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LEGISLATIVE COUNCIL

Wednesday 23 October 2013

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

The President read the Prayers.

NSW CHILD DEATH REVIEW TEAM

Report

The President tabled, pursuant to the Community Services (Complaints, Reviews and Monitoring) Act 1993, the annual report of the NSW Child Death Review Team for the year ended 31 December 2012.

The President announced that under the Act the report was authorised to be made public this day.

Ordered to be printed on motion by the Hon. Duncan Gay.

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

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1441 outside the Order of Precedence objected to as being taken as formal business.

SYDNEY HOUSING CONSTRUCTION

Motion by the Hon. MARIE FICARRA agreed to:

(1) That this House notes that:

(a) on Saturday 24 August 2013 the Hon. Barry O'Farrell, MP, Premier, and the NSW Department of Planning and Infrastructure announced the figure for housing construction in the Sydney area for the 2012-13 financial year;

(b) the figure shows outstanding completions, with 21,097 homes built;

(c) the figure represents a 35 per cent increase in housing construction from the last financial year;

(d) the figure represents a 10-year record high, unbeaten from 2003-04 onwards;

(e) Western Sydney councils saw the highest growth in housing construction, with the local government areas of Blacktown, Parramatta, Camden, Penrith, Liverpool and The Hills receiving most of the new homes;

(f) the figure for future housing approvals looks equally promising, up 17 per cent from the last financial year;

(g) housing construction is a crucial economic driver, as it creates jobs, attracts flow-on investments and consumption, and is also an indicator of greater socioeconomic stability as reflected in the economic confidence of new home owners;

(h) growth in housing construction has been enabled by government policies, such as axing the $429 million homebuyer tax, a new homebuyer scheme, land releases, and $500 million housing-related infrastructure projects;

(i) growing housing construction trends must be accompanied by infrastructure upgrades; and

(j) infrastructure upgrades are forthcoming in the form of projects such as the building of the North West and South West Rail links and WestConnex, the widening of the M5 West motorway tract and the establishment of new key arterial roads in the Sydney area.

(2) That this House acknowledges:

(a) the efforts of the O'Farrell Government, the Minister for Planning, the Hon. Brad Hazzard, MP, and the NSW Department of Planning and Infrastructure on the delivery and implementation of policies that have enabled housing construction to boom in Sydney; and

(b) the efforts of the O'Farrell Government on fulfilling its promise of facilitating home ownership and fostering economic security for families across New South Wales.

AHMADIYYA MUSLIM COMMUNITY OF AUSTRALIA

Motion by the Hon. DAVID CLARKE agreed to:

(1) That this House notes that:

(a) on Friday 18 October 2013 a celebratory dinner was held at Marsden Park hosted by the Ahmadiyya Muslim Community of Australia to:

(i) welcome to Australia His Holiness Hadhrat Mirza Masroor Ahmad Khalifatul Masih V, Leader of the Worldwide Ahmadiyya Muslim Community;

(ii) celebrate the inauguration of the Khalifat Centenary Hall, Marsden Park, by His Holiness Khalifatul Masih V; and

(b) those who attended as guests included:

(i) Senator Connie Fierravanti-Wells, Parliamentary Secretary to the Federal Minister for Social Services, representing the Hon. Tony Abbott, MP, Prime Minister of Australia;

(ii) Mr Ed Husic, MP, Federal member for Chifley, representing the Hon. Bill Shorten, MP, Leader of the Federal Opposition;

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

(iv) the Hon. John Robertson, MP, State Opposition Leader;

(v) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

(vi) the Hon. Phillip Ruddock, MP, Federal member for Berowra;

(vii) Ms Julie Owens, MP, Federal member for Parramatta;

(viii) Ms Michelle Rowland, MP, Federal member for Greenway;

(ix) Mr Kevin Conolly, MP, member for Riverstone;

(x) the Hon. Shaoquett Moselmane, MLC;

(xi) mayors and local councillors; and

(xii) representatives of other religious faith communities and diplomatic, academic and community representatives.

(2) That this House:

(a) welcomes to New South Wales His Holiness Khalifatul Masih V, Leader of the Worldwide Ahmadiyya Muslim Community, and congratulates him on his message of universal peace, justice and interfaith harmony; and

(b) extends its greetings to the Ahmadiyya Muslim Community of Australia for its ongoing contribution to interfaith understanding within New South Wales.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1565 outside the Order of Precedence objected to as being taken as formal business.

GRANDPARENTS DAY

Motion by the Hon. JAN BARHAM agreed to:

(1) That this House notes that:

(a) Grandparents Day, initiated by the Government in 2011, will be celebrated on Sunday 27 October 2013, with the celebrations being coordinated by Council on the Ageing [COTA] NSW; and

(b) nominations are being sought for three awards in the following categories: Grandparent Carer of the Year, Community Grandparent of the Year, and Grand Friend of the Year.

(2) That this House acknowledges:

(a) the unconditional love and support grandparents give their grandchildren;

(b) the growing numbers of grandparents who are caring for children while their parents are at work; and

(c) the growing number of grandparents who are the full-time carers of their grandchildren, who for a variety of reasons can no longer be in their parents' care.

(3) That this House acknowledges the special bond between grandparents and their grandchildren, and the sharing of cultural values through the generations.

DEATH OF GODFREY "RUSTY" PRIEST

Motion by the Hon. CHARLIE LYNN agreed to:

(1) That this House notes that:

(a) on Wednesday 2 October 2013 the Government held a State Funeral to honour the passing of former World War II veteran and Returned and Services League (RSL) New South Wales Branch State President, Mr Rusty Priest;

(b) Mr Priest headed the State Branch of the RSL from 1993 until he retired in 2002;

(c) Mr Priest was born in Melbourne in 1927 and first put on a slouch hat at the age of 19 in 1945 after joining the 2nd Australian Imperial Force;

(d) Mr Priest later moved to the 22nd Line Maintenance Section in post-war Japan;

(e) the Premier described Mr Priest's passing as, "Our State has lost a great Australian who has arguably done more than anyone else to pass on to future generations the legend of the Anzac … Rusty was passionate about helping those who fought to protect our country, especially ensuring that as our World War I veterans pass away their deeds are not forgotten"; and

(f) Mr Rusty Priest is survived by his children Tim and Carole-Ann Priest.

(2) That this House pays tribute to Mr Rusty Priest and his family, and extends its sympathy in their time of bereavement.

GREEK-SERBIAN ORTHODOX AND CULTURAL FRIENDSHIP DAY

Motion by the Hon. DAVID CLARKE agreed to:

(1) That this House notes that:

(a) on Sunday 22 September 2013 the twentieth annual Greek-Serbian Orthodox and Cultural Friendship Day was celebrated at St Archdeacon Stephen Serbian Orthodox Church at Rooty Hill and attended by more than 2,000 members of the Serbian, Greek and other Orthodox communities;

(b) the celebration commenced with the Holy Liturgy concelebrated by the Metropolitan Theodosios of Sebaste of the Antiochian Orthodox Church and His Grace Bishop Irinej of the Serbian Orthodox Church in Australia followed by a musical and cultural program featuring not only a number of dance groups from the Serbian and Greek Orthodox communities but also, for the first time, the Russian, Ukrainian, Bulgarian, Romanian, Lebanese and Assyrian Orthodox communities as well; and

(c) those who attended as guests included:

(i) Reverend Father Nektarios Ioannou of the Greek Orthodox Church of St Dimitrios at St Mary's;

(ii) Reverend Father Srboljub Miletich of St Archdeacon Stephen Serbian Orthodox Church at Rooty Hill;

(iii) Reverend Father Milograd Peric of St Lazarus Serbian Orthodox Church, Alexandria;

(iv) Reverend Father Djuro Djurdjevic of St George Serbian Orthodox Church, Cabramatta;

(v) the Consul General for Greece, Dr Stavros Kirimis;

(vi) the Consul General for Serbia, Mr Branko Radosevic;

(vii) the Consul General for Romania, Ms Roxanna Mocanu;

(viii) the Hon. Sophie Cotsis, MLC, shadow Minister for Local Government, shadow Minister for Housing, and shadow Minister for the Status of Women;

(ix) the Honorary President of the NSW Ethnic Communities Council, Mr Agapitos Passaris; and

(x) the President of the Australian Hellenic Educators' Association of NSW, Dr Panayiotis Diamadis.

(2) That this House:

(a) congratulates the organisers of the twentieth annual Greek-Serbian Orthodox and Cultural Friendship Day particularly:

(i) Ms Ljubica Ridley;

(ii) Mr Dimitrios Kametopoulos; and

(b) extends its greetings to the Greek and Serbian Orthodox communities on the occasion of the twentieth anniversary of Greek Serbian Orthodox and Cultural Friendship Day.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1570 outside the Order of Precedence objected to as being taken as formal business.

TOONGABBIE LEGAL CENTRE

Motion by the Hon. DAVID CLARKE agreed to:

(1) That this House notes that:

(a) on Saturday 12 October 2013 at Blacktown the Toongabbie Legal Centre, under the patronage of the Hon. Justice Margaret Beazley, AO, President of the New South Wales Court of Appeal, held its sixth annual fundraising dinner;

(b) the Hon. Thomas Bathurst, QC, Chief Justice of the Supreme Court of New South Wales, was a special guest in attendance at the event; and

(c) the master of ceremonies was Mr James Carleton from ABC Radio.

(2) That this House further notes that:

(a) Toongabbie Legal Centre is a not-for-profit community-based initiative established on 17 March 2007 and was formally launched on 8 July 2011 by the then Federal Attorney-General, the Hon. Robert McClelland, MP;

(b) based in Western Sydney and staffed on a voluntary basis by a team of solicitors and other professionals, and including law students from six different universities, the centre provides free legal assistance in a range of areas to local residents unable, because of cost, to engage lawyers or who otherwise have difficulty in accessing legal assistance; and

(c) Mr Susai Benjamin, who conceived and initiated the Toongabbie Legal Centre, serves as its honorary director and acting principal solicitor, and Mr Christopher Jurd, solicitor, serves as its president.

(3) That this House:

(a) commends Mr Susai Benjamin, Mr Christopher Jurd and other volunteers who provide their services through the Toongabbie Legal Centre; and

(b) extends its congratulations to the centre and its staff on their six years of service to the people of Western Sydney.

DEEPAVALI FESTIVAL

Motion by the Hon. DAVID CLARKE agreed to:

(1) That this House notes that:

(a) on Thursday 17 October 2013 under the auspices of the Hindu Council of Australia a cultural celebration was held in Martin Place, Sydney, to mark the occasion of the Festival of Deepavali;

(b) the Festival of Deepavali, also known as the Festival of Lights, is widely celebrated by Hindus, Sikhs and Jains and symbolises the victory of good over evil; and

(c) those who attended as guests included:

(i) the Hon. Philip Ruddock, MP, Federal member for Berowra;

(ii) Mr Craig Kelly, MP, Federal member for Hughes;

(iii) the Hon. John Robertson, MP, member for Blacktown and Leader of the New South Wales Opposition;

(iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

(v) Mr Matt Kean, MP, member for Hornsby;

(vi) Dr Geoff Lee, MP, member for Parramatta;

(vii) Mr Vic Alhadeff, Chief Executive Officer of the NSW Jewish Board of Deputies; and

(viii) representatives of various Indian Australian communities.

(2) That this House:

(a) commends the Hindu Council of Australia for its initiative in organising the cultural celebration of the Festival of Deepavali in Martin Place Sydney on 17 October 2013; and

(b) extends its greetings to the Hindu, Sikh and Jain communities on the occasion of the Festival of Deepavali.

RSL AND SERVICES CLUBS ASSOCIATION CONFERENCE

Motion by the Hon. CHARLIE LYNN agreed to:

(1) That this House acknowledges that:

(a) on Monday 23 September 2013 the Returned and Services League [RSL] and Services Clubs Association held their twelfth annual conference under the theme of "Dawning of a new era";

(b) guest speakers included Chair of the NSW Centenary of Anzac Advisory Council, General Peter Cosgrove; the Head Land Systems Australian Army, Major General Paul McLachlan; and the Lord Mayor of Melbourne, the Rt. Hon. Robert Doyle;

(c) the conference also included presentation of the seventh Spirit of Anzac Award winners;

(d) for the Spirit of Anzac, the award recognises a club that has made an outstanding contribution throughout the year to its members and the local community that epitomises the Anzac traditions on which RSL and services clubs were founded, and the Dubbo RSL Memorial Club was the winner while the Windsor RSL Club was awarded a highly commended;

(e) the Outstanding Community Member Award was presented to Brian Merchant of the Orange Ex-Services Club, and the award recognises the community member or volunteer who has demonstrated outstanding loyalty and service towards their club or the local community in the Spirit of the Anzacs;

(f) the judges awarded a highly commended to John Burgess, former long-term President and Director of Fairfield RSL Club; and

(g) for the Spirit of Kokoda, the award recognises the trekker who has used the leadership challenge experience to most advance their life goals and taken significant steps towards those aspirations, and the award was presented to Danielle Plummer, who was sponsored by the Dubbo RSL Sub-Branch, while Hayley Pymont, sponsored by Wollongong City Diggers, was presented with a highly commended.

(2) That this House congratulates:

(a) the RSL and Services Clubs Association;

(b) Mr Bryn Miller, Association Chairman and board members;

(c) Mr Graeme Carroll, Association Chief Executive Officer;

(d) The Spirit of Anzac and Spirit of Kokoda award winners; and

(e) the organising committee on a successful conference.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Budget Estimates 2013-2014

The Hon. Marie Ficarra, as Chair, tabled the report entitled, "Budget Estimates 2013-2014", dated October 2013, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice.

Report ordered to be printed on motion by the Hon. Marie Ficarra.

The Hon. MARIE FICARRA (Parliamentary Secretary) [11.09 a.m.]: I move:

That the House take note of the report.

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

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Report: Budget Estimates 2013-2014

The Hon. Natasha Maclaren-Jones, as Chair, tabled the report entitled, "Budget Estimates 2013-2014", dated October 2013, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice.

Report ordered to be printed on motion by the Hon. Natasha Maclaren-Jones.

The Hon. NATASHA MACLAREN-JONES [11.10 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Natasha Maclaren-Jones and set down as an order of the day for a future day.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Budget Estimates 2013-2014

The Hon. Sarah Mitchell, as Chair, tabled the report entitled, "Budget Estimates 2013-2014", dated October 2013, together with transcripts of evidence, correspondence and answers to questions taken on notice.

Report ordered to be printed on motion by the Hon. Sarah Mitchell.

The Hon. SARAH MITCHELL [11.11 a.m.]: I move:

That the House take note of the report.

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

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notice of Motion No. 2 postponed on motion by Dr Mehreen Faruqi and set down as an order of the day for a future day.

Government Business Notices of Motions Nos 1 and 2 postponed on motion by the Hon. Duncan Gay and set down as an order of the day for a later hour.

Government Business Orders of the Day Nos 1 to 3 postponed on motion by the Hon. Duncan Gay and set down as an order of the day for a later hour.

CRIMES AND COURTS LEGISLATION AMENDMENT BILL 2013

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [11.19 a.m.], on behalf of the Hon. Michael Gallacher: 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 pleased to introduce the Crimes and Courts Legislation Amendment Bill 2013.

The purpose of the bill is to make miscellaneous amendments to courts and crimes-related legislation, as part of the Government's regular legislative review and monitoring program.

The bill amends a number of Acts to improve the efficiency and operation of the State's courts and tribunals and criminal laws.

I will now outline each of the amendments in turn.

Item [1] of schedule 1 amends the definition of a "domestic violence death" for the purposes of the investigation of deaths by the Domestic Violence Death Review Team. The Domestic Violence Death Review Team was established in 2010 under the Coroners Act 2009. It investigates the causes of "domestic violence deaths" in New South Wales to reduce their incidence by improving relevant systems and services. These amendments are made in response to recommendations of the Domestic Violence Death Review Team's most recent annual report. There are two aspects to the amendment. Firstly, it clarifies that the team can only investigate deaths which occur in the context of domestic violence. Secondly, the definition of domestic violence death is expanded to include: deaths of persons who were bystanders to domestic violence; were new partners—or mistakenly believed by the perpetrator to be a new partner—of a former partner of the perpetrator; or who were a relative or kin of a person in a domestic relationship with the perpetrator.

Item [4] of schedule 1 amends the definition of "domestic relationship" for the purposes of investigations to remove the qualification that there must have been previous episodes of domestic violence between the person and the perpetrator.

Item [5] of schedule 1 replaces the list of members of the Domestic Violence Death Review Team to reflect the change in names for certain positions and departments and to include a representative of Corrective Services New South Wales as a member of the team.

Items [2], [3] and [6] of schedule 1 make consequential amendments including amending the definition of "domestic relationship" in section 101C of the Coroners Act 2009.

Item [1] of schedule 2 clarifies section 4 of the Crimes (Appeal and Review) Act 2001. That section provides that an application for annulment of a conviction or sentence may be made if the applicant did not appear before the Local Court when the conviction or sentence was imposed. Section 4 was previously section 100O of the now repealed Justices Act 1902, which made clear that an annulment application could only be made in relation to a conviction or order made in the absence of the applicant or any sentence imposed in their absence.

Section 4 is less clear, however, and applicants have successfully applied for annulment where they have been convicted in their absence in order to effectively overturn sentences subsequently imposed when they were in court. This contributes to inefficiency and effectively provides for an irregular avenue of sentence appeal.

The bill will amend the section to clarify that the applicant may only seek to annul the particular conviction or sentence made in his or her absence.

A further amendment is also proposed to ensure that annulment applications are only made in appropriate circumstances. Section 182 of the Criminal Procedure Act 1986 allows an accused to elect to have a matter dealt with in their absence by lodging notice in writing of an intention to plead guilty or not guilty. If the accused elects to plead guilty and proceed to sentence they may also lodge material which the magistrate can take into account in mitigation.

Subsection 182 (3) provides that where a person lodges such a notice they are not required to attend court and are "taken to have attended court on that date".

However, some accused are also successfully making annulment applications under section 4 on the basis of being convicted in their absence where they had in fact elected to have the matter dealt with in their absence under section 182.

Item [1] therefore amends section 4 to make clear that persons who elect to have their matter finalised in their absence cannot then apply to have their conviction or sentence annulled on the basis they were not "in appearance" before the court.

These amendments will not lead to a reduction in the rights of accused persons but will clarify the ambiguity of the provisions.

Item [2] of schedule 2 amends section 23 of the Crimes (Appeal and Review) Act 2001. Section 23 provides for appeals by prosecutors against sentences and costs orders, however, refers only to sentences when providing for the 28-day limitation period in section 23 (3), thereby implying that appeals against costs may be made by prosecutors at any time.

Item [2] will amend section 23 (3) to provide that appeals in relation to both sentences and costs must be lodged within 28 days.

Item [1] of schedule 3 amends section 3 (1) of the Crimes (Forensic Procedures) Act 2000 to make clear that the definition of "non-intimate forensic procedures" includes measurements of total height and body parts.

The Crimes (Forensic Procedures) Act regulates "intimate forensic procedures", such as taking tissue, bodily fluid and intrusive measurements, and "non-intimate forensic procedures", such as photographs and body measurements. Section 3 (1) of the Act defines these "non-intimate forensic procedures". Without consent, these require the order of a senior police officer for people in custody, or a court order for people not in custody.

Section 133 of the Law Enforcement (Powers and Responsibilities) Act 2002 provides that police may take all necessary identification evidence where a person is in lawful custody. Amending section 3 (1) so non-intimate forensic procedures include height and body part measurements will provide for consistency with the Law Enforcement (Powers and Responsibilities) Act and ensure courts are empowered to make orders for such measurements under the Crimes (Forensic Procedures) Act where people are not in custody.

The Supreme Court has commented on the apparent anomaly in two recent cases. It held in the 2012 decision of *Coffen v Goodhart* that the definition of "non-intimate forensic procedure" in section 3 (1) does not include measurements of total height. The Court's reasoning was subsequently applied in the decision of *ACP v Munro* in relation to total height and body measurements. The presiding judge in the latter case queried whether Parliament should address the anomaly which precluded orders for either total height or body part measurements unless for biomechanical analysis.

Item [1] of schedule 4 amends section 43 of the Crimes (Sentencing Procedure) Act 1999, which permits a court to reopen proceedings where it has imposed a penalty contrary to law, or failed to impose a penalty required by law. Section 43 (6) lists the types of penalties to which the provision applies.

Amendments to the Graffiti Control Act 2008, which commenced on 10 December 2012, included allowing courts to impose a driver licence order in respect of a graffiti offence. It is proposed to include these orders in section 43 (6), to ensure that a court that makes an error when imposing a driver licence order can reopen proceedings to correct it.

Item [1] of schedule 5 amends section 306M of the Criminal Procedure Act 1986, which defines "personal assault offence" for the purposes of determining when a vulnerable person may give evidence via closed-circuit television [CCTV].

Section 306M currently refers to repealed sections 562ZG and 5621 of the Crimes Act 1900. These sections previously provided for the offences of intimidation or stalking and breach of an apprehended violence order respectively. Those offences are now contained in sections 13 and 14 of the Crimes (Domestic and Personal Violence) Act 2007 and the proposed amendments will update the references to those offences in the definition of "personal assault offence" in section 306M.

Schedule 6 amends sections 3 and 11B of the Drug Misuse and Trafficking Act 1985 to extend the offences in the Act which apply to tablet presses to encapsulators and unique parts of same.

Section 11B of the Drug Misuse and Trafficking Act 1985 makes it an offence to possess a tablet press without lawful excuse with a maximum penalty of 20 penalty units and/or two years imprisonment. Section 24A of the Act makes it an offence to possess drug manufacture or production apparatus with intent to manufacture illicit drugs. What constitutes "drug manufacture or production apparatus" is set out in schedule 3 of the Drug Misuse and Trafficking Regulation 2011 and it currently includes "pill or tablet presses". Section 24A carries a maximum penalty of 2,000 penalty units and/or 10 years imprisonment.

In order to address concerns expressed by the NSW Police Force that the term "tablet press" in the Act would not capture drug encapsulators, item [1] of schedule 6 includes a definition of "encapsulator" to capture all machines capable of producing prohibited drugs. An encapsulator will be defined as a device that is capable of being used to produce a prohibited drug in a capsule or similar form and includes a unique part of any such device.

A definition of tablet press will also be included essentially replicating the existing reference in section 11B. The offence in section 11B will also be amended to apply to both tablet presses and drug encapsulators. Currently, a disassembled tablet press or one from which a single vital part has been removed may fall outside the definition in section 11B as it would not be "capable of being used to produce a prohibited drug". The amended definition of tablet press and the definition of drug encapsulator therefore also include "a unique part of such a device" so that the offence provisions will capture these items.

The use of the term "unique parts" should ensure that common machine parts used in machines other than tablet presses and encapsulators are not captured by the offence provisions.

Item [1] of schedule 7 is a consequential amendment to schedule 3 of the Drug Misuse and Trafficking Regulation 2011 so that it also refers to drug encapsulators. This means that these devices will also be captured as drug manufacture or production apparatus for the purposes of the offence in section 24A of the Act.

The existing defences to the offences are not affected and will remain in place.

Item [1] of schedule 8 amends section 19 of the Evidence Act 1995 in response to a recommendation of the New South Wales Supreme Court in *LS v Director of Public Prosecutions and Another*. This does not represent any change to the law of spousal privilege but simply clarifies an ambiguous provision.

Section 18 of the Evidence Act 1995 allows a person to object to giving evidence against certain family members, including their spouse or de facto partner in criminal proceedings. If such an objection is raised, the court can excuse the person from giving the evidence if it finds that it would harm the witness, or their relationship, and the harm outweighs the desirability of the evidence being given.

Section 279 of the Criminal Procedure Act 1986 creates a separate privilege regime for people who are giving evidence against a spouse or de facto partner in a domestic violence or child assault offence. Section 279 applies different considerations for the court when considering whether to excuse a spouse from giving evidence in these matters.

Section 19 of the Evidence Act 1995 presently states that section 18 does not apply "in proceedings for an offence against or referred to in section 279." It is clearly intended to exclude the application of section 18 to spouses and de facto partners who are giving evidence if the regime in section 279 of the Criminal Procedure Act applies to them instead.

However, in *LS v Director of Public Prosecutions and Another* the court noted that the wording of section 19 of the Evidence Act 1995 does not make this intent clear, particularly because the words "referred to" are open to broad interpretation.

In light of that decision, it is proposed to amend section 19 of the Evidence Act 1995 to clarify that section 18 of that Act does not apply if the person could be compelled to give evidence in proceedings under section 279. This amendment does not alter the existing provisions and simply makes the provision clear in accordance with the Supreme Court's decision in *LS v Director of Public Prosecutions and Another*.

