must be made within 10 years after the violence occurred and in some cases 10 years after a juvenile turns 18 years old. The Christian Democratic Party was concerned about this being applied to child victims of sexual assault and abuse. We have been able to work with stakeholders and the Government to agree upon an amendment which will ensure that victims of child sexual assault will not be penalised or dictated to as to when they should come forward with a claim.

Therefore, the Christian Democratic Party will be moving an amendment to ensure that the child victims of sexual abuse do not face time limits. This is an appropriate amendment and one which addresses the reality of child sexual abuse and the life-long impact it has. As I said, the stakeholders around the table this afternoon had some of their queries answered by the Government. They were not totally resolved, but the Minister will put those issues on the record in his speech in reply. Finally, the report of the three-year review is to be tabled in Parliament 12 months after the end of the review and any amendment should be made by the House.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I remind members that a number of them are on calls to order from earlier in the day.

The Hon. AMANDA FAZIO [10.40 p.m.]: I speak against the Victims Right and Support Bill 2013 and state at the outset that if ever something was called the wrong name, it is this bill. The bill provides no rights to victims and extremely little support. The objects of this bill are to repeal the Victims Support and Rehabilitation Act 1996 and to replace the statutory scheme for compensation for victims of crime of violence and approved counselling under that Act with a new support scheme. The scheme provides for the approval of the giving of financial support and counselling and making of payments in recognition of the trauma suffered by certain such victims. Calling them recognition payments is correct. It is token recognition for victims of crime. It is not compensation for the suffering and trauma that victims have gone through.

The bill will provide for the Victims Compensation Tribunal to be abolished and its members to become a new Victims Support Division of the Administrative Decisions Tribunal, which is to have the power to review determinations relating to the approval of the making of recognition payments. The bill provides for the cost of support paid under the new scheme to be recovered from persons found guilty of the crimes giving rise to the approval of the giving of support, and imposes a levy on persons found guilty of crimes punishable by imprisonment for the purpose of partially funding the new scheme that is similar to the levy that currently funds the statutory scheme for compensation under the old Act, and continues the alternative scheme established under the old Act that a court may order the person it finds guilty of a crime to pay compensation to any victim of the crime.

The Victims Compensation Scheme was established in 1987 and was revised in 1996. In 2009 the Auditor-General identified that action was needed to deal with the backlog in claims and the Auditor-General recommended that more funding be provided to the scheme to help overcome the problems. The Attorney General, in response to the Auditor-General's report, commissioned PricewaterhouseCoopers to assess the scheme in consultation with relevant stakeholders and to identify opportunities to provide faster and more effective support to victims. How there can be faster and more effective support to victims by reducing their rights is beyond me. The key issues raised by stakeholders during that review were that assisting victims as soon as possible after the act of violence results in the best outcome, that counselling is useful and should continue, and that a lump sum payment in recognition of the trauma suffered by the victim is a key aspect of the rehabilitation process.

I note that the stakeholders did not say that the amount payable to victims to compensate them for the trauma they have suffered should be reduced under the new scheme. PricewaterhouseCoopers reported to the Government in the second half of 2012. It recommended closing the Victims Compensation Scheme and replacing it with the new scheme with the following key principles: financial viability so that victims receive prompt support; appropriate prioritisation of funds to meet the immediate needs of victims, provide financial assistance and rehabilitation and acknowledge the trauma that the victim has suffered; and consistency with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. When the bill was considered by the Legislation Review Committee it commented on a number of aspects of it in the Legislation Review Digest. Under the heading, "Right to compensation as a victim of crime", it stated:

The Committee refers to Parliament for consideration whether differences in the financial compensation structures between the *Victims Support and Rehabilitation Act 1996* and the scheme proposed in the Bill could unduly impact on a victim's right.

We have heard plenty of evidence tonight that it definitely does unduly impact on a victim's right. The committee talked about retrospectivity affecting victims, which is one of the most outrageous aspects of the bill before the House. The Legislation Review Committee stated:

Given the potential for different compensation outcomes under the provisions of the Bill compared to the *Victims Support and Rehabilitation Act 1996*, the Committee refers to Parliament whether it is appropriate to require existing applications for victims extension to be dealt with under provisions of the Bill rather than the *Victims Support and Rehabilitation Act 1996*.

Under the heading, "Retrospectivity affecting offenders", it stated:

... the Bill provide that offenders convicted after the commencements of the Bill will be subject to the offender-funded compensation scheme in Part 6 of the Bill and the compensation levies Part 7 of the bill even though proceedings relating to their offences were commenced prior to the Bill commencing.

The committee also talked about the time bars on making an application for victims support. The Legislation Review Committee noted that clause 40 of the bill does not contain a provision giving the Commissioner of Victims Rights the discretion to accept victims support applications out of time. That is another major flaw in this legislation. A number of things need to be acknowledged in the bill. We need to acknowledge the victims of crime and the fact that under the existing scheme and the existing legislation the amounts of compensation that they are offered are fairly paltry in comparison to the trauma that they have lived through and have to live with for the rest of their lives.

I acknowledge the victims support groups. Representatives of many of those groups are here tonight in the public gallery. I commend them for the valuable work they do in supporting victims of crime and the families of victims of crime. I know that some of these groups feel inhibited to speak out publicly about the bill because their future funding has not been confirmed. It is an appalling situation that these organisations, which provide so much good to the community, have to deal with.

I know a number of families who have suffered the impact of serious crime. I have worked with women who have suffered serious sexual assault. I know the ongoing trauma that those families and those individual victims face. They often are not aware of the long-term problems they will face. I know of children from families whose father has killed their mother. The behavioural problems of those children did not manifest themselves within five years or 10 years after the crime, but later in life when counselling and support was needed, and perhaps some compensation because they found it difficult to work. They will not have that opportunity under this scheme.

Individuals react to trauma in different ways. To put arbitrary time limits on their response and their call for assistance is disgraceful. I commend some of the individuals who have been involved in helping others.

I single out Mr Garry Lynch, the father of Anita Cobby, who very bravely spoke out after his daughter was murdered. He later served on the Serious Offenders Review Board. He and his wife, Grace, showed great dignity when dealing with the consequences of the horrendous crime that took their daughter from them.

The Government's introduction of this legislation is a slap in the face for people such as Garry and Grace Lynch who, despite facing such dreadful adversity, had the courage to stand up and help others and advocate for them. For this Government to come in now and treat the victims of crime and their families in such an appalling way shows that the Government has a real lack of a moral compass. It does not get it and does not understand how the community will react to this legislation. The Government thinks it will have one bad news day tomorrow after it has rammed this bill through with the support of the crossbench. As to crossbench members being reassured by commitments given tonight in the Minister's speech in reply, if I were them I would insist that the bill be amended. I would insist on amendments to codify the deal that they think they have struck with the Government because it cannot be trusted to do the right thing for the people of New South Wales.

I have not had one single representation from anybody saying that this bill is good. What I have been hearing from people in the community, not necessarily victims of crimes groups but many different groups concerned with looking after the wellbeing of the people of New South Wales, is that they want this bill to be withdrawn. We have reached the stage where that is not going to happen because the Government has rammed it through the lower House. However, I shall read the comments from Burnside, which states:

If this bill is not withdrawn, we urge you to support amendments to the Bill to:

- Remove the retrospective application of the Bill
- Remove all time limitations on child sexual abuse claims
- Place a twenty year maximum limitation for the balance of matters
- Provide that prolonged domestic violence entitles the claimant to a recognition payment that is at least the equivalent of Category C
- Establish an independent Commissioner for Victims Rights (not a public servant as proposed in the current Bill).

I think those are very reasonable proposals from Burnside, which is one of the more respected organisations in its field in New South Wales. I refer to issues raised by the Inner City Legal Centre. In a submission sent to every member of Parliament the centre states:

If passed, the new Bill will have an immense impact on victims of crime from towns in your electorate—

well my electorate is the whole of New South Wales, and I am very well aware that this bill will have an immense impact on victims of crime throughout this State—

These are ordinary people who, through no fault of their own, fall victim to crimes like assault by a stranger in the street during an evening on their way home from work. Such victims frequently end up unable to work for long periods, experience illness and disabilities, poverty and isolation.

The new scheme will reduce awards for victims by up to 100%.

A 10-year time limit will apply for all claims under the new scheme.

Psychological trauma will not be recognised by the new scheme.

In the past I have heard Government members talk in this place about psychological trauma as a result of a variety of crimes. The Hon. Rick Colless, who is not present in the Chamber, has spoken about the impact on the family of Virginia Morse. It is a pity that members opposite are now not prepared to stand up and support this bill. They are not speaking in support of the bill because they know it is bad legislation; they know it goes against what the community expects from a caring government and that it does not come anywhere near their true feelings on these matters.

There is no doubt that the amount of money people will be paid under the new scheme will be greatly diminished and that the amounts of money paid for things like funerals are woefully inadequate. Anybody who has had the responsibility of burying a loved one in recent times will know that the cost of a decent funeral is way beyond the maximum payout under this bill. They are supposed to bury the person for this paltry amount of \$8,000, but they will not have the money to erect a headstone so they will have somewhere to go and

commemorate the life of their loved one who has been murdered. The Government does not care and I find that really outrageous. It adds insult to injury that these people will be given such a pathetic amount of money and it really goes to the spending priorities of this Government.

The Greens stated earlier that as soon as the Government had the chance it handed out \$300 million in tax breaks to the clubs because it claimed it was an election mandate. I do not recall the Government saying to the people of New South Wales that slashing the amount of compensation paid to victims of crime was an election promise. That was not mentioned because the Government knows that it would have been electoral poison. However, midway through its first term the Government is prepared to do it because it considers that everyone will forget about it by the time it has to go to the ballot boxes again.

This Government has spent millions of dollars on reviews. It has done very little, but it has commissioned many millions of dollars' worth of reviews—all a waste of money because the Government should make its own decisions based on the advice of the public service rather than its highly paid consultant mates. We have a Treasurer in New South Wales who loses billions of dollars in his budget. The Auditor-General has found massive problems in the way the Government balances the budget in this State. If the Government took a little more care on those matters it would not need to be cost-cutting in the area of victims of crime.

We know that the NSW Crime Commission reaps in heaps of money from the proceeds of crime from the people it investigates. If the Government wants a bit more money to help fund the current scheme, it could tap into that pool of money. Why not reallocate some of the funds that the NSW Crime Commission takes in? These people are victims of crime as well. But no, the money goes straight into funding the Crime Commission and propping up its budget bottom line. Why does the Government not act on the advice of the Auditor-General and put more money into the existing scheme to make it work better for victims of crime? If they were smart they might decentralise some of the functions of the scheme and create a few jobs in country New South Wales where they have been slashing them mercilessly since they came to office. However, the Government does not want to do that either.

This is the same response that the Government had to workers compensation. What does it do when there is a problem with the workers compensation scheme and there may not be enough money to fund it? It does not go after the insurance companies with their massive profits, doctors who might be over-servicing people in the scheme, rehabilitation companies or physiotherapists. It hits the easy targets—the injured workers by clawing back their entitlements. We see the same mentality from this Government over and over again. If it wants to save money it hits the easy targets—it hits the injured workers and police on long-term sick leave, it cuts the amount of money to people under compulsory third party-green slip insurance and it massively slashes the victims compensation fund.

The Government is an absolute disgrace. This bill is unfair, it is heartless and it is unjustified. The impact it will have on families will go on for the next 20 to 30 years because there will not be the services and funding to help. When people are suffering the most, this Government is closing the door in their face. That is an absolute disgrace; it really is appalling. I think it is telling that only four Government members are sitting in the Chamber. Quite frankly, I do not know how they can sit here knowing that they are going to have to blindly vote in favour of this bill when they know it is no good. Government members prattle on time and again about wanting to get rid of red tape, but this new scheme is more complex than the old scheme and makes it harder for people to apply.

I refer to the two sexual assault inquiries currently being held in State jurisdictions—in Newcastle, New South Wales, and in Melbourne, Victoria—as well as the Federal Royal Commission into Institutional Responses to Child Sexual Abuse. At the same time this Government is introducing legislation with a 10-year time limit on when victims of sexual assault can put in a claim. That is a slap in the face to every person in New South Wales who has suffered sexual assault.

The expert reports are in and we all know that it takes a long time for people who were sexually abused as youngsters to gain the confidence and courage to realise that they were not part of the problem—they were the victims. Then they must gather the courage to tell people and to go to the police to report the abuse. That reopens a can of worms and they will obviously need psychological counselling. This Government says that those victims have had 10 years during which to make a report, but they have not bothered and it does not care. Of course, it will still prosecute the offenders, but it will not provide compensation or money for counselling because it is too cheap and heartless. I urge members to reject this bill.

Reverend the Hon. FRED NILE [11.00 p.m.]: I thank my colleague the Hon. Paul Green for his contribution to debate on the Victims Rights and Support Bill 2013. I will add to that contribution because this important bill affects so many needy people in this State. I acknowledge the advice and help that the Christian Democratic Party has received from the Homicide Victims' Support Group led by Martha Jabour, Bravehearts led by Hetty Johnson—who is in the gallery tonight with supporters—Ken Marslew, with whom I have had many discussions and who established an organisation to campaign against violence after his son was brutally murdered, and Howard Brown.

This bill provides for the establishment of a new victims' support scheme to replace the existing Victims Compensation Scheme and the appointment of a Commissioner of Victims Rights. An examination of the history of the Victims Compensation Scheme reveals why Opposition members are so emotional about this legislation. They are now aware of their 16 years of neglect. They were responsible for supervising that scheme and it is obvious from their contributions to this debate that they now feel guilty about what they failed to do.

The Hon. Walt Second: That is a feeble justification for supporting this legislation.

Reverend the Hon. FRED NILE: I will provide the Hon. Walt Second with evidence to prove my point. What did members of the Labor Party do to fix the scheme? The Victims Compensation Scheme liability increased by 83 per cent between 2005-06 and 2009-10, and that has resulted in a massive cost blowout and claimants facing protracted delays. It is the claimants who have suffered because the former Labor Government neglected the scheme. Claimants have to wait on average for 30 months to receive compensation.

The Hon. Dr Peter Phelps: Point of order: This debate has been conducted with a great degree of decorum so far without interjections. It would be appropriate if this member were heard with the same degree of civility that was extended to members of the Labor Party and The Greens.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! I remind members that interjections are disorderly at all times. I ask that the member be heard in silence.

Reverend the Hon. FRED NILE: The review conducted by PricewaterhouseCoopers found that the Victims Compensation Scheme's contingent liability was \$392 million at 30 June 2012 and it was projected to increase by \$38 million each year. In addition, waiting times between lodgement and determination of claims were escalating and that was undermining the scheme's objective, which was to facilitate the recovery and rehabilitation of victims. PricewaterhouseCoopers recommended that the scheme be replaced and, rather than provide compensation for injuries suffered as a result of violent crime, victims should be provided with upfront practical and financial support, and long-term financial assistance. The detailed survey of victims and families of victims conducted by PricewaterhouseCoopers revealed that the most urgent need was for an upfront response to claims. They did not want to wait 30 months or more for compensation.

The Victims Rights and Support Bill provides for the establishment of a new Victims Support Scheme funded at existing levels and based on a scheme recommended by PricewaterhouseCoopers. The Victims Support Scheme will provide a variety of support measures, including up to 22-hours of counselling, which can be increased if appropriate. That provision has been included at the specific request of victims. The bill also provides for a tailored support package of up to \$5,000 to meet victims' urgent and immediate needs. Again, that is being provided in response to a request from victims. Although the bill provides for up to \$8,000 for funeral expenses paid by family members of homicide victims, members have said that that is inadequate and that it should be \$12,000. Provision is also made for financial assistance of up to \$30,000 for longer-term expenses, the costs associated with criminal or coronial proceedings, loss of earnings and out-of-pocket expenses, and a lump sum of between \$1,500 and \$15,000 in acknowledgment of a victim's trauma.

Complications emerge when one scheme is closed and a new scheme is established. The Victims Compensation Scheme will be closed immediately, but existing claims that have not been finalised will be transferred to the new Victims Support Scheme and will be processed more quickly. The contingent liability will be addressed and the administrative duplication that reduces funds available to victims will be avoided. The work of the Victims Compensation Tribunal will be transferred to the Administrative Decisions Tribunal and appeals already lodged will be determined by the tribunal under the rules of the old scheme. A new Commissioner of Victims Rights will oversee the administration of the new scheme, which is a positive move. Commissioners have been appointed to oversee many sectors of our community, including the aged, children and so on. It is important to have a commissioner dedicated to dealing with victims' rights because he or she will provide another opportunity for victims who feel aggrieved to be heard. The commissioner will be there to ensure that they get their due rights and funding.

This bill will establish the Victims Support Scheme to replace the existing Victims Compensation Scheme established under the Victims Support and Rehabilitation Act 1996; it will provide for a new Commissioner of Victims Rights; and it will repeal and re-enact, with minor modifications, the Victims Rights Act 1996. There has been some debate about retrospectivity. The Government will deal with that matter in its reply; we have been able to reach an agreement on the issue. On the issue of the limitation periods, we have been able to get the Government to agree to an amendment that we will be introduced in Committee that will remove the time limit on when an application can be made.

There have also been questions concerning victims of child sexual assault and the current royal commission. The establishment of the new Victims Support Scheme is not related to the royal commission. The Victims Compensation Scheme, which has been criticised by the Auditor-General, has been in need of reform for a long time. As I have said, the former Labor Government failed to act on the backlog and calls to reform the scheme, so this Government is endeavouring to deal with that matter. According to the contributions of some members to this bill, it seems that not everyone is happy with the outcome. However, a new scheme is certainly needed to replace the old scheme, which was no longer meeting victims' needs. We raised a number of financial issues with the Auditor-General because the bill is not absolutely clear as to its application.

As I said earlier, there has been some discussion about the cost of funerals. We have been advised that under the previous scheme, claims of between \$6,000 and \$8,000 were made for funerals. That is why the Government considered that \$8,000 would be adequate. But there is also provision to review the legislation and if that figure is found to be inadequate it may need to be changed. A question has also been raised as to what happens in the case of unsolved homicides. I have been advised that as long as the death is considered by the police to be a homicide, family members will be eligible for immediate needs and justice-related expenses. The new Victims Support Scheme does not require a successful prosecution of a homicide in order for a victim to be eligible for assistance.

Another concern, which sadly occurs too often, is missing persons. If the missing person is declared to be the victim of a homicide, a court-ordered declaration is not needed. Clause 42 of the bill covers circumstances where a missing person is declared to be a victim of homicide years after having gone missing. The two-year period runs from the date on which the declaration of homicide is made. "Missing persons" does not necessarily mean that the person is deceased as a result of an act of violence or homicide. Counselling and support is provided to families and friends of missing persons through the Families and Friends of Missing Persons Unit, which is also run by Victims Services.

In approximately 60 per cent of domestic homicides the female is killed and the male is charged with the homicide. It was a concern that no recognition payment would be made to the children who are not financially dependent on their mother, but who are dependent in other ways. Dependency on the deceased parent does not have to be purely financial for a recognition payment to be made, and occasional or sporadic monetary assistance should suffice. A child of minor age is considered to be automatically financially dependent on the mother, which means that child would receive \$15,000 in recognition payment. I understand that the Government will make some reference to that in reply. Another concern was how this legislation will affect rural families in relation to accommodation and travel expenses. It is correct that the \$5,000 justice-related expenses will cover travel expenses to the court.

There were lots of questions dealing with the loss of earnings of family members of a victim of homicide. Experience shows that there has only ever been one claim for loss of earnings under the current scheme. Usually leave is provided for by the workplace through sick leave and other leave. That can be monitored and reviewed in 12 months if it becomes an issue. One interpretation of the legislation was that a parent who has nothing to do with a murdered child would receive a recognition payment, but that grandparents who are bringing up the child would receive nothing. It is clear from our discussions with the Government that primary carers, including grandparents who are bringing up a grandchild whose parent was a victim of homicide, would be considered a guardian of the child and would be covered under clause 29 (3) of the bill.

Another question asked was what assistance is there for people who witness a violent incident, such as a violent shooting, that may cause psychological damage. It is most difficult to monitor and work out what recognition payments, if any, should be made. As a minimum, counselling would be made available. However, people who witness a violent act but who are not in any way directly involved are not considered to be the primary victim. To extend the scheme to secondary victims would mean that it would have to be extended to all secondary victims and that would cause the scheme to blow out significantly. The Government has agreed to monitor and review the scheme in 12 months—it will be part of the role of the new Commissioner of Victims Rights.

I hope that those answers to questions from sincere organisations will relieve some of their concerns about the interpretation of the legislation. We have received hundreds of letters, mostly critical of the Government's proposal—many of them from lawyer organisations because this legislation endeavours to take lawyers out of the picture. We always have a very rapid response from lawyers, who receive financial benefit from legal aid and quite often receive more money than the victim when the payments are made. We do not want to see the money that should go to the victims eaten up by legal expenses. One of the proposals of the legislation is to remove that aspect from the new scheme, which I believe is a good idea. Lawyers strongly oppose it for obvious reasons. With the Commissioner of Victims Rights in a supervisory role and if the legislation operates in the way the bill intends, victims will have the assistance they need to work their way through the scheme and to make their applications for aid under the various classifications. In correspondence the Uniting Care organisation of the Uniting Church said:

We urge you to support amendments to the Bill to remove the retrospective application of the Bill.

I believe we have been able to have that modified in the bill. The organisation's second request is to remove all time limitations on child sexual abuse claims. In our amendment we have proposed that there be no time limit. I hope that in reply the Government can relieve some of the concerns of those community groups. For those reasons the Christian Democratic Party supports the bill with the provisions of the amendment. We have asked the Government to put some matters on to the record when the Minister replies to the second reading debate, which will add to the value of the amendments to the legislation.

The Hon. PETER PRIMROSE [11.20 p.m.]: The Victims Rights and Support Bill 2013—what a perverse, Orwellian title for such a disgusting, unjust and uncaring piece of legislation. Premier Barry O'Farrell promised to make New South Wales number one. Well, this bill has the distinct odour of number two about it. I agree with my colleagues that this bill should be rejected, and the paper it is written on should then be shredded. This Chamber has three Ministers—the Hon. Michael Gallacher, the Hon. Duncan Gay and the Hon. Greg Pearce—all of whom should be ashamed of this piece of legislation and what it is proposing to do to victims of crime in this State. I also know that members of this Chamber have strong religious beliefs. Now they too have the opportunity to choose: a priest, a Levite or a Samaritan. Will they walk past the victim of the crime or lend a hand? It is their choice.

The purpose of this bill is to repeal the Victims Support and Rehabilitation Act 1996 and to replace the statutory scheme for compensation and counselling for victims of violent crimes with a different scheme. The bill provides for the approval of giving financial support and counselling and the making of payments in recognition of the trauma suffered by certain victims, termed "recognition payments". The bill abolishes the Victims Compensation Tribunal, and transfers tribunal members to a new Victims Support Division of the Administrative Decisions Tribunal, which will have the power to review determinations relating to the approval of recognition payments. The bill has a number of other provisions to which a number of members have referred and I will not go through them in any detail.

The Government commissioned a review of the current system of victims compensation and support by the corporation PricewaterhouseCoopers, which was delivered to the Government in July 2012. This report was only made public on the day that the bill received its second reading in the Legislative Assembly on 7 May 2013. This bill is based on the PricewaterhouseCoopers report and includes significant cuts in entitlements to victims. Cuts and more cuts, that is at the heart of what the Government is doing. The scheme will be limited to \$72 million per annum. There is already a backlog of claims and an outstanding liability of \$394 million. This is a cost-cutting exercise from a Government that is struggling to manage its budget. So who does it go after when the money gets tight? It goes after the victims of crime; not the perpetrators of crime. The Government does not consider alternative revenues. It goes after victims of crime and wants to mug victims of crime. The new system will cut payments to victims in a number of ways.

The word "compensation" is removed from the legislation. The current system of lump sum payments of up to \$50,000 will be replaced by a more complex system. So much for the much-touted reduction of red tape that we often hear about from this Government. The system will pay recognition payments at specified amounts, up to \$15,000 based on the legal definition of the criminal act, rather than the actual impact on the victim. There are a host of potential problems with this approach. The Government is letting the actions of the criminal determine the level of payment, rather than the experience of the victim. As a former social worker, I know the psychological and social importance of restoring agency to victims of violence. It is an important step in helping that person recover and to heal. It gives them a sense of control that is often taken from them by the actions of a

violent criminal. It is just dumb to base the compensation paid to someone on the definition of the crime of another person. It reeks of the approach of a Scrooge, rather than an understanding of victims of crime from a compassionate viewpoint, a restorative viewpoint.

Many ordinary victims of crime do not know the fine legal distinctions between, for example, assault, assault occasioning actual bodily harm, reckless wounding or causing grievous bodily harm, and wounding or grievous bodily harm with intent. They and their families just know that they have suffered injury and they are hurting. The amounts concerned are not exactly generous. Victims of an indecent assault, a violent robbery, a violent attempted sexual assault or an assault not resulting in grievous bodily harm will be entitled to a lump sum payment of a miserly \$1,500. Victims of an attempted sexual assault, involving serious injury or an assault amounting to grievous bodily harm, including the loss of a foetus, will receive \$5,000. Parents of a homicide victim who is not a dependant will be provided with a lump sum support amount of \$7,500. Victims of the most serious kind of sexual assault will receive \$10,000. Finally, financially dependent family members of a victim of homicide will receive \$15,000.

And, instead of a lump sum, victims will have financial assistance for immediate needs set by regulation, and limited to a maximum amount. Financial assistance for economic loss will also be capped at a maximum set by regulation. So instead of one application covering recognition payments, payments for immediate financial assistance and payments for economic loss, applicants will have to go through three separate processes, reliving and revisiting the violent crime and trauma each time, in order to fulfil a bureaucratic process. A number of members have cited instances of the effects and I will just cite three which are quoted in material from the Homicide Victims Support Group, which has thousands of examples of how victims are injured.

The first I will quote from on the table under "Existing Benefits" is the family of Anita Cobby. I know members who have been in this House for a while will recall the lengthy debates we have had about this matter in which all members believed that the trauma and awful nature of that crime was so horrendous that this House needed to take extremely serious action on another occasion. The table shows that Anita Cobby was abducted, sexually assaulted and stabbed to death. The year of homicide was 1986. The age of the victim was 26. The family members affected were her husband, mother, father and sister. The current benefit would be \$50,000 divided by four, which equals \$12,500 each.

Under the so-called "Proposed Benefits" in this legislation—I cannot bring myself to use the words to describe what this legislation represents—the payments are as follows: immediate needs payment, \$5,000, negligible; criminal justice payment, \$5,000, minimal; loss of earnings, \$20,000, nil; recognition payment, \$15,000 financial dependent, child \$7,500. All in all the difference between the existing benefits that that family received and the proposed benefits is a loss of \$35,000. Well done to the Executive Government in New South Wales. The details in relation to the matter of Janine Balding have been provided by the Homicide Victims Support Group and are not secret. I will not personalise this but I am sure all members will recall earlier debates when members spoke so passionately about this particular case.

Janine Balding was abducted, sexually assaulted and drowned. Year of homicide: 1988. Age of victim: 21. Family member affected: mother, father and two sisters. Current benefit: \$50,000 divided by four, equals \$12,500 each. Under the Barry O'Farrell legislation: immediate needs payment, \$5,000, negligible; criminal justice payment, \$5,000, would not cover a year of travelling to Sydney for court hearings—airfares from Wagga Wagga. Loss of earnings: nil. Recognition payment: \$15,000 for those who are financially dependent and \$7,500 for a child.

The difference under Barry O'Farrell's legislation that every member opposite will vote to be read a second time is \$35,000 less. Every member opposite will vote for this legislation. Regardless of whether they have the courage to stand up and speak in this debate, it is their vote that counts. Another example is the 11 homicide victims of the Quakers Hill Nursing Home fire in 2011. The affected family members were sons, daughters, grandchildren, great-grandchildren and so on. The current benefit is \$50,000 divided by eligible family members. The immediate needs payment under Barry O'Farrell's legislation is negligible. The criminal justice payment is minimal. The loss of earnings is nil. The difference is \$50,000 less.

Other barriers also are proposed to victims receiving fair compensation for their losses. Applications must be made within two years of the act of violence. Some people have alluded to the fact that the Government may have caved in and realised that this item is particularly objectionable. Many other aspects of this legislation also are objectionable. Government members should take this bill back and write it properly. When members

vote for the bill to be read a second time they are not voting for something that might happen. Reverend the Hon. Fred Nile and every other member who votes for the bill will be voting for it as it stands. Government members will then try their luck in the Committee stage. If the bill passes the Committee stage it then has to go back to the other House. If members vote for the bill to be read a second time they are voting for the bill as it is before the House. I repeat, members are not voting for what may or may not change in the Committee stage: they are voting for what is before the House tonight.

Perhaps the set of limitations placed on victims will be the most egregious act by the O'Farrell Government. Applications for recognition payments will have to be made within two years of the act of violence or within two years of the victim turning 18. In a case involving domestic violence, child abuse or sexual assault the application must be made within 10 years of the act of violence or within 10 years of the victim turning 18. This has raised enormous concerns in the community, especially amongst those victims of sexual and domestic abuse who have been brave enough to speak out in an attempt to prevent these things from happening to others. I pay tribute to them and the organisations that represent them. It can take years if not decades for victims to be able to acknowledge what happened to them. Putting an arbitrary time limit on their claims is a cruel blow.

The NSW Police Force encourages victims of sexual abuse to come forward even if decades have passed. Indeed, in this House the Minister for Police and Emergency Services, who introduced the bill in this House and is about to vote for it, is also about to ensure that those victims will no longer receive a benefit. The State Government is happy for victims to come forward in order to prosecute the criminals but it is now not happy to compensate the victims. Most of the victims that will come forward to the current Royal Commission into Institutional Responses to Child Sexual Abuse and the Special Commission of Inquiry concerning the investigation of certain child sexual abuse allegations in the Hunter region will almost certainly not be able to seek compensation if this bill is passed in its current form. That would be a travesty. I urge all members not to vote for this bill.

The bill is also retrospective, because the victims who are seeking compensation under the current scheme will be dealt with under the new scheme. This will not only include those who commence the process under the current scheme. It will also include those whose claims have been lodged, heard and decided if the appeal period had not expired before the day the bill was read for a second time in the other place. Members may wish to hear that again: Victims of violent crime whose claim for compensation has been heard and decided but for which the period for appeal had not expired by the time this bill was read in the other House stand to lose the compensation that they were awarded and to have a new claim assessed under this more complex and less generous scheme. I cannot understand how any Parliament could believe that was fair, reasonable or right. I also cannot understand how any Cabinet or party room could have approved it.

My colleague the member for Fairfield spoke on this bill in the other place and outlined a case study provided by a community legal centre that highlights the impact of the severe limitations of the new scheme. I will repeat it here, because it shows what the O'Farrell Government is doing to save its budget bottom line. Anne was married to Ben for 10 years. Ben repeatedly physically assaulted Anne during their relationship, often in company with his friends. However, the assault did not amount to grievous bodily injuries. Anne was subject to social and financial isolation and violent emotional taunts that resulted in Anne developing a major depressive disorder, social anxiety disorder and post-traumatic stress disorder. When Anne has the courage to leave the abusive relationship and report the assault she will seek assistance from the Victims Support Scheme to help re-establish her life. Under the current system Anne would be entitled to \$38,000. Under the new scheme she will receive \$1,500 to start afresh. I ask the Minister what he says about the fact that Anne will receive only \$1,500 to start a new life. Anne's scenario is enough justification for the Opposition to oppose the bill.

Along with the O'Farrell Government's miserly and cruel cuts to workers compensation, which are already increasing hardship and misery for victims of workplace accidents, these changes will create more losers, more victims and more sorry cases of neglect and unfairness in our community. As a society we cannot always protect every individual from every crime committed. I wish that we could. In the absence of being able to guarantee a crime-free society we, as a community, have decided to help the victims of violent crimes get back on their feet by allocating some of our collective resources to them. If we are going to do that, why are we proposing to change to a scheme that is so miserly and demeaning? Why do we not show some compassion and understanding? I call on the Premier to pretend that the victims of crime in New South Wales are high rollers and to consider their needs as being just as worthy of his compassion.

The Hon. MICK VEITCH [11.37 p.m.]: Most of what I want to say about the Victims Rights and Support Bill 2013 has been said by other members during their contributions. Therefore my contribution will be

relatively brief. As has been previously stated, the Opposition opposes the bill. I most certainly oppose the bill. The lack of compassion articulated in the bill will play out in society for years to come. The unfolding reality for victims of crime is gut-wrenching. Not one member of this House could stand and say that the bill will play out well for victims of crime. This legislation has been developed with one purpose: protection of the State's budgetary position. No government with any compassion, heart or feeling for those who have been disadvantaged by the misfortune of being a victim of crime could present a bill such as this for consideration. This bill satisfies only the unfeeling Treasury bureaucrats.

Much has been said of the report by PricewaterhouseCoopers that the Government has had since July 2012. Clearly, the most symbolic and yet troubling recommendation of the report was to remove the word "compensation" from the legislation and from the scheme. I cannot believe the enthusiasm with which the Government has adopted this recommendation. The bill repeals the operative victims compensation legislation and consequently abolishes the current victims compensation scheme that allows lump sum payments to victims of crime in amounts of up to \$50,000. That is gone. The most distressing and objectionable aspect of this bill is that it is completely retrospective. In the other place the member for Liverpool, Paul Lynch, referred to the retrospectivity aspect as truly scandalous. During his exceptional speech, Paul Lynch also said of the bill:

It very explicitly ignores whatever the victim felt, thought and experienced. It completely devalues the trauma and experience of the victim. The financial consequences of this bill are extraordinarily adverse for victims of crime, but the studied contempt for victims in the community recognition portion of the scheme is just as reprehensible and deplorable.

The Government has a recurring theme. In any matter involving compensation there appears to be an unbelievable lack of focus on and empathy for individuals. Whether it be the workers compensation scheme, the police death and disability scheme, the compulsory third party scheme, and now the Victims Compensation Scheme, the focus is hardline economic fundamentalism over compassion for those unfortunate enough to suffer injury. It is almost as if some on the other side consider that full blames lies with the injured individual.

As a long-term foster parent I have seen firsthand some of the atrocious things adults inflict on children. When I reflect on some of the foster children who have lived in our house over the past 15 years I cannot see how this bill would serve them well. There are children with multiple disabilities who will not fare well under any arrangement contained in this bill. It is clear that the Government has no compassion. I challenge the apparent compliance of those on the other side. I, like most members, have received pages of correspondence and emails from people concerned about the implications of this bill. Many of the stories have been articulated and enunciated in the debate so far. I implore those on the other side to take notice of the correspondence. Please do not dismiss those stories. This is a bad piece of legislation. There is no way I can support this disgraceful and appalling bill.

The Hon. HELEN WESTWOOD [11.42 p.m.]: I speak against the Victims Rights and Support Bill 2013. The bill will abolish the New South Wales Victims Compensation Scheme and replace it with a new system that will significantly reduce the amount of compensation for victims of crime. The Government commissioned PricewaterhouseCoopers to conduct a review of the New South Wales Victims Compensation Scheme. This bill is based on the report, which the Government has had since July 2012. I am cynical as to why this bill is being rammed through when the most comprehensive inquiries into child sexual abuse ever held in this nation are being undertaken. Clearly the Government is putting its budget bottom line ahead of the needs of victims of crime. The Government is afraid of victims of child sexual assault. It is also afraid that the current inquiries into sexual abuse will lead to more victims coming forward. Those victims will need compensation to fund the services and support they need because of the abuse perpetrated upon them when they were children.

Like many members in this place, I have also received representations from many victims of crime and their advocates expressing grave concerns about this bill and its impact on victims. I have received correspondence from many organisations such as Community Legal Centres NSW, which represents a number of legal centres around the State, Uniting Care, Burnside, the Homicide Victims Support Group and Bravehearts, expressing outrage at this bill. I note that a number of those advocates are seated in the public gallery this evening. I thank them for their commitment and dedication to victims of crime.

Some in this place love to have their photographs taken and to broadcast by Twitter and Facebook that they support these organisations and victims of crime. But victims of crime do not want the tweets or photographs on Facebook. That is not the sort of pledge of support they need. If members want to support the victims of crime—victims whose loved ones have been murdered and children who have been sexually assaulted whilst in the care of others—they should oppose the bill. I bet none of those opposite got up and spoke in the party room against it. They are more concerned about their ambitions to sit on the frontbench of this conservative Government than to stand up for victims of crime. They should hang their heads in shame.

I turn now to one of the organisations that wrote to me in my duty electorate of Blue Mountains. The correspondence I received from Blue Mountains Women's Health Centre raised the same issues that many other organisations had raised about the proposed changes to the New South Wales Victims Compensation Scheme. This bill will mean that victims of crimes will be entitled to a maximum amount of \$15,000 compensation—a reduction from the current maximum of \$50,000. Victims of crimes with existing claims, who may have been waiting for up to three years for claims to be processed, will also be subject to these reductions. Victims will only be able to claim for a period of 10 years from the time of the event. Under the existing scheme, children and young people who are victims of sexual assault or domestic violence are able to seek leave to apply for compensation when they are ready to face the trauma from their past. The proposed changes will mean that these victims will be prevented from applying for compensation after they turn 28 years of age.

Blue Mountains Women's Health Centre provides counselling and group programs for women who are survivors of childhood sexual assault. The centre also works with women with long histories of domestic and sexual violence. In many cases these victims have experienced post-traumatic stress disorder [PTSD], which has left them with long-term mental and physical health issues which will require ongoing treatment over many years—some for a lifetime. The symptoms of post-traumatic stress disorder can be quite disabling and can prevent victims from completing education and holding down a job, as well as creating difficulties with parenting and maintaining intimate relationships and friendships. Its long-term effects mean that frequently victims live in poverty. They cannot afford decent housing. They struggle to pay their bills and, to keep their bills down, avoid using heating.

Blue Mountains Women's Health Centre supports an increase in access to counselling for victims of crime. Counselling is essential to enable victims to deal with the abuse and its effects on their lives, relationships, health and wellbeing. However, counselling alone cannot address the layers of disadvantage resulting from long-term sexual and physical violence. Another aspect of these "reforms" will remove the need for lawyers to be involved in claims. This will disadvantage victims, particularly those with complex cases. Child sexual abuse and domestic and sexual violence are among the most under-reported crimes in our community. Often victims have been denied justice through the legal system.

Victims compensation can provide an acknowledgement of the harm done to victims. It also can provide practical relief to alleviate the long-term impacts of harm. The Blue Mountains Women's Health and Resource Centre has shared the stories of some of its clients to illustrate its concerns about this bill. I will outline just two case studies:

One of our clients was successful in receiving \$50,000 in victim's compensation. Our client was sexually assaulted by her father her entire childhood. He also involved his soldier friends in doing the same. This is a woman who is now 65 years of age, she lives on an aged pension, she has had a lifetime of mental and physical illness and lives in poverty unable to afford adequate heating, to pay her rates, etc.

They are among other costs she cannot afford to meet. The report goes on to state:

She has for almost her entire adult life needed to have therapy twice weekly to enable her to cope with what's happened to her. As a health professional I am constantly amazed that she is still alive today. The compensation has enabled her to settle her debts. She has been able to buy a second-hand car. She continues to see a therapist twice a week. As well as giving her some practical relief the compensation has helped her close the door on her traumatic past.

The second case that the centre has shared with me reads:

A client we are currently assisting was a victim of early childhood sexual abuse which lasted up until her teenage years. She experienced horrendous domestic violence as an adult. As a result of this she is diagnosed with PTSD. Her children have also been victims of the family violence. She has been unable to work regularly and therefore has a lot of outstanding debts. She has battled drugs and alcohol and now in her mid-forties is ready to deal with her past. She is having counselling and is being assisted to make a claim for victim's compensation. For her the compensation will not only validate her experience and send a powerful message "What happened to you was wrong" but it will also help her get some aspects of her life under control.

Community legal centres across New South Wales have expressed, in the strongest possible terms, their opposition to this bill and have outlined particular concerns with it. The Elizabeth Evatt Community Legal Centre in the Blue Mountains is one of those centres. It has shared stories of clients who will be detrimentally affected by the retrospective provisions of this bill. Again, I will quote from the client stories that the centre has shared:

Client 1.

Has several claims as a primary and secondary victim of DV [domestic violence] and Cat 3 SA [sexual assault]. Only felt ready to face trauma of her past several years ago in her early 40's

Grew up in a rural NSW town in the context of extreme family violence

Witnessed her father and brothers physically and sexually assault other family members

Was physically and sexually assaulted by her older brother from the age of 7 until she was sent to boarding school at the age of 13
No police reports made as she was a child and lacked family support
No grievous bodily injury inflicted for which there is any medical record available
devastating psychological impact on her life—had to drop out of high school at the age of 14 when the abuse stopped and she had a nervous breakdown coming to terms with it.
 Suffers extremely low self esteem, disassociation, psychological disorder, despite taking her own steps throughout her life to be treated for these conditions
 Has had trouble with learning, establishing a career, has been homeless, difficulty settling down
 ... report completed before Bill was introduced confirms 'Psych Cat 2' eligibility
 Although evidence has taken a long time to gather, client has letters from support services and reports confirming long-term, chronic psychological harm

Under the proposed legislation, this client would not be able to establish the evidentiary requirements, and would receive no recognition payment

She would have also been outside the 10 year time limit now proposed for similar applications for victims of child abuse, DV [domestic violence] and SA [sexual assault]

I have a number of other case studies that I could read out, but I am running out of time. I might return to those if time permits. I turn now to other areas of concern that have been expressed by community legal centres. Those at community legal centres have such concerns with the bill that more than 30 leading legal, human rights, health and community women's organisations have joined to file an urgent complaint about the proposed changes to New South Wales victims compensation with the United Nations Special Rapporteur on Violence Against Women, Ms Rashida Manjoo. Community Legal Centres NSW issued a press release in which the organisation expressed deep concern over the proposed changes violating very important human rights treaties, including the Convention on the Elimination of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights. Anna Cody, who is the Chairperson of Community Legal Centres NSW, states:

This law would have significant detrimental effects on the human rights of thousands of victims already in the system. It will be even harder for women who are victims of crimes to claim in the future.

Indeed, the submission to the United Nations is worth citing. The community legal centres outline the case in the appeal. The document states:

This urgent appeal is respectfully submitted to the United Nations Special Rapporteur on the introduction of the Victims Rights and Support Bill 2013 (NSW). In the view of the signatories to this letter, the Bill violates a number of core human rights principles, including: the right to equality and non-discrimination under Article 2 of the *Convention on the Elimination of Discrimination against Women* ('CEDAW') as well as Australia's due diligence obligations under that treaty; and the right to the highest attainable standard of physical and mental health under article 12 of the *International Covenant on Economic, Social and Cultural Rights* ... The Bill also runs counter to the Special Rapporteur's own recommendations on reparations for women who have been subjected to violence, and the United Nations *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* ...

The document provides information about the signatories to the submission which I will not read out. The submission goes on to state:

All Australian States and Territories currently have individual schemes to compensate victims of crime. New South Wales ('NSW') first established a Victims Compensation Scheme in 1987. Since that time, the Scheme has been amended a number of times, including to increase the funding and compensatory measures available to victims of crime. The Government has also passed legislation for a 'Victim's Charter of Rights' which, *inter alia*, guarantees that 'victim(s) will be treated with courtesy, compassion, cultural sensitivity and respect for the victim's right and dignity'.