Schedule 9 amends the Justices of the Peace Act 2002 to provide legislative authority for a Justice of the Peace [JP] to certify a copy of an original document as a true and accurate copy. There is presently no legal basis under any New South Wales Act for a Justice of the Peace to certify copies of original documents, despite this being a function commonly performed by them. Item [2] of schedule 9 therefore inserts section 8A into the Act, which expressly provides that a Justice of the Peace may certify copies of original documents.

Item [1] of schedule 10 amends section 229 of the Law Enforcement (Powers and Responsibilities) Act 2002, which provides the Local Court's jurisdiction in respect of applications for property in police custody section 229 presently restricts applications to circumstances where the value of the property does not exceed $40,000. The amendment will amend the limit to $100,000 to align it with the court's current jurisdictional limit in civil proceedings, which is $100,000.

Item [1] of schedule 11 removes section 33 (1) (d) of the Local Court Act 2007 in order to unify the procedure for administering applications for possession and delivery of goods so that they are consistent with other actions under the Australian Consumer Law in the civil jurisdiction of the Local Court.

The proposal is in response to the conferral of jurisdiction on the Local Court under the Commonwealth's National Consumer Credit Protection Act 2009. Under section 187 of that Act, the court may determine matters under the National Credit Code, including authorising a credit provider to take possession of mortgaged goods and ordering a person in possession of mortgaged goods to deliver them to a credit provider.

This jurisdiction is subject to the court's general jurisdictional limits. Some applications must be commenced as civil proceedings, but others must be commenced as special jurisdiction applications, even where the substantive orders sought are the same. The situation is confusing for plaintiffs, defendants and the court.

Removing section 33 (1) (d) ensures that all proceedings for these orders are heard and determined by the court in its civil jurisdiction, thus unifying the procedure with other applications under the Australian Consumer Law in the Local Court.

Schedule 12 amends sections 40 (3) and 40 (4) of the Minors (Property and Contracts) Act 1970 to increase the jurisdictional limits of the District Court and Local Court when dealing with certain matters under the Act relating to contractual and testamentary capacity and proprietary rights and obligations of people under the age of 21. For example, the Act regulates a court's power to affirm a civil act, such as a contract, on behalf of a minor.

The District Court's current jurisdictional limit under the Act refers to proceedings where the matter in question does not exceed $100,000. It is proposed to increase this limit to align with the District Court's current jurisdictional limit in civil proceedings of $750,000. The Local Court's current jurisdiction under the Act is limited to proceedings where the matter in question does not exceed $10,000. It is proposed to amend this limit to $100,000 to align it with the Local Court's current jurisdictional limit in other civil proceedings. The Supreme Court's unlimited jurisdiction will remain.

Items [1] and [5] of schedule 13 to the bill clarify the procedure to be followed when a person making a statutory declaration cannot read English. In New South Wales, a statutory declaration or affidavit must be written in English. Sections 24A and 27A of the Oaths Act 1900 established additional safeguards that authorised witnesses must follow when a person making a statutory declaration or affidavit is blind or illiterate.

The courts have interpreted the word "illiterate" to include circumstances where the person is illiterate in English, even if they may be literate in another language. To clarify the legislation, items [1] and [5] of schedule 13 will reword sections 24A and 27A so that those provisions use the wording "illiterate or otherwise unable to read written English."

Section 26 of the Oaths Act 1900 has been interpreted as meaning Justices of the Peace do not have legislative authority to witness affidavits or statutory declarations that are intended for use in jurisdictions other than New South Wales, even where the laws of the relevant jurisdiction would permit the New South Wales Justice of the Peace to do so.

There are certain occasions where Justices of the Peace may need to take affidavits for use in non-New South Wales courts, or may be asked to witness statutory declarations for use in other jurisdictions. For example, a New South Wales Justice of the Peace might be asked to witness an affidavit where the deponent lives near the New South Wales border but will use the affidavit in proceedings in a non-New South Wales court.

Items [2] and [3] of schedule 13 will therefore clarify that the authority of a Justice of the Peace to take an oath, declaration or affidavit in New South Wales for use in New South Wales also extends to oaths, declarations or affidavits made for use in jurisdictions other than New South Wales.

I am advised that the Oaths Act 1900 allows affidavits and statutory declarations to be made by more than one deponent or declarant. However, this is not clearly stated and there is no guidance in the Act on how this is to be done. Item [4] of schedule 13 therefore establishes how an oath, declaration or affidavit that is to be made by more than one person may be made.

Section 34 of the Oaths Act 1900 requires that a person witnessing a statutory declaration or affidavit must fulfil certain identity requirements. The witness must see the face of the other person, know them or confirm their identity in accordance with the regulations, and certify on the declaration or affidavit that those identity requirements have been complied with.

Item [6] of schedule 13 will clarify that the section 34 identification requirements do not apply to Commonwealth statutory declarations or affidavits. This is because statutory declarations made in New South Wales in relation to a law of the Commonwealth, or in connection with the administration of a Commonwealth Government department or agency, are governed by the Commonwealth Statutory Declarations Act 1959. An affidavit made in New South Wales for use in proceedings in a Commonwealth court will be governed by the Commonwealth Evidence Act 1995 and the relevant Commonwealth court rules.

Item [1] of schedule 14 replaces the existing definition of "restricted record" in section 3 of the Telecommunications (Interception and Access) Act 1987 with a definition consistent with the relevant Commonwealth legislation.

The definition of a "restricted record" currently includes a record of information obtained by means of interception, such as transcripts and references to intercepted material, as well as any copies made of such records. However, the definition of "restricted record" under the Commonwealth Telecommunications (Interception and Access) Act 1979 limits the definition of "restricted record" to "a record other than a copy".

Sections [5] and [8] of the New South Wales legislation create strict record keeping obligations for restricted records. The disparity in the definition of "restricted record" under the New South Wales and Commonwealth Acts places a significant administrative burden on NSW Police Force to manage originals and copies of restricted records.

Other Australian jurisdictions have already changed their definition to reflect the Commonwealth definition, and it is proposed to do the same in New South Wales.

Item [2] of schedule 14 omits section 4 (c) of the Telecommunications (Interception and Access) Act 1987. Section 4 (c) requires the chief officer of an eligible authority to keep a copy of each instrument revoking a telecommunications interception warrant. The copy must be certified in writing by a certifying officer to be a true copy of the instrument. When the Act was first introduced, the Australian Federal Police [AFP] was the agency responsible for making applications for telecommunications interception warrants on behalf of the NSW Police Force. Consequently, the Australian Federal Police would retain the original revocation instrument, while NSW Police Force would keep a certified copy.

The NSW Police Force is now able to apply for telecommunications interception warrants without the involvement of the Australian Federal Police. Consequently, it is an unnecessary burden to require each revocation to be certified as a true copy, when the original revocation instrument is in any event retained by NSW Police Force.

Item [2] of schedule 15 amends section 66 of the Young Offenders Act 1997 to allow de-identified information about warnings, cautions and conferences to be disclosed the Australian Bureau of Statistics [ABS] and the Australian Institute of Criminology [AIC] for research and statistical purposes.

Item [3] of schedule 15 retrospectively authorises the information exchange that has occurred to date, permitting these bodies to retain the information they have already collected in this manner. This will assist in the provision of ongoing research and statistics.

The de-identified information New South Wales police provide to the Australian Bureau of Statistics and the Australian Institute of Criminology includes: a unique identifier for each person proceeded against, their age, sex, indigenous status, date of action, legal process type, offence type and number of offences.

This information is provided to the Australian Bureau of Statistics on the basis that it is Australia's official statistical organisation. In particular, the National Crime Statistics Unit in the Australian Bureau of Statistics provides a national review of crime in Australia as well as comparable data across jurisdictions. There is a clear public interest in the Australian Bureau of Statistics being able to collect statistical data about responses to juvenile crime.

Similarly, information is provided to the Australian Institute of Criminology for evidence-based research. For instance, the Standing Council on Law and Justice has commissioned the Australian Institute of Criminology to maintain national monitoring programs for homicide, firearms, armed robbery and deaths in custody. The NSW Police Force provides de-identified information about these incidents to the Australian Institute of Criminology and, where relevant, the legal action taken against alleged offenders, including young offenders.

Item [1] of schedule 15 confirms that, like the Bureau of Crime Statistics and Research and the Ombudsman, the Australian Bureau of Statistics and Australian Institute of Criminology do not have to comply with requirements for the destruction of records under the Young Offenders Act.

Schedule 16 amends the Young Offenders Regulation 2010 to provide that information disclosed to the Australian Bureau of Statistics and the Australian Institute of Criminology under the Act can only be used for research, statistics and the publication of statistics and research. The amendment also makes it clear that publications of statistics and research must not identify any child. I commend the bill to the House.

The Hon. STEVE WHAN [11.19 a.m.]: The Crimes and Courts Legislation Amendment Bill 2013 essentially is omnibus legislation that contains a number of minor miscellaneous amendments.

Dr John Kaye: Buses? Let's privatise them.

The Hon. STEVE WHAN: I acknowledge The Greens interjection. It is not a bus that will be privatised; it is an omnibus bill. The Opposition's usual spokesperson for this legislation is absent to attend to family duties so I have carriage of the bill on behalf of the Opposition. However, that is a very easy job because the bill will effect miscellaneous amendments. A number of the bill's amendments essentially pose no particular concern to the Opposition and relate to non-controversial and non-partisan measures. The shadow Attorney General in the other place, Paul Lynch, said that the provision that will have the greatest impact is the one that amends the Justice of the Peace Act to provide a statutory basis for justices certifying copies of original documents. This is a frequently exercised function of a justice of the peace, although apparently it is presently without a formal legislative basis. The bill amends the Oaths Act to empower justices of the peace to witness affidavits and statutory declarations intended for use in jurisdictions other than New South Wales. There will be express reference to documents being made by more than one deponent or declarant. There also are sections as to the provisions of the Oaths Act applying to persons who are unable to read written English.

Amendments will be made to section 4 of the Crimes (Appeal and Review) Act so that the equivalent of the previous section 100D of the Justices of the Peace Act provides that annulment applications can be made only if the applicant was in fact absent from court and had not availed him or herself of section 182 of the Criminal Procedure Act. Further amendments respond to the recommendations of the Domestic Violence Death Review Team and deal with drug presses and drug encapsulators, among other things. The shadow Attorney General indicated in the other place and to me that he has no concerns with elements of this bill. He raised a small issue with the Attorney General in the other place that was not covered in the Attorney's reply speech, but he had indicated that was not a concern that needs to be dealt with in this House. I commend the bill to the House.

Mr DAVID SHOEBRIDGE [11.22 a.m.]: I speak on behalf of The Greens in debate on the Crimes and Courts Legislation Amendment Bill 2013. I note that the bill makes a series of miscellaneous amendments to the operations of courts and criminal legislation and primarily provides clarification and updated references. Schedule 1 amends the Coroners Act 2009 regarding "domestic violence deaths" by expanding the definition to include deaths of people who are bystanders to domestic violence, are new partners, or are believed to be new partners or are former partners of the perpetrator. Schedule 1 item [5] changes the members of the domestic violence team to include a representative of Corrective Services NSW and to update other references. The Greens believe that amendments to the Coroners Act will strengthen that Act, and we therefore support it.

Schedule 2 amends the Crimes (Appeal and Review) Act 2001 to clarify that annulment applications can be made only if a person was not in appearance when the sentence was imposed and where they had not lodged a written plea. It also makes clear that appeals against costs orders must be made within 28 days of the order being issued. Those matters seem to be common sense, particularly when, if a written plea has been lodged, it does not seem appropriate that an annulment application can be made. Schedule 3 amends the Crimes (Forensic Procedures) Act 2000 to include the taking of measurements of a person's body height or body parts in the definition of "non-intimate forensic procedure". This applies to searches without consent that require an order from a senior police officer for a person in custody, or a court order for a person not in custody. Those types of measurements can be important in terms of ensuring that the identity of a person is understood. They are not intrusive. The Greens do not oppose those changes.

Schedule 4 amends the Crimes (Sentencing Procedure) Act 1999 to allow the court to reopen proceedings to correct an order made in error relating to the suspension or variation of a licence or other privilege, rather than just the suspension. Indeed, we would want to have that power in courts to allow any order in relation to a variation to be corrected by a relatively summary proceeding and not require that to be done by appeal. The Greens support that amendment. Schedule 5 amends the Criminal Procedure Act 1986 to ensure that vulnerable persons giving evidence in relation to stalking, intimidation and breach of apprehended violence orders [AVO] offences are covered by rules relating to "personal assault offences", including being able to give evidence by closed-circuit television. Time and again my office receives representations from people who feel

that the criminal justice system does not protect them as a witness, particularly when they have been the subject of stalking, intimidation, abuse or violence. The changes that will be effected by the bill provide additional protection for people who allege they have been the subject of stalking, intimidation and apprehended violence order offences. The Greens support those changes.

Schedule 6 and schedule 7 amend the Drug Misuse and Trafficking Act 1985 to make possession of a drug encapsulator or parts thereof illegal without lawful excuse. Currently the Act provides prohibitions on tablet presses only. That is one of the few amendments in this compendium bill that The Greens do not generally support. The Greens believe that the Government's current war on drugs is unwinnable and that we should be taking a different approach. Nevertheless in the scheme of the overall billions and billions of dollars that are spent on that war on drugs that amendment is minor, to say the least. Schedule 8 amends the Evidence Act 1995 to make a clarification that section 18 regarding compellability of spouses and others in criminal proceedings does not apply in relation to proceedings under section 279 of the Criminal Procedure Act 1986. The Greens continue to have concerns about the statutory provisions that overturn the general principle that spouses are not compellable in proceedings. To the extent that this amendment clarifies and protects certain spouses from being compelled to give evidence in proceedings under section 279 of the Criminal Procedure Act 1986, The Greens support the amendment.

Schedule 9 inserts a new section 8A into the Justices of the Peace Act which provides that a justice of the peace can certify copies of original documents. I must say I always thought they could, but putting in place a clear statutory framework for the way they go about it seems only common sense. Perhaps it is one of the areas in which the common law has filled the gaps in statute until now, but in any event a clear statutory provision seems to be sensible. Schedule 10 amends the Law Enforcement (Powers and Responsibilities) Act 2002 to increase the limit from $40,000 to $100,000 for applications to the Local Court as opposed to the District Court in relation to property in police custody. That is a reasonable threshold for the Local Court, which has a large jurisdiction to deal with civil claims up to $100,000—indeed, sometimes significantly more than $100,000.

Allowing for quick and prompt applications to be brought in the Local Court for claims up to $100,000 is a concept that is supported by The Greens. Schedule 11 removes an exclusion under the Local Court Act thereby granting jurisdiction to the Local Court for proceedings relating to goods subject to hire purchase arrangements. I assumed the Local Court had that jurisdiction, but it does not, which seems to have been a mistake. It is good to give the Local Court that jurisdiction in relation to hire purchase arrangements. Schedule 12 amends the Minors (Property and Contracts) Act 1971 to lift the District Court's jurisdiction from $100,000 to $750,000 and the Local Court's from $10,000 to $100,000. These will apply to contractual and testamentary rights of people under 21. That Act is an important protective measure, particularly for minors.

The jurisdiction levels of $750,000 in the District Court and $100,000 in the Local Court are the general jurisdictional levels for civil proceedings in those courts. Applying those jurisdictional limits to matters under the Minors (Property and Contracts) Act 1971 simply makes sense. The Greens support the amendment. Schedule 13 amends the Oaths Act and makes a change so that when a person is unable to read written English there is an option to read the oath to them for the purpose of making their affidavit. The Greens had some initial concerns about the manner in which that would operate. Some of those concerns have been alleviated by further clarification by the Attorney General. Nevertheless, that is a matter The Greens will continue to review because other options are available to deal with the Oaths Act, including in these circumstances by way of translation. However, our concerns are not such that we would oppose that schedule of the bill.

Schedule 14 amends the Telecommunications (Interception and Access) (New South Wales) Act 1987. Following the amendment, the definition of "restricted record" will mean a record other than a copy. Indeed, that change is supported by The Greens, otherwise it would have been a roping-in exercise that, I think, would have been inappropriate. Schedule 15 amends the Young Offenders Act to make provision for sharing information or at least de-identified information about young people that is collected for the purposes of the Act with other collection authorities. It also creates retrospective approval for disclosures that have already occurred. That sharing of information is essential if we are to get a proper handle on the extent of crime and changes in the rate of particular crimes committed by young people.

The collection of data has already been happening and a good deal of the data that is published by the New South Wales crime collection data body, the acronym of which I always muck up, includes material in relation to the Young Offenders Act. It is essential that the material continues to be provided in a de-identified way. The Greens very much support that amendment. Schedule 16 makes changes to the Young Offenders

Regulation 2010 that are consistent with the changes in schedule 15. Overall, this is a compendium bill that makes a series of sensible changes, some of which, I believe, many in the community would have considered were already the law in New South Wales. The Greens support the bill.

The Hon. DAVID CLARKE (Parliamentary Secretary) [11.31 a.m.], on behalf of the Hon. Michael Gallacher, in reply: I thank members for their contribution to the debate on the Crimes and Courts Legislation Amendment Bill 2013. This bill makes a number of important amendments to the criminal laws of this State. The amendments will ensure that criminal laws and procedures continue to be as effective as possible. The amendments will also support the effective administration of justice in New South Wales. Accordingly, I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

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

That this bill be now read a third time.

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

INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2013

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

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

SKILLS BOARD BILL 2013

Second Reading

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.35 a.m.], on behalf of the Hon. John Ajaka: 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 purpose of this bill is to establish the NSW Skills Board.

The NSW Skills Board will be the key independent expert body:

- providing the Minister for Education and the New South Wales Government with independent strategic advice on the vocational education and training [VET] system, and
- overseeing major reform of the vocational education and training system under Smart and Skilled.

It will work to strengthen the New South Wales economy and skills base and promote flexibility and choice for industry and consumers.

The NSW Skills Board will replace the NSW Board of Vocational Education and Training [BVET] as the primary advisory board to the Government on vocational education and training matters.

It will have a broader role and more defined membership than the Board of Vocational Education and Training to ensure that New South Wales has the appropriate governance arrangements for the vocational education and training system as it goes through significant changes to become more flexible, demand-driven, accessible, equitable and affordable.

The need for a new board (intent of the legislation)

From 1 July 2014, New South Wales will implement major reform of the vocational education and training sector under Smart and Skilled. Smart and Skilled will introduce:

- an entitlement for training for qualifications up to and including certificate level III;
- income-contingent loans for higher level vocational education and training qualifications;
- a new quality framework;
- training provider monitoring and data collection to be published on a new consumer online portal.

At the same time, we have committed to ambitious targets for vocational education and training and higher education participation and completions in the State plan NSW 2021, including for equity groups and young people.

The achievement of reforms to the vocational education and training sector and increased completions are tied to $196 million of reward funding for New South Wales under the Commonwealth-State National Partnership Agreement on Skills Reform.

In this context, I initiated a review of the Board of Vocational Education and Training to ensure we had the appropriate governance arrangements in place to provide oversight of vocational education and training reforms and the achievement of our State priorities.

The review was conducted by Professor Peter Shergold, AC. As part of his review, Professor Shergold consulted with industry and both public and private training providers.

It recommended that a new board, with broader responsibilities and reconstituted membership, was necessary to provide adequate oversight of Smart and Skilled, the New South Wales training market, higher education and the evolving tertiary education sector.

This bill implements the recommendations of the Shergold review and establishes a board with the functions and membership necessary to provide comprehensive oversight of vocational education and training reform.

Functions of the board

Clause 6 of the bill outlines the functions of the board.

The board will provide the Government with independent strategic advice on all aspects of the vocational education and training sector.

It will oversee the implementation of major reform of the vocational and training sector, including:

- training market design;
- the provision of accurate consumer information on vocational education and training and appropriate consumer protections, and quality assurance.

It will:

- monitor and advise on the performance of the vocational education and training system, including its financial performance and sustainability;
- gather and analyse labour market intelligence in relation to skills shortages and future skills and workforce development needs in New South Wales;
- advise on the allocation of State and Commonwealth vocational education and training funding and the New South Wales vocational education and training budget;
- develop strategic skills plans that reflect government priorities for vocational education and training in New South Wales and research plans; and
- facilitate school, vocational education and training and higher education pathways.

The board will be assisted by staff in the Department of Education and Communities and will be able to investigate any matter in relation to skills, training and higher education referred to it or on its own initiative.

Membership of the board

The new NSW Skills Board will have the membership expertise to enable it to carry out its functions effectively and reliably and to stand up to scrutiny.

As outlined in clause 5 of the bill, board members will be required to have skills and knowledge of market operations and financial, project and risk management, as well as a sound knowledge of skills development and higher education.

The board will be made up of not more than eight ministerial appointees.

These appointees will become the inaugural members of the NSW Skills Board on passage of this legislation.

I announced the new board members at the New South Wales Training Awards on 5 September.

The chair of the NSW Skills Board will be Philip Clarke, AM, who has an outstanding record in education, law and business.

Other members are:

- Adam Boyton, Deutsch Bank's Chief Economist;
- Gemma Van Halderen from the Australian Bureau of Statistics;
- Former member of Parliament and small business operator, Kay Hull;
- Jack Manning Bancroft, Chief Executive Officer of the Australian Indigenous Mentoring Experience;
- Marie Persson, former Deputy Director-General of TAFE NSW;
- Mark Goodsell from the Australian Industry Group; and
- Leslie Loble, Chief Executive, Office of Education, Department of Education and Communities.

A recent article in the *Australian* by John Ross commended the "impressive line-up of business and government heavyweights" that will make up the board.

This dynamic group of individuals has the right mix of skills and experience to meet the New South Wales Government's expectations for the board in its oversight of the New South Wales training market and reform of the vocational education and training system.

Outline of other sections of the bill

Briefly, in other sections of the bill:

- Clause 4 establishes the board as a body corporate under the name of the NSW Skills Board.
- Schedules 1 to 3 to the bill outline requirements in relation to members and procedures of the board; savings, transitional and other provisions; and amendment of other legislation.
- Schedule 4 to the bill repeals Board of Vocational Education and Training's enabling legislation, the Board of Vocational Education and Training Act 1994.

Benefits of the bill

There are a number of clear benefits to New South Wales associated with this bill.

The bill creates the NSW Skills Board to ensure that vocational education and training priorities and reform directions are sensitive to the needs of industry, consumers and the State economy. To achieve this, the board will consult with reference groups for industry, providers and consumers.

The board will monitor progress towards and facilitate the achievement of State priorities and targets for vocational education and training and higher education, including those that we have committed to in State-Commonwealth agreements.

These include targets to increase higher level qualifications, as well as increased participation and improved educational outcomes for;

- those from regional and rural New South Wales,
- Aboriginal or Torres Strait Islanders, and
- people from lower socio-economic status backgrounds.

The new board will also mitigate risk associated the major reform of the vocational education and training system in New South Wales.

Conclusion

Through this bill the NSW Skills Board will be established with the appropriate functions and membership to ensure reliable advice to the Government and rigorous oversight of the New South Wales training market and major vocational education and training reform.

I commend the bill to the House.

The Hon. PENNY SHARPE [11.35 a.m.]: I lead for the Opposition on the Skills Board Bill 2013 and indicate that the Opposition does not oppose the bill. The Skills Board Bill establishes the NSW Skills Board, which will provide the Minister with advice on areas such as skills shortages, quality assurance and the vocational education and training budget and oversee the implementation of the Government's changes to TAFE and vocational education and training [VET] in New South Wales. The bill abolishes the previous advisory body on TAFE and vocational education and training, the Board of Vocational Education and Training, which is well known to members as BVET.

The skills board has some functions that are similar to those of the Board of Vocational Education and Training, including, importantly, the monitoring of performance of the vocational education and training system, advising on the allocation of funding, and collecting and analysing labour market intelligence in relation to the skills that New South Wales needs to grow and prosper. Before going into the details of the debate, on behalf of the Opposition I pay tribute to the commitment and work of the current and previous members of the Board of Vocational Education and Training. Unfortunately, concerns have been raised that board members were not adequately consulted on the bill, that some of the changes do not acknowledge the efforts or work that has been done by the board to date, and that the changes will not allow some members to complete projects.