On 11 August 2011 the NSW Attorney General announced an independent assessment of the Victim's Compensation Scheme with 'a view to delivering faster and more effective financial support to victims of violent crime'. PricewaterhouseCoopers were appointed to undertake the review and released an Issues Paper in March 2012. There was a 6-week period to make public submissions, closing in May 2012. PricewaterhouseCoopers presented its report ... to the NSW Government in July 2012.

Throughout 2012 there were significant delays in listing victims compensation matters for determination through Victims Services NSW. By June 2012 it was taking an average of 31 months from the timing of lodging a victims compensation claim to the point of final determination.

On 25 September 2012, 80 leading legal, human rights, health, community and women's organisations wrote to the NSW Attorney General expressing concerns about any proposed changes to the victims compensation scheme and calling for extensive public consultation before any legislative changes occurred, including the release of a Discussion Paper, followed by a public consultation on Exposure Draft Legislation.

On 7 May 2013, the NSW Government introduced the Victims Rights and Support Bill, which abolishes the existing scheme for Compensation, replacing it with a new "Support Scheme". The primary features of the Bill of immediate concern to the signatories to this letter are:

- a. That the Bill operates retrospectively, in that it purports to apply to claimants who have already lodged applications for compensation under the existing scheme. For some claimants this may mean that despite waiting years for their claim to be determined, due to the new upper time limited introduced by the Bill, they may receive nothing.

- b. The previous Schedule of Injuries that determined rates of compensation will be removed and replaced with new categories of "recognition payments" ...
- c. Additional Financial Assistance, which is available for economic loss, favours claimants that are employed and can demonstrate loss of actual earnings as a result of the criminal act committed against them. This will have a gendered impact because where victims have sustained a serious psychological injury, for example, through domestic violence, child abuse or sexual assault, their capacity to work may have been diminished so they are less likely to be employed full-time, if at all.
- d. Victims of violence will be required to have reported the act of violence to police or a "Government agency" in order to be eligible for financial assistance for economic loss or a recognition payment.
- e. Victims of domestic violence, child abuse or sexual assault will be required to lodge complaints within ten years of the relevant act of violence to be eligible for a recognition payment, or, where the victim is a child, within 10 years from them attaining 18 years of age.

Clearly there is grave concern about this bill. It will not improve the rights of or support for victims of crime. Indeed, it takes away compensation that has until now assisted victims of crime to begin to recover from the physical, psychological and economic costs of the crime perpetrated upon them. I urge members to oppose this unjust and unprincipled bill.

The Hon. JAN BARHAM [12.02 a.m.]: I speak on the Victims Rights and Support Bill 2013 as The Greens spokesperson for Family and Community Services, Aboriginal Affairs, Disability and Aging—all the human services that are under threat from this legislation. I feel sad being here. I acknowledge the people in the public gallery. It seems a bit cruel that we are keeping them here this long. It is a bit of an endurance test. Despite the valiant efforts of my colleagues, particularly Mr David Shoebridge, to deal with this legislation, I felt that I could not let this evening pass without commenting on the sad situation in New South Wales in terms of this legislation. I note that there have been no Government speakers on the bill. During debate on most bills we are normally told why we are wrong and why the Government is right—there is justification—but we have not had that in this debate. That is disappointing because I would love to hear why people feel that this legislation is an appropriate way for the Government to respond to what is a terrible situation in our community.

I appreciate that my colleagues on this side of the House have explained articulately what the bill does, the history of the bill and how it came about. We have learned about the current financial situation in New South Wales and the Government's failure to recognise the degree of sorrow, hardship and long-term pain that people in this State are living with. At what point will we wake up and face the shame and pain from the past? I am proud that in this country today we are facing up to some of it. We have dealt with forced adoptions and we have taken some strong positions in relation to Aborigines—in fact, this week is National Reconciliation Week. One hopes that in a democracy one can mature to the point where one can deal with the pain of the past.

Today I am saddened because we are not addressing our responsibility to those who have suffered. Sometimes in this place I wonder about the lives that people have lived—whether they have experienced life in a way that allows them to understand the pain and suffering of those who have less fortunate lives, who suffer and who do not have the luxury of having people to turn to or another way of living so they do not have to survive day by day and struggle to keep food on the table and a roof over their heads. Those are the struggles of the less fortunate who will be affected by this bill. Tonight we have heard some horrific examples of what will be stripped from those people. Listening to those examples, I was reminded of experiences in my life that I have not thought about for years; of people who, after knowing them for a decade or more, have opened up and told me things they had never told anyone before, and my shock at finding out that some of my friends had suffered abuse as children.

I was fortunate to have a wonderful childhood in terms of my family situation. I felt loved and cared for. Then I found out that people I had grown up with did not have that experience and had bottled up their suffering their whole lives. Now we hear that a time limit will be placed on how long people will have to face up to the pain. Currently, I serve on a number of parliamentary committees. Unlike this place, which is adversarial in nature and sometimes constrains good democracy, I appreciate that committees give us a chance to talk and discuss things, to hear from experts, to be challenged on some of our opinions and to call for evidence. Tonight we are stepping away from that process in a terrible way. We are denying people their rights. We are denying the fact that evidence shows that it takes some people a long time to face the things they have experienced. We have been told that it takes people 24 years on average to come forward and confront the pain of the past.

This bill denies people that right. I have said several times that we continue to be told about legislation that delivers changes and support measures, early intervention and other means of dealing with people's pain,

suffering, and emotional and psychological trauma, but we do not see those measures in this legislation. We have not been told about budgetary commitments to those measures that will make a difference to people's lives and their suffering. We are simply seeing the dark side, the hard side, and that is difficult to deal with. An interesting article about this legislation appeared in a newspaper last week. A friend rang me and asked, "Is this what happens where you work? Is this the sort of thing you are dealing with? Are these people really so heartless?"

At that stage I was feeling a little more confident and hopeful that common sense would prevail because we had heard from so many good people. We received the emails, and the stories were being told. We started to see some amazing evidence from a large number of people. I have a list of 80 legal organisations, and 30 leading legal human rights, health, community and women's organisations that have joined forces to file an urgent complaint about the proposed changes to victims compensation in New South Wales with the United Nations Special Rapporteur on Violence against Women. That is extraordinary. It is quite an amazing thing to happen in New South Wales. It is happening because we are out of step with the rest of the country and out of step with the modern, twenty-first century world, where there is recognition that domestic violence is a huge problem.

Prior to my becoming a member of the Standing Committee on Social Issues it conducted an inquiry into domestic violence trends and issues in New South Wales and, by consensus, produced a considered and detailed report. It contained 89 recommendations—many of them dealing with domestic violence and how government could address this problem better—and advising the Government on effective ways to support victims of crime. It contained big statements about how we should establish partnerships with non-government organisations, with community members and with those in our society who help people. Now it appears we are saying these things should happen voluntarily—someone other than government should look after victims because that does not seem to be the Government's role. That is very depressing. I cannot imagine how it must feel to be those 22,000 or 23,000 people who have gone through the process and made claims in good faith and now their rights are being stripped from them. We used to hear Liberal and Nationals members in this place speak against retrospectivity. That is not what we are doing in this bill.

The Hon. Adam Searle: They are not conservatives any more.

The Hon. JAN BARHAM: Perhaps that is the case; they are not conservatives any more. I do not know what they are. It is a matter of new language for new times. The Government's change of tune is sad. When my friend rang me and asked whether this was really happening in the New South Wales Parliament, we talked about the first time each of us witnessed a crime of violence. I remembered something that happened in my neighbourhood when I was very young: I saw a drunken father come home from the club one night and chase his kids around the backyard. There were eight kids; it was a good Catholic family. The father chased them around with a strap and he belted the hell out of them. The biggest kid tried to get his attention so that he would not hit the little kids. This was an English migrant family living in a Housing Commission property in Unanderra.

The mother stood at the top of the back steps and called to her husband. She did all she could to distract him—I think she probably pushed the strap of her summer dress off her shoulder and tried to entice him up. She was trying to get the husband into the house in order to protect her children. I stood flattened against a wall in horror, watching this happen, only to be told later that it occurred regularly. I had never seen anything like it before and could not believe it was a recurring event. That is what the family endured; that was their life. The mother surprised me. She was luring the husband away so he would beat her instead of beating her children. That shocked me like nothing else. It was a snapshot of the domestic violence that women endured in 1962. It was a long time before women had any real rights and could escape situations like that. That is what life dealt them and that is what they endured. When my colleague Mr David Shoebridge gave me this article it hit me hard, and it has been tough listening to some of the stories tonight.

I am not equipped to analyse the legislation. My colleagues have already explained the hardships it contains, and I feel sad that it is so cold and calculating—particularly when it comes to money. I recall hearing the other week on the radio about the Government's financial windfall—\$5 billion for leasing the ports—and we are talking about a scheme deficit of \$38 million a year. I wish we could put aside at least some of that \$5 billion and take care of those people who, in good faith, bared their souls and made those claims. Could we not deal with them respectfully and decently, because that is what we owe them? I am sure there would be enough money left over but, if not, let us look at wrenching some of it back from the clubs. They do not need a \$300-million tax break every year. I am learning from my work on the social issues committee, which is

inquiring into alcohol abuse among young people, as well as my work on another committee that is examining drug and alcohol treatment, that clubs most likely have some responsibility for the violence and crime in our society. How do we explain to people that those who profit from those businesses are also the beneficiaries of government funding and yet we punish the victims?

The following article is so powerful that it needs to be read onto the record. It is an opinion piece from *The Drum* of 28 May and appeared on the ABC News website. It is headed "A shameful retreat in the battle against domestic violence" and was written by Mari Vagg and Liz Snell. When nothing came of that fantastic report from the standing committee, with all its recommendations, I wondered whether members had any experience or understanding of violence. This article paints a straightforward picture. It says:

At a time when as a nation we are taking positive steps to address domestic violence through the family violence amendments in the *Family Law Act* and through engaging all in the community to address violence against women through the *National Plan to Reduce Violence against Women and their Children*, the NSW Government is making a shameful retreat in the battle against domestic violence.

NSW is in the process of abolishing the victims compensation scheme and replacing it with a scheme that will reduce compensation to a fraction of current levels, while ignoring the realities of domestic violence.

Picture your partner punching a hole in the wall next to your head because he didn't like the meal you cooked. Picture living in a state of constant fear, being prevented from seeing your friends, and having your children threatened with death. Picture attempts to strangle you, being knocked to the ground and kicked by the person you loved, trusted and to whom you made a lifelong commitment.

Sadly, this was the daily reality for Karen and for many thousands of other women in NSW who experience domestic violence. We hear stories like Karen's every day.

When Karen came to us, we talked about how she could keep herself and her children safe. We gave her legal advice and referred her to counselling and support services. We also told her that Australian society recognises that what she experienced is a crime; that she would be eligible for victims compensation.

After her experience of being isolated, disbelieved and made to feel worthless, she said that hearing about victims compensation made her feel like she was part of a community that cares.

But now the NSW Government is set to replace victims compensation with a "victims support" scheme, which includes "recognition payments".

There is no category of recognition payment for domestic violence, nor for psychological injury suffered as a result of violence.

Physical assault is acknowledged with a recognition payment of \$1,500. Ongoing violence is also ignored—it is treated as a one-off event.

It is shameful that we are here tonight to debate this legislation because we are not providing the needed support services. The crisis centres required by those women and children to be able to flee domestic violence and crime in their homes, on their streets and in their communities will not be available. The Government is not spending any of the \$5 billion on ensuring that people are safe. We must acknowledge the vulnerable and disadvantaged people who end up in our jails and our health system and the high representation of Aboriginal people in those places. These disadvantaged people may end up in crime because of their situations and they lack a good education. They may have been unable to commit to a life of learning because they have had an experience that has marred them.

During the inquiry into drug and alcohol treatment we heard from many people whose past experiences had led them to drug and alcohol dependence. Unable to face the pain of the past and with no support, they find substance abuse to be the only way they can get through the day. The compensation they would have received—it seems now they have no hope of receiving—might have helped them take a step towards a meaningful and purposeful life. It makes me sad knowing that this legislation will be passed tonight. I am sad that the Government has not listened to reason or shown compassion. It is just about money. The New South Wales Government should get its priorities right. I feel very sad about the Victims Rights and Support Bill 2013. I am sorry for the victims and the people who trusted— [Time expired.]

The Hon. PENNY SHARPE [12.22 a.m.]: I speak tonight on the Victims Rights and Support Bill 2013. I also speak against the bill. This is not a bill that anyone in this House should support. I know that as members of Parliament we have all had contact with victims of crime. We should stop and reflect upon what this bill does. It is not too late to withdraw this bill and undertake further consultation. It is not too late to engage properly with people who are affected by this bill. It is not too late for members opposite to change their minds. The object of this bill is to abolish the Victims Compensation Scheme and replace it with a new so-called

support system. This is a cost-cutting exercise by the Government that will impact on the people in our community to whom we should be giving a helping hand. The bill will see significant cuts in entitlements for victims.

I have listened closely to the debate tonight. There are aspects of the bill that will be an improvement but there are many aspects of the bill that are detrimental to victims of crime. I agree with many other speakers that this is one of the most Orwellian-named pieces of legislation that has come before the Parliament. The Government commissioned a review of the Victims Compensation Scheme by PricewaterhouseCoopers. This bill is based on that report. As my colleagues stated in the other place:

The most emblematic recommendation of PricewaterhouseCoopers was to remove the word "compensation" from the legislation and from the scheme.

This is about token payments to make people go away. It is not about justice; it is not about hearing people; it is not about sharing the collective responsibility we have to look after one another. The PricewaterhouseCoopers report makes it clear that these proposals are aimed at reducing the amounts paid out. The object of the bill is to limit expenditure, with no consideration of the impact on the victims of crime. They are ordinary people who become victims of crime, through no fault of their own. They are victims of crimes such as an assault by a stranger on the street on the way home from work. Victims of crime frequently end up unable to work for long periods and experience illness and disability, poverty and isolation. Victims of crime are ordinary people who have suffered sexual abuse and are only now able to begin to contemplate the idea of telling somebody about it. Victims of crime are women who have been trapped in relationships with violent and sadistic partners with little hope of escape or children who have suffered untold abuse at the hands of those who should have protected them.

Despite the Minister's assurances in his second reading speech that this legislation is about simplifying the system for compensation, the bill before us tonight replaces the existing scheme with what I would argue is a far more complex system of payments and services that requires victims of crime to tick a range of different boxes. If they do not fit in the box, that is just too bad. The current system allows lump sum claims of up to \$50,000. The new scheme provides recognition payments at specified amounts based on the criminal act concerned, not on the impact of the crime on the victim. Payments are divided into three categories, with a maximum payment of \$15,000. It includes financial assistance for immediate needs up to a maximum amount set by regulation; financial assistance for economic loss to a maximum amount set by regulation, currently \$20,000; and counselling services. Rather than making one application for lump sum compensation, the new scheme has a variety of different categories of payments. It will be far more complex than the present system.

The new scheme will reduce awards for some victims by 100 per cent. Some victims will now be entitled to absolutely nothing. It is not good enough for members opposite to say, "We are making it better, there is a long waiting list", when the Government is making cuts that will stop thousands of people from getting anything. The bill is retrospective. Part 2 of schedule 2 provides that compensation under the current scheme is not payable unless the matter was finally determined before 7 May 2013, the day this bill was introduced in the other place. I was speaking to a mother this afternoon, a woman I have had a lot of contact with. She had no idea about the bill being debated tonight. I was talking to her about the process she is going through with her two sons who were viciously assaulted earlier this year. It was a sickening act that her sons suffered and the support she is giving to her family is extraordinary.

She has recently gone to a lawyer to try to get support for victims compensation because she needs the money. Both her sons have suffered severe impact injuries as a result of their assault and she found out only today that the lawyer lodged the papers for one son but not the other. These two boys were assaulted at the same time. Their injuries are horrendous. They are carrying massive scars, both physical and mental. If this legislation is passed tonight one son will be eligible for support and the other will not. It is unjust.

Any claims not already completed must be dealt with under the new scheme. The bill also imposes a new time limit of two years from the date of the act of violence or within two years of the victim turning 18 years of age. That time limit applies except for applications for a recognition payment in respect of an act of violence involving domestic violence, child abuse or sexual assault where the application must be made within 10 years of the victim turning 18 years of age. In those cases a 10-year time limit applies. I know that most members in this House have worked very hard both before and during their time in this House to deal with issues associated with sexual abuse and domestic violence in our community. All members know that the issues are complex and that victims struggle to identify and deal with the issues they have had to face. Those opposite know that 10 years is not enough time. The 10-year limit is one of the most offensive parts of this legislation.

The 10-year limit will arbitrarily and retrospectively preclude a vast number of child victims of sexual abuse and sexual assault in institutions, and victims of family and domestic violence. A number of case studies have been mentioned tonight and I thank, in particular, the community legal centres that have spoken out about this bill. I am concerned that the O'Farrell Government also is attempting to gag community legal centres from advocacy work. If it were not for community legal centres standing up and speaking out on behalf of people who cannot speak for themselves, we would not have this quality debate or hear the voices of victims tonight. This Government's attempt to gag those centres is an attack on their democratic rights and yet another attack on the most vulnerable people in our community.

It is getting late so I will not read through all the case studies; many have been shared by previous speakers, but again I raise the issue particularly that the new scheme will not recognise psychological trauma. Again I implore members of this House who know that psychological trauma is part and parcel of what occurs to victims of sexual abuse particularly, child sexual abuse and domestic violence. It is wrong to say this bill cannot deal with that adequately. We talk about this place as the House of review. I have sat on the Government benches for many years and know that at times it is difficult to vote for legislation. Tonight I find it particularly difficult that no-one from the other side of the House has tried to defend this bill. As far as I can tell, little resistance has been put up to this bill. Something I normally do not acknowledge is the difference between the Coalition parties and my party in that the members opposite theoretically have the ability to cross the floor to stand up and speak out on these issues. However, I doubt that will happen tonight, and that is a great pity.

Finally, I raise one issue that has been raised previously but not picked up. Reverend the Hon. Fred Nile spoke about grandparents having access to compensation and indicated that the Government had told him grandparents would be eligible because they would be considered guardians of the children. From my reading of the bill, grandparents will be considered guardians only if they are guardians at the time of the incident. The bill fails to acknowledge the role of most grandparents in times of crisis to look after children, which would lead to compensation. Grandparents usually step in after the incident has occurred. I believe that the suggestion from Reverend the Hon. Fred Nile that grandparents will be eligible and not excluded from this legislation is at best unclear and at worst absolutely false. I ask the Minister to clarify that issue in his response.

There is no point saying to grandparents that they will be able to access money as victims if they actually cannot. That is yet another problem with this bill. In conclusion, this side of the House has made a very strong case tonight based on compassion and facts to warrant the Government rethinking the bill. We will not stand on the table tops and try to make political pointscoring out of this legislation if the Government chooses to take it off the table and undertake proper consultation to get it right.

The Hon. STEVE WHAN [12.33 a.m.]: My colleagues on this side of the House have made a number of very passionate and well-researched speeches about the flaws in this bill. I too have received many emails and heard many stories of the trauma people have faced over the years. Some stories are awful and certainly make any of us feel upset. I am sure everyone in this place has received emails from a 44-year-old male who told us that only recently he closed the door on a four-year legal battle over his own abusive experiences as a 12-year-old; a 61-year-old who did not feel strong enough to claim victims compensation until he was 57 for something that occurred when he was just six—a particularly awful story; and from a community legal centre, about which so many people have spoken, that spoke about a domestic violence case where the person who had been assaulted would get a maximum award of \$38,000 under the old Act but under the new scheme would receive just \$1,500.

We heard of appalling cases where a victim's ability to even claim will be restricted by this Government's 10-year limit about which we have heard so much, or the amount they can receive will be restricted to limits that simply are unreasonable given their suffering. We all know that the suffering these people have encountered cannot be cured by money, but the compensation process is part of a process to help those people come to grips with their experience and get on with their lives. This Government will make that process more difficult. This legislation is about putting money before people—a view expressed by many of my colleagues. This debate is depressing, as the Hon. Helen Westwood and many other members noted, with Government members being so silent on this legislation. When in opposition they had so much to say about victims of crime and sent us all emails urging us to attend events supporting victims of crime and support groups.

Apart from the Minister, no Government members have spoken in this debate. In the other place, which has 70 Government members, just three members and the Minister spoke on this legislation. That is a sure sign that Government members are embarrassed about this legislation, are unwilling to defend it and are simply

going along with a bill that has been pushed through as a cost-saving measure. It is quite disgraceful. This side of the House has seen the passion this bill has aroused. Many of us on this side of the House feel outraged by the way this Government is handling victims' compensation. One thing that offended me the most this evening in this debate was, unfortunately, the contribution from Reverend the Hon. Fred Nile. He had the temerity to suggest that members of the Labor Party were speaking on this with such passion because we had guilty consciences.

Reverend the Hon. Fred Nile: Hear, hear!

The Hon. STEVE WHAN: That was a disgraceful accusation to make from someone who, I suspect, might have been suffering from what he was accusing Labor of. What are we guilty of? Are we guilty of erring on the side of generosity when it came to victims' compensation? The only thing Reverend the Hon. Fred Nile actually criticised was that costs in the scheme were blowing out. I acknowledge that any scheme over time will always need to be looked at, but with a balance of compassion and not just for the money, as this Government is doing. This Government simply is focusing on the money aspect. For Reverend the Hon. Fred Nile to suggest that Opposition members spoke on this bill with anything but concern for victims of crime in this State is offensive and devalues all of his comments. I will be interested to see Reverend the Hon. Fred Nile's amendments that he foreshadowed for consideration later in this debate and what deal he has done off his own bat after refusing, as I understand, to meet some of the groups who were so keen to talk to him about it.

Reverend the Hon. Fred Nile: We met all the groups and spent hours with them.

The Hon. STEVE WHAN: He interjects that his party met all groups and spent hours with them. I will be interested to see if that is borne out by comments we hear later. I will be interested to see the deal that has been done behind closed doors with Reverend the Hon. Fred Nile. For the member to accuse the Labor Party of having a guilty conscience is offensive in the extreme. He should be embarrassed and ashamed of his effort. He is backing the Government's selling out of the victims of crime. If Labor is guilty of anything, it is of erring on the side of generosity when it comes to the victims of crime. He should be embarrassed by the comments he has made tonight. A search of *Hansard* of the last Parliament when Coalition members were in opposition shows that the Hon. David Clarke had plenty to say about victims of crime. He has been silent tonight. The Hon. Marie Ficarra had plenty to say about victims of crime then. She has been silent tonight. I have no doubt the Hon. Matthew Mason-Cox would have done similarly.

The Hon. Matthew Mason-Cox: No. I didn't say a thing.

The Hon. STEVE WHAN: The Hon. Matthew Mason-Cox interjects that he never said a thing about victims of crime in the last Parliament. I take him at his word on that because I did not search his name while I was sitting in the Chamber listening to the debate. This is an example of Government members sitting back and allowing the motivation of simply saving money to overtake the motivation of helping victims of crime with their legitimate needs. It is a disgrace that members who sent us emails urging us to support organisations and victims of crime now sit silently while the Government imposes a 10-year limit that stops two of the people I mentioned earlier making a claim.

They waited decades before they could face the task of asking for recompense to try to overcome the trauma caused to their lives. It is a disgrace that those Government members sit silent, and in doing so go along with a cost-cutting savings, allow the 10-year limitation provision to be put in this legislation, and allow the reduced amounts that victims can receive as compensation. My colleagues have eloquently outlined the case why this bill should, at the very least, be amended but preferably should be deferred. The bill has been in the other place since 7 May. That is not a long time for the community to consider this sort of legislation.

The Hon. Michael Gallacher: What is today's date?

The Hon. STEVE WHAN: The Minister might think that is a terribly long time for the community to consider this legislation.

The Hon. Michael Gallacher: It is three weeks, plus the years of neglect by you guys.

The Hon. STEVE WHAN: The Minister thinks three weeks is plenty of time for eight million people in New South Wales to make themselves aware of this legislation, to discuss it and to consider the amendments proposed.

The Hon. Michael Gallacher: You are embarrassing.

The Hon. STEVE WHAN: For the Minister to say, "You are embarrassing" shows the paucity of his argument. It is appalling that Government members have been silent on this bill. They are all hypocrites. I listened for eight years in the other place to their colleagues rattling on about how they wanted more done for victims of crime. Now, in this place, they are all party to removing the rights of those victims. They should be embarrassed.

The Hon. LUKE FOLEY (Leader of the Opposition) [12.42 a.m.]: I believe I will be the last speaker in this debate from the non-Government parties. I followed the debate intently in my office this evening. I have listened to all of the contributions. It is unfortunate that, to date, no member of the Government has spoken in this debate to put a case for the Victims Rights and Support Bill 2013. I note that tonight there has been much talk of rights; numerous speakers have made the point that the title of this bill is Orwellian in that it is a bill that, in our view, strips rights from the victims of crime yet is titled, in part, "victims rights". There has been much talk about rights.

I want to introduce a new word, and that is dignity. For all the talk of human rights, I think the roots of human rights are to be found in the dignity that belongs to every human being, the dignity that is inherent in human life and equal in every person. I am sure Reverend the Hon. Fred Nile would agree with me that that human dignity has been given by God; and that human dignity, having been given by God and wounded by sin, was taken and redeemed by Jesus Christ in his death and resurrection.

The dignity of every person before God is the basis of the dignity of man before other men. That is a view of humanity and people's dignity that Reverend the Hon. Fred Nile, the Hon. Paul Green and I share. So there are many of us who understand that, for all the abstract talk of rights, human rights derive from human dignity and the proper dignity of every human being. And only that recognition of human dignity can make possible the common and the personal growth of all human beings. I have always believed that to stimulate the kind of personal growth that I have talked about, it is necessary in particular to help the least. Pope Paul VI taught us that, as did many other Popes.

It is often fashionable in the Labor movement to characterise people from the conservative parties as heartless, as lacking in compassion, as drawing some satisfaction or enjoyment from trampling on the downtrodden. I just think that is wrong. I think the overwhelming majority of people who enter public life, who enter Parliament, do so because they want to advance the welfare of the community and the welfare of people. Really, I think it is trite to say that people from right-wing parties get their kicks from trampling on the downtrodden. We have to look beyond those sorts of clichés and consider people, people's motivations, parties' motivations and governments' motivations far more seriously than that. I know the Hon. Greg Smith to be a compassionate person. I know him to be a good person. I do not know how he can bring himself to introduce this bill. I disagree with what he has done in introducing this bill to the Parliament. I do not believe it is because he is some vicious, heartless person.

I think that the last people you would engage to create a bill that responds to people's physical and psychological scarring, a loss of their human dignity as victims of crime, would be a bunch of accountants and auditors. Earlier this week I met with a group of people from the Homicide Victims Support Group. One of the great things about being a member of Parliament is that so often we meet people and groups that teach us so much. I learned things in that meeting on Monday with Martha Jabour and the people she brought in. One of the things they taught me is that it is not just about rights; it is about the dignity of people, and the loss of human dignity. There is obviously a loss of life when someone is murdered; but their family members, their loved ones, are victims of that crime, too. When I say they are victims, I am not talking about their rights in the first instance; I am talking about their dignity and what it does to them as the spouse, child or parent of someone who is murdered.

In attempting to deal with that assault on their dignity legislatures have to recognise their needs are not just financial; they have emotional needs. People are scarred for years and decades after the murder of a loved one. They have financial needs and they need money to keep them going in their lives. People can often barely get out of bed because of the scarring the assault on their dignity that crime has caused. The crime has not only taken the life of a family member, but it has also affected them as a loved one of that murder victim. There is a loss of dignity. There is so much talk about rights in politics, but let us start with the concept of equal dignity for all human beings. I think about Martha Jabour and retired Assistant Commissioner John Laycock and the work

they do assisting the loved ones of homicide victims. These people are secular saints. What they are doing is reaching down to tend and bind the wounds and extend a hand to the most damaged and scarred members of our community.

Homicide does not discriminate. It has no boundaries or limits, it does not make exceptions and it cuts across social, religious, class and ethnic boundaries. Homicide can be so random. It cannot be right that a government, through whatever tortuous mechanisms, finds itself in a position that large tax concessions are given to the clubs industry, that very significant cuts are made to the fees paid by thousands of private jetty owners and, at the same time, that very large cuts are made to victims' rights and the financial payments to the victims of crime. These people have suffered an assault on their dignity as human beings. I do not think we have got there because members of the Liberal Party and The Nationals are cruel, heartless, Tory bastards. I do not think that at all.

I understand that individual decisions are taken at different times and budgets are put together, but I ask Government members to just step back: It cannot be right that thousands of private jetty owners receive a 36 per cent cut in the fees they pay, that large clubs doing very well receive massive tax concessions and the Government that has taken those decisions serves up this bill that slashes payments and support for victims of crime. It just cannot be right. Members need to think about that. I have talked about the Liberal-Nationals Government. Through you, Mr President, I will now speak to Reverend the Hon. Fred Nile and the Hon. Paul Green. Reverend the Hon. Fred Nile was unfairly harsh on my party. I am not going to respond to his comments.

I think he and his colleague are in a difficult position and it happens to them often. When members have the balance of power an awesome responsibility goes with that. They are standing in the middle of a conflict between the Government and Opposition and they are hearing the pleas of people, many of whom are desperate. There is a natural inclination for the Christian Democratic Party to support the government of the day on major legislation, whether that is a Labor or a Liberal-Nationals Government.

Reverend the Hon. Fred Nile: As you know we did that with the Labor Government.

The Hon. LUKE FOLEY: I acknowledge that.

Reverend the Hon. Fred Nile: Often under severe attack.

The Hon. LUKE FOLEY: I understand the difficult position the member is in, but I think this is a bridge too far and I think members ought to sleep on it. I think we ought to come back tomorrow and see whether we can do better as a House of review. I have been to the Holy Land with Reverend the Hon. Fred Nile and the Hon. Paul Green, and we had a great time together. I have been in Jerusalem with them. I want to share this well-known story with the members:

A man was going down from Jerusalem to Jericho, when he was attacked by robbers. They stripped him of his clothes, beat him and went away leaving him half dead. A priest happened to be going down the same road and when he saw the man he passed by on the other side. So too a Levite, when he came to the place and saw him, passed by on the other side. But a Samaritan as he travelled came where the man was and when he saw him he took pity on him. He went to him and bandaged his wounds, pouring on oil and wine. Then he put the man on his own donkey, brought him to an inn and took care of him. The next day he took out two denarii and gave them to the innkeeper. "Look after him", he said, "and when I return I will reimburse you for any extra expense you may have." Which of these three do you think was a neighbour to the man who fell into the hands of robbers? The expert in the law replied, "The one who had mercy on him." Jesus told him, "Go and do likewise."

It is the parable of the Good Samaritan from Luke's Gospel. When Jesus said, "Love your neighbour as yourself" he illustrated it with that parable. All members have an obligation and a duty to help the least of our brothers and those in the most trouble. There are no people in greater need in our society than victims of crime and the grieving relatives of homicide victims. The parable of the Good Samaritan speaks of a victim of crime and how Jesus sought that he be treated. I do not say this to the Hon. Paul Green and Reverend the Hon. Fred Nile to embarrass them or shame them in any way. I share the same faith as those members. The Hon. Paul Green, Reverend the Hon. Fred Nile and I have been to the Holy Lands and Jerusalem together. I ask that members consider the parable of the Good Samaritan.

I know the Hon. Paul Green and Reverend the Hon. Fred Nile have negotiated for concessions in this bill from the Government this week. I respectfully say that I do not believe that the concessions the members wrought out of the Government go far enough. As a House, members ought to be able to do better than the present bill. We ought to sleep on it and come back tomorrow to see whether we can do better for the least of

our brothers, the people who need compassion, love, support and a helping hand more than any other group in society: victims. Let us not just consider their rights—although their rights are important—but their dignity as people. Their dignity is absolutely non-negotiable and absolutely paramount, as it must be. I move:

That this debate be now adjourned.

Question put.

The House divided.

Ayes, 18

Ms Barham	Mr Moselmane	Ms Westwood
Mr Buckingham	Mr Primrose	Mr Wong
Ms Cotsis	Mr Searle	
Mr Donnelly	Mr Secord	
Ms Faehrmann	Ms Sharpe	<i>Tellers,</i>
Mr Foley	Mr Shoebridge	Ms Fazio
Dr Kaye	Mr Veitch	Mr Whan

Noes, 19

Mr Ajaka	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mrs Pavey
Mr Borsak	Mr Khan	Mr Pearce
Mr Clarke	Mr Lynn	
Ms Ficarra	Mrs Maclaren-Jones	<i>Tellers,</i>
Mr Gallacher	Mr Mason-Cox	Mr MacDonald
Miss Gardiner	Mrs Mitchell	Dr Phelps

Pairs

Ms Voltz

Mr Colless

Question resolved in the negative.

Motion for adjournment of debate negatived.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [1.06 a.m.], in reply: I thank all honourable members for their contribution to the debate. I note that my fellow Cabinet colleague Mr Greg Smith, the Attorney General, addressed many of the misunderstandings, or perhaps deliberate misinterpretations, of the bill in the other place. I will clarify some particular aspects of the new Victims Support Scheme that appear to have been misunderstood, particularly as the scheme relates to family members of homicide victims. First, a recognition payment of \$15,000 will be available to each financially dependent member of the victim's immediate family.

This includes a spouse or a de facto partner, a parent, step-parent or guardian, a child or a step-child, and a sibling or step-sibling. That is to recognise that when someone loses a member of his or her family it may have a financial impact. The recognition payment for homicide victim families is designed to provide some financial relief in the immediate aftermath of the death to those family members whose income will be affected. Being financially dependent does not mean that the victim was the sole breadwinner in the family. It includes families where the victim was only one contributor to the family's income. Children who are minors will almost always be deemed to have been financially dependent on both parents, even if the parents were separated, provided that the non-resident parent contributed some form of child support, even if only occasionally.

Parents of a homicide victim who were not financially dependent on the victim will receive a recognition payment of \$7,500. Whilst not all family members of homicide victims are eligible for recognition payment, each member of the victim's immediate family is also eligible for counselling, up to \$5,000 for immediate needs assistance and up to \$5,000 for expenses associated with attending related criminal or coronial proceedings. If, as a result of the homicide, the victim's children need to be cared for by their grandparents or by an aunt or uncle, the children will each be eligible for a recognition payment of \$15,000 and, in addition, the grandparents or the aunt or uncle will be eligible for immediate needs assistance to help in looking after the children.

Another misconception that was touched upon during debate is that there is a time limit on victims seeking counselling services. The bill does not—I repeat does not—impose any time limit on victims receiving counselling. Victims will be able to receive up to 22 hours of counselling and more than 22 hours if they need it. I reiterate that there is no limitation period that applies to counselling. Another issue raised is the timeliness of counselling. I can advise that applications for counselling by victims are dealt with within 48 hours by Victims Services. Another misconception is how existing claims will be dealt with under the bill. Existing claims that have been finally determined before the date of introduction of the bill will not—I repeat will not—be affected. However, the time limits for recognition payments will not be imposed on those existing claims.

Yet another misconception is that there are no payments for psychological harm. This is simply not true. There must be an injury but not necessarily physical injury. The Opposition referred to some tragic homicide cases over the past 20 or 30 years—one being the disappearance of Kerry Whelan—and claimed that the families would not receive payments under the new scheme. Again this is not correct. In the case of Kerry Whelan, for example, her husband would receive a recognition payment of \$15,000, as would each of her dependent children. They would each be entitled to receive other categories of financial assistance and counselling. Under the current scheme Mrs Whelan's family would share a pool of \$50,000, which would have to cover all the financial costs arising from the homicide, such as funeral or memorial costs and the cost of travelling to coronial or court proceedings.

The Opposition has called this bill a cost-cutting exercise. Again, this is not true. There is no reduction to the budget of the scheme. Instead, we are directing the payments to victims in a timely and practical fashion. This means that the Government seeks to meet the objectives of the bill by providing assistance to victims at a time when they need it most, not as happens with the current scheme, hopefully soon to be amended, where people wait 2½ to three years before a determination is made. The Opposition when in government was prepared to defend a scheme that had victims waiting three years for a determination to be made. With respect to the 24,000 cases that exist under the Victims Compensation Scheme, claimants whose cases have been determined already will receive that amount determined. Cases that are being appealed have the right of the appeal findings and outcomes. All other cases will be dealt with under the Victim Support Scheme. I also note that a statutory review will be conducted after three years of the operation of the new scheme. The results of that review will be tabled in the Parliament.

The bill will establish a new Victims Support Scheme to replace the Victims Compensation Scheme, abolish the Victims Compensation Tribunal and establish a Victims Support Division of the Administrative Decisions Tribunal, incorporate related and appropriately amended provisions from the Victims Support and Rehabilitation Act 1996, re-enact with minor modifications the provisions of the Victims Rights Act 1996, provide for a Commissioner of Victims Rights, and repeal the Victims Support and Rehabilitation Act 1996 and the Victims Rights Act 1996. I commend the bill to the House.

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

The House divided.

Ayes, 19

Mr Ajaka	Miss Gardiner	Mrs Mitchell
Mr Blair	Mr Gay	Reverend Nile
Mr Borsak	Mr Green	Mrs Pavey
Mr Clarke	Mr Khan	
Ms Cusack	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mrs Maclaren-Jones	Mr MacDonald
Mr Gallacher	Mr Mason-Cox	Dr Phelps

Noes, 17

Ms Barham	Mr Moselmane	Mr Veitch
Mr Buckingham	Mr Primrose	Ms Westwood
Ms Cotsis	Mr Searle	Mr Wong
Mr Donnelly	Mr Secord	<i>Tellers,</i>
Ms Faehrmann	Ms Sharpe	Ms Fazio
Dr Kaye	Mr Shoebridge	Ms Voltz

Pairs

Mr Colless
Mr Pearce

Mr Foley
Mr Whan

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

The CHAIR (The Hon. Jennifer Gardiner): I propose to deal with the bill in parts.

Part 1 [Clauses 1 to 3] agreed to.

Part 2 [Clauses 4 to 7] agreed to.

Part 3 [Clauses 8 to 16] agreed to.

Mr DAVID SHOEBRIDGE [1.24 a.m.], by leave: I move The Greens amendments Nos 1 and 2 on sheet C2013-067 in globo:

No. 1 Page 20, clause 29 (4) (a), line 32. Omit "financially".

No. 2 Page 20, clause 29 (4) (b), line 36. Omit "financially".

These amendments provide that a close relative of a homicide victim who was not financially dependent but who was emotionally and otherwise dependent on the victim can claim compensation as a family victim. As horrific as it is, these circumstances happen all too often. If the female partner of a married couple who was a homemaker was killed as a result of a criminal act, according to the definition of a family victim in this bill—that is, a person who is financially dependent—the husband would be unable to claim compensation. The husband would not be financially dependent and would also not fall within the definition in clause 29 (4) (b), which refers to the child of the primary victim.

This amendment allows a person to be a dependent family member if they are found by the commissioner to be dependent upon the primary victim at the relevant time. If this amendment is not agreed to, that husband could not claim any form of compensation as a family victim. I note that this amendment has the strong support of the Homicide Victims' Support Group, which has urged all parties to agree to it. Government and crossbench members must not prevent family members who are emotionally but not financially dependent on a murdered person from claiming compensation in that situation. I commend the amendments to the Committee.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [1.28 a.m.]: The Opposition supports The Greens amendments. They are sensible because one can imagine many forms of family arrangements in which people are dependent upon other family members, for example, for ongoing care and support of a non-financial nature. If the amendments were agreed to the object of the provision would be maintained in that a dependency would still have to be demonstrated, but it would not be only a financial dependency.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [1.29 a.m.]: The Government does not support these amendments. In their circulated form the amendments were not specifically clear in their intent, but it is clear now, following the contribution of Mr David Shoebridge, that they are designed to provide that all dependent family members of a homicide victim, not just those who are financially dependent, are entitled to a category A recognition payment of \$15,000.

The amendments would not achieve this aim because clause 36 of the bill states categorically that a category A recognition payment is payable only to a family victim who was financially dependent on the victim before his or her death. In any case, making a category A recognition payment available to all family members

of victims is not supported. A category A recognition payment is designed precisely to assist those immediate family members who are directly affected by the loss of the victim's income. The amendments are opposed because they have no practical application.

Mr DAVID SHOEBRIDGE [1.30 a.m.]: It is very clear that in opposing these amendments the Government wants to slice and dice entitlements between different family members. The only justification in terms of a recognition payment is whether or not somebody is financially dependent. I will read onto the record the very clear position put by the Homicide Victims Support Group:

Section 36 (1) (a) and (b) differentiates between different family members insofar as recognition payments are concerned. If your spouse is murdered and you are dependent on that person you will receive \$15,000 under the proposals. If you are not dependent then you will receive nothing. If a child is murdered then the parent will receive \$7,500. The criteria appears to be financial dependency but the impact of murder on a family member goes far deeper.

How do we tell a parent whose child was murdered that the Government will give them a recognition payment of only \$7,500 for the killing of their child? The Homicide Victims Support Group was the organisation that initially pressed for the current structure to be expanded, offering additional services of counselling and other out-of-pocket expenses to deal with the complexities of the criminal justice system. Families will be far worse off under the proposals. Siblings are ineligible to receive monetary recognition payment or other expenses. If there are no dependents then the siblings should be eligible together with all other family members as defined.

How do you tell a parent that the death of their child means they get only a \$7,500 recognition payment? How do you say that the parent's loss of a child is valued at half of what the loss of a dependent spouse would be? How do you draft and support legislation in this House that makes those kinds of distinctions? It is obscene. I commend the amendments to the Committee.

Dr JOHN KAYE [1.32 a.m.]: These amendments are worth supporting because they take a relationship for the purposes of compensation beyond purely financial; they go to the issue of family relationships. A number of conversations have taken place around the Chamber, not recorded in *Hansard*, about exactly what it means to be within a family. What does it mean to be within a close relationship? It is certainly not a financial dependency that counts. Where the hurt occurs, where the damage occurs, is when one loses somebody with whom one has a close personal relationship. Whether that relationship is financial or not for the purposes of this part of the Act ought to be irrelevant; it ought to be based purely on the closeness of the relationship. Therefore, what these amendments seek to do—and I urge all members to support them—is to move this connection beyond the mere financial into the nature of the dependency in a relationship. I commend the amendments to the Committee.

Question—That The Greens amendments Nos 1 and 2 [C2013-067] be agreed to—put.

The Committee divided.

Ayes, 17

Ms Barham	Mr Primrose	Ms Voltz
Ms Cotsis	Mr Searle	Ms Westwood
Mr Donnelly	Mr Secord	Mr Wong
Ms Faehrmann	Ms Sharpe	<i>Tellers,</i>
Ms Fazio	Mr Shoebridge	Mr Buckingham
Mr Moselmane	Mr Veitch	Dr Kaye

Noes, 19

Mr Ajaka	Mr Gay	Mrs Mitchell
Mr Blair	Mr Green	Reverend Nile
Mr Borsak	Mr Harwin	Mrs Pavey
Mr Clarke	Mr Khan	
Ms Cusack	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mrs Maclaren-Jones	Mr MacDonald
Mr Gallacher	Mr Mason-Cox	Dr Phelps

Pairs

Mr Foley	Mr Colless
Mr Whan	Mr Pearce

Question resolved in the negative.

The Greens amendments Nos 1 and 2 [C2013-067] negatived.

Mr DAVID SHOEBRIDGE [1.43 a.m.]: I move The Greens amendment No. 1 on sheet 2013-042A:

No. 1 Page 23, clause 35 (3). Insert after line 17:

- (e) domestic violence (being any act referred to in paragraph (f) of the definition of *sexual assault and domestic violence* in section 19) that is one of a series of related acts of domestic violence.