On behalf of the Opposition, I thank Bert Evans, who was chair of the Board of Vocational Education and Training for many years, for his ongoing work and commitment to vocational education and training in New South Wales. Bert has been a stalwart in this area for many years. His passion about vocational education and training has drawn attention to its significance to young people and businesses and its importance to the State. We formally thank Bert for his work in this area. I am very lucky to have worked with Bert when he was an adviser to former Minister for Education and Training the Hon. Carmel Tebbutt, where I saw firsthand his commitment and passion for vocational education and training in New South Wales. I congratulate the Government on its appointment of Bert Evans as a vocational education and training ambassador. I look forward to the terrific work that Bert will do in this well-deserved role.

The Opposition is also very pleased to see the appointment to the NSW Skills Board of people such as Mark Goodsell, Marie Persson and Jack Manning Bancroft. However, we are unhappy to see a few more jobs for the boys, as board members will include a former member of the National Party and a former staffer to John Brogden. Importantly—and this is the real omission on the new board—there is no member of the NSW Skills Board who is currently teaching within the vocational education and training sector. The Opposition believes that this is a great loss and a missed opportunity to put in place a Skills Board that understands the day-to-day practice of delivery of vocational education and training in New South Wales. That sort of experience should have automatically been included within the structure of the board. As a result of that decision, the board will miss out on useful advice and information.

The Hon. Dr Peter Phelps: Are you assuming that they are never going to talk to any TAFE teachers?

The Hon. PENNY SHARPE: They did not talk to the current Board of Vocational Education and Training [BVET] members, so possibly yes. The Skills Board has many similar functions to those of the Board of Vocational Education and Training, however, it also has been given the added function of overseeing major reform of the vocational education and training sector. The Government's Smart and Skilled reforms are due to take effect from 1 July 2014. As has been raised previously in this House and, no doubt, will be raised in today's debate, the Smart and Skilled reforms are causing widespread concern amongst those who care about TAFE in New South Wales. Members will have attended—if they have not, they should do so—many forums where teachers, students and community members have expressed fear about the impact of these changes on TAFE. Of course, that fear is on top of what the Government already has done to TAFE. Since coming to office the O'Farrell Government has cut TAFE staff and hiked fees: 800 TAFE teachers and support staff have been sacked; course fees have increased by 9.5 per cent; concession fees for TAFE courses have been hiked from $53 to $100; and in non-jobs growth areas commercial rates are charged for fine arts courses.

This Government also has axed the important and incredibly successful Joint Group Training Scheme, which helped to ensure jobs and training for 8,000 apprentices and trainees at a cost of only $1.7 million a year. To get rid of the group training scheme is yet another short-sighted decision from this Government. This is in addition to cuts to the TAFE budget. In 2012-13, $53 million was cut from the TAFE and vocational education and training budget, and vocational education and training also underspent by $101 million. In 2011-12 the TAFE and vocational education and training budget was underspent by $130 million. This all leads to a poor picture for the future of vocational education and training in this State. New South Wales should be proud of the many years of TAFE work. I and the Opposition believe that TAFE is one of the most successful public policy

programs ever delivered. TAFE is in almost every community and delivers the training and skills needed not just in Sydney but across the State. TAFE delivers fine arts courses that one simply cannot get anywhere else. Slowly but surely this Government is chipping that away from communities.

Dr John Kaye: Not slowly.

The Hon. PENNY SHARPE: I acknowledge the interjection: it is not happening so slowly. Actually, it is happening more rapidly and communities are feeling the pinch. Anyone working at a Miranda polling booth on Saturday—

The Hon. Dr Peter Phelps: That would be me.

The Hon. PENNY SHARPE: Yes. The Government did not do very well at that booth.

Dr John Kaye: Now we know why Labor did so well.

The Hon. Lynda Voltz: Explains the 26 per cent swing.

The Hon. PENNY SHARPE: That is right. Cuts were an important issue to those constituents, and one cannot underestimate the anger about TAFE cuts in that area. People raised with me concerns about the lost fine arts courses and cuts to apprenticeship training—an issue causing white-hot anger amongst the community. People care about TAFE and the training of young people. Only TAFE delivers those courses too expensive for others to provide. We need those courses, but they are being cut. I warn those opposite that they neglect TAFE at their peril. Strong community support for TAFE continues to grow and as these cuts continue to bite many problems will emerge. The hike in TAFE fees also is a massive issue. Handing out pamphlets at Jannali station revealed that people are cranky not just about train cuts; they are extremely cranky about increased TAFE fees. Many people raised that issue.

The Hon. Dr Peter Phelps: Many?

The Hon. PENNY SHARPE: Many.

The Hon. Dr Peter Phelps: Would you like to quantify that?

The Hon. PENNY SHARPE: Many. Quite simply, TAFE is the best second-chance education for many people. Any member in this place or, indeed, in the lower House will have attended TAFE graduation ceremonies for those for whom, quite frankly, the school system never worked. For various reasons those people returned to education via TAFE to achieve skills for jobs they would never get otherwise. I am talking about women who stayed at home out of the work force for many years and decided to retrain. Some of them became accountants and child care workers. Others who failed at school decided to turn around their lives because TAFE could deliver for them. We will keep a close watch on this Government's cuts to second-chance education. It is short-sighted to not invest in those motivated to do better through TAFE education. TAFE has proven time and again that it can deliver this sort of education more successfully than almost any other model. We ignore that evidence at our peril.

Other Government reforms in TAFE include a once-only entitlement to government-subsidised training up to certificate III level only for courses listed on the skills list. We know already that commercial fees beyond the reach of the community have been placed on fine arts courses. This is not about inner-city artists and people caring about artists. It is about art practice, and teachers and communities well outside the inner city that care deeply about quality fine arts courses delivered in TAFE—important courses that have been sustained for decades. TAFE has the resources, skills and ability to enrich New South Wales. Cutting fine arts courses off at the knees in this fashion again is another short-sighted example of this Government's reforms. New South Wales will be the poorer for this decision.

Fees also are skyrocketing under Smart and Skilled with the Independent Pricing and Regulatory Tribunal's draft proposal resulting in more than 84 per cent of TAFE and vocational education and training students facing major fee increases, with 22 per cent of students facing fee increases of more than $1,500 per qualification. The Government also proposes a loans scheme, meaning that students will be making a greater contribution to funding their own training. That is all right for students whose parents are able to pay for their training but not so good for others if TAFE is their only training opportunity. TAFE no longer will be

affordable. I note that one requirement for members of the new Skills Board is to have high-level experience of market operations. The Smart and Skilled reforms also include far greater contestability for government funding. Currently, less than 20 per cent of government funding in New South Wales is allocated through competitive funding.

Of course, competition can sometimes drive greater efficiencies—I am sure the Hon. Dr Peter Phelps will raise that at some point during the debate. However, slavish adherence to the lowest price can come at the expense of quality and lack of recognition of TAFE's important role. As Innew Wilcox from the Australian Industry Group recently said, "TAFE institutes are more than the aggregate of the courses they run. They are an important part of our economic and social infrastructure." I underline that for all members of The Nationals, who know that TAFE is essential in regional areas yet is being gutted by their Government. The real fear about greater contestability of vocational education and training funding is that it will undermine the viability of TAFE across New South Wales. Many private providers will cherry pick the more lucrative, cheaper courses to provide. At the same time, TAFE currently has a commitment to paying award salaries and providing quality training and is required to maintain infrastructure across the State. TAFE will find it difficult to compete on price alone.

Under full competitive tendering in Victoria, TAFE no longer is the dominant vocational education and training provider. In 2008 in Victoria TAFE's market share was 66 per cent compared to 14 per cent for private training providers. In 2012 TAFE's share fell to 45.6 per cent with private providers increasing to 46 per cent of market share. TAFE plays a critical role as the pre-eminent provider of vocational education and training and second-chance education in NSW. It plays a vital role in building the economic, social and cultural capacity of communities. The public has invested in TAFE over decades. It is an institution about which every piece of evidence shows that it works and delivers quality training that most parts of the world would kill for. As I have said already, TAFE is struggling under the O'Farrell Government cuts with 200 teacher jobs gone and a further 600 positions to go.

The diversion of funding from TAFE through greater contestability is likely to threaten TAFE's viability, particularly in regional and rural New South Wales. Any reform must maintain TAFE as the major provider of vocational education and training in New South Wales and it must be accessible to all across the State. I indicate that the Opposition will move an amendment in the Committee stage to put that in place. Essentially, the amendment seeks to enshrine in legislation TAFE as the dominant provider of vocational education in New South Wales. The Opposition will not oppose the bill. It looks forward to the work of the Skills Board but hopes the Government will support the amendment—although we will not hold our breath. TAFE is too important to be treated in such a cavalier manner by this Government. We urge all members to protect TAFE from further cuts.

Dr JOHN KAYE [11.49 a.m.]: On behalf of The Greens I address the Skills Board Bill 2013. The bill seems simple in that it abolishes the Board of Vocational Education and Training and replaces it with a Skills Board. However, it is more than just a change of name and it is happening in an environment of substantial and retrogressive change to TAFE. Our greatest concerns about this legislation arise from those changes. The focus of the board will be moved from one of education and training and industry to one where industry becomes the primary sphere of the appointees and the activity of the board. The Skills Board is to be responsive to industry via its industry groups. As former Federal education Minister John Dawkins once said, the real clients of education are not the students, the real clients are industry. Both Labor and Coalition governments have increasingly moved to focus on what industry wants rather than what is in the best interests of students and the community. This bill is another example of that.

One of the key features of this legislation is the board structure. The Minister has complete control over the appointment of board members. I make no adverse observations about the skills, intelligence or integrity of any of the individuals, but not one of them has been inside a TAFE classroom, not one of them has teaching experience and not one of them is currently engaged with TAFE education. Marie Persson gets close, as she is a former deputy director general of TAFE NSW, but to the best of my knowledge she was a bureaucrat, not a teacher. Philip Clark, AM, the chair of the board, has not been in a classroom. The board also includes the chief economist at Deutsche Bank, a statistician from the Australian Bureau of Statistics, a former National Party member of Parliament and small business operator, a chief executive officer of the Australian Indigenous Mentoring Experience, Mark Goodsell from the Australian Industry Group, and the chief executive from the Office of Education, Department of Education and Communities.

I do not cast aspersions on or in any way denigrate these individuals, but not one of them knows about teaching in a TAFE classroom or has an understanding of the pressures on a TAFE teacher. That can only be

understood from being at the chalkface of vocational education and training. Not one of them comes to the table with a primary commitment to TAFE. Each of them comes to the table with the modern belief, promulgated by the previous Federal Labor Government, explored by the previous State Labor Government and now exercised with extreme enthusiasm by the O'Farrell Government, that TAFE is just another provider of vocational education and training and does not deserve to be protected and funded separately.

The functions of the Skills Board seem to focus on ensuring that industry gets what it wants. I am not against industry getting what it wants, and nor would any TAFE teacher. It is a question of priority and how a body such as TAFE and the private providers should operate. The overriding objective should be the social benefit. The Allen study—which the former Government commissioned and, I suspect, regretted releasing—showed that for every dollar invested in TAFE there is a $6.40 benefit to the economy over the next 20 years. But that underestimates the social justice benefits of TAFE. It underestimates TAFE's capacity to provide skills, education and social, economic and cultural benefits to people who would otherwise be left behind.

TAFE has a 50-year history as a recognisable institution in Australia. As the previous speaker said, it is the envy of the world. I was recently informed about a group from Europe who came to Australia to explore our public vocational education and training system. They visited Victoria, South Australia and New South Wales. They were comprehensively shocked by what they saw because they could not believe that our governments were vandalising TAFE. We had the world-leading skills provider structure where we combined high-quality education with high-quality skills formation and balanced the concerns of industry to provide a well-trained workforce with an overriding focus on serving the community. TAFE has been committed to training and educating students, providing social justice, engaging with people with diverse learning needs, with special needs and from disadvantaged backgrounds and engaging with those who come to vocational education and training without the necessary learning skills.

TAFE delivered on every aspect. As a public provider TAFE has not been driven by profit or by the bottom line. It has been driven by the only thing that matters to every teacher in TAFE's history: the best interests of their students and our community. As the previous speaker said, the O'Farrell Government is about to devastate that commitment. Under the O'Farrell Government, TAFE will no longer operate under that commitment. Members of this Chamber who come from rural and regional areas should pay particular attention to what that means for rural communities. Already, the North Coast has effectively lost its fine arts course.

The Hon. Mick Veitch: Shame.

Dr JOHN KAYE: It is absolutely shameful given the economic benefits of the fine arts courses on the North Coast. I compare the fine arts courses to Spain: they were the test case for the market. It is an historical allusion that I will explain later.

The Hon. Matthew Mason-Cox: Illusion or allusion?

Dr John Kaye: Allusion. I know it is hard, but listen carefully. It is an historical allusion. It was a test case.

The Hon. Mick Veitch: The Hon. Matthew Mason-Cox is focusing on becoming a Minister, so he should listen.

Dr JOHN KAYE: He needs long-sighted glasses for that one. The devastation of the fine arts courses is a taste of things to come. Almost 200 TAFE teachers and other educational service deliverers have lost their jobs, and another 600 are going to lose their jobs. At Ultimo TAFE, education is being devastated. TAFE is at risk across New South Wales; it is about to be devastated by being stripped of all its funding for certificates I, II, and III courses. I see the look on the face of the Hon. Matthew Mason-Cox. If he reads the Minister's press releases and goes to the Smart and Skilled site he will understand what I am saying. There will be no base funding for TAFE for certificates I, II or III courses. That will be mediated entirely through a market where individuals will be given a certificate which they can cash in at a private or public provider. The fees will be regulated by the Independent Pricing and Regulatory Tribunal. The draft determination by the Independent Pricing and Regulatory Tribunal is scandalous in that it has determined that students pay 60 per cent of the cost—or perhaps 40 per cent. Students are being asked to pay a large percentage of the costs, a scandalously high level.

The Hon. Dr Peter Phelps: Oh, just make it up.

Dr JOHN KAYE: The Government Whip is trying to hide from this. This is what a market looks like. It drives people from low-income backgrounds out of vocational education and training and stratifies our society by class. The acolytes of Milton Friedman do not want to admit the social impacts of a market because it interferes with their idea of a spherical economic universe that operates in infinity. It interferes with their idealised, simplistic, childish model of how an economy works. The reality is that the O'Farrell Government is being driven by people like the Hon. Peter Phelps and Chris Eccles, the Director General of the Department of Premier and Cabinet, into an ideologically created market that will destroy TAFE and devastate the capacity of people on a low-income to acquire the skills they need to participate in our economy.

This bill is about smoothing the way for that market that will destroy TAFE. It is smoothing the way for the O'Farrell Government—or what will be left of it in six years' time—to say, "Whoops! We shrunk TAFE. We destroyed TAFE." That is what will happen under Smart and Skilled. This bill is another step towards Smart and Skilled. The reality of TAFE is as follows. Mr Assistant-President, I am having difficulty being heard because the Government is not treating me with anything like the courtesy I would have thought a speech deserved. You are not going to do anything? Thank you, Mr Assistant-President, for your assistance. Clearly we know where we stand. I will just yell.

Let us be absolutely clear: The former Labor Government stripped TAFE of about 48 per cent of its recurrent funding. If funding between 1995 and 2010 had remained the same on a per student basis, adjusted for inflation, there would be an additional $980 million in TAFE's annual budget—that is, an additional 48 per cent. This Government came to power and said, "TAFE is overfunded. We will strip another $800 million out of its forward estimates and, not only that, we will make sure that there are 800 fewer workers in TAFE." What is going on here is the assassination of TAFE. It is the destruction of TAFE because Treasury does not want to pay the bill even though what TAFE delivers is remarkably efficient. It is the destruction of TAFE because people like Chris Eccles and the Government Whip have an ideological objection to the public provision of vocational education and training. They want to hand it over to the market.

The long-term costs for our society are enormous. I ask members who come from rural and regional areas, who have a commitment to their communities, to ask the following question: When this is up and running and TAFE hardly exists, what will it look like for rural and regional areas? It will not be nice, local organisations providing vocational education and training. It will be taken over by Navitas and Serko. These are the big multinational corporations that circle the globe like a bunch of parasites and zoom in on governments that are stupid enough to hand over public activities that the corporations think they can make a dollar from. That is what will happen here. Make no mistake: In six years' time, if this plan is not reversed, TAFE will be a shadow of its former self and most of the training will be delivered by Navitas, Serko and the other multinational parasites that will move in on this industry, kill off the small private providers and kill off TAFE.

All members should be absolutely clear about what that means for rural and regional New South Wales. Navitas will have no interest in the expensive provision of services that distance creates. Navitas will have no interest in dealing with Aboriginal people. Navitas will have no interest in dealing with people from low socioeconomic backgrounds, people with disabilities or people who have diverse learning styles. They will be a forgotten part of the history of Australia. People will look back and say, "Wasn't it great when we used to provide opportunities for those people? Weren't there fantastic social benefits?" That will be in the past.

Even more frightening is what it means for the economies of rural and regional New South Wales when the quality of training goes down, when the quality of training is destroyed in a race to the bottom in costs and outcomes. Students will be lured in by the offer of a shorter delivery time than a TAFE course involves. They will be lured into choosing a private provider, possibly also by the offer of an iPad or a cruise, or whatever other inducements the private providers can offer. They will take money out of vocational education and put it into the business of luring in students.

The harsh reality is that all of Australia, but particularly rural and regional New South Wales, will suffer. We will suffer from a skills shortage and we will suffer from a reduction in the opportunities we have to participate in the new and emerging economies. It is TAFE that creates the innovative workers. It is TAFE because it has a focus on education, as well as training, that creates employees who have not only the skills to do the task before them but also the education to create global innovation. Without innovation, this nation has no future and this State has no economic security.

The O'Farrell Government, in its race to appease the extreme Right—including Chris Eccles, the Director General of the Department of Premier and Cabinet—and in its race to slash its expenditure, is

privatising TAFE. The Skills Board proposed in the bill before us, with its focus on industry, is one small cog in a plan that will see this State stripped of its capacity to generate wealth and to create a future. The Greens will be supporting Labor's amendment. We will be moving three amendments of our own, the first of which is to ensure that somebody with recent teaching experience is appointed to the Skills Board. The second is to ensure that a member is appointed to the board on the recommendation of the New South Wales Teachers Federation.

The third amendment is to make sure that the board exercises its functions with the primary objective of maintaining TAFE as the major and dominant provider of vocational education and training across New South Wales. That ought not to be a radical objective. That ought to be an objective that every member of this Chamber shares: maintaining the primacy of TAFE. We will put that to the test. If the Government is going to say, "All is well with TAFE," then there should be no problem with our third amendment. Those who vote against our third amendment are belling the cat. They are saying very clearly that inside this Government and inside governments of both Labor and Coalition persuasions around Australia there lurks a plan for a world without TAFE.

The Hon. Dr Peter Phelps: A secret plan!

Dr JOHN KAYE: It is not so secret; this plan is not secret. This plan is writ large in Smart and Skilled. It is writ large in the catastrophe that is vocational education and training in Victoria—and that is coming in Queensland. It becomes very clear that within all of these governments there lurks a plan to destroy TAFE. Destroying TAFE is destroying not just our economy; it is destroying our commitment to a fairer and more inclusive society.

The Hon. Dr Peter Phelps: Hyperbole, thy name is Green!

Dr JOHN KAYE: I have been accused of hyperbole. I ask those who think that this is hyperbole to have a look at TAFE in Victoria, where fewer than 50 per cent of training hours are delivered by TAFE, where a number of the training institutes are technically bankrupt, where TAFE is on its knees and in collapse. That is where we are heading in New South Wales under Smart and Skilled. That is where the Skills Board proposed in this bill will fit in. Unless our amendment is passed, the Skills Board will ensure that the advice given to the Minister will be more of the same ideological nonsense that is destroying TAFE.

The Hon. SOPHIE COTSIS [12.09 p.m.]: I speak to the Skills Board Bill 2013. Labor does not oppose the bill, but I will outline some serious concerns that have been brought to my attention and also my observations over the last couple of years of the way in which this Government has treated TAFE. The Government has cut millions of dollars from the TAFE budget. It has cut 800 TAFE jobs and it has increased fees by 9.5 per cent, which makes it harder for TAFE students, particularly women, to upgrade their skills. For example, the cost of an advanced diploma has risen from $1,570 to $1,720. The cost of a certificate IV qualification has risen from $984 to $1,078.

The Minister for Women, Pru Goward, has described learning a trade at TAFE as a great career option for women. But that same Minister voted for TAFE fee increases. The Government's approach in this area is very disjointed: On the one hand the Minister for Women has been advocating that women move into non-traditional trade areas, but on the other hand the Government has increased fees in these non-traditional areas, cut courses in regional and rural communities, and decimated some very important courses such as fine arts and courses that have a high level of female enrolment. I will come back to those issues in a moment.

The functions of this new NSW Skills Board will include providing the Minister with advice on areas such as skill shortages, quality assurance, and the vocational education and training budget. The board will oversee the implementation of the Government's changes to TAFE, and vocational education and training under a program called the Smart and Skilled: draft Quality Framework. The bill abolishes the NSW Board of Vocational Education and Training [BVET], formerly the Vocational Education and Training Advisory Board. The new NSW Skills Board has functions similar to those of the Board of Vocational Education and Training. Many of these functions are important, such as monitoring the performance of vocational education and training systems, advising on the allocation of funding, and collecting and analysing labour market intelligence.

As I said, the Opposition will not oppose the Skills Board Bill 2013. However, I understand that the Hon. Penny Sharpe will move an amendment to the bill to recognise the vital functions that TAFE provides in delivering vocational education and training. The NSW Skills Board has many functions similar to the New South Wales Board of Vocational Education and Training. However, the NSW Skills Board has been given the

added function of overseeing major reform of the vocational education and training sector. The bill refers to the Smart and Skilled Draft Quality Framework reforms that are due to take effect on 1 July 2014. Many concerns have been raised by the community. I have attended a number of forums at which students, teachers and community members have expressed real fears about what the Smart and Skilled: draft Quality Framework will mean for TAFE in New South Wales.

I come from a hospitality and service background. I spent many years working in retail and about five years working in hospitality at Sydney Airport. I know how important the hospitality and service sectors are. I worked alongside many skilled and qualified people who were working as chefs, sous chefs, baristas, wait staff and pastry chefs who had learnt their trades. I have a lot of respect for people who work in the hospitality industry. It is a 24-hour industry and a very demanding industry, which has seen many skill shortages. The hospitality sector has experienced an increase in casual and part-time employees, particularly women. This is where there is a disconnect—there has been an increase in the number of women trying to enrol in hospitality courses to advance their skills to get a better position in the workplace, but the Government has cut courses at TAFEs close to where they work.

Many women have family or carer responsibilities. It is very difficult to balance those responsibilities and to find the time to travel one or two hours to the nearest TAFE that provides the course that will help them further their skills and qualifications, and get a better paid job. All these things affect their superannuation, their retirement savings and the likelihood of being. The Coalition Government has taken away their access to opportunity. The difference between the Liberal Party and the Labor Party is that the Labor Party is about ensuring opportunities for people from low socioeconomic backgrounds and people who do not have skills.

The Hon. Dr Peter Phelps: So every TAFE should run every course, is that what you're saying?

The Hon. SOPHIE COTSIS: I am not saying that. The Government is cutting courses at St George TAFE, which provides some of the best courses. It is two kilometres away from Sydney Airport and two kilometres away from a major teaching hospital. There are thousands of women working in the hospitality and care industry in that area, and they want the opportunity to advance their skills. The Government has shut down courses and is forcing people to travel 1½ hours to the nearest TAFE to access the relevant courses. The member opposite should be advocating for these people in the party room. The difference between the Labor Party and the Liberal Party is that we believe in access to opportunity and we believe that these women, particularly those in lower skilled jobs, have the right to access courses at their local TAFE that will advance their skills and improve their job prospects. If they improve their job prospects and get a better-paid job that is better for their families and helps them meet their responsibilities. That is why I care about this and that is why TAFE is so important.

We are the party that will always advocate for TAFE. TAFE improves the quality of life of thousands of people across New South Wales. I am very passionate about this because I have seen it in action on the front line. I have seen how TAFE courses can change people's lives, particularly the lives of women and their families. TAFE has been providing quality vocational education and training to thousands of people across New South Wales. It has provided a pathway to apprenticeships for many young people who have left school. I will tell members a story. In my capacity as the shadow Minister for Local Government I have been advocating that the local government sector look seriously at and consider doubling the number of apprenticeships and traineeships offered in local government. There are 50,000 employees in local government, and approximately 1,200 to 1,400 apprentices and trainees. There are about 400 apprentices. That is a very low number, and we must do something about it.