This amendment will insert in clause 35(3) a new subparagraph (e) for category C recognition payments of \$5,000 by reason of the regulations that are contained in the schedule to the bill. This new category will be where the act of violence involved domestic violence being an act referred to subparagraph (f) of the definition of sexual assaults and domestic violence in clause 19 (4) of the bill, which states:

... a *series of related acts* is two or more acts that are related because:

- (a) they were committed against the same person, and
- (b) in the opinion of the Tribunal or the Commissioner:
 - (i) they were committed at approximately the same time, or
 - (ii) they were committed over a period of time by the same person or group of persons, or
 - (iii) they were, for any other reason, related to each other.

The purpose of this amendment is to ensure that those victims of domestic violence are not given only the paltry \$1,500 category D payment. I do not think anyone in this Chamber could pretend that \$5,000 as a recognition payment goes anywhere near adequately compensating a woman who has been the subject of repeated domestic violence. However, it can be a statement by the Parliament that \$1,500 is grossly insulting in those circumstances. Unless this amendment gets up, women who have potentially been the victim of longstanding domestic violence or intimidation, bullying or assaults that do not occasion grievous bodily harm that leads to potentially substantial psychological trauma will get a category D recognition payment in the sum of only \$1,500 and a few counselling sessions from the Victims Compensation Scheme. The Government proposes that deeply insulting payment in this bill. The conservative crossbench members in the Christian Democratic Party and the Shooters and Fishers Party appear to think that that is an adequate payment for women suffering from domestic violence. The women and children's refuge named Jenny's Place sent a submission to all members. It states:

We are concerned most of the women we see would be ineligible for compensation under the proposed new scheme even though many of them have been victims of serious domestic violence involving physical abuse, intimidation and stalking over periods of many months and sometimes over many years. Most of these women would not meet the "grievous bodily harm" criteria. In cases of sexual assault, this is in most cases impossible to prove in the absence of witnesses. In addition, many women do not report to authorities for a variety of reasons, including fears that the perpetrator may carry out threats to harm the women or her children, shame or for cultural reasons

Jenny's Place also stated:

The detrimental psychological impact of domestic violence can continue for years. In fact many of the women we see have made comments to the effect that the bruises can heal but the psychological harm lasts for years. As an example; one of the woman assisted recently by our service had a gun held to her head. That leaves no bruises, however it is very simple to understand her ongoing terror at the thought of further contact with her former partner and her dilemma in deciding whether she should report to police at the risk of very serious retaliation.

The Government would give that woman a category D recognition payment of \$1,500—absent this amendment. The amendment would not make the scheme fair for victims of domestic violence but it would show that we recognise that repeated instances of domestic violence, and the harm that our society suffers and women suffer in these situations, elevates them beyond receiving the very lowest category of recognition payment. I commend the amendment.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [1.47 a.m.]: The Opposition will support this amendment of The Greens because it provides for a particular and specific recognition for victims

of domestic violence within the legislation. A clear theme in the legislation is the under-recognition of the trauma and suffering of victims of crime. Its categorisation for the purpose of recognition payments does not make specific reference to domestic violence. This is a serious omission in the scheme which this amendment would address. For those reasons the Opposition will support the amendment.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [1.48 a.m.]: The Government does not support The Greens amendment No. 1 because it does not conform with the proposed scheme, which determines recognition payments according to the type of crime. Domestic violence victims are already eligible for a recognition payment, but this will vary depending on the severity of the violent act. The amendment would limit the recognition payment to category C or \$5,000, whereas under the bill as drafted a domestic violence victim is eligible for a recognition payment of category B, C or D. In addition, a domestic violence victim will also be eligible for financial assistance for urgent needs and/or longer term economic loss.

Dr JOHN KAYE [1.49 a.m.]: The Greens amendment No. 1 is extremely important not just for women, who are enormously overrepresented amongst the compensated victims domestic violence, but also for their children. I will further quote the letter from the management committee of Jenny's Place Women and Children's Refuge which Mr David Shoebridge quoted. It says:

We cannot emphasise enough that helping the women helps the children too. For example, a compensation payment in the vicinity of \$7,500 can help a mother to pay off debts incurred in setting up alternative housing arrangements, or to purchase a second hand car. This hastens a return to a more normal lifestyle, resulting in a mother being able to do the same things as other parents, such as dropping children off to attend sports events, or being able to juggle parenting roles and work thanks to the convenience of having suitable transport.

This amendment will increase payments of \$1,500 to payments of \$5,000. That will make the world of difference to women and their children who have been subject to repeated acts of domestic violence. It will mean the difference between a woman being able to set up a new house for herself and her children or not and being able to purchase a new vehicle or not. The increased payment will mean that the children will grow up in a family structure that has been returned to some degree of normality. With real estate and car costs the way they are, there is no way that \$1,500 would cover a woman who has left her home because of domestic violence, taking her children with her. In her struggle to re-create her life there is no way that woman could set up a new home for her family or purchase a car with \$1,500.

The compensation envisaged as a result of proposed section 35 (4) (d), the section under which such a woman would fall, will confine that woman and her children to a situation of penury with no ability to re-establish any approximation of normal family life. Under The Greens amendment that woman would get \$5,000. That is probably not enough, but it is closer to the amount that Jenny's Place Women and Children's Refuge recommended as the amount that a woman needs to pay off the debts incurred in setting up an alternative housing arrangement or purchasing a vehicle. If for no reason other than out of sheer consideration for the welfare of the children in that situation, I commend the amendment to the Committee.

Mr DAVID SHOEBRIDGE [1.52 a.m.]: One matter of clarification: The Government said that this would limit women in those situations to only a category C payment. Quite the contrary: this would elevate almost every woman who would otherwise be limited to a category D \$1,500 payment to a \$5,000 payment. It would not exclude women who would otherwise be entitled to a category A or B payment. I think the Government is either deliberately or accidentally misreading the amendment.

Question—That The Greens amendment No. 1 [C2013-042A] be agreed to—put.

The Committee divided.

Ayes, 17

Mr Buckingham
Ms Cotsis
Mr Donnelly
Ms Fazio
Dr Kaye
Mr Moselmane

Mr Primrose
Mr Searle
Mr Secord
Ms Sharpe
Mr Shoebridge
Mr Veitch

Ms Voltz
Ms Westwood
Mr Wong
Tellers,
Ms Barham
Ms Faehrmann

Noes, 19

Mr Ajaka
Mr Blair
Mr Borsak
Mr Clarke
Ms Cusack
Ms Ficarra
Mr Gallacher

Mr Gay
Mr Green
Mr Harwin
Mr Khan
Mr Lynn
Mrs Maclaren-Jones
Mr Mason-Cox

Mrs Mitchell
Reverend Nile
Mrs Pavey
Tellers,
Mr MacDonald
Dr Phelps

Pairs

Mr Foley
Mr Whan

Mr Colless
Mr Pearce

Question resolved in the negative.

The Greens amendment No. 1 [C2013-042A] negatived.

Mr DAVID SHOEBRIDGE [2.01 a.m.]: I move The Greens amendment No. 2 on sheet C2013-042A:

No. 2 Page 25, clause 39 (2), line 1. Insert "or provider of support services," after "Government agency".

Clause 39 of the bill describes the documentary evidence required to accompany an application for victims support. It makes it clear that in order to get to first base certain documentary evidence is required to have one's application considered. It says, without limiting what other documents the Government can require in an approved form, the documentary evidence required for an application for financial assistance for economic loss under new section 26 or new section 27 or for a recognition payment is a police report or report of a government agency and a medical, dental or counselling report verifying that the applicant or child who is the primary victim concerned has been injured as a result of an act of violence. That means that, unless one has the support of a police report or a formal government agency that acknowledges and accepts the loss, one cannot get to first base.

This amendment, if successful, would also allow for a document supporting a claim to be provided by a provider of support services such as a rape counselling centre, a crisis centre or a women's support centre, and support services are defined under the Act. This is most crucial in cases of historical child sexual assault. For example, a child could have been the subject of repeated rape as a child and not disclose it until 40 years down the track, by which time the perpetrator may have died and there is no evidence that the police or another government agency can act upon. There are simply no documents but there may be support in medical records. There may be strong support from a counselling service or a women's health service that hears the complaint, accepts the complaint, looks at the earlier medical records and puts in a report supporting the complaint.

In those cases—particularly in cases of historical child sexual abuse—unless this amendment is successful this harsh requirement for documentary evidence will mean that many legitimate claims from victims will never get to first base. They will be ruled out because they cannot get together the documentation that will allow their application to be accepted under this new system. The Christian Democratic Party and the Shooters and Fishers Party have said that they want to extend the time in which victims of child sexual assault can make a claim for compensation. If they do that but they do not support this amendment, they will be going only a very small way to allowing those victims of historic child sexual abuse to have a valid claim. If they cannot get the support of a police report or another government agency report—and in so many cases they will not be able to—they will be excluded from compensation under this scheme. I commend The Greens amendment No. 2 to the Committee.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [2.05 a.m.]: The Opposition will support The Greens amendment No. 2 because it recognises the reality that many of the services that victims of crime need to access, and do access, are simply not provided directly by government. They are funded by government but they are provided through community-based non-government organisations. That is particularly the case outside Sydney, in regional and rural areas. For example, in my community of the Blue Mountains almost all services are provided by community-based organisations, with funding from one or other level of government. But none of those services would meet the definition of a government agency for the purposes of this legislation. First, this legislation is unrealistic about what is happening because governments of all persuasions have used the mechanism of funding non-government bodies to deliver these services. Through the appearance of providing a mechanism for the gathering of documentary evidence so victims can bring forward their claims, it is another opportunity in this legislation to slam the door firmly in their face.

As I have indicated, most—if not all—of the services are not provided by government agencies. There needs to be a further, broader category of support services provider that encapsulates all those bodies that are funded by government but not delivered by it. I urge the conservative crossbenchers to embrace this amendment. It does no fundamental harm to the scheme in the legislation proposed by the Government and it would be a small but important step towards a key driver of this legislation to provide it to victims in a meaningful way. Under the current arrangement many victims will not be able to get to first base, as Mr David Shoebridge has indicated. That would be a further cruel hoax perpetrated by this legislation. I ask those opposite to broaden the categories to include providers of support services.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [2.08 a.m.]: The Government opposes The Greens amendment No. 2 because of the need for strict probity where payments of up to \$30,000 in public money are concerned. It is important to remember that a conviction may never be obtained for the act of violence and a charge may never be brought even if there is a report to police, particularly if the perpetrator is unknown. It is appropriate for a report to be made to a government agency.

I listened carefully to the contributions of the Opposition spokesperson and I was particularly interested in the contribution of the mover of the motion, Mr David Shoebridge, who clearly has no understanding of how the system works in reality. There is nothing preventing one from going to a community-based organisation. Members can go to one in the Blue Mountains or anywhere in New South Wales, but there needs to be a process where that community-based organisation, in tandem with the victim, reports the matter to a police officer or another government agency. There needs to be some formal record taken of that complaint. There needs to be a statement of complaint taken from the victim, outlining the allegations.

To make the broad-brush assumption, as The Greens member did, that the person could be deceased and it would be of no use, shows that The Greens member is making a very broad assumption that there are no other similar cases, not only of complaint but indeed involving the alleged perpetrator, that may well be in police records. By taking that process to the police, it gives the person an opportunity to sit down with a law enforcement officer or someone from another government agency. At the end of the day, it is also about giving the person, the victim, an opportunity to talk to someone who is in a position of authority to do something with the complaint. The suggestion by The Greens member is ludicrous, to say the least, because at the end of the day it will have to be taken to a police officer for a statement of complaint, or to another government agency to ensure that there is some ability for the person to make the formal complaint, but also for the agency to be in a position to investigate the complaint.

Mr DAVID SHOEBRIDGE [2.10 a.m.]: The legislation that the Government is supporting states that, for an application for financial assistance for economic loss under new section 26 or new section 27 or for a recognition payment, what is required is "a police report or report of a Government agency". It does not say a "report to"; it says a "report of". I will embrace fully the Government's tortured view of this legislation—that they simply report to the police. I note that is what the Government is saying here: The simple report to the police or a report to a government agency is sufficient. That is what the Minister said, and I will hold him to that interpretation. It is not what the legislation says, as I read it.

I am more than happy to squint and stand on one leg and pretend that that is what the legislation says, because that is what the Minister responsible for it is saying. He is saying, "Ignore what it says here—that it requires a report of the police or report of a government agency", and I am happy to ignore what it says. If it is what it says in black and white in the bill, it will absolutely exclude those victims. If it is what the Minister's tortured interpretation is, then that is a marginally different matter. If all that is required to satisfy this, in accordance with what the police Minister says, is that the victim makes a report to the police at any point or makes a report to a government agency at any point, then I embrace that interpretation of the legislation, despite what it says in black and white.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [2.12 a.m.]: Mr David Shoebridge knows what the legislation says. For a police report or a report to a government agency to take place, a person has to go and make a report. There has to be a report to that agency. It spells it out in the legislation very clearly. It says:

... the documentary evidence to be required ... is a police report or report of a Government agency "

Dr John Kaye: It says "of".

The Hon. MICHAEL GALLACHER: Therefore, the person must report it to a police officer, or the Police Force, or a government agency, for them to be in a position to give you a report.

Mr DAVID SHOEBRIDGE [2.13 a.m.]: It is the last element that the police Minister put in there that raises the issue. If what satisfies this is simply a report to the police or a report to a government agency, and that report is being recorded in some way, that is a different matter. But what the legislation says, as I read it, is that it requires a report of the police or a report of a government agency that actually supports the claim and then validates the claim—not just simply notes that the complaint has been made. If the Minister is going to clarify that all that is required is a record somewhere in the police or a government agency that the complaint has been made, with no further gloss on it or support for the claim by the police or the government agency, then I would invite him to do that on the record, because they are quite different matters.

The Hon. Michael Gallacher: No, they're not.

Dr JOHN KAYE [2.14 a.m.]: I do need to comment on this because the Minister interjects, "No, they're not". He says there is no difference between a report of a government agency and a report to a government agency. They are precisely different things. The first is me making a report to a government agency: I say to the Department of Family and Community Services [FACS] that something has occurred. The other is a report of the Department of Family and Community Services that says something has occurred. They are two completely different objects. One is a very low standard of evidence—a standard of evidence that I think Mr David Shoebridge, and I agree with him, would be happy with—the other is an extremely high standard of evidence. I am deeply concerned that the Minister does not know the difference. The high standard of evidence, as written in the document—

The Hon. Michael Gallacher: John, you might know how to count, but you don't know how the system works, so don't make assumptions when you're wrong.

Dr JOHN KAYE: The Minister says I should not make assumptions when I am wrong, but I can read what is a report and what is in the legislation. What the legislation says is that a "report of a Government agency" is required; either that or a report of the police is required. That is different from a report to the police. It is different even to a receipt of a report to the police. I wish the Minister would explain in simple terms why a report to the police is the same as a report of the police.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [2.15 a.m.]: As I indicated earlier, it is to verify that a person made a report to a police officer or another government agency. It is simply to verify, as it currently works now. But of course Dr John Kaye would not know that. That is how it works now. There needs to be an indication in terms of the police taking the report, but of course it is not going to fit in with The Greens scare campaign for me to spell that out.

Mr DAVID SHOEBRIDGE [2.16 a.m.]: The Minister again says "the police making a report". He said it at the beginning—no, it is sufficient to have a report to, and then before he sits down he puts his little insurance clause in and says "the police making a report". Could the Minister be very clear? All that is required is that somewhere in the police records or somewhere in the government agency, there needs to be a record that a complaint was made.

The Hon. Trevor Khan: It is a matter of statutory interpretation.

Mr DAVID SHOEBRIDGE: If that is clear—

The Hon. Trevor Khan: It is a matter of statutory interpretation.

Mr DAVID SHOEBRIDGE: It is not sufficient simply to say, as the Hon. Trevor Khan is seeking to encourage the Minister to do, that it is a matter of statutory interpretation. What is the intent of the Government here?

The Hon. Trevor Khan: That is a matter of statutory interpretation by the courts.

Mr DAVID SHOEBRIDGE: What is the intent of the Government here? If the Hon. Trevor Khan wants to make a contribution on this legislation—which he has not had the courage to do yet—he should do so and not make a contribution from the back bench.

Question—That The Greens amendment No. 2 [C2013-042A] be agreed to—put and resolved in the negative.

The Greens amendment No. 2 [C2013-042A] negatived.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [2.17 a.m.], by leave: I move Opposition amendments Nos 1 to 4 on sheet C2013-0151G in globo:

- No. 1 Page 25, clause 40 (1), line 16. Omit "subsections (2) and (3)". Insert instead "subsections (2), (3) and (6)".
- No. 2 Page 25, clause 40 (4), line 31. Omit "subsection (5)". Insert instead "subsections (5) and (6)".
- No. 3 Page 25, clause 40 (5), line 36. Omit "An application". Insert instead "Except as provided by subsection (6), an application".
- No. 4 Page 25, clause 40. Insert after line 41:
 - (6) An application for financial support or a recognition payment in respect of an act of violence involving sexual assault may be made at any time if the victim was a child when the act of violence occurred.

The amendments address clause 40 on page 25 of the bill, which deals with the time for lodging and the duration of applications. As has been canvassed during contributions to the second reading debate by a number of members in this place, there are some pretty harsh time limitations of two years from the relevant act of violence, or two years from when a child turns 18. Of course, the absolute bar of 10 years for victims of historical violence or sexual assault has also been the subject of some adverse comment during debate as being unnecessarily harsh and unjust.

These amendments address the issue of sexual assault experienced by victims who were a child when the act of violence occurred. The amendments are designed to lift entirely the time bar that would otherwise apply to those victims. Of course, other victims are affected: victims of domestic violence and victims of sexual assault, as well as victims of child abuse. But the Opposition, having failed to defeat the bill in principle on the second reading vote, is trying to put forward amendments that address the needs of those in most need.

All members would agree that victims of child sexual assault are the most vulnerable victims who are most in need of having support available to them through the victims support system. When this bill is passed there will no longer be a victims compensation system worthy of that name. Amendment No. 4 applies to an application for financial support or a recognition payment in respect of an act of violence involving sexual assault if the victim was a child at the time the act of violence occurred. It is important to note that this would lift the time bar in the bill for both financial support applications and applications for recognition payments. It does not limit the range of financial support payment applications that now will no longer be subject to the time bar.

Division 3 of part 4, which relates to financial assistance, sets out the different categories of loss. In lifting the time bar, it is important that we do so wholly and without restrictions for this category. In my contribution to the second reading debate I referred to statistics, as did other members, which show that in relation to sexual assault generally but child sexual assault in particular it may sometimes take decades before people have reached the stage where they are able to talk to their family, friends and those closest to them about their terrible and traumatic experiences. This bill shuts the door in their face. I want to put forward amendments that lift the bar for all victims of domestic violence, sexual assault and child sexual assault who are caught up in clause 40 (5), but the Opposition is being sparing.

We are focusing the amendments on lifting the time bar for the victims of child sexual assault only because they are the most vulnerable and those in most need. I am appealing to the humanity and goodwill of not only Government members but all members, particularly those on the crossbench. I ask that they show some compassion and reach out to this most vulnerable group. In some small way we can redress the imbalance of justice perpetrated by this bill and ameliorate the harsh effects of this legislation to a small degree by lifting the time bar for those most worthy victims. I implore members to support these amendments.

Mr DAVID SHOEBRIDGE [2.23 a.m.]: On behalf of The Greens I support Opposition amendments Nos 1 to 4. I make it clear that The Greens believe there should be no time bar at all for victims of domestic violence, victims of sexual assault or victims of child abuse in any way, shape or form. It appears to be

extremely difficult to get any kind of concession from the Government or the conservative crossbench members. These amendments, which focus on the victims of child sexual assault, would mean there will be no time limit at all for those victims.

Of course, there should be no time limit. In a report looking at 119 instances of abuse that were reported to the Anglican Church, Professor Patrick Parkinson determined that the average delay in making a complaint was 23 years. Ten years is grossly inadequate, even from the age of majority. There should be no time limit at all. In my contribution to the second reading debate I recounted the instance where a man in his seventies had made the first disclosure of child sexual abuse. I note for the record that I withdraw my comments against the Hon. Trevor Khan. They were made in the heat of the moment and they do not accurately reflect, as I understand, the facts. I withdraw those comments in relation to the Hon. Trevor Khan.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [2.25 a.m.]: The Government will be opposing Opposition amendments Nos 1 to 4. It is important to note that we must ensure that the new Victims Support Scheme does not build up a new contingent liability. The purpose of the bill is to provide practical and financial support at a time when the victim needs it most. In order to meet the objective, the New South Wales Government must ensure that the scheme does not blow out with a new contingent liability. I note that members of the Christian Democratic Party have moved amendments of a similar nature. They are not the same, and I will address the nature of the amendments at a later point.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [2.26 a.m.]: It is regrettable that the Government takes the view that victims of historical child sexual assault constitute a contingent liability. I remind members of the contribution of the Leader of the Opposition when he talked about some of the Government's priorities in terms of reductions in fees and charges, such as the 36 per cent reduction in jetty fees for people with expensive boats. I have raised several times the \$300 million cut to the operators of poker machines in this State, which was announced in this Government's first budget over a four-year period. The Government can find the money to give a windfall to that industry, \$300 million—

The Hon. Jan Barham: Per annum?

The Hon. ADAM SEARLE: I think it is over a cycle, but the Government cannot find the few tens of thousands of dollars to properly fund the Victims Compensation Scheme. Instead, it is making these harsh and unjust cuts. We are simply trying to redress the balance in this most unfair legislation. We ask the Government to look at these victims as the human beings they are and to reach out to that small cohort, that most vulnerable grouping, the victims of historical child sexual assault and say, "There will be no time limitation for you". As I said, it is unfortunate that the Government views this group of people who are suffering as merely a potential new contingent liability. We see them as people. I urge members to support these amendments.

Question—That Opposition amendments Nos 1 to 4 [C2013-051G] be agreed to—put.

The Committee divided.

Ayes, 16

Ms Barham	Mr Moselmane	Mr Veitch
Mr Buckingham	Mr Primrose	Mr Whan
Ms Cotsis	Mr Searle	
Mr Donnelly	Mr Secord	<i>Tellers,</i>
Ms Faehrmann	Ms Sharpe	Ms Fazio
Dr Kaye	Mr Shoebridge	Ms Voltz

Noes, 18

Mr Ajaka	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mrs Pavey
Mr Borsak	Mr Harwin	
Mr Clarke	Mr Khan	
Ms Cusack	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mr MacDonald	Mrs Maclaren-Jones
Mr Gallacher	Mr Mason-Cox	Dr Phelps

Pairs

Mr Foley
Ms Westwood
Mr Wong

Mr Colless
Mrs Mitchell
Mr Pearce

Question resolved in the negative.

Opposition amendments Nos 1 to 4 [C2013-051G] negatived.

Mr DAVID SHOEBRIDGE [2.38 a.m.]: I move The Greens amendment No. 3 on sheet C2013-042A:

No. 3 Page 25, clause 40 (5), lines 38 and 40. Omit "10 years" wherever occurring. Insert instead "20 years".

This amendment, if successful, would have the effect of omitting "10 years" wherever it occurs in clause 40 (5) and replacing it with "20 years". By no means is this amendment a whole answer to the grossly unfair time limit provisions but in many ways it travels with two further amendments that The Greens will move separately about a general discretion to extend time and the removal of any time limit in relation to child sexual assault. If this amendment succeeds it will extend to 20 years the time limit for an application for a recognition payment in respect of an act of violence if the act of violence involved domestic violence, child abuse or sexual assault. It includes any element of child abuse, not just child sexual abuse. It includes any application involving domestic violence and any application involving sexual assault and it extends the time limit to 20 years in relation to each of those categories. We have heard, chapter and verse, why 10 years is grossly inadequate for these kinds of claims. I do not pretend that 20 years is the complete answer but it is definitely a substantial improvement.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [2.39 a.m.]: The Opposition will be supporting The Green's amendment No. 3 for the practical reasons outlined by Mr David Shoebridge—that is, it does not remove the unfair limitation of claims of this nature but ameliorates the damage done by this legislation by extending from 10 to 20 years the period within which such claims may be brought. Both Mr David Shoebridge and I have shared with members a number of relevant statistics. A significant proportion of claims—some 14 per cent—are made more than 20 years after the event occurred. The amendment would still prevent many of those claims being brought under this scheme, but it would moderate much of the damage that the strict and harsh limitations in clause 40 (5) currently provides for in this bill. Without much hope, we support The Greens amendment.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [2.40 a.m.]: Consistent with the comments that I made with regard to the previous amendment, the Government will not be supporting The Greens amendment No. 3.

Mr DAVID SHOEBRIDGE [2.40 a.m.]: We should be clear as to why this Government says it is not supporting the amendment. It is not because there is no merit or justice in the claims; it is simply because the Government wants to cap the amount it pays. This is purely about dollars. The Government does not want to pay the claims. It is not that the claims are not meritorious or that this amendment would not help matters. The Government acknowledges that there will be legitimate claims where someone has been a victim of domestic violence, child abuse or sexual assault and will not be able to make these claims because this amendment will be refused. The only justification the Government has is dollars. We are talking about people who have been failed by society because they have been a victim of crime. To then exclude them even from the modest compensation payments under this scheme solely for monetary reasons shows just what a heartless, callous Government this is.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [2.42 a.m.]: The Government says that the proposed legislation is about saving money. The amount of money in question is quite small. This is nothing on the scale of the workers compensation scheme changes, the changes being proposed to the NSW Motor Accidents Compensation Scheme or indeed, to other areas. When one examines the amount of government revenue the Government seems happy to give away to industries and to the wealthy in society, one can see that it is really a case not just of the Government trying to save a bit of money, but of revealing its true nature through its choice of priorities.

The Government's priority here is to punish the weak and vulnerable, the victims of crime who most need care and support. These harsh actions cannot be justified by the amount of money that is being saved, even if one were to enter into the weighing-up process of, "We know it is bad but we have got to save the money desperately." The amount of money being saved here simply does not even begin to justify the Government's

actions. One then sees that this is really about the Government's philosophical and ideological agenda, seen through the changes to other compensation systems and many other policy areas where it is really about ripping away all the building blocks of what might loosely be said to constitute part of a caring state or a welfare state.

In short, it reveals, as Mr David Shoebridge says, a philosophy of, "Government should not be providing support or payments to people who have the misfortune to be caught up in one of life's difficulties, whether it is a workplace accident, a car accident or being victimised by a crime. That is not society's fault; it is your own business. It is unfair but that is life and you are on your own." That is really what the Government is saying. It is not only about the money because the amount saved is very small when one looks at the size of the budget or the size of the difficulties that are said to be being experienced by the scheme. It is about ideology and kicking people when they are down.

Question—That The Greens amendment No. 3 [C2013-042A] be agreed to—put.

The Committee divided.

Ayes, 16

Ms Barham	Mr Searle	Mr Whan
Ms Cotsis	Mr Secord	Ms Voltz
Mr Donnelly	Mr Primrose	
Ms Faehrmann	Ms Sharpe	<i>Tellers,</i>
Ms Fazio	Mr Shoebridge	Mr Buckingham
Mr Moselmane	Mr Veitch	Dr Kaye

Noes, 18

Mr Ajaka	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mrs Pavey
Mr Borsak	Mr Harwin	
Mr Clarke	Mr Khan	<i>Tellers,</i>
Ms Cusack	Mr Lynn	Mrs Maclaren-Jones
Ms Ficarra	Mr MacDonald	Dr Phelps
Mr Gallacher	Mr Mason-Cox	

Pairs

Mr Foley	Mr Colless
Ms Westwood	Mrs Mitchell
Mr Wong	Mr Pearce

Question resolved in the negative.

The Greens amendment No. 3 [C2013-042A] negatived.

Mr DAVID SHOEBRIDGE [2.53 a.m.]: I move The Greens amendment No. 4 on sheet C2013-042A:

No. 4 Page 26, clause 40. Insert after line 8:

- (7) The Commissioner may, on the application of a person, extend the time for the making of an application by the person for financial support or a recognition payment if the Commissioner considers it would be appropriate and desirable to do so, having regard to the following:
- (a) the person's age when the act of violence was committed,
 - (b) whether the person has an impaired capacity,
 - (c) whether the person who allegedly committed the act of violence was in a position of power, influence or trust in relation to the person,
 - (d) the physical or psychological effect of the act of violence on the person,
 - (e) whether the delay in making the application undermines the possibility of a fair decision,
 - (f) any other matter the Commissioner considers relevant.

This amendment inserts a general discretion for the commissioner to allow an extension of time for anyone to make an application for a financial support or recognition payment if the commissioner believes it appropriate and desirable having regard to a number of factors. Those factors are set out in paragraphs (a) to (f). Without this amendment no discretion is provided to extend time in which to make an application. If a victim of a crime not of sexual assault, domestic violence or child abuse did not make an application within two years, he or she would have absolutely no ability to make a late application.

In some horrific incidents a victim could be in a coma for two years, recover and go see a lawyer but would be excluded from making a claim. The trauma of a crime could put the victim into a psychiatric institute for 2½ years. On discharge from that institute after 2½ years, unless the victim fits into one of the categories that entitle him or her to a 10-year application, he or she will have no possible way to extend the time to allow his or her claim to be made. How could these time limits be included without a discretion to extend time? The wording we have adopted for this amendment is almost exactly the same as that found in section 53 of the Queensland Act to allow an extension of time. The Queensland Government thought it was essential to allow some kind of fairness in its Act.

The Hon. Jan Barham: Queensland?

Mr DAVID SHOEBRIDGE: Yes, even Queensland with its particularly brutal victims' compensation scheme allows a discretion to extend time when these factors are taken into account. But this Government, again solely to save a few dollars—we are talking about a tiny amount of money from a \$60 billion State budget—allows absolutely no flexibility or discretion. Even in the most compelling cases—the cases I referred to earlier are a small subclass of the kinds of catastrophe people suffer when they are a victim of crime and fully explain why they could not get their application in within the two years—unless this amendment is passed, they will be cut off absolutely.

Worse still, these provisions will be applied retrospectively. The Government has not explained what happens to someone who was granted an extension of time under the prior Act because they made their application outside the time limit under that Act and remain in the claims system. Unless that claim is finally determined, they will be cut off. I would be grateful if the Minister could clarify that in his response. Those countless thousands of cases now on the books, which will remain so in the future, will not get \$1 of compensation without this discretion to extend the time in which to make a claim.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [2.57 a.m.]: The Opposition supports The Greens amendment No. 4. With such a harsh and unfair time limitation for victims of crime to make applications for support, including financial support under this regime, it is terribly important to have some safety valve, some capacity, for those harsh deadlines to be ameliorated to some degree. This amendment is a quite modest proposal. Given that the commissioner will not be a properly independent statutory officer, the Government can have no legitimate objection as it provides a discretion. The amendment does not mandate the lifting of time limitations or their waiving in certain circumstances. The amendment merely states that in certain circumstances the commissioner will have a discretion. We believe that is important. In other civil law areas courts have a discretion to extend time in certain circumstances. As these time limitations are harsh and austere, some flexibility and safety valve is needed.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [2.59 a.m.]: The Government will not be supporting this amendment. This is consistent with the position taken on the previous amendment. I draw the attention of honourable members to the quite extensive comments made on this bill by the Attorney General in the other place. I again note that the Christian Democratic Party has an amendment which, while similar in nature, is not the same as the amendment under consideration. I will address the nature of that amendment at the appropriate point.

Dr JOHN KAYE [2.59 a.m.]: I am at a loss as to why the Government would not support this quite modest amendment. All it does is create flexibility to account for the diversity of cases that will come before the commissioner and enable the commissioner to exercise discretion in a number of different circumstances. I do not see that the amendment would blow out the costs of the scheme particularly, but it would allow the delivery of justice in a number of cases where very tight cut-off time limits would unfairly deal with individuals who, through no fault of their own, have not been able to get their applications in before the deadline, either because of the nature of the crime that was perpetrated against them or because of their own personal circumstances. It is not a big amendment, but it is an extremely important amendment that will deliver substantial justice.

Question—That The Greens amendment No. 4 [C2013-042A] be agreed to—put.

The Committee divided.

Ayes, 16

Ms Cotsis	Mr Primrose	Ms Voltz
Mr Donnelly	Mr Searle	Mr Whan
Ms Faehrmann	Mr Secord	
Ms Fazio	Ms Sharpe	<i>Tellers,</i>
Dr Kaye	Mr Shoebridge	Ms Barham
Mr Moselmane	Mr Veitch	Mr Buckingham

Noes, 18

Mr Ajaka	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mrs Pavey
Mr Borsak	Mr Harwin	
Mr Clarke	Mr Khan	
Ms Cusack	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mr MacDonald	Mrs Maclaren-Jones
Mr Gallacher	Mr Mason-Cox	Dr Phelps

Pairs

Mr Foley	Mr Colless
Ms Westwood	Mrs Mitchell
Mr Wong	Mr Pearce

Question resolved in the negative.

The Greens amendment No. 4 [C2013-042A] negatived.

Mr DAVID SHOEBRIDGE [3.09 a.m.]: I move The Greens amendment No. 5 on sheet C2013-042A:

No. 5 Page 26, clause 40. Insert after line 8:

- (7) This section does not apply to an application for financial support or a recognition payment for a person who is a primary victim of an act of violence that occurs in the course of the commission of a sexual offence against the person when the person is under 18 years of age. There is no time limit on when such an application can be made.

This amendment in large part replicates an amendment previously moved by the Labor Opposition, which would apply no time limits in relation to an application for financial support or a recognition payment for a person who is a primary victim of an act of violence that occurs in the course of the commission of a sexual offence against the person when the person is under 18 years of age and there is no time limit on when such an application can be made. It does not limit the classes of financial assistance or recognition payments which the person would be entitled to. It removes all time limits for claims for financial support or a recognition payment when the victim is a victim of child abuse. I commend the amendment to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.10 a.m.]: For the reasons that the Opposition proposed its own amendments Nos 1 to 4 it will support The Greens amendment No. 5. It achieves the same policy objective and the Opposition believes it is a worthy amendment. How can it be that this Chamber would not extend its support to the most vulnerable victims of crime?

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [3.10 a.m.]: For the reasons put earlier in response to Opposition amendments Nos 1 to 4 the Government will not be supporting this amendment.

Question—That The Greens amendment No. 5 [C2013-042A] be agreed to—put and resolved in the negative.

The Greens amendment No. 5 [C2013-042A] negatived.

Reverend the Hon. FRED NILE [3.11 a.m.]: On behalf of the Christian Democratic Party I am pleased to move amendment No. 1 on sheet C2013-071B:

No. 1 Page 26, clause 40. Insert after line 8:

- (7) This section (other than subsection (6)) does not apply to an application for financial support, being for financial assistance of a kind specified in clause 8 (2) (b) or (d) of the *Victims Rights and Support Regulation 2013*, or a recognition payment for a person who is a primary victim of an act of violence that occurs in the course of the commission of a sexual offence against the person when the person is under 18 years of age. There is no time limit on when such an application can be made.

The amendment reflects both my views and the views of my fellow member the Hon. Paul Green, who has done a lot of work on this bill in seeking Government support for this amendment and other amendments discussed. The purpose of the amendment is to remove the limitation period to allow victims of child sexual offences to make an application for recognition payments, out-of-pocket expenses of up to \$5,000 and expenses relating to attending criminal proceedings of up to \$5,000. The Christian Democratic Party prefers to call the balance of power it believes it shares with the Shooters and Fishers Party the balance of prayer and responsibility—if the Hon. Luke Foley can quote the *Bible* I can certainly mention it.

Christian Democratic Party policy is to work together with the elected Government that has a mandate whether that has been a Labor Government or a Coalition Government. The Christian Democratic Party worked together with the Government to provide for child sexual abuse victims. The Christian Democratic Party has engaged in constructive discussions with the Government and ensured that our views and concerns were passed on to the Attorney General and his advisors. As a result of those discussions we move the amendment now before the Committee. A number of matters needed clarification and the Christian Democratic Party is pleased that the Government agreed to cover a number of those points by placing them on the record in the Minister's address in reply. As experienced members in the House know, under the Interpretation Act that procedure gives those points the power of amendments to the legislation.

I recognise that no amount of money can compensate victims of child sexual abuse for the trauma and anguish that they have suffered. The Christian Democratic Party grieves with all those victims of sexual abuse and violent attacks. The Christian Democratic Party has campaigned for more than 30 years to support those victims and has played a major role in the formation of the victims support group by lobbying the Government at that time for that organisation to be formed and funded, and provided with headquarters. The Christian Democratic Party has recognised the call by support groups and individual members of the public to remove the limitation period for victims of child sexual abuse. The Christian Democratic Party has heard the call and it is acting on it together with the Government to make sure this amendment works in the context of applications by child sexual abuse victims. I have much pleasure in moving the amendment.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.16 a.m.]: The Opposition, with a great deal of reluctance, will be supporting this amendment because it does make a very small beneficial change to the legislation. But considering the amount of effort Reverend the Hon. Fred Nile and the Hon. Paul Green have put into their discussions with the Government on behalf of victims and the fact that they do have the balance of power it is a shame that they have yielded so little. This is a House of review to improve legislation. The Opposition and other parties have put forward reasoned amendments to significantly improve this legislation.

This amendment appears to move in that direction until you look at it more closely. It seems to lift the time limits applicable to child sexual assault victims, but it does so in a limited way. In terms of financial support it limits it to clause 8 (2) (b) or (d) of the regulation. Looking at page 83 of the bill it is obvious that all it provides for, despite the fact that in this part of the bill amounts of up to \$30,000 are available, the limitation to clause 8 (2) (b) or (d) means that two lots of \$5,000 are available if a victim cannot demonstrate loss of actual earnings up to \$5,000 for out of pocket expenses and up to \$5,000 of expenses associated with criminal or coronial proceedings only. There are two very limited heads in relation to that aspect. It does provide a lifting of the limitation in relation to the seeking of a recognition payment for a victim of child sexual assault.

Mr David Shoebridge: And if they can demonstrate loss of earnings they don't even get the \$5,000.

The Hon. ADAM SEARLE: I acknowledge that interjection by Mr David Shoebridge. If one looks at the definition of "recognition payments" in the legislation there are different categories (a), (b), (c) and (d).

What do they mean? On page 85, clause 12 of the regulation shows the amounts of money that travel with them. Clause 12 (a) is only in the case of a homicide, but most child sexual assaults would fall into the category of (d) and (e). Of course some would be category B, which would provide an amount of up to \$10,000, but most of them would be in category C, \$5,000, or category D, \$1,500. The Government bill slams the door shut against the victims of child sexual assault and prevents them from making claims under this legislation.

However, despite the great endeavours of the Christian Democratic Party and the Labor Party, they say, "Well, the door will be open a crack. Victims can receive two lots of \$5,000 for out-of-pocket expenses and attending court proceedings." I do not know how that is going to help them, but it is available. They can then receive a recognition payment, which is an extremely limited amount of money, as shown on page 85. "Here, have \$7,500, or \$1, 500." Is this really good enough for the victims of child sexual assault? I say to embers of this Chamber that this is not nearly good enough, and they should be ashamed when the bill is passed in this Chamber, even with this amendment. The situation is improved fractionally, but it is hardly worth the effort.

Mr DAVID SHOEBRIDGE [3.20 a.m.]: I speak on behalf of The Greens to reluctantly support this amendment that has been brought by the Christian Democratic Party. The Christian Democratic Party says that it has been working very hard with the Government for victims. I do not think that victims are interested in their words; they are interested in results. If it has been working very hard, it has been working very hard like a man rowing with chopsticks because there has been no result for its work. The final outcome is likely to see victims of child sexual abuse who previously would have been entitled to up to \$50,000 in compensation receive, at most, \$5,000 for out-of-pocket expenses if they cannot demonstrate loss of actual earnings. Bizarrely, the amendment that has been negotiated by the Christian Democratic Party means that people working at the age of 17 who are sexually abused at that age and then lose their job would not have any entitlement to make an out-of-time claim for loss of earnings. That entitlement has not been negotiated by the Christian Democrats.

If they lost earnings, they would not be in a position to get the \$5,000 out-of-pocket expenses because that would only come if they could not demonstrate actual loss of earnings. The first \$5,000 is not guaranteed because of the defects in the drafting of the amendment. The second entitlement they could receive will be up to \$5,000 for expenses associated with criminal or coronial proceedings. If a person is living in a regional area and a two-week trial is happening in Sydney, how far will \$5,000 go? It would not pay accommodation and travel let alone the legal costs of a trial. It is an insult to victims.

Reverend the Hon. Fred Nile: There are no legal costs.

Mr DAVID SHOEBRIDGE: I hear Reverend the Hon. Fred Nile say there will not be legal costs. Victims almost certainly will not be compensated for those costs. After all that hard work, apparently Reverend the Hon. Fred Nile has not read what he has negotiated. Clause 8 (2) (d) says:

up to \$5,000 for expenses associated with criminal or coronial proceedings relating to the act of violence, making statements to police, preparing victim impact statements and similar justice related expenses.

Clearly that includes legal costs, but it is a tiny fraction of a victim's legal costs in those circumstances. The last point is that victims can potentially receive a recognition payment. The maximum that a victim of child abuse in those cases could receive would be a category B recognition payment of \$10,000. That is for truly horrific and repeated sexual assault. Most victims of child abuse, repeated sexual assault, or an individual instance where they are able to prove sexual assault would receive a maximum of \$5,000, some as little as \$1,500. The Christian Democrats say this is a sufficient quid pro quo to support this bill. It is not; it is an insult to victims of crime. By saying they are happy that this is all victims of crime will receive, they have ignored all the victims of domestic violence and all other victims of crime, who will be washed out by the Christian Democrats. They have given not one thing to families who have lost a loved one through homicide. All of the time that the homicide victim support groups have spent with the Christian Democrats has been for nothing. It is with great reluctance that we support this amendment. It is utterly unacceptable, even with the third reading of the bill.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [3.24 a.m.]: The Christian Democratic Party has lodged a proposed amendment that can be summarised as follows: It removes all time limits for applications from victims of child sexual offences for recognition payments, out-of-pocket expenses up to \$5,000 and expenses for attending related criminal proceedings up to \$5,000. The Government agrees to the amendment. The Government acknowledges the concerns relating to child sexual abuse that have been raised by the Christian Democrats who speak on behalf of child sexual abuse victims. We commend the Christian Democrats for engaging in constructive discussions and for bringing forward amendments to address these concerns.

I acknowledge Reverend the Hon. Fred Nile. For 30 years he has been a solid advocate for victims of sexual assault, be it a child or otherwise. Whilst the previous two speakers—representatives of the Opposition and The Greens—were working as lawyers, Reverend the Hon. Fred Nile was in Parliament fighting on behalf of victims of crime. Unlike the amendments proposed by the Opposition and The Greens, this amendment focuses on those problems caused to victims of child sexual abuse by the limitation periods in the bill in accessing recognition payments and financial assistance for out-of-pocket expenses and attending court. Under the amendments proposed by the Opposition and The Greens, the Victims Support Scheme would inherit the entire \$400 million contingent liability of the victim compensation scheme. The new scheme would be hobbled by financial unsustainability from day one.

The purpose of the bill is to provide practical and financial support at a time when the victim needs it most. In order to meet the objective, the New South Wales Government must ensure that the scheme does not blow out with a new contingent liability by allowing the Victims Compensation Scheme to close immediately. This amendment will ensure that the new Victims Support Scheme does not immediately build up a new contingent liability. It is a shame that this new-found passion for the scheme was not evident when the Opposition was in government for 16 years when it allowed the scheme to blow out to the current position. The Government agrees to the amendment.

Question—That Christian Democratic Party amendment No. 1 [C2013-071B] be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 1 [C2013-071B] agreed to.