I have been speaking to Local Government NSW and to the United Services Union [USU]. The United Services Union has a youth committee consisting of young people who are working at councils; working as apprentice motor mechanics, carpenters and tradies; and working in environmental technology and water. They are doing fantastic work. They drafted a report on the lack of apprenticeships and traineeships, and in particular the huge shortage in rural and regional areas. We know that it is extremely important to train our young people in rural and regional communities through the TAFE system. I have strongly advocated for the local government sector to make a serious attempt to double its number of apprenticeships over the next couple of years. I have worked with young apprentices at Holroyd and Blacktown and visited a number of councils.

The Hon. Dr Peter Phelps: Holroyd has an excellent mayor.

The Hon. SOPHIE COTSIS: Your party dumped the previous Liberal mayor.

The Hon. Dr Peter Phelps: Ross Grove.

The Hon. SOPHIE COTSIS: No, he is not the mayor anymore. Why don't you talk to him about how he got dumped?

The Hon. John Ajaka: Point of order: The member knows that she should not acknowledge or respond to interjections.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! The Government Whip will cease interjecting.

The Hon. SOPHIE COTSIS: I am a strong advocate for doubling the number of apprenticeships and traineeships in the local government sector. The local government workforce is ageing: the average age is approximately 46. It must start training young apprentices. The local government sector performs more than 280 functions and it is a terrific sector in which young people can acquire a broad range of training. As I was saying before I was interrupted by the Government Whip, I spoke to a number of apprentices at Holroyd. They included a female truck mechanic, a garbage mechanic, carpenters and water technology apprentices.

I acknowledge the metropolitan and rural councils in New South Wales that take on apprentices. It takes a lot of effort to mentor young apprentices, and I praise them for it. At Holroyd I spoke to a young woman who was a bus mechanic. She told me that her course had been cut and that she now has to travel for an hour to attend another campus. That costs her time and money: she will now take longer than she had hoped to become fully qualified. That is a problem for our young people, especially in Western Sydney where the unemployment rate is high. I will continue talking about this issue. I hope that in time the Labor Party will introduce a policy to address the problem. That is as opposed to the Government, which had no local government policy. Two and a half years later it has conducted about 15 reviews into local government, but not once have Government members talked about apprenticeships or helping young people in the sector. However, that is a conversation for another day.

Underpinning concerns is the Government's plan through the Smart and Skilled program to include greater contestability for Government funding, which includes moving to full contestability of funds within the vocational education and training sector. As my colleagues and Dr John Kaye mentioned, creating competition within the vocational education and training sector will jeopardise access to placements, especially in rural and regional areas. Similar reforms in Victoria affected women disproportionately. An analysis of the Victorian Government's $290 million budget cuts to the TAFE sector showed that the majority of axed courses were traditionally popular among females. Victorian TAFE Association Executive Director David Williams says that based upon 2011 enrolments more than 65,000 women would be disadvantaged because of course cuts or fee increases. He said:

> Because of the massive drop in subsidy for the courses in business, hospitality and retail where women are by far the greatest percentage of enrollees, the consequent drop in government subsidy is very substantial.

The Victorian TAFE Association analysis found that funding for courses popular with women would be cut by up to 85 per cent compared with 6 per cent for courses popular with men. In closing, I reiterate that under this Government TAFE is struggling due to the cutting of 800 teaching and staff positions, increasing fees and squeezing the TAFE budget. The diversion of funding from TAFE through greater contestability is likely to threaten its viability, particularly in regional and rural New South Wales. Any reform of TAFE must maintain the institution as the major provider of vocational education and training that is accessible across New South Wales.

I know all members care about the New South Wales economy, which is strong, but it is important that we maintain our high quality of skills development and qualifications. TAFE is the institute that can meet the necessary high standards. The next five to 15 years will be an exciting time because of emerging markets, new industries and new technologies. My kids will certainly work in those new industries, and it is important that TAFE provides high-quality courses. When the children of today grow up they will be performing jobs that we are yet to hear of. It is extremely important that, as the main provider, TAFE has high-quality teachers and a good level of investment, which has to come from the State Government.

I am concerned that this process will dismantle TAFE as a recognised high-quality institution. If the Government continues to cut courses and think that it can buy courses for half price it will come at the expense of the standard of education provided. The best thing about Australia and New South Wales is our knowledge

and education. That is why people come here from Asia and across the world each year and pay millions of dollars to gain a qualification from our higher education institutions and TAFE. I do not want our standards to fall. That is the competitive advantage we have to offer when competing with the rest of the world. I hope the Government heeds this message. We will continue to hold it to account on this because it is extremely important for the future of our State and emerging industries.

The Hon. AMANDA FAZIO [12.27 p.m.]: In debate on the Skills Board Bill 2013 I will briefly outline my concerns about the Government's actions regarding the TAFE system in New South Wales. In particular, I will focus on the excellent service that TAFE has provided for students with disabilities, which includes running courses with additional staff to assist young people with disabilities. Hornsby TAFE ran a specific course for young people on the autism spectrum. It was the only course of its kind in Sydney. It attracted students from across the State and made a real difference in getting those young people ready for employment.

One might say that TAFE is not abandoning these things, but by cutting the number of courses available, raising the fees and making people travel further afield to access the course of their choice it impacts on people with disabilities. It particularly affects young school leavers and their ability to become job ready. I know that other post-school options are run for people with disabilities, but some young people with disabilities want to go to TAFE. They want to get job skills and continue on their path to independence. The Government's changes to TAFE include creating the Skills Board, increasing fees and rationalising courses available at different locations, as well as the concept of contestability. Those changes and this legislation will negatively impact the opportunities young people with disabilities have to maximise their potential through TAFE courses at local campuses. While the Opposition will support this legislation, we do so with reservations about what this Government is doing to TAFE and to some of the State's most vulnerable students who to date have been using TAFE effectively.

The Hon. PAUL GREEN [12.30 p.m.]: My contribution to debate on the Skills Board Bill 2013 will be brief. The object of this bill is to establish the NSW Skills Board for the purposes of providing the Minister for Education with an independent, strategic perspective on the vocational education and training system in New South Wales with a view to strengthening the State's economy and skills base and promoting increased flexibility and choice for the vocational education and training industry and consumers, and to oversee major reform of the vocational education and training system in New South Wales. The Minister for Education in the other place initiated a review of the Board of Vocational Education and Training to ensure that appropriate governance arrangements exist to oversee vocational education and training reforms under the Smart and Skilled quality framework and to ensure that targets under the NSW State Plan 2021 will be met.

The review was carried out by Professor Peter Shergold, AC, and involved consultation with the industry as well as public and private training providers. In its report the review recommended establishment of a new board with broader responsibilities and reconstituted membership. The bill will lead to implementation of the recommendations made in the report. I note the contributions to this debate made by members who preceded me. I speak with personal experience of regional and rural education and training. After leaving school I attended TAFE and I consider that to have been a very worthwhile year. I thank God for that not only because it gave me an opportunity to develop my skills but also because I certainly would have been left in the unemployment line without TAFE training. At the time there were not enough jobs in rural areas for me to take up.

After I received TAFE training, I came to Sydney and obtained a cadetship with the Penrith City Council where I exercised my basic skills in shorthand, bookkeeping and typing. I have used those skills many times over and I am very thankful for having had that opportunity. Therefore, I approach this debate with a real sense of caution to ensure that while we oversee the systems to satisfy ourselves they are working efficiently, we equally should recognise that TAFE is an excellent source of training and skills-based education. The Government's administration of TAFE may be compared to having a garden.

We need to cultivate, check, rejig nutrients in the soil and water a garden to ensure that it will produce fruit. The Government has a mandate to apply good economic and management policies to ensure that TAFE systems are working efficiently and will achieve the best possible outcomes for the people of the State. Some members who preceded me in this debate mentioned quality. In nursing we used to have a similar argument: Is it the quality of the practitioner, or are practitioners better in the public sector or the private sector? My opinion is that it comes down to the individual practitioner, their pride in their work, and their ability to exercise their skills in the most excellent manner.

The Hon. Rick Colless: Your education was complete after you went to Hawkesbury, Paul.

The Hon. PAUL GREEN: I acknowledge that comment because I believe that the Hawkesbury Agricultural College offered the best training of any nurses in New South Wales. Any organisation that took on a Hawkesbury nurse was doing a mighty fine thing for their institution. The quality of TAFE teaching would be like the quality of nursing: It comes down to the teacher who wants to contribute excellence, and no matter what the system is they will perform accordingly. Notwithstanding that, we do not want to reduce their resources to any extent because, as we all know, that will affect their performance. The point I make in relation to other courses in regional areas referred to by some members during this debate is that local governance is very important.

A classic example is a local area health network in which local people who know the local scene make local decisions about how they implement their budgets and where funds ought to be allocated. We might not like the outcomes, but similar situations occur in TAFE. While mayor of the Shoalhaven I became aware that TAFE fine arts courses had ceased. I consulted all the courses' stakeholders and, of course, the staff and students felt some disappointment. At the end of the day, TAFE had a certain budget to work with and there were casualties when it was implemented. In TAFE and higher education institutions there is an issue about professional students, but TAFE really is not designed for that; rather, it is about educating, training and releasing people into the workforce.

As mentioned by the Hon. Sophie Cotsis, women particularly undertake upskilling at TAFE and find work after that training. TAFE provides access to important training opportunities for many people. As a member of this House, over the past couple of years I have travelled to western areas of the State and heard about training concerns in rural areas. Dr John Kaye mentioned that people in rural areas of the State are extremely concerned about the need for TAFE to maintain a strong presence. Students in remote areas do not have the same privileges as students in highly populated areas who can access various educational and training opportunities. Students in rural areas do not have the luxury of being able to travel for two or three hours by public transport to attend a course.

The Hon. Penny Sharpe: Even if it exists.

The Hon. PAUL GREEN: I acknowledge the interjection made by the Hon. Penny Sharpe. There is a public interest issue involved in the provision of TAFE courses. People have dreams and TAFE can make them a reality. The private sector will not run a very helpful course if it cannot enrol sufficient numbers of students to make the course viable. We should be aware of the complicated factors involved in deciding whether or not to run a course, including whether students will have access to public transport. Those factors impact upon a student's decision whether to give up on trying to do a course that no-one will run because of its uncertain financial outcomes. TAFE's strong point is that it has been able to operate with minimal financial outlays and produce some very good students who have gone on to make incredible differences in their field because of their TAFE experiences.

We also should be aware that in rural areas of Australia there is very real concern about skills shortages. There is no doubt that some places in rural areas need to upskill their students and would be severely disadvantaged if TAFE colleges were closed and students were not able to access training and education within a reasonable distance of their homes. TAFE also offers flexibility in accessing training and education to various people—for example, mums and dads with kids—because it is able to operate outside the nine to five span of hours and deliver very effective outcomes. Flexibility in education is very important in the twenty-first century. If TAFE is destroyed, it will be equivalent to eating one's own by not achieving long-term outcomes. I do not think it is the Government's intent to destroy TAFE or to remove the opportunity to build a strong training skills base because the New South Wales economy needs to continue to grow. In fact, I do not see it as a deliberate attack on TAFE as much as the Government trying to be wise in the use of its resources.

The Hon. Sophie Cotsis spoke about apprenticeships, cadetships and traineeships. I acknowledge that there is a place for corporate leadership. Corporate areas in regional Australia, particularly councils, should lead by example and set targets to offer opportunities to local people who upgrade their skills using the great assets of TAFE colleges and the training sector. TAFE colleges provide training programs that either prepare people for work or reskill them for our changing workforce, and the expectation is that that training will be responsive to local community and industry needs. Indeed, the effectiveness of that training is borne out by the number of graduates who enter the workforce. National statistics indicate that in 2003 some 74 per cent of all TAFE graduates were employed and that 42 per cent of those graduates had not been in a job prior to their training.

Before doing nursing at Hawkesbury, I attended Blacktown TAFE where I learnt basic mathematics and English whilst undertaking a preparatory nursing program—completion of that course was almost a golden ticket into nursing. At school in years 7 and 8 I had a few disruptions; things did not come easily to me. But whilst nursing I was able to attend TAFE at night to qualify to do a Diploma of Applied Science course at Hawkesbury Agricultural College. It was a remarkable opportunity and I am very thankful for the part TAFE played in that. It goes without saying that I should have learned those skills earlier, and I probably would have if I had listened, as my teachers suggested in many of my reports, but it did not come easily. I am very thankful that TAFE was there to help me upskill from an enrolled nurse to a registered nurse. I take this opportunity to acknowledge the staff who looked after those of us who did that. The Minister for Education said in the other place:

> The board will monitor progress towards and facilitate the achievement of State priorities and targets for vocational education and training and higher education, including those that we have committed to in State and Commonwealth agreements. These include targets to increase higher level qualifications as well as increase participation and improved educational outcomes for those from regional and rural New South Wales, Aboriginal and Torres Strait Islanders, and people from lower socio-economic status backgrounds. The new board will also mitigate risk associated with the major reform of vocational education and training system in New South Wales. Through this bill the NSW Skills Board will be established with the appropriate functions and membership to ensure reliable advice to the Government and rigorous oversight of the New South Wales training market, and major vocational education and training reform.

As I said earlier, in health care we have a Medicare model and a private model. That is fantastic for those who are able to access the private model, but many have only access to the Medicare model. Equally TAFE provides training opportunities for those who need technical and further education but who cannot afford it and who rely on the Government. The quality of both systems is equal to who delivers it, and that is certainly the situation with TAFE. I will be watching these steps with caution. My education was improved through TAFE processes. I am mindful of many in the regional and rural sector who need a hand up, and TAFE would certainly give them that opportunity. The Christian Democratic Party commends the bill to the House, but is aware of foreshadowed amendments in the other place.

The Hon. HELEN WESTWOOD [12.45 p.m.]: I note at the outset that the Opposition will not be opposing the Skills Board Bill 2013. However, I wish to address our concerns about the changes being made to TAFE colleges by the O'Farrell Government. The object of the bill is to establish the NSW Skills Board for the purposes of providing the Minister with advice in areas such as skills shortages, quality assurance and the vocational education and training budget, and to oversee the implementation of the Government's changes to TAFE and vocational education and training called Smart and Skilled. The bill also abolishes the advisory board.

When the Minister announced appointments to the Skills Board he said that the Government had chosen a dynamic group of experts who had demonstrated experience in skills and in tertiary education. The board members include Philip Clark, who has a wealth of experience in the business sector, as chair; Mark Goodsell from the Australian Industry Group in New South Wales; Marie Persson, who is a member of the Australian Workforce and Productivity Agency; Adam Boyton, the chief economist of Deutsche Bank in Australia; Jack Manning Bancroft, chief executive officer of the Australian Indigenous Mentoring Experience; Kay Hull, who is a small business operator in the Riverina; Gemma Van Halderen, first assistant statistician at the Australian Bureau of Statistics; and Leslie Loble, chief executive, Office of Education, Department of Education and Communities.

It is appropriate that TAFE colleges should change as our skills and vocational education needs change, but one thing that will not change is our requirement for teachers. We require people with expertise and real classroom experience in our vocational education and training settings to provide advice. I am disappointed that someone such as that has not been included on the Skills Board, and I urge the Government to reconsider its position. We need to ensure that we have a board member with first-hand classroom experience or one who comes from the vocational education and training area. I acknowledge the expertise of the other people appointed to the board, but there is a gap that needs to be filled. Many of us have heard constituencies' concerns about these proposed changes and what they will mean for vocational education and training in this State in terms of access and affordability.

Like many members in this place, I have personal experiences of TAFE, beginning with using its Outreach programs. As a community worker many years ago I used those programs to upskill people requiring training and education to re-enter the work force. I used Outreach also as a parent when my daughter was diagnosed as being deaf. I needed to learn sign language to communicate with her, but no courses were available. I searched and ultimately realised I needed to organise my own program. Fortunately, because of

TAFE Outreach courses, I organised a teacher for me and other Campbelltown parents. In those days we learnt Australian signed English, which enabled us to communicate with our deaf children. The course was not available anywhere else.

When I was mayor of Bankstown we ran a program in conjunction with the Western Sydney Institute of TAFE to teach leadership skills to women from diverse backgrounds. Again, that course was not available through any other educational institution—private or public. Some of those women had been in Australia for many years and others had recently arrived, but they all came from non-English speaking backgrounds and clearly had the capacity to play a role as leaders in their emerging communities. The council worked with TAFE to give those women the opportunity to attend courses. They all acquired the appropriate skills and many now are employed in important community sector roles while others moved into the private sector. Again, that training would not have been available through any existing educational institution.

Those examples demonstrate the flexibility of TAFE to respond to vocational and educational needs. If we go down the path of privatising TAFE, we will lose that flexibility. Our vocational training needs change because of emerging technologies and a changing industry base in this State and country. We need a vocational education and training sector that can respond quickly to those changing needs. Privatising TAFE will result in the loss of that expertise. I am not confident that the private sector, particularly smaller operators, will have the capacity to respond with the skill level needed to fill emerging community vocational education needs.

Padstow TAFE has many well-established courses for the aviation sector because of its close proximity to Bankstown airport, where a number of aviation industries are based. When that sector wanted skilled workers or wanted workers trained to develop skills to maintain aircraft, it looked to TAFE. Padstow TAFE is well respected in that sector as much as it is in the landscaping and horticulture sector. We should never forget that this State's and country's aviation experts were educated by TAFE. TAFE's value is its flexibility to respond to community needs. It is important to remember that not every student will go to university. Neither of my daughters attended university, but both attended TAFE and acquired appropriate qualifications. As I said earlier, one of my daughters has a disability, so she has special requirements and TAFE was able to accommodate them. I shall refer to that later and give examples of changes in providing support for disabled students. I am greatly concerned about the impact on students with disabilities, particularly what these changes will mean for deaf students.

Another important area is the number of tradespeople who receive their education and qualifications through TAFE. Those people now are the small business people who keep the New South Wales economy chugging along. The Hon. Penny Sharpe referred to the reaction of people at Saturday's Miranda by-election to government changes, but cuts to TAFE and the fears of many tradies about what is happening to TAFE also played a role in the huge swing against the Government. Small business is the greatest employer in this State and country. Many small business people, certainly throughout the shire, but also across the State, have not forgotten that they received their trade qualifications through TAFE and expect their kids also to be able to acquire skills through the same system. That brings me to affordability.

These changes will make TAFE courses unaffordable for many people. Unless courses are on the list accepted as part of the new system, they will not be subsidised. This will mean that anyone wanting to acquire a skill to enter the work force will have to pay thousands of dollars to study those courses not on the list, such as hairdressing. For most young people that kind of education will be unaffordable. I accept that some people will be able to afford to pay for those courses not on the subsidised list, but many, particularly those in Western Sydney and from disadvantaged families, will not be able to afford the fees.

I am concerned about disadvantaged students. The Hon. Paul Green referred to his experience of undertaking a preparatory program at Blacktown TAFE. Access courses enable those who have had a disadvantaged education—perhaps because they recently arrived in this country from a non-English speaking background, have a disability or have disrupted education, as in the Hon. Paul Green's case—to acquire skills that enable them to undertake other levels of tertiary education, as the Hon. Paul Green did, including going to university to become professionals and make a great contribution to our community. The Government needs to be mindful of ensuring that courses are affordable.

I am concerned that deaf students no longer will be provided sign language interpreters in classes. Instead, they will have to pay the full cost of that service, which is unaffordable for those students because it involves thousands of dollars. Often families of deaf students are financially disadvantaged, do not have

capacity to earn large salaries and also do not have alternative income sources. Sign language interpreters, who are essential for a deaf student to undertake educational TAFE courses, will be unaffordable for those students. I ask the Government to reconsider this issue.

[*The Assistant-President (Reverend the Hon. Fred Nile) left the chair at 1.00 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

TEMPE SCHOOL ROAD SAFETY

The Hon. LUKE FOLEY: My question is directed to the Deputy Leader of the Government, in his capacity as Minister for Roads and Ports. On 28 August the Minister advised the House that he would investigate whether a problem exists due to heavy vehicles using Unwins Bridge Road near Tempe Public School and Tempe High School. In light of the fact that newly reinstalled safety bollards on Unwins Bridge Road have, for the fifth time, been smashed by trucks, will he update the House on what investigations he has undertaken on the matter since 28 August and what action he will take to ensure the safety of local school students?

The Hon. DUNCAN GAY: I thank the honourable member for his question. The Centre for Road Safety looked at that issue, and we put some processes in place. This question requires a detailed answer. I will come back to the House with a full report.

STATE BUSHFIRES

The Hon. SARAH MITCHELL: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the current bushfire situation in New South Wales?

The Hon. DUNCAN GAY: I thank the honourable member for her question. Bushfires are continuing to cause widespread damage and road closures across the Blue Mountains, the Central Coast and near Picton. While my information is not totally up to date, when I was last informed the M1 Pacific Motorway, or F3, was closed between George Booth Drive and John Renshaw Drive due to a bushfire at Minmi. Bells Line of Road is currently closed from the Great Western Highway at Lithgow through to the township of Bilpin. Darling Causeway remains closed from Mount Victoria through to Bell. Hawkesbury Road is closed between Roberts Parade in Hawkesbury Heights and Castlereagh Road in Agnes Banks. The Great Western Highway remains closed across the Blue Mountains at the moment. However, all motorists—drivers of heavy vehicles and tourist buses in particular—are advised to avoid non-critical travel between Penrith and Lithgow due to the possibility of conditions changing at short notice.

Picton Road is open. However, motorists are advised that it is expected to close at some point today. The Blue Mountains rail line is not running between Bathurst, Lithgow and Mount Victoria. A replacement bus service is in operation. There is a possibility that more of the line may be partially closed later today, depending on the fire conditions. As at 11.00 a.m. today, 60 bushfires and grass fires were burning across New South Wales. Of these, 17 are uncontained. There were 11 section 44 notices in place. As members would know, the fires of greatest concern, with warnings that may be moving between "watch and act" and "emergency", are the State Mine fire at Lithgow, the Mount York Road fire at Mount Victoria in the Blue Mountains, the Linksview Road fire at Springwood in the Blue Mountains and the Hall Road fire in Wollondilly. A total of 120,598 hectares have been burnt, with a fire perimeter of 1,595 kilometres.

Conditions are deteriorating. As I am sure members are aware, temperatures are increasing. Humidity is dropping and dry north-westerly winds are returning. Today 95 aircraft either have been deployed or are on standby. Fire crews continue to work to bring fires under control and monitor those that have been suppressed already. Currently, there are more than 1,300 firefighters in the field. A total of 688 interstate personnel from across Australia have joined the front line to help fight the fires, including 370 personnel from Victoria and

220 from South Australia. Building impact assessment team personnel have been on site to undertake inspections. As at 19 October, 208 houses had been destroyed and 122 had been damaged. The Rural Fire Service Commissioner has declared a total fire ban until further notice for the Greater Sydney region, the greater Hunter region, the Illawarra/Shoalhaven and the Central Ranges. The weather situation is expected to worsen today. [*Time expired.*]

ORANGE ELECTROLUX PLANT

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports, representing the Minister for Trade and Investment. Is the Minister aware that a decision is expected this week—possibly as early as tomorrow—on the future of the Electrolux plant in Orange? What assistance is the Government providing to help keep the plant open and to protect the jobs of up to 500 local workers in the Central West?

The Hon. DUNCAN GAY: I thank the honourable member for his question. It is an important question about a longstanding business in Orange, which is one of the key employers in that city. I am unaware of the timing that the member indicated, but I will take him at his word that it is correct. I will find out the detail of what is happening. From a conversation I had with the Deputy Premier last week, I know how seriously he takes this issue and that he views this business as important. His view is that we will do whatever we possibly can, within the avenues that we have available, to keep that longstanding business continuing in Orange.

CENTRAL WEST WATER SUPPLY

The Hon. ROBERT BORSAK: My question directed is to the Minister for Roads and Ports, representing the Minister for Regional Infrastructure and Services. Is the Minister aware of accusations by the general manager of Central Tablelands Water, Mr Tony Perry, that the "State Government does not care about inland water security" and that "Macquarie Street has no interest in regional water supplies"? What will the Government do to provide the extra water storage that Mr Perry claims is needed to help droughtproof the entire Central West of the State?

The Hon. Jeremy Buckingham: Build Lake Rowlands—build the dam.

The Hon. DUNCAN GAY: Here we are on 23 October at 2.37 p.m. and The Greens are asking us to build more dams. Finally we have reached an age of enlightenment in this House—finally even The Greens have got it. It has taken a long time for them to get it, but I congratulate the Hon. Jeremy Buckingham on being the first member of The Greens in captivity to understand the importance of dams. I thank him for his interjection and for his support. In relation to the question that I was asked, obviously I am unaware of those comments. I am disappointed with them because I do not believe they are true, if they were made. The importance of protecting water in regional New South Wales is paramount in the thoughts of this Government. I will take the question on notice and forward it to my colleague for a detailed answer.