Part 4 [Clauses 17 to 56] as amended agreed to.

Parts 5 to 9 [Clauses 57 to 119] agreed to.

Schedule 1 agreed to.

Mr DAVID SHOEBRIDGE [3.29 a.m.]: I will not move Greens amendments Nos 6, 7, 8 and 9, but by leave I move Greens amendments Nos 10, 11 and 12 on sheet C2013-042A in globo:

No. 10 Page 66, schedule 2, clause 2 (1), lines 25 and 26. Omit all words on those lines.

No. 11 Pages 67 and 68, schedule 2, clauses 4–8, line 19 on page 67 to line 38 on page 68. Omit all words on those lines. Insert instead:

4 Application of Act

- (1) This Act extends to an act of violence that occurred before the date of assent to this Act but does not apply to or in respect of an application for statutory compensation made before the date of assent to this Act (*a pending application*).
- (2) The repealed Act continues to apply (as if it had not been repealed) to and in respect of a pending application.
- (3) For the purposes of the application of the repealed Act (as provided by subclause (2)) to and in respect of a pending application, the Administrative Decisions Tribunal has and is to exercise the functions and jurisdiction of the Victims Compensation Tribunal under the repealed Act.
- (4) Victims support is not payable under this Act to a primary victim, secondary victim or family victim of an act of violence if the victim has been or is awarded compensation or assistance under the repealed Act.

No. 12 Page 69, schedule 2, clause 11, lines 17–21. Omit all words on those lines.

These amendments would go a significant way to taking the sting out of the retrospectivity being proposed by the Government. Even in its workers compensation laws, which had bucket loads of grossly unfair retrospectivity, the Government did not go as far as it has gone here with the victims compensation scheme. The Government is proposing that every claim that is in the pipeline, every incident of violence before this bill was introduced into the other place, is captured by the amended scheme unless the application had been finally determined, and "by finally determined" the Government means determined by the Victims Compensation Tribunal and then a period of three months having elapsed after that so that there is no possibility for an appeal.

This means that 24,000 claims in the pipeline will have these grossly unfair changes retrospectively applied to them; they are 24,000 victims of crime, the great majority of whom have perfectly valid applications

and who in many cases have relived the emotional trauma of the initial crime and seen approved experts appointed by the Victims Compensation Tribunal to validate their claim. One victim told me she had been a victim of child sexual abuse and raped repeatedly from the age of three. She was required to go back to her school friends to ask them about their observations of her from the young age of five years. This woman in her fifties had to go back and relive the appalling events that had happened to her from the age of three into her teens. She had to ask her family members, "Do you remember what I was like as a child? Do you remember those traumatic incidents and how I was?" When she asked her family members and school friends she had to relive the gross appalling trauma that happened to her.

This woman had to speak to doctors and relive the trauma. She had long periods where she could not sleep because of what had happened to her and long periods of suffering genuine psychological trauma because she had to relive the events when making her application. Despite this the Government says that it will not commit to honouring the relatively meagre payments under the prior scheme of a maximum of \$50,000 but, rather, seeks to retrospectively amend her entitlements. Even with the Christian Democrat amendments this woman is likely to receive as little as \$10,000 or \$15,000, and that is if she can prove her claim given the harsh new evidentiary requirements imposed under the scheme. For those 24,000 citizens of New South Wales who have been the victims of crime I urge the majority of members to accept the amendments.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.33 a.m.]: The Opposition will support the amendments because we do not believe that the retrospective effect provided for in the bill should be allowed. It is usually the case when governments change laws that confer rights or benefits on people to say, "The rights will change from this day going forward but if you had a right before that day, you have the right to pursue those benefits under the law as it then was, either when the events happened or, at the very least, if you had made a claim, to have your claim determined under the law as it was when that claim was made."

Dr John Kaye: Which is why the Liberals oppose retrospectivity.

The Hon. ADAM SEARLE: I acknowledge that interjection—which is why historically the Coalition parties, particularly the Liberal Party, have opposed retrospective laws; because it is antithetical to the rights and interests of the citizens who should be protected from arbitrary or capricious actions by government and Parliament. That is why there has usually been a practice that laws that change rights should do so prospectively only. However, as Mr David Shoebridge has indicated, this says that from the date of introduction and going forward people who suffer at the hands of criminals will have their rights changed—and even that may be fair enough if it did not extend to the 24,000 claims that have been lodged and are awaiting determination.

I note that the Minister in reply said, "Well, look, it's all okay because claims that are finally determined under the previous law will stand and it is only matters that are not finally determined that will be brought into the new regime." Of course, the term "finally determined" under this bill includes cases that have been decided where amounts of compensation have been awarded to victims of crime but where the three-month appeal period has not elapsed and those payments have not been made. There will be many thousands of claims where people have been told what they are getting and they are waiting for the payment. However, if this bill is passed they will fall into the new scheme and those payments will be slashed to the bone, defeating their legitimate rights under the law as it stands here and now.

The Government—and I suspect unfortunately a majority of members in this Chamber—will say, "It's okay to confiscate people's valuable legal rights"; not say, "If you are the victim of a crime tomorrow you will have different rights to a victim of crime today" but say to all those existing victims of crime who have made proper claims and have been waiting one, two or even three years to have those claims decided, "We are going to take all those rights off you and defeat them and you can have these residual bare minimum rights that this legislation provides for." It is very bad policy, it is very bad practice and it defeats the rights of citizens, and those citizens—victims of crime in this case—should be protected from this capricious and arbitrary stripping of their rights. Therefore, the Opposition will support the amendments, which are directed to that end.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [3.37 a.m.]: The Greens amendments Nos 10 to 12 would retain the operation of the victims compensation scheme concurrently with the new scheme until all existing claims have been finalised. Therefore, The Greens and the Opposition are of the view that the Government should inherit with the new scheme the entire \$400 million contingent liability of the victims compensation scheme. It is self-evident from the debate so far that the Government will not support the amendments.

Mr DAVID SHOEBRIDGE [3.38 a.m.]: The Liberal Party and its colleagues The Nationals are always against retrospective legislation. If it applies to the big end of town, to bankers, to commercial contracts, to real estate contracts, to matters of commerce, they are dead against retrospectivity and traditionally, up until the past few years, they were broadly against retrospectivity, but now there are two classes of legal rights that are very clearly distinguished in the minds of the Coalition Government: there are the commercial rights, the rights of industry, and they are absolutely protected and will never be attacked by retrospective legislation, and then the other class of rights are those of ordinary individuals, workers under workers compensation, motor vehicle accident victims, the death and disability rights of serving police and now the prior statutory rights of victims of crime.

Those rights are just fair game because in the eyes of this Government they are not really rights at all; they are just something that the Government might grant to somebody one day and completely remove the next day. They do not view them as the same class of legal right as the rights they grant to industry and employers. This is a truly sad day. This legislation is a betrayal of what used to be a Liberal tradition of respecting the rule of law. That has been trashed in this debate.

Dr JOHN KAYE [3.39 a.m.]: Some 24,000 victims of crime out there tonight will be shocked to hear that we made this decision to strip them of their rights at 3.40 a.m., when not one of us can say we are functioning at our peak level of rationality, and particularly not the Leader of the House. We are making a decision which transgresses a principle that goes to the very heart of the Liberal Party. It is a principle that Coalition members advocated for strongly when they were in opposition. They rejected retrospectivity and said that if citizens of New South Wales do the right thing by the law then the law will do the right thing by them, and there should be no arbitrary changes that they were not aware of when they did the right thing.

Some 24,000 people made a decision to lodge a claim for victims compensation from a scheme that could make a maximum payment of \$50,000. Of course, some would have recognised that they were not in the running for a \$50,000 compensation payment. However, many would have decided that the size of the payment was enough to justify the pain of reliving the crime perpetrated against them. They would have felt it was worth revisiting old and damaging memories to achieve some measure of justice and financial compensation. If The Greens' amendments are not passed many of those individuals will wake up this morning and recognise that they have been done in the eye. We are not doing any old citizen in the eye; we are doing in the eye those who have been badly done by.

The Hon. Sophie Cotsis: The most vulnerable and weak—mostly women.

Dr JOHN KAYE: The Hon. Sophie Cotsis is correct: they are vulnerable and a large percentage of them are women. These people have suffered appallingly and many of them are extremely vulnerable. The Government is saying, "Sorry, you did the right thing but we are not going to do the right thing by you." If there were ever a moment when the Liberal Party walked away from its traditions it is now, at 3.42 a.m. on 30 May 2013. The Liberal Party has dropped any pretence it had to being principled and standing up for the individual.

The Hon. Sophie Cotsis: And The Nationals.

Dr JOHN KAYE: They never had any pretence in that regard. As I said, 24,000 individuals will be done in the eye by this legislation unless these amendments are passed. The door will be slammed in their face if they are not protected by these amendments. Future victims of crime have been done in the eye, but these amendments will at least protect those who lodged applications in the expectation of receiving a reasonable level of compensation. They went to the effort and suffered the pain of lodging an application and they are now being told they will not be able to access that level of compensation. I commend the amendments to the Committee.

The CHAIR (The Hon. Jennifer Gardiner): The Opposition's amendments are in conflict with The Greens amendments. Given that, I suggest that the Hon. Adam Searle move the Opposition's amendments now.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.43 a.m.]: I move Opposition amendments Nos 6 to 8 on sheet C2013-051G in globo:

No. 6 Page 67, clause 4 of schedule 2, lines 19–27. Omit all words on those lines. Insert instead:

4 Continuation of statutory compensation scheme

- (1) Subject to this Schedule, the repealed Act, and the regulations and rules made under that Act, continue to apply in relation to applications for statutory compensation duly lodged, but not finally determined, under that Act before the commencement of this clause.

- (2) For that purpose:
 - (a) a reference in the repealed Act, or in those regulations or rules, to the Director or a compensation assessor is taken to be a reference to the Commissioner, and
 - (b) a reference in the repealed Act, or in those regulations or rules, to the Victims Compensation Tribunal is taken to be a reference to the Administrative Decisions Tribunal.
- (3) Statutory compensation that is payable (less any deductions under section 19A of the repealed Act) pursuant to any such application (or that was payable immediately before the commencement of this clause pursuant to an application that was finally determined before that commencement) is payable (less any such deductions) from the Victims Support Fund under this Act.

No. 7 Pages 67 and 68, clause 5 of schedule 2, line 28 on page 67 to line 22 on page 68. Omit all words on those lines.

No. 8 Page 69, clause 11 of schedule 2, line 19. Omit "introduction day". Insert instead "day on which this clause commences".

These amendments seek to achieve the same policy end as The Greens amendments but in a slightly different way. They change the commencement dates for the new regime from the date on which the bill was introduced to the date on which it becomes law, which is the more orthodox approach to lawmaking. They also make it clear that applications duly lodged and awaiting decision will not be caught up in the new scheme; that is, they will be determined according to the law as it was when they were lodged. As we have heard, some 24,000 people have lodged their application and have every legitimate expectation that it will be determined under the law as it stood when it was lodged. To change the law in this way is harsh, unfair and capricious.

The Government says that legislation is designed to ensure that the new scheme does not have a new contingent liability, but the amount involved does not warrant the injustice being done to these 24,000 people, particularly when we consider this Government's priorities. It had the money to give poker machine operators a \$300-million tax cut, but it does not have the money to compensate victims of crime. That is an unfortunate situation and it reveals much about the nature of this Government. I urge members to rethink their priorities. The Opposition is not talking about blocking this legislation; it is talking about making some small improvements for the benefit of victims of crime. Last night and this morning this Chamber has resounded with the words of all members talking about how they want to assist and support victims of crime, but their actions have not achieved that objective.

The Hon. Sophie Cotsis: We haven't heard from the Liberals and The Nationals.

The Hon. ADAM SEARLE: My colleague the Hon. Sophie Cotsis says that we have not heard from Coalition members.

The Hon. Matthew Mason-Cox: We are at one with our leader.

The Hon. ADAM SEARLE: I acknowledge that asinine interjection. The honourable member is like the Borg in *Star Trek*; we have group think and one mind. We have heard from the Leader of the Government, the Minister for Police and Emergency Services, who has the most unpalatable and unenviable task of selling this legislation. He is a decent man and I know that it must stick in his throat, particularly when the Attorney General is loitering outside but does not dare to come into the Chamber. I can understand that Government members are frightened of this legislation. They are running away from it because they do not want to be associated with it. They are letting their leader carry the can. That is the loneliness of leadership.

The Hon. Dr Peter Phelps: If we do not want to be associated with it why have we divided on it seven times?

The Hon. ADAM SEARLE: I acknowledge that injection from my friend the Government Whip. He is very helpfully reminding us that all the Coalition and crossbench members have put their names indelibly to these reforms. I am sure the victims of crime and their support organisations will be mindful of that. The Opposition believes that retrospectivity is bad. This is a much more extreme version of the retrospectivity included in the workers compensation legislation. It should be rejected and people should have their applications determined according to the law as it was when they lodged them.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [3.49 a.m.]: For the reasons I put forward earlier, the Government will not support the amendments. However, I must indicate that I personally have a view, unlike the Hon. Sophie Cotsis, that today is not a good day for paedophiles.

Mr DAVID SHOEBRIDGE [3.49 a.m.]: The Greens support the Opposition amendments, which would have an almost identical impact as The Greens amendments if they were successful. But in doing that I find it remarkable that there is one party in this House that has not said a word about why it is that they support the legislation and that has not given a single statement to the public about why they support this legislation, and that is the Shooters and Fishers Party.

Dr John Kaye: And The Nationals.

Mr DAVID SHOEBRIDGE: I note that. The Nationals have not explained how they can support this legislation either. The representative of the Shooters and Fishers Party has sat through hours of debate and has meekly moved with the Government from side to side in this House supporting—

The Hon. Dr Peter Phelps: Point of order: Mr David Shoebridge would be aware that in the Committee stage the debate is quite narrow and it is in relation to the amendment which is directly in front of us. It is not a time for expansive second reading debates about motives in relation to the whole bill. He should be asked to confine his comments to the amendment before the Committee.

The Hon. Adam Searle: To the point of order: Mr David Shoebridge was speaking to the limited ambit of the amendment. He was exploring why it was that some parties had not disclosed their rationale for supporting the Government position on the bill and different parts of it, and that extends to the amendments that we have been discussing and debating.

The Hon. Duncan Gay: Could you show us where that is in the bill?

The CHAIR (The Hon. Jennifer Gardiner): Order! I remind all members that they must address the amendments before the Committee.

Mr DAVID SHOEBRIDGE: I have articulated why it is that The Greens support this amendment. The Hon. Adam Searle has indicated why it is the Opposition supports these amendments. The Leader of the House has made it clear why, in his view, the Government opposes this specific amendment, which would repair the gross retrospectivity. But the Shooters and Fishers Party, just as with all the previous votes, has failed to explain why it is they oppose this amendment. Heaven knows why they are supporting this legislation.

The Hon. Robert Borsak: You're an agnostic. You don't believe in heaven. What are you saying that for?

Mr DAVID SHOEBRIDGE: I note the interjection—the only contribution made by the Shooters and Fishers Party. There is finally a contribution on the record—not directed in any way to the merits of the bill but some sort of facetious comment made on an important piece of legislation. The more than seven million citizens of New South Wales will just have to guess why it is that the Shooters and Fishers Party—that minor member of an extended Government Coalition we have in this House now—is supporting this bill. There is no principled reason to support this bill and no principled reason to oppose this amendment, so we are left to speculate.

Question—That The Greens amendments Nos 10 to 12 [C2013-042A]—put.

The Committee divided.

Ayes, 16

Ms Barham
Mr Buckingham
Ms Cotsis
Mr Donnelly
Ms Fazio
Mr Foley

Mr Moselmane
Mr Primrose
Mr Searle
Mr Secord
Ms Sharpe
Mr Veitch

Mr Whan
Mr Wong
Tellers,
Ms Faehrmann
Dr Kaye

Noes, 18

Mr Ajaka
Mr Blair
Mr Borsak
Mr Clarke
Ms Cusack
Ms Ficarra
Mr Gallacher

Mr Gay
Mr Green
Mr Harwin
Mr Khan
Mr Lynn
Mr MacDonald
Mr Mason-Cox

Reverend Nile
Mrs Pavey

Tellers,
Mrs Maclaren-Jones
Dr Phelps

Pairs

Ms Voltz
Ms Westwood
Mr Wong

Mr Colless
Mrs Mitchell
Mr Pearce

Question resolved in the negative.

The Greens amendments Nos 10 to 12 [C2013-042A] negatived.

The CHAIR (The Hon. Jennifer Gardiner): Order! I will now put Opposition amendments Nos 6 to 8 on sheet C2013-051G in globo.

Question—That Opposition amendments Nos 6 to 8 [C2013-051G] be agreed to—put and resolved in the negative.

Opposition amendments Nos 6 to 8 [C2013-051G] negatived.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [4.02 a.m.]: I move Opposition amendment No. 9 on sheet C2013-051G:

No. 9 Page 71, clause 16 of schedule 2. Insert after line 34:

- (6) In this clause, a reference to the repealed Act includes a reference to that Act as continuing to apply by the operation of clause 4.

This amendment deals with recovery proceedings against an offender for an amount payable under a statutory award of compensation. I do not cavil with the Chair's ruling, or indeed the Clerk's advice, but this is the tail end of the attempt to unwind the retrospective effect of the legislation and probably could have been dealt with in globo because it is of the same type. I will not repeat the policy reasons in support of the amendment but I urge all members to support it.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [4.03 a.m.]: The Government does not support Opposition amendment No. 9.

The Hon. JAN BARHAM [4.03 a.m.]: The Greens support Opposition amendment No. 9.

Question—That Opposition amendment No. 9 [C2013-051G] be agreed to—put and resolved in the negative.

Opposition amendment No. 9 [C2013-051G] negatived.

Schedule 2 agreed to.

Schedule 3 agreed to.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [4.04 a.m.]: I move Opposition amendments Nos 10 to 14 on sheet C2013-051G in globo:

No. 10 Page 85, clause 12 (a) of schedule 4, line 5. Omit "\$15,000". Insert instead "\$50,000".

No. 11 Page 85, clause 12 (b) of schedule 4, line 7. Omit "\$7,500". Insert instead "\$25,000".

No. 12 Page 85, clause 12 (c) of schedule 4, line 8. Omit "\$10,000". Insert instead "\$30,000".

No. 13 Page 85, clause 12 (d) of schedule 4, line 9. Omit "\$5,000". Insert instead "\$6,500".

No. 14 Page 85, clause 12 (e) of schedule 4, line 10. Omit "\$1,500". Insert instead "\$5,000".

Each of these amendments deals with the amounts in the recognition payments, which are a significant feature of this legislative regime. However, the amounts provided for are very low and diminish the terrible experiences of victims of crime. Not only have people gone through very difficult, and indeed horrendous, experiences but also there is now a second abuse in the form of the slashing of their benefits. At present many applicants would be entitled to significantly higher payments than they will receive under this bill if it becomes law. I will not repeat but I will refer to the numerous examples I gave in my contribution to the second reading debate—a before-and-after snapshot of the experiences of various victims.

It is clear that this will cut compensatory amounts to the bone—indeed, through the bone to the barest minimum—in a way that is simply not fair and not just. The Opposition, through these amendments, seeks to rebuild those amounts to where they should be—closer to where they are at present. We do so for the reasons that we have outlined previously. The current scheme is not overly generous; no-one will get rich making a compensation claim under the existing regime. But this bill and the Government's approach insults those victims by stripping them of whatever dignity the current regime can provide to them. The Opposition believes that should be reversed to some degree and that the amounts provided for in the recognition payments section should be increased.

We know what the Government will say. It will say it is about cost and about making sure that there is no new contingent liability in the new scheme, because it has said that before. The Opposition repeats that it is really about how the Government chooses to spend the money it has available in the public purse. We know how this Government has chosen to spend the money: giving tax cuts to poker machine operators and giving discounts on charges to the wealthy and the like. If the Government can find the money for those purposes it seems a terrible shame that it cannot find the resources to fund the Victims Compensation Scheme properly. The Opposition urges these amendments on the Committee in order to take a small step back towards a more balanced scheme.

Mr DAVID SHOEBRIDGE [4.07 a.m.]: The Greens support Opposition amendments Nos 10 to 14. The amendments—particularly amendment No. 10—will go some way to ameliorating some of the harshest cuts. It will still leave many victims worse off than they are under the current scheme because it will still be a one-size-fits-all approach based upon the nature of the crime rather than the impact of the crime on the individual, particularly for category C and category D crimes. I acknowledge that these amendments are put forward by the Opposition to improve—and they would improve—the benefits to victims of crime in the Government bill. But even with the amendments, many victims will get significantly less than under the existing scheme.

These amendments do go some small way to ameliorating the impacts of this legislation. If the amendments were accepted by a majority in this House the world would not collapse and the State of New South Wales would not lose its triple-A credit rating. The Government would just have to find potentially another \$20 million or so a year in order to fund a vaguely fair Victims Compensation Scheme. Where could the Government find those funds? It could reverse the hundreds of millions of dollars in tax cuts it gave to clubs to operate more profitable poker machines. That is the kind of choice this Government has made. It wanted to give clubs more profitable poker machines. Because it has done that the budgetary situation is such that the Government feels it has to rip meagre amounts of money from vulnerable, damaged victims of crime in New South Wales. If that is the kind of decision-making that the majority of members in this House want, I think it is an indictment on them.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [4.09 a.m.]: The Government does not support Opposition amendments Nos 10 to 14. Increasing the amounts of the recognition payments to what appears to be the maximum amounts of compensation payable under the Victims Compensation Scheme is inappropriate on a number of bases. First, the amounts of compensation payable under the Victims Compensation Scheme are maximum possible amounts. Very few claims are granted the maximum awards. Recognition payments payable under the new scheme, on the other hand, are the actual amounts paid. Compensation payable under the existing scheme must cover all the victim's expenses, whereas the recognition payments under the new scheme are in addition to up to \$5,000 of financial assistance available for urgent needs and up to \$30,000 of financial assistance for longer-term economic loss.