SUPPORT FOR VISION OR HEARING IMPAIRED CHILDREN

The Hon. MATTHEW MASON-COX: My question without notice is directed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on what the Government is doing to support children with a vision or hearing impairment and their families?

The Hon. JOHN AJAKA: I thank the honourable member for the question. The Government is committed to supporting children who have a vision or hearing impairment and their families, no matter where they live across the State. In 2013-14, Ageing, Disability and Home Care will provide an estimated $11.9 million for people who are deaf, hard of hearing, deaf-blind, or blind or who have low vision. Services funded include translation and accessible information, community support, early childhood intervention, therapy services, respite, family support, personal care and life skills development, attendant care, accommodation and behaviour support. The funding from Ageing, Disability and Home Care is invested in a number of specialist organisations in New South Wales, including the Royal Institute for Deaf and Blind Children, Vision Australia and the Shepherd Centre.

The importance of support as early as possible in the life of a child with a sensory impairment is now well known. Early intervention and support are crucial to skill development and to the development of communication and relationship-building skills, and community participation. For those born with a dual-sensory impairment, finding and developing a way to communicate is crucial and unique to that individual.

Without support to learn to communicate, those individuals face a lifetime of isolation and exclusion from community life. The goals of children and young people with sensory impairments include having an active social life, undertaking tertiary education, finding employment and living independently. Quality intervention and support for children and families provided as early as possible will help these goals be realised. A grant of $2 million over two years has been provided to the Royal Institute for Deaf and Blind Children to enable it to provide increased support for children with vision or hearing impairment.

These additional Stronger Together 2 funds will enable the institute to provide 250 new places for children with sensory impairments, including those with dual impairments and other disabilities, and assistance for their parents and carers. The project will include the use of contemporary technology to provide better access to services for families living in rural areas. For example, education and therapy services can be provided to children and carers living in remote parts of the State through high-quality videoconferencing technology. Services can be provided in the family home or other local facilities based on family preferences. Therapists and teachers can tailor an individual program for each child. This additional funding will focus on developing the skills of professionals in early childhood and school settings, and improve the amount and quality of support available in mainstream services for children with a sensory impairment and their families.

Under Stronger Together 2, the Government is implementing the Strengthening Supports for Children and their Families 0-8 Years Strategy. The key principle underpinning the strategy is that children aged zero to eight years, including children with autism and their families, receive support that addresses their needs in an integrated way in mainstream environments supported by the specialist system as needed. This is supported by evidence that the best outcomes for children with disabilities are achieved when effective support is provided as early as possible within a child's natural environment, such as at home or preschool, supported by specialist services in these settings.

The $2 million being provided to the institute will also assist in the development of support packages that can be tailored to the needs of each child. Enabling the development of support packages will play a key role in supporting families and services in the transition to the National Disability Insurance Scheme by enhancing access to a range and quality of services tailored to the individual needs of children with disabilities and their families. The Government remains strongly committed to supporting all individuals with a sensory impairment, including those with additional disabilities, to live full lives and enjoy social and community participation.

RIVER RED GUM NATIONAL PARKS

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Roads and Ports, representing the Premier. Following a recommendation of General Purpose Standing Committee No. 3 inquiry into the management of public lands, did the Premier earlier this month give the Natural Resources Commission terms of reference to investigate the adaptive and active management of cypress forests in the Brigalow and Nandewar State conservation areas and to have a draft report prepared by December this year? If so, will the Premier immediately instigate a similar investigation in the river red gum national parks in the south of the State—the declaration of which by the former Labor Government decimated the timber industry in the region?

The Hon. DUNCAN GAY: I thank the honourable member for his question. I am unaware of the detail of whether the Premier has or has not done that, but I will certainly find out. From a common-sense point of view—and I am sure most members in this House would appreciate this—decisions made by the former Labor Government on the cypress forests and the river red gum forests were appalling. Those decisions really did not take into account the local communities and the history of those forests. I am unaware of any decision that has been made. Whatever decision the Premier has made, I am sure it will be a wise and wonderful decision.

DROUGHT ASSISTANCE

The Hon. STEVE WHAN: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. In light of reports from New South Wales farmers that farmers in the State's north-west have spent on average $150,000 already on coping with drought conditions, and given the only response of the Government to date has been to dispatch the regional assistance advisory committee to inspect "worsening dry conditions", will the Government reverse its decision to abolish drought declarations and restore automatic entitlements to fodder and stock transport subsidies for farmers struggling through tough conditions?

The Hon. DUNCAN GAY: A drought is always one of the hardest things that we face in this country, particularly a drought that is creeping insidiously across the State so soon after we thought that we were out of the drought cycle. The areas that the honourable member mentioned are facing some pretty tough times at the moment. A lot of people in those areas are sourcing fodder—a lot of people have had to feed stock and to consider agistment. This comes at a time when they have not had the opportunity to build up their reserves, neither their fodder reserves nor their financial reserves, following the most recent drought. NSW Farmers, the National Farmers Federation, the Australian Labor Party, if my memory serves me correctly, and others were supportive of doing away with the so-called handouts of the former system and putting in place a process of droughtproofing. I have always believed that we need a good mix of both, and I think our Minister is working on that. Before this member opposite from the losers lounge tries to play politics with this issue he should make sure that he has it right. It is a vexed issue.

Farmers' organisations have been saying for some time that the best form of droughtproofing is to be able to change the system so that people can do that droughtproofing. That is inherent in the changes that have been made. My understanding is that they were made in conjunction with the former Federal Government and, I suspect, the Hon. Steve Whan in his former capacity. That does not mean that we should lose all compassion and not help people. No-one has more compassion than the Minister for Primary Industries. She lives on the land and the land is in her genes. Her father is a former vice-president of the NSW Farmers Association: the land is in the family's bloodline. The Minister is about to embark on a tour across regional New South Wales to visit the areas and talk with affected people. If I have not answered everything that the question called for, I am sure my colleague will provide the details.

DEATH OF ELIZA WANNAN AND WILLIAM DALTON-BROWN

The Hon. RICK COLLESS: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on what the Government is doing in relation to the tragic deaths of Eliza Wannan and William Dalton-Brown?

The Hon. DUNCAN GAY: I have spoken about this before in this House, so many members know that on 27 January 2010 Eliza Wannan and William Dalton-Brown tragically died due to injuries sustained as a result of being run over by a vehicle driven by an unaccompanied learner driver. The incident occurred in a paddock on a private farming property near Orange. On the final day of the first fixture of the inquest into their deaths the Deputy State Coroner, Magistrate Sharon Freund, suspended the inquest after having formed the view that the evidence she had heard was capable of satisfying a jury beyond reasonable doubt that the driver was guilty of the indictable offence of dangerous driving occasioning death.

After careful consideration of the matter the Office of the New South Wales Director of Public Prosecutions came to the conclusion that there was insufficient evidence to prosecute the driver for an indictable offence arising out of the deaths. The matter was also subject to a police investigation that has been reviewed and examined internally as well as by independent external authorities. Having re-opened the inquest, the Deputy State Coroner delivered her findings on 9 October 2013. She highlighted the limitations of the current law where an incident occurs in a paddock on private property. She stated:

> There is no provision currently in NSW for a person who has driven negligently (if the driving is not deemed to be in a manner dangerous) and caused death or grievous bodily harm, to be charged with an offence if the driving did not occur on a road or road related area.

Although the Deputy State Coroner could not make a finding or formal recommendations on this aspect because it fell outside her jurisdiction, the Government takes the issue very seriously. I am concerned about it and I have directed Transport for NSW and Roads and Maritime Services to work closely with the NSW Police Force, the Department of Attorney General and Justice and NSW Health to address all issues arising from the Coroner's inquest and report to the Government regarding any legislative changes required. I have also directed that a detailed examination be undertaken of current legislation and powers to test drivers in the event of a fatal incident and any discrepancies between New South Wales laws and other States such as Queensland and Victoria. When someone is killed in a tragic incident such as this we must ensure that police have adequate powers to fully investigate and gather evidence. The Government and all members of the House offer our deepest sympathies and condolences to the families of the deceased.

DROUGHT ASSISTANCE

The Hon. JEREMY BUCKINGHAM: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Sorry, I am a little bit upset by the last question.

The PRESIDENT: Order! The Hon. Jeremy Buckingham is skating on thin ice. He should ask his question.

The Hon. JEREMY BUCKINGHAM: Is north-western New South Wales in drought? Other than the Minister's tour, what exactly is the Government doing today to assist farmers and businesses in this region?

The Hon. DUNCAN GAY: Mr President, do you mind if I ask the member to repeat the question? I did not hear it properly.

The PRESIDENT: Order! Members were interjecting, and I might have been unfair to the member. The member may ask his question again. The Clerk will restart the clock.

The Hon. JEREMY BUCKINGHAM: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Is north-western New South Wales in drought? Other than the Minister's tour, what exactly is the Government doing today to assist farmers and businesses in this region?

The Hon. DUNCAN GAY: First of all, it is my understanding that drought conditions exist in the region. I would have to check with my colleagues to say whether the area is technically in drought in accordance with the definition, but most subjective examinations indicate that it is experiencing drought conditions. Without playing politics, we all know that it is pretty damn tough out there at the moment. The first thing people need to know is that the Government and—to a certain extent—the Opposition believes in the farming industry and believes in supporting it. Some members on the crossbench do not believe in large-scale farming enterprises in New South Wales or their continued existence. They are willing to play politics.

The Hon. Luke Foley: Or even small-scale farming.

The Hon. Jeremy Buckingham: Point of order: My point of order is relevance. The question directly asked what the Government is doing to assist farmers struggling with drought—in his words—in north-western New South Wales.

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

The Hon. DUNCAN GAY: One of the first things we will do is oppose the revocation of the regulation on native vegetation that The Greens have put on the *Notice Paper*. If you want a viable farming industry in this country, you have to stop playing politics with it and you have to support it. The Greens will dress up in their koala suits and try to con some susceptible people, but getting rid of farming in New South Wales is their ultimate game. The Leader of the Opposition was absolutely right in correcting me when I said "large-scale farming". The Greens are against all scales of farming in New South Wales; they would prefer that it did not happen. We are doing the usual things that we can do. We are running the State well. We are also providing the proper support for families, their businesses and their financial situations. Beyond that, I will obtain a detailed response from my colleague the Minister for Primary Industries.

SENIORS CHRISTMAS CONCERTS

The Hon. WALT SECORD: My question without notice is directed to the Minister for Ageing, and Minister for Disability Services. What does the Minister say to older people who have been told they cannot get tickets to this year's Newcastle Seniors Christmas Concert over the telephone or on the web but must instead travel to the Newcastle Civic Centre and wait in line in 30 degree heat?

The Hon. JOHN AJAKA: I thank the member for the question. The Government has wonderful news about Seniors Christmas Concerts. First, we have increased Seniors Week concerts, which occur from February to March, from three to five concerts.

The Hon. Walt Secord: Point of order: My point of order relates to relevance. The question is about seniors standing in 33 degree heat.

The PRESIDENT: Order! The Hon. Walt Secord is debating the question. The Minister is being entirely relevant.

The Hon. JOHN AJAKA: The question is a good question in relation to seniors concerts. I advise members opposite that we have two different sets of seniors concerts.

The Hon. Mick Veitch: Here it comes, John. Just take a moment to read that.

The Hon. JOHN AJAKA: I do not need it. We have two sets of seniors concerts. I have only three minutes remaining for my answer. If members opposite will allow me to answer the question, I have some wonderful news for members opposite and for our beautiful seniors. As I was saying earlier, the news is that the concerts in February-March will increase from three concerts to five concerts. An additional 20,000 tickets will be made available, which is an increase from 30,000 to 50,000 tickets for five concerts.

The Hon. Penny Sharpe: Point of order: My point of order relates to relevance. The question was very specific about why seniors in the Hunter are being asked to line up in 30 degree heat to get tickets.

The PRESIDENT: Order! The Minister is being entirely relevant to the question he was asked. The Hon. Penny Sharpe will resume her seat.

The Hon. JOHN AJAKA: If I could be allowed to finish the answer, I am sure members opposite will be happy with it.

The Hon. Mick Veitch: You should have read the briefing note.

The Hon. JOHN AJAKA: I left the note on the table and did not take it with me to read it. I do not need the notes. As I was saying earlier, we will have an additional 20,000 people at those concerts. Why? It is because last year during the Seniors Week concerts too many people missed out. They were upset. They were unable to attend because demand was so excessive. We have increased tickets for the Sydney concerts from 30,000 to 50,000. In relation to the December Christmas concerts, in the past all our senior citizens in regional and country areas of New South Wales were missing out because those concerts were all held in Sydney. We had a system whereby the concerts were held only in Sydney. It baffles me why members opposite are against our regional and country seniors being able to enjoy a seniors concert. I would have thought members opposite would want them to have that.

The Hon. Duncan Gay: Four in the regions.

The Hon. JOHN AJAKA: I would like to correct the Deputy Leader of the Government. It is not four concerts, but eight concerts. Each region will be given two concerts, so there will be eight concerts. I ask the Deputy Leader to forgive me for correcting him.

The Hon. Duncan Gay: Good correction.

The Hon. JOHN AJAKA: I am hoping I will be asked a supplementary question.

The Hon. Mick Veitch: Your staff aren't. They are over there just about dying. Look at them.

The Hon. JOHN AJAKA: No, they are not at all. [*Time expired*.]

The Hon. WALT SECORD: I ask a supplementary question. Will the Minister elucidate his answer in regard to whether first aid is available to those waiting in the queue in 33 degree heat?

The PRESIDENT: Order! The question, which is a new question, is clearly out of order.

ABORIGINAL DISABILITY SERVICES

The Hon. TREVOR KHAN: My question is directed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on the role of the Ageing, Disability and Home Care Aboriginal Advisory Committee in improving outcomes for Aboriginal people with disabilities?

The Hon. JOHN AJAKA: I thank the Hon. Trevor Khan for his question. Ageing, Disability and Home Care [ADHAC] has built a solid foundation in delivering flexible, responsive and culturally inclusive services for Aboriginal people. The Aboriginal policy statement defines the policy platform for Ageing, Disability and Home Care as "to strengthen services for Aboriginal people", and the Aboriginal Cultural Inclusive Framework provides the implementation, monitoring and reporting framework for building cultural

inclusive services and policies. True engagement with Aboriginal people is integral to maintaining our strong track record. Ageing, Disability and Home Care will continue its efforts in building cultural inclusion with the renewal of the Aboriginal Advisory Committee.

The Ageing, Disability and Home Care Aboriginal Advisory Committee was established in 2011. In its two years of operation, the committee has provided valuable strategic advice to Ageing, Disability and Home Care on the development and review of Aboriginal cultural inclusive strategies. The committee also provided advice on the development of person-centred approaches in disability services for Aboriginal people. The collective achievement is reflected in the increase in access to disability services by Aboriginal people as recorded in "Aboriginal People: Access to disability services in New South Wales 2011-12". Recently the committee's terms of reference were revitalised and refocused to provide a voice and leadership for the disability reform agenda for Aboriginal people in New South Wales.

This Government is committed to empowering Aboriginal people to exercise choice and control as we transition towards a National Disability Insurance Scheme. To achieve this goal, the committee will continue to provide an effective voice to inform that work. The key responsibility of the committee is to provide strategic advice to Ageing, Disability and Home Care on the review, implementation and evaluation of the Aboriginal Cultural Inclusion Framework; the implementation and monitoring of the central office Aboriginal Cultural Inclusion Strategy; specific strategies and resources for Aboriginal people, their families and communities to ensure that Aboriginal people with a disability are National Disability Insurance Scheme ready and the system reforms meet their needs; and policy designed to address the impact on Aboriginal people.

The 10 community members of the renewed committee bring a wealth of knowledge and experiences spanning the breadth of the Aboriginal community services sector in disability, ageing, children's services, carers and families, and rural and regional service access issues. The members of the committee are supported by Ageing, Disability and Home Care senior executive staff. I inform the House that the committee met for the first time in September 2013 and will meet quarterly from now on. I look forward to providing the House with regular updates on the valuable work being undertaken to provide responsive and culturally inclusive services for Aboriginal people.

ROADS AND MARITIME SERVICES RESTRUCTURE

Dr MEHREEN FARUQI: My question is directed to the Minister for Roads and Ports. Given the endless cycle of restructuring currently occurring in the Roads and Maritime Services, will the Minister let us know how many staff will lose their jobs at the end of this restructure?

The Hon. DUNCAN GAY: I must take offence to the term "endless cycle of restructuring". It is not an endless cycle. There has been some strategic restructuring that needed to happen. A series of restructures has occurred with the majority support if not the total support, albeit not always total support, of the staff involved. In most areas at the moment—in some areas, we sometimes miss it and do not quite get to speak to staff as well as we should, and I recognise our onus to do that—by and large morale is up across the department. One wag in the department once said to me, "If we went to a barbecue, rather than say that we were from the Roads and Traffic Authority [RTA] we used to say we were Commonwealth Bank managers." Now that has gone, they are pretty proud of what they are doing.

I must say that the anecdotal evidence of the performance we are getting from our staff is pretty damned good. I get a number of emails, letters and phone calls in my office complimenting us on the performance of our people in one area or another. Certainly in question time today, I hope to be able to talk about those people. We indicated that within the changes that we are making—certainly we have been very open with the union—we have undertaken restructuring in consultation with the union. Without saying that we have union support, the union has been part of the consultation in relation to what we are doing. We will be making major changes. The outsourcing of maintenance in the other two regions of Sydney will be a large change. The changes with Service NSW, with our people going in there and the restructure, have certainly been large. We are trying to do it as seamlessly as possible. As for the numbers, if people look at the annual report and the budget papers, the details are there to be examined.

SENIORS CHRISTMAS CONCERTS

The Hon. HELEN WESTWOOD: My question is directed to the Minister for Ageing, and Minister for Disability Services. Why did the Minister's office fail to allocate tickets for the Seniors Christmas Concert to

the Hunter electorates of Cessnock, Swansea, Maitland and Lake Macquarie? Will the Minister reassure the House that his office understands that the electorates of Cessnock, Swansea, Maitland and Lake Macquarie are in the Hunter region and that there are seniors in those areas who want to attend the concert?

The Hon. JOHN AJAKA: I make it clear that I have not allocated any tickets to members of Parliament as of this date. That will be happening over the next week. Interestingly, the member for Cessnock has contacted my office and has been advised that he will be allocated tickets, so I am surprised that I have been asked this question. I am not aware whether members representing the other electorates referred to in the question have asked for tickets or have been informed that tickets are available. Let the member be assured that if I am contacted by members, whether they are members of Parliament from the four seats referred to or members from surrounding electorates, tickets will be made available for them. I am happy for local members of Parliament to assist with tickets being allocated.

What I will not accept is this scaremongering from those opposite in relation to what is clearly the best news that has occurred in relation to seniors concerts: concerts will be held in regional and country New South Wales this year for the first time. They do not want to say thank you; they want to turn this wonderful news into something ugly. Let us look at the wonderful town of Tamworth. For the first time, it will have a concert. Why the members opposite do not like the people of Tamworth is beyond me. It really is disappointing. Let me go back to the facts. Let us stop the nonsense coming from those opposite who are simply trying to find a negative story and are trying to get a little political publicity out of this. The facts are clear and speak for themselves. First, for the first time, we will have concerts in regional and country New South Wales. Second, each of the four areas selected will hold two concerts, making a total of eight concerts. Third, the concerts to be held in Sydney—

The Hon. Walt Secord: You are politicising Christmas. Paul, you should be offended.

The Hon. JOHN AJAKA: I note the interjection. Why would I say to the member for Cessnock who asked for tickets, "Of course you will have tickets"? Where is the so-called choosing or selecting? Maybe the Opposition should have checked with the member for Cessnock before it asked the question. Going back to the good news, we not only have concerts for the first time in country and regional New South Wales, but we also have a substantial increase—almost doubling—in seniors concerts in Sydney, an increase from 30,000 seats to 50,000 seats, which is great news for the senior citizens throughout New South Wales. I remind members opposite that senior citizens are not limited to the city of Sydney. We have wonderful senior citizens in regional and country New South Wales. I am not only the Minister for Ageing, I am also the Minister for Disability Services. There have been quite a large number of citizens in country and regional New South Wales— [*Time expired.*]

The Hon. HELEN WESTWOOD: I ask a supplementary question. Will the Minister elucidate his answer in relation to the allocation of tickets by providing a guarantee that every electorate in the Hunter has been given an equal number of tickets?

The Hon. JOHN AJAKA: I thank the member for the opportunity to continue to deliver this wonderful news. As I said earlier, some senior citizens with disabilities, elderly citizens with movement restrictions, have never been able to attend a Sydney concert because the distance is too great. People have had to come up with accommodation and travelling expenses. As they do not have the physical ability to travel it made it incredibly difficult for them to get to Sydney. That is why the decision was made to give our country and regional senior citizens the same opportunities as those given to Sydney citizens.

Of course, we do not want our Sydney residents to suffer as a result of this, so to compensate for the fact that the Christmas concerts will be held in country and regional New South Wales we have almost doubled the concerts to be held during Sydney's week. Everyone benefits. Everyone gets an opportunity. As those opposite know, and as I have indicated for the last 11 weeks as Minister, the point is that people have the right to live their lives the way they wish to live their lives and they have the right to have equal opportunities. I cannot, as the Minister for Ageing, simply leave—

The Hon. Steve Whan: Point of order: The Minister was asked a specific question about whether each electorate in the Hunter had been given the same amount of tickets. Can he answer the question?

The PRESIDENT: Order! The Minister's time has expired. The point of order is moot.

ROADS AND MARITIME SERVICES STAFF AWARDS

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Roads and Ports. Will the Minister inform the House about how a number of courageous Roads and Maritime Services officers have saved the lives of motorists in Sydney?

The Hon. DUNCAN GAY: As I indicated earlier, some pretty damn good work has been done by our staff. In particular, it gives me great delight to inform the House of the heroic actions of five Roads and Maritime Services heavy vehicle inspectors who have saved the lives of two men. Earlier this year a man was driving home from work but started to feel unwell by the time he reached Waterfall. The man was suffering the symptoms of a heart attack and tried to call emergency services, but he collapsed on the side of the F6 before connecting to the operator. Three Roads and Maritime Services heavy vehicle inspectors were carrying out safety and compliance checks on the opposite side of the road when they noticed the man in distress and waving for help.

Without a moment's hesitation, the trio raced across the road to render assistance. One of the officers, Adam Kelly, immediately started cardiopulmonary resuscitation [CPR] to keep the man alive while the other inspectors guided emergency services to the right location. The driver was treated by ambulance officers and taken to hospital where he made a full recovery. Roads and Maritime Services recommended the men for the St John life sustaining awards, which were presented to the men by Governor Marie Bashir earlier this year. In another display of bravery, two quick-thinking Roads and Maritime Services heavy vehicle inspectors saved a man from a burning car after it crashed near Yass. Officers Tony Spicer and Chris Dennis had just finished inspecting a heavy vehicle on the Hume Highway when they saw an out-of-control car crash through the roadside barrier and flip just 50 metres from their location.

With the car on fire and the driver trapped inside, the inspectors quickly grabbed a fire extinguisher from their vehicle and doused the blaze before it spread further. One inspector managed to smash a window of the car and pulled the driver to safety while the other called emergency services. The driver of the car was treated by ambulance officers and luckily, thanks to the quick and brave actions of the Roads and Maritime Services workers, suffered only minor injuries. I thank these five brave men who risked their lives to save others. As I have indicated, they are a credit to their families and certainly to Roads and Maritime Services. I know all members would add their voice to that support. Roads and Maritime Services will nominate Tony Spicer for a well-deserved bravery award.

SCHOOL FUNDING

The Hon. PAUL GREEN: My question is directed to the Minister for Ageing, and Minister for Disability Services, representing the Minister for Education. I refer to an article in today's *Sydney Morning Herald* regarding some schools of lower socioeconomic status receiving less funding than other schools. Could the Minister explain the criteria used to determine which schools would receive less funding under the new Gonski-style model next year? What will the Minister do to monitor the impacts on schools receiving less funding?

The Hon. JOHN AJAKA: I thank the member for his question. I will obtain an answer from the Minister and provide it to him.

PERSONAL WATERCRAFT ZONES

The Hon. LYNDA VOLTZ: My question without notice is directed to the Minister for Roads and Ports. With the summer swimming season's early arrival, what action is the Government taking to police irresponsible jet skiers and to protect other recreational water users at Botany Bay and Port Hacking, and on the Georges River?

The Hon. Charlie Lynn: And other people having fun as well. You may as well go for the lot of them. We cannot be having fun, can we?