Homicide victims' families must currently share \$50,000 between them and wait two years to allow all family members to come forward and make a claim. Out of that maximum payment of \$50,000 the family has to pay for the funeral, crime scene clean-up, temporary relocation costs if the house is a crime scene, and any expenses for attending court for a trial or a coronial inquest. Under the new scheme each financially dependent family member will be entitled to \$15,000 each, plus up to \$5,000 for urgent needs and up to \$5,000 for the cost of attending court. A further \$8,000 will be available to go towards the cost of the funeral.

Question—That Opposition amendments Nos 10 to 14 [C2013-051G] be agreed to—put.

The Committee divided.

Ayes, 16

Ms Barham	Dr Kaye	Mr Veitch
Mr Buckingham	Mr Moselmane	Mr Whan
Ms Cotsis	Mr Primrose	
Mr Donnelly	Mr Searle	<i>Tellers,</i>
Ms Faehrmann	Mr Secord	Ms Fazio
Mr Foley	Mr Shoebridge	Ms Sharpe

Noes, 18

Mr Ajaka	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mrs Pavey
Mr Borsak	Mr Harwin	
Mr Clarke	Mr Khan	
Ms Cusack	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mr MacDonald	Mrs Maclaren-Jones
Mr Gallacher	Mr Mason-Cox	Dr Phelps

Pairs

Ms Voltz	Mr Colless
Ms Westwood	Mrs Mitchell
Mr Wong	Mr Pearce

Question resolved in the negative.

Opposition amendments Nos 10 to 14 [C2013-051G] negatived.

Schedule 4 agreed to.

Title agreed to.

Bill reported from Committee with an amendment.

Adoption of Report

Motion by the Hon. Michael Gallacher agreed to:

That the report be adopted.

Report adopted.

Third Reading

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [4.21 a.m.]: I move:

That this bill be now read a third time.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [4.21 a.m.]: This has been a very long and disappointing debate. Fairness and rationality have fled the Chamber as the Government has been hell-bent on its ideological agenda.

The PRESIDENT: Order! The Deputy Leader of the Opposition is going well outside the conventions of a third reading debate and is reflecting on a vote of the House. The Deputy Leader of the Opposition should confine his remarks to the conventions of a third reading speech.

Reverend the Hon. Fred Nile: No sour grapes.

The Hon. ADAM SEARLE: There are no sour grapes. However, although the Opposition acknowledges that the legislation is now in a slightly improved form, it is not able to support the third reading. The legislation is not in conformity with what the Opposition thinks would be necessary to render it fair and just to the victims of crime.

Mr DAVID SHOEBRIDGE [4.22 a.m.]: This matter has now been reported from Committee with one tiny amendment.

Reverend the Hon. Fred Nile: It is a wonderful amendment; a great amendment.

Mr DAVID SHOEBRIDGE: I acknowledge the interjection of Reverend the Hon. Fred Nile who said "It is a wonderful amendment; a great amendment." That amendment goes but a tiny way to knocking off one small aspect of the gross unfairness of this bill. The amended bill is not supportable and The Greens oppose it.

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

The House divided.

Ayes, 18

Mr Ajaka	Miss Gardiner	Reverend Nile
Mr Blair	Mr Gay	Mrs Pavey
Mr Borsak	Mr Green	
Mr Clarke	Mr Khan	
Ms Cusack	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mr MacDonald	Mrs Maclaren-Jones
Mr Gallacher	Mr Mason-Cox	Dr Phelps

Noes, 16

Ms Barham	Dr Kaye	Mr Shoebridge
Mr Buckingham	Mr Moselmane	Mr Whan
Ms Cotsis	Mr Primrose	
Mr Donnelly	Mr Searle	<i>Tellers,</i>
Ms Faehrmann	Mr Secord	Ms Fazio
Mr Foley	Ms Sharpe	Mr Veitch

Pairs

Mr Colless	Ms Voltz
Mrs Mitchell	Ms Westwood
Mr Pearce	Mr Wong

Question resolved in the affirmative.

Motion agreed to.

Bill read a third time and returned to the Legislative Assembly with a message requesting its concurrence in the amendment.

PUBLIC HEALTH AMENDMENT (VACCINATION OF CHILDREN ATTENDING CHILD CARE FACILITIES) 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.

SPECIAL ADJOURNMENT

Motion by the Hon. Duncan Gay agreed to:

That this House at its rising today do adjourn until Thursday 30 May 2013 at 11.00 a.m.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [4.32 a.m.]: I move:

That this House do now adjourn.

CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

The Hon. SOPHIE COTSIS [4.32 a.m.]: On 14 September a referendum will be conducted to recognise local government in the Australian Constitution. I urge for a yes vote. This is a once-in-a-generation opportunity to provide financial certainty to local councils by receiving funds directly from the Commonwealth. In New South Wales local councils own more than \$117 billion worth of assets, have an annual turnover of \$9 billion and employ more than 50,000 who are engaged in more than 240 functions including engineering, planning, garbage collection; they are lifeguards, scientists, environmentalists, librarians, apprentices and road maintenance workers. The list goes on. Councils provide many services, including child care, libraries, garbage collection, building and upgrading infrastructure and they run major multimillion dollar businesses.

The voters of Australia will have the opportunity to enshrine the Australian population's right to benefit from the funding of programs that help to keep our towns strong and connected. The Australian Constitution, as it is currently written, covers only the relationships between the Commonwealth, States and Territories. It does not mention local government. The role of local government has expanded since our Constitution was signed on 1 January 1901. Australia is a different place. In 1901 the main role of councils was to act as a tool of State governments by keeping the streets free of rubbish and the roads safe for horses and carriages and disposing of sewage.

Now, 112 years later, click onto your local council's website to see the enormous range of services they provide to their communities—child care, employment services, aged care hostels, disability programs, ethnic and cultural events, galleries, tourist information centres, business incentive schemes, conservation and environment services, parks and libraries and, of course, they still look after our roads and collect our rubbish each week. Many of these services and programs have been funded for many years at least in part by the Commonwealth. It is time the Constitution reflected modern Australia.

Yesterday the Federal Government took the next step to include local government in the Constitution by introducing legislation to amend the nation's founding document. Section 96 of the Constitution will add 17 new words based on the wording suggested by the Expert Panel on Constitutional Recognition of Local Government, led by the Hon. James Spigelman and subsequently endorsed by the parliamentary joint select committee. Those words are:

Financial assistance to State *and local government bodies*

During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State, *or to any local government body formed by a law of a State.*

The proposed words do not in any way diminish the role of State governments. The doomsayers and the conspiracy theorists can say what they like but they are wrong. State governments will still be responsible for local councils. This is not an attempt by the Commonwealth Government to take over the role of States by recognising the role of local government in the Constitution. Programs such as the \$1 billion Roads to Recovery will be recognised in the Constitution and have a certain future. New South Wales Labor has always been committed—it made this commitment prior to the last election—to supporting recognition of local government in the Constitution.

Unfortunately, the O'Farrell Government has broken a key election promise to support a referendum on the constitutional and financial recognition of local government. Last week the Minister for Local Government said that financial recognition of local government will create confusion and lead to pork-barrelling. This a breath-taking backflip. It will mean that local services and road funding will suffer, from Sydney to Port Macquarie, Bourke and Brewarrina. In 2011 the Coalition made a commitment to support this. Now it is being wishy-washy about its position. In September 2011 the Minister for Local Government said on *Stateline*:

I as a Minister in the Government support the idea of local government being recognised in the Federal Constitution ... I think we'd get better use of the money ... coming from the Feds going to local government. And I think also the financial situation with local councils across the State, if they can top into a source of revenue, whether it be GST—that's probably the most practical one ...

That is what the Minister said and he has flipped on his position. Several other Ministers have said different things in their local electorates. In the *Manly Daily* Mike Baird was quoted as saying that he sees no problem with more direct Federal funding for councils. He said that if there is a more efficient way of distributing funds, then he supported it. The Deputy Premier, Andrew Stoner, was reported in the *Dubbo Daily Liberal* as saying, "I personally don't have any problems with constitutional recognition for local government." Then Katrina Hodgkinson said that she does not support it. So do they support it or not? This will be important for the financial certainty of many councils.

A poll last week in the *Australian Financial Review* stated that 65 per cent will vote for recognition of local government in this year's referendum. I note that the joint President of Local Government NSW, Ray Donald, is said to be furious with Mr Page's backflip. Given the recent TCorp report into New South Wales council finances—[*Time expired.*]

CATHOLIC CHURCH AND CHILD SEXUAL ABUSE

Mr DAVID SHOEBRIDGE [4.37 a.m.]: Anthony and Chrissie Foster had a good idea of what to expect from Cardinal Pell when he fronted at the Victorian parliamentary inquiry into child abuse. This subject is close to their hearts after two of their beautiful daughters were abused by their local priest, leading one to repeatedly self-harm before taking her life and the other with terrible disabling injuries. The Fosters were clear about what they wanted to hear from the cardinal:

What we really wanted to see come out of this is full responsibility taken and a commitment to fully support the victims without any caps on payments.

Anthony Foster met face-to-face with then Archbishop Pell. He described his experience as follows:

We experienced a sociopathic lack of empathy from him and that was typical of what we experienced from the church and that has continued to this very day.

Chrissie described it in her book, *Hell on the Way to Heaven*, like this:

Archbishop Pell, like a tradesman who comes to fix a leaky roof, arrived at that meeting with a handful of trusted verbal tools. He used phrases such as: "I hope that you can prove what you are saying in court ..." and "... take your evidence to court". He used them to attack, deflect and interrupt. Meanwhile, we tried to defend the innocence of our daughter. The Archbishop's tools were very effective, for they eventually exhausted Anthony. The man of the Church was used to confrontation and we were not.

...

Two of the items I had gathered as evidence of Emma's suffering were photographs. One pictured her receiving a confirmation certificate only two years earlier by none other than what was then Bishop George Pell himself. The other photograph was taken just a few months before the meeting, when she had cut her wrists in the laneway behind our home. To maximise the impact this photograph would have on the Archbishop, Anthony had enlarged it to A4 size.

When the meeting was almost finished, Anthony passed to Archbishop Pell the confirmation picture, to which he commented: "That's nice."

Then Anthony gave him the image of Emma with bloodied wrists and arms. I held my breath, hopeful that we could reach this man on a deeper level and he could offer us some sympathy, or a display of surprise perhaps, something, anything ...

Archbishop Pell, however, peered at it for a moment and with an unchanged expression said casually: "Mmm ... she's changed, hasn't she?" He handed the picture back to us. We couldn't believe his response. He was the first person we'd shown the image to. It was too distressing for anyone we knew to see. But it did not disturb the archbishop. Not a grimace or a frown.

In the hearing before the Victorian inquiry Cardinal Pell described this meeting with the Fosters as unfortunate. During the hearing Cardinal Pell appeared almost ready to commit to increasing the church's cap on payments, but then indicated the Australian Catholic Church would do only what was required according to, in his words, "the law of the land", including being guided by the compensation payments awarded by the Victims of Crime Assistance Tribunal. Tonight we know what that will be in New South Wales. Compensation as part of the healing and recovery process is important. One victim my office has been in contact with says it well:

You need to hit the church where it hurts—the wallet. Only then will they change.

On the cardinal's own testimony the church knew it had paedophile priests since at least 1988. In the 2½ decades that have passed since, the will within the church to make changes about how it deals with child sexual abuse has been notably absent. Cardinal Pell made a written submission to the inquiry which argues against potential legislative change that would assist victims of clergy abuse to sue for greater compensation. His argument was that this would amount to discrimination against Catholics. Apparently, challenging church structures that appear purpose-built to shield the church from financial liability, regardless of moral or legal culpability, is now discrimination.

Cardinal Pell said in his opening testimony to the inquiry that he was "fully apologetic and absolutely sorry." However, this apology was qualified in his testimony by caveats and limitations. Pell obfuscated and laid blame on everyone but the church. He included the Victorian Government, whom he identified as failing to force the church to do more, and the "intermittently hostile media". He is arguably the most powerful representative of the Catholic Church in Australia, the only Australian cardinal represented in Rome and, as Archbishop of Sydney, head of the largest archdiocese in Australia. In this context it is remarkable how little responsibility he accepts.

Victims want the church to look after victims, to provide a measure of real justice and to ensure that future abuse and cover-ups have consequences—in particular, that they are reported to police. After years of trying to work with the church and through church processes, most victims have given up on the church's changing internally. They are hoping that the Victorian inquiry and the Federal royal commission will make recommendations that will force these changes onto the church and other institutions. Cardinal Pell bristled when asked if he was guilty of wilful blindness, yet how else would you describe the creation of the Melbourne response and other church responses to abuse which claimed to look after victims but involved no systematic investigation and a built-in failure to report the full details of abuse claims to police?

Cardinal Pell knew what was happening on his watch. Cardinal Pell weighed up the interests of the church on one side and the victims on the other. The church won. It is time the church was forced to change. You cannot cover up abuse, transfer abusive priests, shirk financial responsibility and then tell victims and survivors that you are sorry. You need to do more. It is time for the church to move from being fully apologetic to fully responsible. Cardinal Pell must deliver on this. If he cannot or will not do that, he must resign.

HUNTER WATER

The Hon. WALT SECORD [4.42 a.m.]: This year, Hunter Water estimates it will lose billions of litres of precious water through leaks in its lower Hunter system. This is based on data received last week from the Minister for Finance and Services in response to a question on notice answered on 21 May. Of course, these are the very questions that the Deputy Leader of the Government wants to limit and restrict. It is easy to see why the Deputy Leader of the Government wants to do away with these embarrassing questions on notice. That data obtained through questions on notice showed that 8.1 per cent of the lower Hunter's total water supply will be lost through leaky pipes this year. The information supplied by Hunter Water shows that 5.5 billion litres of water will be lost through leaks in pipes and water mains in 2013.

While the figures show that the losses have been reduced by almost half a billion litres in the last two years, the community believes that losing 1.8 per cent of the total local supply is not good enough. To give a comparison, that loss is the equivalent of 2,204 Olympic-size swimming pools or 30,611 rainwater tanks. Further, it is taking the O'Farrell Government a long time to repair these leaks. The average time for Hunter Water to repair a leak is 9.7 hours, and it claims it takes 4.3 hours to repair an urgent leak. The answer at hand is simple: Hunter Water needs to stop cutting maintenance staff. The fact is that Hunter Water needs to be properly resourced. In the data Hunter Water announced that it had a mere 13 staff employed overnight to fix leaks—a mere 13 staff to provide water and wastewater services to more than half a million people in the Lower Hunter. What kind of service-oriented business could run on a staff-to-customer ratio of almost one in 40,000?

The second matter is even more concerning. It is about how Hunter Water is ruthlessly and relentlessly pursuing struggling pensioners. In a response I received earlier this month to a freedom of information request Hunter Water was forced to admit that it was vigorously pursuing pensioners who had fallen behind in their water bills. In 2012 it formulated a debt recovery plan to target pensioners with a "blitz". This is not my term, it is the O'Farrell Government's term. Papers prepared for the Board of Hunter Water proposed a trial "letter blitz" on 500 pensioners with debts as low as \$350. Under the plan, the letters would demand "immediate payment be made" for debts outstanding. I stress that Hunter Water knew that these people were pensioners.

Further, the State Government also debated putting the demand notices in "red-coloured envelopes", to scare pensioners into paying. Put simply, this was a disgusting plan. A couple of more sensitive bureaucrats in Hunter Water cautioned the O'Farrell Government that there might be some "mental health concerns" amongst pensioners if the O'Farrell Government proceeded with the plan. The O'Farrell Government should be ashamed of its plan to scare pensioners who had already fallen behind due to the cost-of-living pressures. Pensioners on fixed incomes have no opportunity to raise their income to meet the rising cost of living pressures and any essential service should be mindful of this. This is evidenced by the fact that about 1,300 pensioners owed Hunter Water \$3.3 million. This is out of a total of \$7.3 million in debt owed by a total of 13,000 customers. In the Hunter Valley, pensioners comprise the single largest group of people who are behind in their bills. This is not surprising, as pensioners are the ones who are doing it the toughest. The irony here is palpable.

We live on the driest inhabited continent in the world. Drinking water is a precious resource but, on the one hand, Hunter Water is allowing billions of litres to be wasted and does not seem to have the time or staff to fix this critical supply issue. However, it does have time and energy to prepare a dreadful plan to scare pensioners into paying their overdue water bills. Hunter Water and the State Government do not have enough crews to fix pipes, but they do have plenty of time to prepare plans and schemes to "blitz" seniors. In opposition, the Liberal-Nationals promised to help with the cost of living. Instead, we see waste and mismanagement, and attacks on struggling pensioners. I urge the Minister for Finance and Services to urgently examine the priorities of Hunter Water. He should also apologise to the pensioners of the Lower Hunter. Again, the O'Farrell Government is targeting the weak and the vulnerable. I thank the House for its consideration.

BUS OF BOOKS

The Hon. PAUL GREEN [4.47 a.m.]: Bus of Books is a not-for-profit organisation founded by Colin Lee in 2012 dedicated to providing young people in rural areas and disadvantaged communities within Australia with resources and programs to read and succeed. Their vision is a world where young people are able to engage in rewarding education that empowers them to reach their full potential and make a difference in their communities. Lack of basic literacy skills is one of the biggest barriers to "closing the gap" in communities in need, creating deep social disadvantages and limiting opportunities later in life. By immersing young people in the culture of reading, imagination is ignited and confidence built for a prosperous future, regardless of race, economic status and geography. By supporting literacy education in underfunded schools, libraries and communities, Bus of Books seeks to foster change in welfare-dependent communities by inspiring the imaginations of young people and empowering them to seek higher learning and employment opportunities.

Bus of Books seeks to inspire young lives one book at a time, by putting books into the hands of young people and empowering them to experience the joy of reading. The Bus of Books programs and campaigns engage local communities, schools, universities, and businesses in community service through book collection drives and fundraising events. They also engage and facilitate schools in areas of higher affluence to collect books from their libraries and the families of the students. All the collected books are driven by bus and presented to the schools, libraries and communities in need. They target schools in Australia that are classified as low socio-economic status and that are in remote and regional areas where resources and funding are hard to come by. They also target schools with a high refugee and migrant demographic.

On 29 August 2012, Bus of Books organised a book drive and collected nearly 1,500 books from St Scholastica's College in Glebe. On 15 October 2012, armed with community collections, the team at Bus of Books drove for nine hours and 750 kilometres north-west from Sydney to Collarenebri, which is a small and remote town with a population of about 300 people. It is a low-socio economic community with limited employment and work opportunities, and therefore significant levels of welfare dependence. Bus of Books donated \$3,000 and 3,000 books as well as educational resources to Collarenebri Central School. The Christian Democratic Party congratulates the Bus of Books organisation on its wonderful initiative, and thanks them for their contribution towards improving the opportunities of those who might be disadvantaged by circumstances by increasing their access to higher literacy skills.

RURAL AND REGIONAL ROAD SAFETY

Mr SCOT MacDONALD [4.51 a.m.]: Last week the University of New England family was distraught at the death of a student in a road accident west of Guyra. While the full details are not confirmed, police are reporting that a female driver lost control of her car while attempting to avoid a kangaroo. The Vice-Chancellor of the University of New England has told me that this is the second incident of its type in the past five years. This is a tragic loss for the young woman's family and the Armidale community; it is a reminder that driving on regional roads presents its own unique hazards. Every road death is a terrible waste and I believe we must redouble our efforts to bring down the toll. In the past year we have made tremendous progress with annual road death numbers in New South Wales, reducing them to 1970s levels. I will focus on crashes involving wildlife. This issue is not easy and organisations such as the NRMA, insurance companies and our parliamentary Staysafe committee point out that there is no magic bullet. The hazard is never going to go away on country roads, but we can address the risk.

Undoubtedly, improved vehicle standards are helping. Anti-lock braking systems and electronic stability control all help, but as Robert McDonald from IAG Research Centre points out, a driver has to have the experience and skills to best utilise these features. My specific concern is the skills and experience of young drivers who come from our cities to regional universities. Inevitably, these students have been driving for only a year or two and, of course, most of that time was at relatively low speed on better roads. It is unlikely that they have encountered wild life on the road. It is fantastic that many city students choose a regional university for their next step. At the University of New England in Armidale nearly 40 per cent of internal enrolments are drawn from western Sydney. In fact, the university has a campus in Parramatta. It is a wonderful lifestyle in country campuses with space and freedom. Students necessarily are more reliant on their own private transport, but driving conditions are different.

Drivers have to get used to highway conditions with high speeds and the routine hazard of animals on the road. I believe there is a case for relooking at driver education in these circumstances. I am grateful to the Minister for Roads and Ports, who facilitated a meeting with Roads and Maritime Services at which I had the opportunity to highlight the risks. The upshot of these discussions is that the Centre for Road Safety, and Roads and Maritime Services Western Region will work with the University of New England to review driver education and safety. One point I made is that drivers need to be conscious of seasonal conditions. Insurance companies, the NRMA and Roads and Maritime Services usually start to alert the public in winter about increased numbers of kangaroos and other animals on our roads but, unfortunately, the past six months have been unusually dry in New South Wales and the green peak on the road verges have proven an attractive food source for the past couple of months, which is much earlier than normal.

We need to be alert and responsive to these variable conditions. I record my thanks to the Vice-Chancellor of the University of New England, Professor Jim Barber, for his prompt and heartfelt support to these initiatives. Like everyone in the university, I know he feels a sense of duty and care to all the student body and their families. Everyone in this House feels for the family who lost a precious daughter. I like to think that her death will be easier to bear if they know that the State and Federal governments, road organisations, car manufacturers and sellers, universities and all of us in regional communities redouble our efforts to educate young, inexperienced drivers about the risks and hazards of country driving.

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

Motion agreed to.

The House adjourned at 4.54 a.m. Thursday 31 May 2013 until 11.00 a.m. on the same day.