The Hon. DUNCAN GAY: I suspect that one of the toughest jobs in the summer months is that of a boating safety officer in the south of Sydney. In fact, at the boat show I asked one of them, "How are you going with personal watercraft problems on the Georges River?" He said, "Well, recently, it has improved considerably" because, sadly, some gang war deceased are problems in the river. The member's question is

pertinent because, like everything, there are good and bad people. Some people use personal watercraft properly and responsibly, but a small, decisive section of the community do not. They harass people around wharves and on the river and as soon as our boating safety officers are out of sight they return to harass people. In an attempt to solve the problem we put in place a new plan that has areas where those watercraft users can go and areas where there are no fun police, Charlie. This allows them to have a good old time.

Part of being an Aussie in summer is being able to have fun. Whilst I have never ridden a jetski, I must say that they look like they would be heaps of fun. The problem is that a group of people inappropriately behave towards other users. We have put in a plan for the river. There are 1,800 registered personal watercraft and more than 8,500 personal watercraft licences in the boating area serviced by the Sutherland and Liverpool Roads and Maritime Services offices. That represents about 20 per cent of the total. The 2009 stakeholders' forum hosted by Maritime recognised that whilst the majority of personal watercraft riders were law abiding—that continues to be the case—a persistent minority were either unaware of or ignored the rules for safe and responsible behaviour. The forum agreed that Maritime should revise its educational material. I am sure many members are aware of actor comedian Rob Shehadie.

The Hon. Lynda Voltz: Is he related to John?

The Hon. DUNCAN GAY: I do not think so, but who knows. As part of his civil duty, he took part in an ad and mimicked a bad rider coming good and saying how great it was to wear his life jacket because it made him look cute for the chicks. It was a very good ad and I suggest members go to Dr Google and watch it on YouTube. [*Time expired.*]

AUTISM SUPPORT SERVICES

The Hon. JENNIFER GARDINER: My question without notice is addressed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on what the Government is doing to support children with autism and their families?

The Hon. JOHN AJAKA: I thank the member for this serious question. Autism spectrum disorders are lifelong developmental disabilities affecting each person's ability to communicate with and relate to others in different ways and to varying degrees. The impact on the child and their family will vary, as families also report financial and social limitations impacting on family life. Research shows consistently that children with autism respond differently to any intervention supports or programs. No single program will suit all children and their families. Through Stronger Together 2 the New South Wales Government continues its commitment to early intervention for people with disability, particularly early childhood intervention for children with disability such as autism.

Between 2011 and 2016 an additional $21 million will provide for an extra 1,000 places for children with autism. This investment will be aimed at building the capacity of mainstream services and community-based activities to support children with autism, providing access to therapy and other professional support as needed within mainstream settings to promote skill development for children with autism, and supporting children and their families and carers at key life stage transitions. In 2013-14, $74.6 million will be invested to support approximately 16,000 children and young people with disability, including those with autism. Of this, $6.8 million will be directed specifically to flexible support for children with autism and their families. Approximately $1 million additional funding is being directed to respite supports through Leisure Link.

The Department of Ageing, Disability and Home Care is leading the implementation of the Strengthening Supports for Children and Families 0-8 years strategy to improve the way services are provided for children with autism and their families. The key principle underpinning the strategy is that children aged zero to eight years, including children with autism, and their families receive support that addresses their needs in an integrated way. As part of this investment, in 2013-14 the Department of Ageing, Disability and Home Care will provide $190,000 annual funding to the Autism Advisory and Support Service. The advisory service is located in Western Sydney and provides information and advice to families that have a child with autism.

Through Stronger Together 2, the Government will continue funding the following autism-specific interventions with an increased emphasis on inclusion within community-based settings, including an autism regional assessment service provided by Autism Spectrum Australia, improving access to State- and Commonwealth-funded support for families in rural and regional areas of the State; autism-specific early

childhood intervention programs provided by Autism Spectrum Australia; the Autism Spectrum Australia Early Childhood Development Program; and programs which provide intensive support for young people aged 12 to 18 years with autism and serious behavioural problems, and who are at high risk of leaving school early.

In June 2013, SDN Beranga, an autism-specific long day care centre, was opened in Rooty Hill, Western Sydney. The service commenced operation in January 2013 and provides a comprehensive autism-specific long day care centre for children with autism. It also provides outreach support for mainstream childcare centres in greater Western Sydney. This is the first State-funded service of its kind, providing increased choice for families with the option of having their child included in a centre in their local community, increasing the opportunity for the child and family to build informal support networks within neighbourhoods and for families to engage in normal family routines.

PUBLIC SCHOOL FUNDING

Dr JOHN KAYE: My question is directed to the Minister representing the Minister for Education and follows on from the question of the Hon. Paul Green. Given that the National Education Reform Agreement signed by Premier Barry O'Farrell guarantees, at clause 29, that each non-government school will have its public funding increased by at least 3 per cent, why have Mount Druitt Public School, Wiley Park Girls High School, Auburn Public School, Granville Boys High School, Punchbowl Boys High School and Belmore Boys High School had their public funding for socio-economic and Aboriginal students cut by more than $49,000 a year when the cost of ensuring that no public school would have any of its funding cut would be less than $5.6 million?

The Hon. JOHN AJAKA: I thank the member for his question. I will refer the question to the Minister for Education for a detailed answer.

The Hon. DUNCAN GAY: The time for questions has expired. If honourable members have further questions, I suggest they place them on notice.

FORT STREET PUBLIC SCHOOL PEDESTRIAN SAFETY

The Hon. DUNCAN GAY: On 19 September 2013 The Hon Penny Sharpe asked me a question regarding the cycle path near Fort Street Public School. The Minister for Transport has provided the following response:

I am advised:

> Representatives from Roads and Maritime Services have met with the Fort Street Public School Parents & Citizens committee to understand safety concerns and plan improvements to the shared path and area surrounding the school.
>
> To help ensure the safety of users of the shared path, work to upgrade signage and faded and damaged markings on the path will be carried out.

TILLEGRA DAM PROJECT

The Hon. DUNCAN GAY: On 18 September 2013 the Hon. Robert Brown asked me a question regarding the Tillegra Dam project. The Minister for Finance and Services has provided the following response:

(1) I am advised that Hunter Water held discussions with all 11 of the former landowners with a First Right of Refusal option in their sales contracts regarding the re-purchase of their former properties. Three former owners have advised that they do not wish to repurchase their land. The remaining former owners have indicated their preference to defer making a decision until the completion of the Lower Hunter Water Plan early next year.

(2) I am advised that Hunter Water has commissioned AECOM Australia to undertake a Land Use and Management Plan to identify potential future land uses for its landholdings in the Williams River Valley. The draft Plan identifies multiple potential uses of the land, including some options which, if adopted, would build on existing cultural and recreational opportunities to support tourism and environmental activities in the local area.

(3) The Metropolitan Water Directorate is leading a whole-of-government approach to developing the Lower Hunter Water Plan. This Plan will identify a mix of water supply and demand measures that will ensure water security in droughts, as well as reliable supplies to meet the region's longer-term needs.

RURAL MEDICAL SCHOOL

The Hon. DUNCAN GAY: On 18 September 2013 the Hon. Mick Veitch asked me a question regarding rural medical school. The Minister for Health has provided the following response:

> I am advised that fruitful discussions have been held with the Federal Minister regarding health care in this State and they will continue.
>
> In addition ongoing discussions are being held with universities regarding provision of medical training in rural New South Wales.

WARRUMBUNGLE NATIONAL PARK BUSHFIRES

The Hon. JOHN AJAKA: On 18 September 2013 the Hon. Robert Borsak asked me a question regarding Warrumbungle National Park bushfire. The Minister for the Environment has provided the following response:

> I am advised as follows:
>
> > The New South Wales police are conducting a thorough investigation of events connected with the Warrumbungle National Park bushfire. Upon completion, the New South Wales police investigation report will be provided to the NSW Coroner, who will determine whether to hold a coronial inquiry into the cause and origin of the fire. As the fire is the subject of an ongoing investigation, the Office of Environment and Heritage is not currently planning to meet the Warrumbungle Property Owners Alliance.

POLICE CRITICAL INCIDENT INVESTIGATIONS

The Hon. DUNCAN GAY: On 18 September 2013 the Hon. David Shoebridge asked the Hon. Michael Gallacher a question regarding police critical incident investigations. The Minister has provided the following response:

> As this question should be directed to the Premier, I can advise that the Premier has asked that I reply in the following:
>
> Please refer to my answer to the question without notice "Police Critical Incident Investigations" of 18 September 2013.

Questions without notice concluded.

EXPLOSIVES AMENDMENT BILL 2013

FINES AMENDMENT 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.

SKILLS BOARD BILL 2013

Second Reading

Debate resumed from an earlier hour.

The Hon. HELEN WESTWOOD [3.39 p.m.]: Before debate was interrupted I was talking about some of the changes occurring within TAFE. This bill is part of those changes. I was talking about the impact of those changes for students with disability, particularly deaf students. I am aware of cases where teachers and teacher consultants for particular disabilities, are being directed to reduce access to interpreters for deaf students. I know of one student who is studying for a diploma in event management. That student would normally have

two interpreters because of the technical content of the course. Interpreters will only work when there are two of them. TAFE has directed the teacher consultant that this student can have only one interpreter; the student is extremely distressed. The semester finishes in six weeks and she will be continuing her studies in 2014. Her family and teachers are gravely concerned about the impact this decision is going to have on this young women's capacity to successfully complete her diploma.

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! There is too much audible conversation in the Chamber. Members who wish to have private conversations should do so outside the Chamber.

The Hon. HELEN WESTWOOD: It has been reiterated that access to interpreters will not be provided to deaf students from July 2014 unless funded by an external agency. When questioned as to whether TAFE will be in breach of the disability standards, the professionals were informed it will not be in breach because it can claim financial hardship under the new funding model, as have the private operators. This matter gravely concerns me. There is no way that students with disabilities, particularly deaf students, will be given equal access to education or opportunity. The Government needs to rethink the changes it is making to TAFE.

There can be no doubt that it is expensive to provide the support that some students need as a consequence of their disability, but that investment brings great returns to the community and the student. It enables the student to acquire skills and qualifications that will ensure that they are employable and job ready. Surely that is what we want for our young people, particularly those with disabilities and those who are disadvantaged. Do we want to throw these young people onto the scrap heap of permanent unemployment? Surely we do not. The only way that we can prevent that is by ensuring that they have the skills and qualifications to become job ready and able to be employed in meaningful and well-paid work. I urge the Government to rethink what they are doing. We have seen what has happened with similar reforms in Victoria. That has been a disaster for vocational education, and we should not repeat it in New South Wales.

The Hon. SHAOQUETT MOSELMANE [3.40 p.m.]: I speak to the Skills Board Bill 2013. From the outset, let me pose these questions from the community to the Government: Minister, which Liberal Party crony will get to sit on the new Skills Board? How transparent will the appointment process be? These are genuine and important questions that members of the community are asking. I am sure that the Government will not answer them. The Opposition will not oppose the Skills Board Bill.

[*Interruption*]

I will get to those points later on in my criticism of this bill. This bill sees the Skills Board replace the Board of Vocational Education and Training and gives it the responsibility for overseeing a major form of the vocational education and training system in New South Wales, including Smart and Skilled reforms. The Opposition opposes the Smart and Skilled reforms because they will hurt the people who rely on affordable vocational education. The Smart and Skilled reforms will make sure that our kids are anything but that, by making vocational education inaccessible, especially to those from low socioeconomic backgrounds. Under the "reforms"—and I use the term loosely—84 per cent of TAFE and VET students face fee increases. For 22 per cent of students, the increase in fees will be more than $1,500. It is not good enough.

The Opposition will not oppose this bill. However, the Opposition did suggest a very sensible amendment in the lower House recognising the role of TAFE across New South Wales. This was, of course, rejected by the Government. I am passionate about this subject. Many years ago, before I entered Parliament, I worked at TAFE as a course information officer. I saw firsthand the impact that it had on people's lives, not to mention the New South Wales economy. The school students who came to TAFE to inquire about courses were open-eyed and eager to enrol in the many subjects that TAFE had on offer. Unfortunately, the choice of courses is now dwindling and the cost is increasing to the extent that people from a lower socioeconomic background cannot afford to enrol. We are pushing them outside university. We are pushing them outside TAFE. We are pushing them totally outside the system. The Government is creating a class of impoverished young men and women who now have no choice but to go and work in an unskilled market. This causes them to suffer for many years. This subject is very important to me and many around New South Wales.

This bill will have a significant impact on the New South Wales economy. It is a fact that for every dollar invested in TAFE, $6.45 is returned to the New South Wales economy. So what is the Government doing? It is making cuts to TAFE that will hurt our economy. Let us remember that since coming to office in 2011 the O'Farrell Government has increased TAFE fees by 0.5 per cent, increased enrolment fees by almost 10 per cent for apprentices and trainees, cut courses and specialist programs and sacked 810 teachers and

support staff. It is no surprise to me that apprentice and trainee numbers are falling across the State. In 2011-12, apprentice and trainee numbers fell by almost 2,500—from 56,400 to just over 54,000. This is astonishing, considering that apprenticeships have historically grown by 7 per cent a year.

It amazes me that the Government would not agree to recognise the role of TAFE. At a time when the Government has exposed the State to a future skills shortage, it makes sense to recognise TAFE and encourage the organisation to do what it does best—train our future workforce. It is mind-boggling to me that this Government is so against TAFE. The simple truth is that if you want strong employment and job prospects for future generations you need to invest in vocational education and do everything you can to make it accessible to all. This Government's cuts to TAFE cannot be explained by economic considerations.

As I have said, for every dollar that is invested, over $6 is returned to the Australian economy. Clearly, this bill is not about the economy or the budget; it is about ideology. The Government does not believe in investing in young people or giving them opportunities for the future that they deserve. The Government is not alone. Its Liberal cousins in Victoria have already gone down a similar path. In fact, the Napthine Government sacked over 2,400 TAFE workers, closed down campuses and hiked up fees, which has made TAFE virtually inaccessible. The result is that fewer people are undertaking vocational education and the role of TAFE is being further diminished.

One of the biggest cuts to TAFE which upsets me is the cut to the Outreach program. This program is specifically designed for people in our community who have faced significant barriers to workplace participation and education. They may be from low socioeconomic backgrounds. They may have a difficult, disruptive family life. They may be new to Australia and struggling with English. They may have suffered from mental illness in the past, or they may be long-term unemployed. Whatever their circumstances, TAFE Outreach has provided these people with very real options and opportunities. There are countless stories of people who have participated in this program and gone on to complete apprenticeships, find their first job or undertake further study. As a member of Parliament who is very much interested in new and emerging cultural communities across New South Wales, I know how important the program has been.

Before the 2011 State election, many members of the O'Farrell Government signed an "Invest in TAFE" pledge. What a joke! We now know how good the words of those members of Parliament are. If they were true to their word, they would support the Opposition's amendment and stop the cuts to TAFE. They would reverse the cuts and invest more. They would do all they could to boost apprentice numbers in New South Wales, not cut them. I have long been a supporter of TAFE, as have all those on this side of the Chamber. We know how important TAFE and vocational education are to the economy and to the community.

I urge Government members to take note of all the people they come across in everyday life who are TAFE qualified—chefs, childcare workers, information technology workers, plumbers, electricians and panel beaters; the list goes on and on. TAFE should be at the bottom of the list of what this Government cuts. If anything, the Government should be investing more in TAFE. TAFE and vocational education should not be run as a typical Liberal Government user-pays system. It is too important for that. TAFE generates money in the New South Wales economy. I do not know how much clearer I can be. For the future of this State we need to increase our support for TAFE and vocational education. I urge all members to support TAFE.

The Hon. JAN BARHAM [3.50 p.m.]: I commence my contribution to debate of the Skills Board Bill 2013 by declaring that I have had TAFE training—I have two diplomas, which I obtained a long time ago. I have always been a strong supporter of trade and skills training because it gives independence. In a world where it is often difficult to know what opportunities are going to be available in the future, trade training is very empowering. It enables those who have completed their training to gain employment, to work independently as a sole trader or to become a small business person. It provides a range of opportunities and the independence to travel, not only around Australia but also overseas.

Trade training has been undervalued for quite some time. People have focused very much on university education and the need for greater skills in that area. We have really lost sight of the importance of trades, which provide for our everyday needs. I have spoken to young people at youth centres in my area. They talked about job opportunities for the future and mentioned that they would like to do something practical—something with their hands. I have always encouraged people to take on trade skills. Surprisingly some of them said that their parents thought that was not quite good enough for them or might not be quite right because a university education is that much better. But people with trade skills, particularly those in regional areas with household trades—plumbers, electricians and carpenters—are often earning much more money than people with degrees. There is an undersupply and they are in great demand.

In my area a lot of young folk are interested in enjoying the natural environment—for example, some like to go for a swim in the morning. The shortage of tradespeople is such that if any of those young folk are needed for household trades then someone will leave a message and wait for them to get back to them. Trades, achieved through training and apprenticeships, can be a great option for young people looking for a lifestyle choice, independence and a well-paid job. Importantly, there needs to be a greater focus on the value of apprenticeships and increasing the wages of apprentices to ensure that people who are actively learning a trade and engaging in work are paid a living wage. The bill sets out the framework of the functions of the NSW Skills Board. The board should look into apprenticeships and make sure that those people who are taking on work and training are being paid enough to live—be it in the city or in regional areas, particularly coastal areas where it is very expensive to live. They should not be forced to move away from those areas, particularly if those areas need their skills.

I wanted to speak to this bill because of the great value I received from TAFE training. I support TAFE training. I also wanted to raise some issues that have affected the North Coast area very strongly—namely, the cuts to TAFE that have occurred. During the term of this Government there have been more than 200 TAFE jobs lost. In my area a significant number of jobs have been lost in fine arts. It is an area that has had a decline in job opportunities in the manufacturing and rural industries. The loss of jobs on the North Coast in the fine arts sector came as a surprise to many people on the North Coast because the region had gone through a major program of analysing the future—sustainably planning to work out the important areas for future investment for jobs and skills—and the creative industries were identified as one of our best opportunities.

The fine arts courses available through TAFE were some of the most important for giving people the skills and opportunities they need to enter this industry. Arts Northern Rivers prepared a creative industries strategy with the support of seven local government areas. They all contributed financially to ensure that the strategy was prepared. The seven councils from the North Coast contributed to this strategy to determine what the future opportunities were in the creative industries. Training and education for this area was highlighted in the report. That is why the Government's move to cut funding to this sector came as such a surprise. The future opportunities in this sector had been looked at thoroughly and the councils had provided ongoing investment and commitment.

A study undertaken by the Australia Council for the Arts—the Commonwealth Government’s advisory body—identified the Northern Rivers area of New South Wales as the fastest growing creative industries area outside of the major cities. That is important. Most people know that on the North Coast we have an abundance of creative industry opportunities such as festivals, filmmaking, videogame development, which comes under the mixed media or interactive media banner, theatre, music and all types of visual arts. Festivals create another opportunity for artists who perform to have their music heard by a great number of people. Their music can then be sold and is often used for other creative industries projects such as plays, performances, dance and film. These types of creative industries often intersect—along with sculpture and costume design.

When the creative industries strategy was done many people were surprised to learn that a lot of traditional tradespeople, such as carpenters and electricians, also work in the creative industries sector. They provide the physical infrastructure needed to deliver some of the creative industries. Earlier this year, the Government commissioned the NSW Creative Industries Taskforce to report on the creative industries in this State. It also identified some of the things the North Coast strategy identified, that is, the links between the creative industries, the arts and the visitor economy. The report recognised the poor decision the Government made to cut funding to the TAFE sector, particularly the fine arts courses. Recommendation 46 of the Creative Industries Action Plan states:

> NSW Government to recognise the importance of the need for a range of alternative, affordable and practical avenues to education and training that underpin NSW creative industries, including by reinstating NSW Government funding to those TAFE fine arts courses that experienced cuts to subsidised funding from 1 January 2013.

The Government set up that task force to look at where our future lies and how the Government can provide support to an important future industry sector. Unfortunately, the Government did not support recommendation 46 in its response to the report, which was delivered a couple of months later. The response stated:

> The NSW Government has previously announced that it will prioritise training spending by focussing on areas of skills shortages.

The Government provided no justification as to what that meant. The Government did not take note of the well-researched work of the local government consortium that it established to look at what the future holds for the region. Worse than that, the findings and the hard work of the task force were rejected and undermined by an

unjustified decision. That was devastating for that sector in my home area. A function of the board, as set out in clause 6 (j), is advising on strategies for more effective educational pathways between secondary school, vocational training and higher education. As I understand it, The Greens will support the bill but I hope that particular note is taken of that function.

When a community, large or small, puts its mind and money towards the future and the opportunities that are available to link the natural talent in its region to arts, tourism and community wellbeing the Government should listen to it. It is a hard blow for a community to be ignored, after it has done the hard work to inform the Government about what it can do to effect change and prosperity in a region. To give effect to the function set out in clause 6 (j), the board should be informed that it must consult with those who will be affected by any strategic decisions it makes. The board must request information about the work the community has done. It may find that the community knows best about its future and the support it needs.

For too long regional communities have had things thrust upon them. They are meant to be grateful but they are not because although it makes the provider look good, it makes life difficult for them. They know the type of support they need because they have identified it through a robust investigation, research and consultation process that has won the support of a diverse region, and that must be respected. It is sad that I have to again raise in this House the North Coast funding cuts. When I raised the issue some time ago some information might not have been known to the Government. Now that it has been made known on a number of occasions, I hope that the Government will show leadership and say that it may have made a mistake. When an industry task force tells a government that it has made a poor decision, it would be a positive step if the government says it will reflect on the decision and make a change based on the evidence. I strongly make that point knowing that the work has been done to justify to the Government the value of the creative industries and TAFE education. The Government must value it and not undermine it or take it away.

The creative industries report made another important point about an additional way in which the Government can play a major role in supporting the creative industries, and that is to recognise the $12.7 billion spent on goods and services and the procurement opportunities that exist. The Government should break the mould of the past when producing standardised materials such as documents, logos and physical banners and employ artists to do the work. Recently, an interesting presentation showed how artists are able to translate a concept to people who are not experts in a field. The Art and About Sydney program featured a challenge to reduce energy use in five city office buildings that participated in the project. An artist was engaged to create a representation of the challenge so that people could be informed by way of a visual presentation in each of the buildings. The artist worked with a science-based program that looked at sustainability, and the work was well received.

Again, I acknowledge that TAFE vocational training is important. The NSW Skills Board will have a comprehensive set of functions. Clause 6 (e) states that a function of the board will be collecting and analysing labour market intelligence, in particular, intelligence on skills shortages and future skills and workforce development needs in New South Wales. I say again that much of that work was done by the Creative Industries Taskforce and the North Coast Creative Industries Strategy and I appeal to the Government to take note of their good work. Clause 6 (d) refers to advising the Minister on the allocation of State and Commonwealth vocational education and training funding and the New South Wales vocational education and training budget.

It is important that the board provides insight to the Government as to what is needed and what can be done. I hope it is recognised that imposing fees on vocational training, which in some cases are higher than university fees, is a deterrent. It has taken opportunities away from many people, particularly those from lower socio-economic areas, and has caused a great loss in the New South Wales skills base. The issues I have raised are important. I also indicate that the board will be carefully monitored to see whether its advice to the Government reflects sound research and evidence-based information.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.08 p.m.], in reply: I thank members for their contributions to the debate on the Skills Board Bill 2013. The bill will establish the NSW Skills Board, which will be the key independent expert body that will: provide the Minister for Education and the New South Wales Government with independent strategic advice on the vocational education and training system; oversee major reform of the system under Smart and Skilled; and consult widely with reference groups and other representative bodies and people involved in the vocational education industry.

This bill will establish the NSW Skills Board to work to strengthen the New South Wales economy and skills base as well as promote flexibility and choice for industry and consumers. The bill implements the

recommendations of a high-level independent review—the Shergold review of the Board of Vocational Education and Training, which the Minister authorised in the context of Smart and Skilled. The review recommended that a new board with broader responsibilities and reconstituted membership was necessary to provide adequate oversight of Smart and Skilled, the New South Wales training market and the evolving tertiary education sector. The board replaces the New South Wales Board of Vocational Education and Training and the bill will repeal enabling legislation that established the Board of Vocational Education and Training [BVET], that is, the Board of Vocational Education and Training Act 1994. I am confident the new board will provide reliable advice to the Government and rigorous oversight of the New South Wales training market and mitigate any risks associated with the implementation of Smart and Skilled.

I will refer to contributions to the debate made by a number of members. The Hon. Shaoquett Moselmane referred to the board members as cronies, which was a shameful reference to the members of this board. The members clearly are highly skilled. I am sure they will be greatly disappointed that they were referred to in that category. The members of the board include Philip Clark, AM, who will chair the board and who will bring to the role a wealth of experience in law, business and higher education; Mark Goodsell, who is the Director NSW, Australian Industry Group; Marie Persson, who is a member of the Australian Workforce and Productivity Agency—and I will refer to her appointment in greater detail when I reply to the contribution to debate made by Dr John Kaye—Adam Boyton, who is the chief economist at Deutsche Bank, Australia; Jack Manning Bancroft, who is the chief executive officer of the Australian Indigenous Mentoring Experience; and others. Clearly, they are not cronies.

I will now refer to statements made by Dr John Kaye. The Skills Board does not necessarily require a teaching background. It is a high-level board charged with providing independent advice and it will consult widely with stakeholders. However, it is simply not correct, as stated by Dr John Kaye, that no-one has been inside a TAFE classroom. Ms Marie Persson, who is a member of the new Skills Board, has 13 years of teaching experience, with half of that experience having been gained in the vocational education and training system in TAFE.

Dr John Kaye: When?

The Hon. JOHN AJAKA: From 2005 to 2010 Marie Persson was also the head of NSW TAFE and community education, which was the largest public sector education and training provider in Australia, employing more than 10,000 staff. I am sure during that period she had been inside many TAFE classrooms. While teaching is valuable, Marie Persson is not a member of the Skills Board just because of that teaching experience. Like all the members of the Skills Board, she has been appointed due to her high-level strategic knowledge of the vocational education and training system and the skill needs of the Australian and New South Wales economy. She is a current board member of the Australian Workforce Productivity Agency, holds a masters of education from the University of New South Wales, is a fellow of the Australian Institute of Company Directors and is a fellow of the Australian Institute of Management.

All of our Skills Board members are of the same or similarly high calibre and possess skills and knowledge selected from across a broad range of strategic areas that will enable them to provide advice to the Minister for Education and the Government about the State's future skills needs. I am confident, as is the Minister for Education, that the Skills Board and its current members will serve us extremely well. I will refer to the disability matters raised during debate by the Hon. Amanda Fazio and the Hon. Helen Westwood, particularly TAFE courses for students with disabilities. In particular, the comment was made that students "will no longer receive sign language and interpreting support" in TAFE. Now and into the future, TAFE NSW will continue to provide inclusive services to ensure that people who are disadvantaged in gaining the education and skills they need will be able to join the workforce and participate fully in the community. The Government has stated in the Statement of Owner Expectations that TAFE will receive direct funding to support community service obligations, such as disabilities. 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

The CHAIR (The Hon. Jennifer Gardiner): Unless there is any objection, I propose to deal with the bill in parts. There being no objection, the Committee will proceed.

Part 1 [Clauses 1 and 2] agreed to.

Dr JOHN KAYE [4.16 p.m.]: I move The Greens amendment No. 1 on sheet 2013-129A:

No. 1 Page 3, clause 5, line 15. Insert at the end of the line:

, and

(d) recent teaching experience, preferably in the field of vocational education and training.

I have moved the amendment because it is important that the Skills Board is constituted by members who have recent teaching experience. Earlier the Minister referred to Marie Persson and stated that I was wrong when I said that Marie Persson had never been in a classroom. I was using a colloquial expression when I said that. I meant that she had not been a teacher in a classroom, and I stand corrected. But of course it is interesting that in her own biography—even in her LinkedIn biography, which is the most detailed that I could find—she does not mention classroom experience. Her LinkedIn biography states:

Marie has held senior executive positions in the Australian public sector at state and national levels for over 20 years.

I invite the Committee to look back over the past 20 years, particularly those of us who have had ongoing relationships with TAFE over 20 years, and think of the change in teaching practices and the way TAFE operates, as well as the manner in which TAFE is funded. If we go back 20 years before even the concept of funding based on annual student hours [ASH] and prior to the early days of the Howard Government and the changes it introduced, we find a very different model of TAFE from the present one and even a different demography of TAFE students. The Minister for Ageing, and Minister for Disability Services omitted to say when Marie Persson was involved in TAFE. As far as I can work out, and by her own admission, it certainly was not within the past 20 years. If the board is to provide quality advice to the Minister on matters relating to vocational education and training, it is important to have recent experience represented on the Skills Board.

I do not believe it is possible to define a future for TAFE without having the perspective of teachers and those who know what does and does not work in a classroom. It is important that this board is informed by an understanding of current practice in TAFE classrooms in order to understand the challenges and to measure proposed reforms against the reality of what happens on a day-to-day basis in a TAFE college. The board, as it is currently constituted, does not have any such person. If Marie Persson is the only person that the Minister is pointing to, she has been out of a classroom for at least 20 years. She was a senior administrator in TAFE and was effectively the head of TAFE in New South Wales. She was the Deputy Director of the Department of Education and Communities in charge of TAFE, so she was effectively the equivalent of if not the chief executive officer of TAFE. She has experience administering TAFE but she does not have recent experience teaching in TAFE, and without such experience the board will not be able to make sensible statements about the reforms being proposed.

Smart and Skilled, which is the biggest change on the block, may sound good, particularly to those who have a profoundly neo-Liberal agenda or a passionate hatred of the public sector and those who work in it. It may sound attractive initially, but I would encourage the Minister for Education to talk to TAFE teachers, not just the hand-selected ones but TAFE teachers on the ground, to gain an understanding of the impact of Smart and Skilled and, in particular, how students and prospective students will respond to it. Members talk about markets, choice and so on. Choice is a lovely notion, but for it to work it requires decision-makers who are well informed and in a position to make a sensible decision. It is not clear at all that young people coming into TAFE will have that information. In fact, the information they will have will be highly limited.

The capacity of many of those students, with very little learning experience and very little detailed experience of the education system, to discriminate between separate offers from providers for a specific certificate I, II or III course is greatly limited. If a teacher who deals with students on a day-to-day basis, who understands how students will react to being handed an entitlement certificate and respond to the advertising and marketing programs of private providers, had been involved in drafting Smart and Skilled the program may be different. But it was designed by people who clearly do not understand in the slightest how students think and how they will respond to it. Without the perspective of the classroom and without an understanding of TAFE students and prospective TAFE students, I do not believe that the board can fulfil its functions of providing quality advice to the Minister, in particular its key function set out in proposed section 6 (b), which is:

(b) to oversee major reform of the vocational education and training system in New South Wales and its implementation …

It is impossible to understand how people whose recent experience is purely managerial can do so without being informed by the real-life experience of recent teaching and an understanding of students. Some of us in this Chamber spend time with TAFE teachers and listen to what they say about Smart and Skilled, some of us listen to what teachers say about the funding cuts being imposed on TAFE, and some of us spend time talking to teachers about the impacts of the training packages being introduced. The information gathered not from the hand-selected few that the Minister trots out every now and then but from real teachers who have independent views of these matters is deeply informative. It would be salutary for the Minister to be advised by a board that had at least one voice from the profession with recent experience of students and the classroom.

The Hon. Dr Peter Phelps: Why don't you just say you want a union member on the board?

Dr JOHN KAYE: I acknowledge that interjection because it shows how comprehensively ill-prepared the Government Whip is for his job. Otherwise, he would have read the amendment, which I took the courtesy of sending to him last night, and recognise that my next amendment—

The Hon. John Ajaka: I just told him.

Dr JOHN KAYE: The Minister is trying to do the right thing.

The CHAIR (The Hon. Jennifer Gardiner): Order! Dr John Kaye will not respond to interjections.

The Hon. Dr Peter Phelps: So you want two Teachers Federation members?

Dr JOHN KAYE: It is a great shame that the Government Whip yet again interjects in complete ignorance. I cannot stress enough the importance of having a teacher involved in this kind of decision-making. In the past governments have engaged representatives of the Teachers Federation and individual teachers across both TAFE and schools, and the advice they have given and the input they have had have been enormous. It has changed and improved the operations of government. The Department of Education and Communities contains some very fine individuals and I do not seek to take away from them, but fundamentally they are sitting behind a desk and are doing a desk job. They are not working day to day, face to face with the harsh realities of a TAFE classroom and the lives of their students. This board is dominated by individuals from senior positions in corporations, and some very good corporations. The gentleman from the Aboriginal employment agency—

The Hon. Penny Sharpe: No, Australian Indigenous Mentoring.

Dr JOHN KAYE: I appreciate the Hon. Penny Sharpe's advice. He is clearly a fine person, but he does not have the ironclad experience of being a teacher and dealing on a day-to-day basis with a diversity of students. For that reason it is important that there be at least one member of the Skills Board who has recent experience as a classroom teacher. To that extent, I commend the amendment.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.26 p.m.]: With regard to The Greens amendment No. 1, the membership provisions of the board include the requirement of a sound knowledge of skills development and higher education. This requirement would appear to make the proposal for "recent teaching experience" unnecessary. This is a high-level strategic board charged with providing the Minister an independent strategic perspective on the vocational education and training system in New South Wales. The Skills Board is not constituted as a representative body. This enables the board to take an independent and objective approach to its advice unencumbered by specific interests. However, a key function of the board is to take account of the views and perspectives of representative groups and others through consultation. This is stated in the bill under the Functions of the Board at page 4:

> (k) to consult widely with reference groups and other representative bodies and persons in the vocational education and training industry …

Input from those working in the sector managing registered training organisations and teaching and delivering courses, as well as other stakeholders such as industry, will be an important element of the consultative approach that will inform the board's deliberations. The Government opposes the amendment.

The Hon. PENNY SHARPE [4.28 p.m.]: The Opposition will be supporting this amendment. As I said in our contribution to the second reading debate, we believe that it is a missed opportunity to improve the Government's proposed structure of the Skills Board. The Skills Board would be improved if it included a person with recent teaching experience. I would prefer a person with recent teaching experience to a former National Party member of Parliament or John Brogden's ex-staffer.

Dr JOHN KAYE [4.29 p.m.]: The Minister's assertion—I apologise if I paraphrase incorrectly—is that the Government basically argues that because the board can form these subcommittees or working parties, there is no need to have someone with recent teaching experience. That just does not cut it. The advice provided to the Minister will be informed by those working parties, but in the end it will be written by the board. Unless this amendment is passed, at the last moment of the writing of the report and the formation of the opinion nobody with recent teaching experience will be present. Actually dealing with students in a classroom is an irreplaceable and invaluable perspective on life, particularly on proposals for reform and change to the vocational education and training sector. Therefore, I commend the amendment to the Committee.

Question—That The Greens amendment No. 1 [C2013-129A] be agreed to—put.

The Committee divided.

Ayes, 17

Mr Buckingham	Mr Primrose	Ms Westwood
Ms Cotsis	Mr Secord	Mr Whan
Mr Donnelly	Ms Sharpe	Mr Wong
Ms Fazio	Mr Shoebridge	*Tellers,*
Mr Foley	Mr Veitch	Ms Barham
Dr Kaye	Ms Voltz	Dr Faruqi

Noes, 20

Mr Ajaka	Mr Green	Mrs Mitchell
Mr Blair	Mr Harwin	Reverend Nile
Mr Borsak	Mr Khan	Mrs Pavey
Mr Brown	Mr Lynn	Mr Pearce
Mr Clarke	Mr MacDonald	*Tellers,*
Ms Cusack	Mrs Maclaren-Jones	Mr Colless
Ms Ficarra	Mr Mason-Cox	Dr Phelps

Pairs

Mr Moselmane	Mr Gallacher
Mr Searle	Mr Gay

Question resolved in the negative.

The Greens amendment No. 1 [C2013-129A] negatived.

Dr JOHN KAYE [4.39 a.m.]: I move The Greens amendment No. 2 on sheet C2013-129A:

No. 2 Page 3, clause 5. Insert after line 15:

(3) One of the appointed members is to be appointed on the recommendation of the NSW Teachers Federation.

The CHAIR (The Hon. Jennifer Gardiner): Order! Members who wish to have private conversations should do so outside the Chamber. I call the Hon. Amanda Fazio to order for the first time.

Dr JOHN KAYE: The purpose of this amendment is to ensure that one of the members of the Skills Board is a person who is appointed on the recommendation of the New South Wales Teachers Federation. The importance of having a representative from the New South Wales Teachers Federation on the board goes beyond having an appointee with recent teaching experience. It will ensure that the board has the collective wisdom and knowledge of the profession. The New South Wales Teachers Federation is a union that represents teachers, every one of whom has a complete fixation on the welfare and educational outcomes of their present and future students. Members of the New South Wales Teachers Federation are committed to the quality and viability of the TAFE sector and would be appropriate candidates for the Skills Board.

Over the past two decades, nominees from the New South Wales Teachers Federation who have been appointed to similar positions, including the Board of Studies, have provided valuable experience and guidance

to public institutions. The New South Wales Teachers Federation is committed to TAFE, its students, its members, and the future of public school and post-secondary education. There could be no better organisation to have a voice at the table. It is not just about individual teachers. It is about collective wisdom and the superlinearity that occurs when teachers are together in one organisation, and the wisdom and experience they bring to bear when making decisions. In fact, it would be dangerous not to have the New South Wales Teachers Federation present because, along with The Greens, it appears to be one of the organisations left in New South Wales that has a commitment to the future of TAFE.

When one looks at the individuals who have been nominated by the New South Wales Teachers Federation, they have sat on a variety of boards, and one can only wonder at the enormous degree of professionalism and expertise that they brought to those jobs. Their expertise is borne not only from years in the classroom but also from a detailed and complex understanding of the teaching profession in the education sector. I have spoken to TAFE teachers who have a greater and more detailed understanding of the vocational education and training sector than any expert I have heard speak. The collective wisdom of these individuals is expressed through the TAFE teachers association within the New South Wales Teachers Federation. Representatives of that organisation are highly likely to bring new and innovative ideas to the table and will certainly bring a collective understanding of what is in the best interests of the sector and its students. It is important that there be a representative of the professional and industrial organisation that represents teachers on this board. I commend the amendment to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.43 p.m.]: I will not repeat the matters I stated earlier in relation to The Greens amendment No. 1, but rely upon those same matters. It is worth noting that the Skills Board will be one source of strategic advice for the Minister. The Minister will also receive advice on skills issues from the TAFE Commission and the Department of Education and Communities. The Government opposes the amendment.

The Hon. PENNY SHARPE [4.43 p.m.]: The Opposition does not think that what is being proposed for the board is unreasonable and it supports the amendment.

Question—That The Greens amendment No. 2 [C2013-129A] be agreed to—put and resolved in the negative.

The Greens amendment No. 2 [C2013-129A] negatived.

The Hon. PENNY SHARPE [4.43 p.m.]: I move Opposition amendment No. 1 on sheet C2013-141:

No. 1 Page 3, clause 6, line 32. Insert "including reform that maintains the TAFE Commission as the major provider of vocational education and training, accessible across New South Wales," after "implementation,".

This amendment seeks to include a commitment from the Government within the Skills Board Bill 2013 to maintain TAFE as the major provider of vocational education and training in New South Wales. Many people spoke at length in debate about the importance of TAFE. Vocational education and training, particularly in New South Wales, via TAFE, is an incredibly unique and important part of the way in which New South Wales develops its employment, skills and communities. By supporting this amendment the Opposition is ensuring that the changes that the Government is proud of putting in place—that we have significant concerns about—will not be in the worst interests of TAFE in the long term. TAFE is too important to lose. It plays too much of an important role in relation to skills training, community development and second-chance education across New South Wales.

After decades and decades of investment in a public vocational education and training system we do not want the important role of TAFE diminished by these changes. The Government states there is nothing to fear about the changes, but many of us in this Chamber are sceptical and fundamentally disagree with that statement. If there is nothing to fear about the Government's changes to TAFE, then there is nothing to fear by supporting this amendment, which simply says that the Skills Board oversees the reform that maintains the TAFE Commission as the major provider of vocational education and training and, importantly, accessible training services across New South Wales. I commend the amendment to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.46 p.m.]: The Government opposes the amendment. TAFE NSW is already the major provider of vocational education and training. In August the Minister for Education announced new directions for TAFE NSW with the release of the TAFE NSW Statement of Owner Expectations. The new direction set out in that

statement clarifies the role of TAFE and its future direction during the period of reform. TAFE NSW is a key component of the Government strategy to strengthen the skills base of the New South Wales economy and to support economic growth for the community. As the State's public provider of vocational education and training, TAFE NSW must be free to evolve and change so it can operate efficiently and remain relevant to the communities it serves.

The statement clarifies the Government's expectations for TAFE in an increasingly competitive environment. Competition is a reality and TAFE NSW is more than prepared for the competition. The Statement of Owner Expectations also includes direct funding to support community service obligations. New directions outlined in the statement were informed by the "Let's talk about TAFE" report, an extensive stakeholder and community consultation conducted by TAFE NSW, the NSW TAFE Commission Board and Newspoll. The research shows that the people of New South Wales clearly value the contribution that TAFE NSW makes in providing skills crucial to the economy. Of the respondents who were aware of TAFE, 96 per cent said that TAFE services are valuable to New South Wales. The Government does not support the amendment.

The Hon. ROBERT BROWN [4.48 p.m.]: The Hon. Penny Sharpe must have been eavesdropping on the Shooters and Fishers Party State conference last weekend because it has published something similar as an amendment to one of its position statements, including the reform that maintains that the TAFE Commission is the major provider of vocational education and training that is accessible across New South Wales. I think the statement that the Hon. Penny Sharpe made was correct: An amendment like this should not be fought by the Government because it is actually a pretty good amendment. It may be a little rhetorical, but it certainly gives intent to the future of the TAFE training system in New South Wales. I think the Hon. Robert Borsak and I will support this amendment.

Dr JOHN KAYE [4.49 p.m.]: The Greens will also support this amendment. It is somewhat similar to, but probably not as directive as, our amendment No. 3.

The Hon. Robert Brown: That is why we are supporting it and not yours.

Dr JOHN KAYE: I do not believe that to be correct. The Greens will be supporting this amendment and we thank the Opposition for moving it. We recognise that it has very limited impact. It is purely symbolic. Let us read the amendment in the context of clause 6 (b), line 32, of the bill, which says:

> (b) overseeing major reform of the vocational education and training system and its implementation,

The Opposition's amendment tacks on "including reform that maintains the TAFE Commission as a major provider of vocational education and training". The black letter meaning of the clause as amended is that the Skills Board could oversee major reform of the vocational education and training system and not maintain the TAFE Commission as the major provider. That is because of the word "including". The amendment states that the Skills Board could oversee a reform that does maintain the TAFE Commission, but it does not stop it from overseeing reforms that do not maintain the TAFE Commission as a major provider.

The Greens amendment No. 3 is a stronger version of that. It says that the board is to exercise its function with the primary objective of maintaining the TAFE Commission as a major provider of vocational education and training across New South Wales. There is nothing inconsistent between the two, but ours is a stronger version, which stops the board from giving advice that would move against the TAFE Commission. We will support the amendment. However, we put on the record that we do not believe that the amendment has a substantial impact on the operation of the board.

The Hon. PENNY SHARPE [4.52 p.m.]: I will respond to some of the issues raised, particularly those raised by the Minister. I found some of the Minister's comments to be extraordinary in light of the changes that have occurred in TAFE in Victoria. The changes that are proposed under this Government's reforms of TAFE are raising concerns that are exactly the same as those that were expressed in Victoria. Those concerns were borne out by what happened in Victoria: TAFE is no longer the major provider of vocational education and training. All of the debate today has been about the importance of TAFE. The debate today has not just been about the economic contribution that TAFE makes to this State. We know that that contribution is extraordinary. Someone quoted a figure of $6.40 for every dollar invested. All of the discussion today has been concerned with the cuts in TAFE. I remind members that 200 teaching staff have already gone, and 600 more staff will go. Students are paying increased fees. There is real concern about what the amalgamation of courses and the lack of access to courses will mean for people in rural and regional New South Wales in particular.

We have heard about the loss of fine arts courses. The Hon. Jan Barham made a fantastic speech about a community where seven councils got together and did their planning. They found that one of the job generators for their region on the North Coast was the creative industry. The fundamental basis for them coming to that decision was the fact that they have a fantastic fine arts course at the local TAFE in the Northern Rivers region. That has been ignored out of hand. When we do not listen to what communities say we do so at our peril. The fine arts are also incredibly important in southern Sydney. We know that this was an issue in the Miranda by-election.

The Hon. John Ajaka: Point of order—

The Hon. PENNY SHARPE: I will move on. The point of this amendment is very clear. Given all of the discussion and stated commitment about how important TAFE is for New South Wales, there is absolutely no reason why the Government would not accept that it should be the major provider of vocational education in New South Wales. If that is the case, the Government should support the amendment or stop pretending.

Dr JOHN KAYE [4.55 p.m.]: I will briefly add to the words of the Opposition spokesperson. I agree strongly with what the Hon. Penny Sharpe said. The Minister said that we do not need this amendment because TAFE is already the major provider. That was the thrust of his argument. Indeed, it is the major provider. But, as the Hon. Penny Sharpe said very clearly, TAFE in Victoria is no longer the major provider—precisely because of reforms that were designed by the same person who is a driving force behind these reforms: Mr Chris Eccles, the Director General of the Department of Premier and Cabinet. We are heading down the same path that Victoria went down. It is important that this legislation make absolutely clear to the O'Farrell Government that we will not tolerate the reduction of TAFE to a residuum, to nothing but a memory of what it was previously.

Question—That Opposition amendment No. 1 [C2013-141] be agreed to—put.

The Committee divided.

Ayes, 21

Ms Barham	Mr Green	Ms Westwood
Mr Borsak	Dr Kaye	Mr Whan
Mr Brown	Reverend Nile	Mr Wong
Mr Buckingham	Mr Primrose	
Ms Cotsis	Mr Secord	
Mr Donnelly	Ms Sharpe	*Tellers,*
Dr Faruqi	Mr Shoebridge	Ms Fazio
Mr Foley	Mr Veitch	Ms Voltz

Noes, 16

Mr Ajaka	Mr Khan	Mrs Pavey
Mr Blair	Mr Lynn	Mr Pearce
Mr Clarke	Mr MacDonald	
Ms Cusack	Mrs Maclaren-Jones	*Tellers,*
Ms Ficarra	Mr Mason-Cox	Mr Colless
Mr Harwin	Mrs Mitchell	Dr Phelps

Pairs

Mr Moselmane	Mr Gay
Mr Searle	Mr Gallacher

Question resolved in the affirmative.

Opposition amendment No. 1 [C2013-141] agreed to.

Dr JOHN KAYE [5.04 p.m.]: I move The Greens amendment No. 3 on sheet C2013-129A:

No. 3 Page 4, clause 6. Insert after line 17:

(2) The Board is to exercise its functions with the primary objective of maintaining the TAFE Commission as the major provider of vocational education and training across New South Wales.

The purpose of this amendment is to require the board to exercise its functions—that is, the advice that it gives to the Minister—with the primary objective of maintaining TAFE as the major provider of vocational education and training. This is a stronger amendment than the one that we just carried. This one would actually prohibit the NSW Skills Board from giving any advice which was not oriented towards maintaining TAFE as the major provider. As we said during the debate on the last amendment, it is a very real proposition that New South Wales could face a future with TAFE residualised to being a minor player in the vocational education and training sector. That is a future too awful to contemplate. It is a future in which we would see declining levels of economic growth. It is a future in which we would see declining levels of social justice. That would have direct impacts on individuals who seek to join the workforce and engage in cultural, social and political life in New South Wales. We are already seeing it with the destruction of fine arts education at TAFE.

The Hon. Jeremy Buckingham: Shame!

Dr JOHN KAYE: It is an absolute shame. And that will extend across all of TAFE unless the advice being given to the Minister is focused on maintaining TAFE as the primary provider—the major and dominant provider—of vocational education and training. I commend the amendment to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [5.05 p.m.]: The Government opposes The Greens amendment No. 3. I refer again to the matters raised in regard to Opposition amendment No. 1, which the Government also opposed. This amendment goes even further by referring to the primary objective. It is really unacceptable in that respect. Ms Margy Osmond, the chair of the NSW TAFE Commission Board, has spoken publicly about the positive responses received through the consultation processes I spoke about earlier. It is clear from the report entitled, "Let's talk about TAFE", and the Statement of Owner Expectations that people already consider TAFE to be a major provider of vocational education and training. The amendment would be inconsistent with the intent of the Smart and Skilled Quality Framework being rolled out. The central role of TAFE is clearly spelt out in the Statement of Owner Expectations. We all know that TAFE is well supported and respected by the public and will remain competitive in the Smart and Skilled reform environment. The Government opposes the amendment.

The Hon. PENNY SHARPE [5.06 p.m.]: We have a bit of a "battle of the wordings" going on in relation to the various amendments. The Labor Party are obviously very happy that our previous amendment was supported by the Committee and we will also be supporting this amendment from The Greens.

Dr JOHN KAYE [5.06 p.m.]: The Minister's argument is very interesting. It falls deeply into the category of non sequitur. The Minister says that people already consider TAFE to be the major provider therefore we do not need this amendment. People consider it as the major provider because that is what it is but our concern is that it almost certainly will not be the major provider if the Smart and Skilled Quality Framework goes ahead in the way it is currently designed. The Minister then said that this amendment would be inconsistent with the Smart and Skilled framework. In doing so he has, either deliberately or accidentally, belled the cat. He has made the statement that the Smart and Skilled Quality Framework and the idea of TAFE being the major provider are not consistent ideas. So it is clear that Smart and Skilled will move TAFE away from being the major provider. This means it is very important that this amendment gets through so that the Minister is at least hearing advice from the NSW Skills Board that is focused on maintaining TAFE as the major provider.

Question—That The Greens amendment No. 3 [C2013-129A] be agreed to—put.

The Committee divided.

Ayes, 17

Ms Barham	Dr Kaye	Ms Westwood
Ms Cotsis	Mr Primrose	Mr Whan
Mr Donnelly	Mr Secord	Mr Wong
Dr Faruqi	Ms Sharpe	*Tellers,*
Ms Fazio	Mr Veitch	Mr Buckingham
Mr Foley	Ms Voltz	Mr Shoebridge

Noes, 20

Mr Ajaka	Mr Green	Mrs Mitchell
Mr Blair	Mr Harwin	Reverend Nile
Mr Borsak	Mr Khan	Mrs Pavey
Mr Brown	Mr Lynn	Mr Pearce
Mr Clarke	Mr MacDonald	*Tellers,*
Ms Cusack	Mrs Maclaren-Jones	Mr Colless
Ms Ficarra	Mr Mason-Cox	Dr Phelps

Pairs

Mr Moselmane	Mr Gay
Mr Searle	Mr Gallacher

Question resolved in the negative.

The Greens amendment No. 3 [C2013-129A] negatived.

Part 2 [Clauses 4 to 9] as amended agreed to.

Part 3 [Clauses 10 to 14] agreed to.

Schedules 1 to 4 agreed to.

Title agreed to.

Bill reported from Committee with amendment.

Adoption of Report

Motion by the Hon. John Ajaka agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. John Ajaka 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.

SELECT COMMITTEE ON THE PARTIAL DEFENCE OF PROVOCATION

Government Response to Report

The Hon. Matthew Mason-Cox tabled the Government's response to a report entitled, "The Partial Defence of Provocation", dated 23 April 2013.

Ordered to be printed on motion by the Hon. Matthew Mason-Cox.

STRATA SCHEMES MANAGEMENT AMENDMENT (CHILD WINDOW SAFETY DEVICES) BILL 2013

Second Reading

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [5.19 p.m.], on behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

This bill will make it mandatory for owners corporations of residential strata schemes to install safety devices on windows that present a risk to young children. The measures in this bill will help to improve child safety in the home and reduce injuries and deaths associated with children falling from windows. This bill is the result of a collective effort and I commend the Minister for Health, the Hon. Jillian Skinner, the Minister for Planning and Infrastructure, the Hon Brad Hazzard, and the Minister for Fair Trading, the Hon Anthony Roberts—Robbo The Good—for their ongoing commitment to this important safety initiative. I also take this opportunity to thank the New South Wales President of the Australian Medical Association, Associate Professor Brian Owler, for his support of these new laws.

On 13 March this year the Minister for Fair Trading announced window safety measures for strata schemes as part of the Government's response to the Children's Hospital at Westmead Working Party for the Prevention of Children Falling from Residential Buildings. The children's hospital produced a report following a spike in child hospital admissions due to falls from buildings. The report recommended a range of measures aimed at reducing the risks to children. In its response to the report, the Government committed to a range of measures, including the listing of window safety devices in the prescribed condition report that forms part of a rental tenancy agreement. This report must be filled in when a tenant moves into a rental property and will help raise awareness of window safety for new tenants with young children. Adding window safety devices to the prescribed condition report requires only minor changes to residential tenancy regulations and is not part of this bill. NSW Fair Trading is in the process of finalising the amendment to the regulations, and that will be tabled in Parliament in the coming months.

There will also be a community education and awareness campaign about child safety. I know all members will applaud that initiative. The education and awareness campaign will build on the existing New South Wales child safety campaign that commenced in 2009. The campaign involves key government agencies, relevant industry stakeholders and non-government organisations. There is no doubt that the report of the Children's Hospital at Westmead made a strong case for improving window safety. The report indicated that child falls from buildings most frequently involve young children aged between two and four years of age. While toddlers can be very curious and adventurous, they are still developing their ability to judge potential dangers or risks. It is for this reason that a window safety device can be the last line of defence that could save a child's life. The extent of the problem was illustrated by recent data provided by NSW Health indicating that during 2011-12, 39 children aged nine or younger were hospitalised in New South Wales due to falls from windows. The majority of those incidents involved children under four years of age. In many of those cases the children sustained serious injuries.

We should also bear in mind that not all of the children who fall from windows make a full recovery from their injuries, particularly in the case of head or spinal injuries. The severity of injuries that result from falls can mean a person will need lifelong medical treatment and care. We also need to consider that the number of families with young children living in high-rise residential strata buildings in New South Wales has grown steadily over recent decades. It is estimated that approximately 25 per cent of the population of New South Wales live in strata title buildings and this proportion is growing. By 2030, it is estimated that more than half of the State's population will live in a strata scheme. They are indeed sobering statistics. This gives cause for concern that an ever-increasing number of children will be exposed to the risk of severe injury due to falling from a great height. I am confident that we are introducing an effective combination of regulation and education to address this issue. Our approach is modelled on similar measures employed overseas, which have dramatically reduced the incidence of injuries and deaths among young children.

Several American cities have used community education campaigns combined with regulatory measures to deliver significant and positive child safety outcomes. For example, in New York city, where there are more high-rise residential buildings than there are in Sydney, a program that combines community education and mandatory window safety guards led to a 96 per cent reduction in such admissions to local hospitals—I emphasise, a 96 per cent reduction. While owners corporations are encouraged to take action on this issue as soon as possible—and I am sure that many of them will—they will have until March 2018 to comply with the window safety standards. While it is understandable that many strata residents with young children may want window safety devices installed immediately, it is not realistic to expect that every strata scheme will be able to comply with the new requirements right away. Owners corporations will need to meet and discuss their approach, identify which windows are affected, get quotes, hire tradespeople and schedule the work, which of course will take time. Concerned parents are encouraged to work with their owners corporation to start the process as soon as possible.

If window safety devices have not been installed by March 2018 concerned residents will be able to apply to the Consumer, Trader and Tenancy Tribunal for orders that the owners corporation take action.

Nonetheless, as I have just said, I would encourage strata schemes to commence this process as soon as possible. Individual strata owners will also have the right to install complying window safety devices themselves, provided that they notify the owners corporation that this has been done. This right will override any strata laws and any of the scheme's by-laws that would otherwise prevent them from doing so. However, lot owners will need to ensure that the devices are installed competently and are in keeping with the building's appearance. It is the case that they will be liable for any damage caused to the common property during the installation.

The criteria for identifying the windows that present a safety risk to young children will be set out in the regulations. They will capture openable windows when the lowest edge is less than 1.7 metres above the internal floor level and when the drop from the internal floor level to the external surface beneath the window is two metres or more. These criteria are based on the provisions in the Building Code of Australia. The regulations will also include performance-based standards for window safety devices. A window safety device must allow the window to be locked with a maximum opening of 125 millimetres and it must be able to resist 250 newtons, which means it must be robust enough to resist a reasonable amount of force. I make it clear that at this stage windows will not have to be locked permanently in one position. If there are no children in the home, then of course the windows might be left wide open. If the window safety device can be removed, overridden or unlocked, it must have a child-resistant release mechanism.

Given the variety of window designs that are in use, we will not be limiting people's choices by prescribing a list of acceptable safety devices in the regulations. Owners corporations and lot owners will be free to choose the most suitable device for their windows. This could be a strong screen, a window lock or something else—as long as it performs as required. Window safety devices are readily available from hardware stores and, depending on the type, they are inexpensive and easy to install. While there is some cost to the strata community associated with the new provisions, the Government is firmly of the view that the costs are far outweighed by the benefits to families and the community.

On the day the Minister for Fair Trading announced the Government's response to the Children's Hospital at Westmead report, the Minister also released the Children and Window Safety Consultation Paper, which explained the proposed measures for improving window safety and sought feedback on how the measures should be implemented. I am informed that the responses from key stakeholders indicated clear support for measures to improve child safety in residential buildings. On behalf of the Government, I thank the organisations and individuals who made an effort and provided feedback to the Government on this issue. We are confident that the measures in this bill represent a major step forward in preventing child falls around the home. Accordingly, I strongly commend the bill to the House.

The Hon. AMANDA FAZIO [5.28 p.m.]: I support the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. My colleague the Hon. Sophie Cotsis will lead for the Opposition in debate on the bill. She will speak shortly. The Opposition supports the bill because it is important that people who are living in strata schemes or who meet the criteria outlined in the bill take some action to ensure the safety of young children who live in strata units. I have some experience with this. When my children were young we lived on the second floor of an older strata building, which was probably the equivalent of a third floor of a modern development. I took measures to ensure that my children could not fall out of their bedroom window or the dining room window. That was done quite simply by adapting some children's door guards and placing them in the window sills. I simply nailed them in place, which did not cause any problems for the common property.

Those measures allowed my children to be active in a safe environment with fresh air and, as a parent, I thought it was a responsible thing to do. But I am aware that some people, particularly if they are visiting a unit that belongs to somebody else, may not think about window safety. There have been instances, particularly on the Gold Coast, where people have rented a holiday unit in a high-rise block and have not been aware that the windows were easy to open. In one particular case, a child got onto a kitchen bench, undid a window and fell to their death from a high level. By making it not just the responsibility of parents but the responsibility of strata schemes and owners of individual lots within those strata schemes to have child locks on windows will go a long way towards ensuring that those sorts of mishaps do not occur again. I find it quite mind-boggling that parents would assume that a flyscreen on a window in a high-rise apartment would provide adequate security for a toddler.

People are advised to have locks on cabinets under kitchen sinks and in laundries so that children cannot open those cupboards and get access to caustic materials or poisons, and everybody understands that. People are also advised to have locks on fridges and safety locks around stoves so that children cannot tilt them

over onto themselves. There have even been instances where kids have pulled large screen televisions onto themselves and suffered severe injury or killed themselves. Parents make those sorts of safety arrangements. While it is preferable for people to take personal responsibility for these sorts of issues, if we know that is not always the case and there are circumstances, particularly with regard to rental properties, where it may be necessary that safety devices are installed, we must ensure that strata schemes have child window safety devices fitted.

The time frame that the Government is putting in place is quite reasonable. I am sure that the education campaign that accompanies this legislation will result in concerned parents taking action on their own and installing child safety devices and that by 2018 all New South Wales strata schemes that have units fitting the requirements in terms of height—windows more than two metres from the ground—will take action. On a cost-benefit analysis, the cost of installing fairly simple child safety window locks versus the cost to society of children sustaining severe injuries and being hospitalised for long periods or the human tragedy when children do not survive such falls, this is an initiative that is well worthwhile. It is for this reason that the Opposition supports the bill.

The Hon. PAUL GREEN [5.33 p.m.]: I am pleased to say that the Christian Democratic Party supports the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. The object of the bill is to amend the Strata Schemes Management Act 1996 to require owners corporations of strata schemes to ensure that complying window safety devices to facilitate child safety are installed on strata buildings and to provide for the enforcement of that obligation. There are more than 67,000 residential and mixed-use strata schemes in New South Wales comprising approximately 600,000 residential lots. It is estimated that as many as 75 per cent of these lots will need to comply with this bill. It is not known how many windows will need to have safety devices installed—some may already be fitted with complying devices.

An industry code of practice is in place outlining performance criteria for window safety devices and it is thought that most devices available on the market today meet the performance criteria outlined in the bill and regulations. Currently, no Australian Standard for window safety devices exists and owners corporations may not have the expertise to ensure that cheap imports are able to perform to the requirements. Obviously, work needs to be done, perhaps with the Council of Australian Governments [COAG], on a cross-border approach to develop an Australian standard.

I understand that the need for this bill arose in response to a March report by the Children's Hospital at Westmead following a spike in child hospital admissions due to falls from buildings. The report recommended a range of measures aimed at reducing the risk to children. In its response to the report, the Government committed to a range of measures, including the listing of window safety devices in a prescribed condition report that forms part of a rental tenancy agreement. The bill includes measures that recognise that while 25 per cent of the population of New South Wales live in a strata scheme, this figure will rise to 50 per cent by 2030.

The Hon. Matthew Mason-Cox: That is extraordinary.

The Hon. PAUL GREEN: Yes, 50 per cent by 2030. The main power of this bill comes from schedule 1 [1], which requires an owners corporation of a strata scheme to ensure that complying window safety devices are installed on windows in each building of the scheme to which the requirement applies. An owners corporation will be guilty of an offence if it fails to comply. The regulations are to specify the strata schemes and windows that are subject to the requirement as well as the requirements for complying devices. The owners corporation is to carry out work related to the devices at its own cost. An owner may install a complying window safety device. Any such owner will be required to repair any damage caused to common property and ensure that the installation is done properly and in keeping with the appearance of the building concerned.

I note the Hon. Amanda Fazio's comment about a child climbing up, undoing a window and falling to their death. That shows the ingenuity of children. Children should not be left alone or out of sight and their whereabouts in a house should always be known. It is not just falling through windows; we have also seen child fatalities from curtain cords. That is another shocking cause of child death. It reminds us as parents that it does not take long for children to find themselves in a compromising situation. It is good to check on your kids regularly so you know where they are and what they are up to. Schedule 1 [2] makes it clear that the power conferred on an owners corporation to enter any part of a strata parcel to carry out work extends to work relating to window safety devices.

The Christian Democratic Party commends the Government for making moves in this area to protect the lives of little kids who simply do not know any better. Falls are amongst the most common cause of injury in children. More than 8,000 children are admitted to New South Wales hospitals each year due to falls. In 2010 across New South Wales 34 children were hospitalised after falling from windows and 46 children were hospitalised after falling from balconies. I understand that this legislation follows a campaign by the Government titled, "Kids Don't Fly—Prevent Falls from Windows and Balconies", which provides information to parents and carers on effective and simple ways to protect children from falling.

I understand that the NSW Health has produced four "Kids Don't Fly" publications that provide messages for parents and carers on ways to increase window and balcony safety. These publications have been translated into 10 languages. We commend the Government for its work in this area. I believe New York introduced similar legislation that went much further: Apartment building windows were limited to open only 10 centimetres, resulting in an incredible 94 per cent reduction in injuries to children falling from windows. This bill does not do that, but the requirement of locks is a good start. The Christian Democratic Party commends the bill to the House.

The Hon. MARIE FICARRA (Parliamentary Secretary) [5.39 p.m.]: I strongly support the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. As other members have said, the bill will introduce important measures that will enhance child safety in strata schemes across New South Wales. The measures are based on window requirements introduced by the Building Code of Australia 2013. The implementation of the measures in the bill will allow for a high degree of flexibility, which is welcomed. This is an important aspect of the effectiveness of the new measures and will make a big difference by reducing the potential compliance obstacles that can result from over-prescriptive regulations. Tens of thousands of strata schemes throughout New South Wales will need to assess whether the buildings' windows need safety devices installed. This will be a relatively straightforward process as the criteria for identifying windows that will require safety devices are easy to understand.

Generally speaking, the requirements will apply to windows above ground level that can be opened and are low enough so that children can reach the opening from the inside of the building. The regulations will provide specific measurements so that owners corporations can be sure they have correctly identified the windows needing safety devices. These windows will have an opening within 1.7 metres of the internal floor when the internal floor level under the window is two metres or more above the external ground level. It is highly probable that owners corporations will find out that either they have no windows needing safety devices or that only a small number of windows in the building are captured by the new requirements. I have seen smaller strata schemes with only two levels, so it is likely that as many as half the windows in those buildings will be exempt.

Dr John Kaye: Is that right, two metres?

The Hon. MARIE FICARRA: No, I have seen smaller strata schemes with only two levels, so it is likely that as many as half the windows on the second storey of those buildings will be exempt. Obviously, across all the State's strata schemes needing to install safety devices there will be a range of different windows that fall into a few basic types: single-hung windows, double-hung windows, sliding windows, casement windows, and awning or hopper windows. A range of appropriate window safety devices are available for each type of window. Depending on the window, available safety devices are window guards, window restrictors, safety nets, and key-operated window locks. It is worth bearing in mind that these devices may be called window security devices rather than child window safety devices.

The fact is that these devices can fulfil both home security and child safety needs effectively. So that owners corporations and individual strata owners have the maximum degree of freedom of choice for which safety device is installed, the regulations will not stipulate exactly which device must be used for each type of window. The regulations will also list the performance standards for the window safety devices. As long as a window safety device meets these standards, it will be a complying safety device. The safety devices will have to be capable of limiting a window opening to a maximum of 125 millimetres, and must be able to resist a force of 250 newtons.

Dr John Kaye: How many kilograms is that?

The Hon. MARIE FICARRA: That is a good point.

Dr John Kaye: If F=MA, then A would be G. So divide 250 by 9.8.

The Hon. MARIE FICARRA: Dr John Kaye is being very scientific. The 250 newtons will have to be equated to weight.

Dr John Kaye: It is about 25 kilograms.

The Hon. MARIE FICARRA: I am sure Dr John Kaye will mention that in his speech. I thank him. The device must be able to resist a force of 250 newtons, which means that it must be robust enough to resist a reasonable amount of pressure or weight. These standards are all based on the requirements of the Building Code of Australia 2013. Following the commencement of the Building Code in May, the industry called for more information on how to be sure window safety devices would meet the standards in the code. In response, the Australian Window Association has developed an Industry Code of Practice to test protection devices for windows. Apart from information specifically for the building industry, a lot of useful consumer information about window safety has been published already on the Fair Trading website. This includes videos showing easy and affordable ways to improve child safety around the home. Another excellent source of information is the Kids Don't Fly page, as other members have stated, on the Kids Health website.

NSW Fair Trading and NSW Health deserve commendation for developing and publishing this valuable information. I pay tribute to the Hon. Anthony Roberts, Minister for Fair Trading, and the Hon. Jillian Skinner, Minister for Health, and Minister for Medical Research. I encourage all parents to make good use of this information when looking around to see what they can do to make their home safer for children. In this regard, I am pleased that the measures in the bill ensure that strata lot owners can take action to install window safety devices. However, strata owners must be sure that the devices comply with the performance standards, are installed competently and properly and are in keeping with the building's appearance. Strata owners also bear responsibility for any damage they cause to the common property due to the installation. These are not excessive burdens and will ensure the window safety devices do what they are supposed to do.

It is quite fair to put the onus on the strata owner installing the safety devices to ensure that any damage to common property is avoided. The measures in the bill are appropriate and workable and will deliver genuine improvements for child safety that will help save lives. I am sure that all members will be as pleased and relieved as I am in welcoming this life-saving bill, which will result in window safety locks being installed in all strata title buildings in New South Wales within a reasonable time frame. I congratulate also the Hon. Brad Hazzard, Minister for Planning and Infrastructure, and the previously mentioned two Ministers. We have responded speedily to heightening community concerns for the welfare of children.

This is a simple, efficient, and common-sense bill that will vastly improve children's safety in the more than 70,000 strata schemes across our State. I too recognise and thank Associate Professor Brian Owler, President of the Australian Medical Association NSW, for his leadership and support of this legislation. Equally, I congratulate and thank the Children's Hospital at Westmead Working Party for the Prevention of Children Falling from Residential Buildings on providing the legislative spark on this important issue through its much valued report to the New South Wales Parliament. I remind the Chamber of the shocking fact that over 2011-12 across New South Wales 39 children were hospitalised after falling out of a building and sustaining injuries. In many cases, the injuries were serious—some causing permanent, lifelong damage to the spine, neck and brain. The vast majority of these incidents involved children and toddlers below the age of four.

Children, obviously being developmentally young, curious and inexperienced, are at high risk of discovering the design flaws of a particular environment—one which, in this case, could prove fatal. It is a tragedy that even one such incident occurs, given the simplicity of the remedy—that is, the provision of simple window-locking mechanisms that put children's safety first. Given that an approximate 25 per cent of the population in New South Wales now lives in strata dwellings, and that this proportion is set to rise to about 50 per cent by 2030, it is imperative that we act now in an effort to do all we can to prevent future tragedies. I categorically emphasise that this is not an instance of a nanny State descending upon strata scheme owners corporations and forcing them to implement an unpopular or costly measure with only a theoretical welfare gain. The welfare gains are real and the implementation of the provisions of the bill will virtually eliminate the risk of such incidents involving children.

On the question of cost, I quote the effective formula of Dr Danny Cass of the Children's Hospital at Westmead that it is a case of 10 by 10 by 10: 10 minutes to install a $10 safety lock which opens a window to a maximum of 10 centimetres. As for the issue of intrusion into the private lives of strata dwellers, given that

strata schemes belong to owners corporations, alterations to windows are not placed under the authority of the apartment dwellers but of the strata body, which should address this duty of care as soon as possible. I congratulate the Ministers who were involved in addressing this vital, social and physical issue that has the support of the community and the bipartisan support of members in this Chamber.

The Hon. SOPHIE COTSIS [5.51 p.m.]: I speak in the debate on behalf of the Opposition, together with my colleague the Hon. Amanda Fazio, who spoke—

The Hon. Dr Peter Phelps: Most eloquently.

The Hon. SOPHIE COTSIS: —most eloquently, as always, on the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. I acknowledge Ms Tania Mihailuk, the shadow Minister for Fair Trading, who has spoken to a number of members of this Chamber about the work she has done in this area. The shadow Minister for Fair Trading and Dr Andrew McDonald, the shadow Minister for Health, have been advocating for window safety devices to be mandated in order to stop children falling from windows in residential buildings. This bill seeks to amend the Strata Schemes Management Act 1996 to create conditions that require owners corporations of strata schemes to install window safety devices in residential strata buildings. Once enacted, this bill, through section 64A, will ensure that owners corporations must install compliant child window safety devices on windows in all buildings under their strata schemes.

The New South Wales Opposition welcomes this provision; however, of serious concern is the Government's proposal of a five-year implementation period for section 64A. Five years is far too long for families with young children who currently live in apartments. The Tenants Union of New South Wales has indicated its preference for a two-year implementation period for section 64A. The Opposition also supports a shorter implementation period to more effectively address general safety concerns related to children falling out of windows. On 1 May, the Australian Building Codes Board introduced an amendment to the National Construction Code.

New window safety device requirements have been implemented for bedrooms in new residential buildings and childcare centres where the floor of the room is two metres or more above a building's outside ground surface. Requirements are in place for other rooms in residential buildings and commercial buildings if the window can be opened and the floor of the room is four metres or more above the ground surface. The New South Wales Government should ensure the same protections in the National Construction Code are afforded to children currently living in units under a strata scheme. Residents should not have to wait five years before section 64A comes into effect.

NSW Fair Trading advises that in 2011-12, 39 children aged nine or under were hospitalised in New South Wales due to falling from windows. In February 2011, the Children's Hospital at Westmead released its Working Party for the Prevention of Children Falling from Residential Buildings outcomes report. In February 2012 the Australian Medical Association contacted the New South Wales Opposition, bringing its attention to the serious public health issue of children falling from windows and balconies. As I stated, the Opposition, particularly the shadow Minister for Fair Trading, has since enthusiastically joined the Westmead's Children Hospital and the Australian Medical Association to advocate strongly for the implementation of mandatory window safety devices and has worked with a range of stakeholders to continue to advocate for such safety devices.

Sadly, in the past two years tragic and often avoidable cases occurred resulting in some deaths but certainly a number of serious injuries to children falling from windows. This concerns us all, not only in our capacity as members of Parliament but also as parents. In the shadow Minister's electorate of Bankstown, police and ambulance officers were called to a street after a three-year-old child had fallen out of a first-floor window and fractured his neck. I find that a distressing and horrendous situation, particularly as I have a four-year-old. Our thoughts and prayers go to his family as he recovers at Westmead Children's Hospital. These heartbreaking instances remind us that these situations can be avoided if the Government moves swiftly to implement the mandatory installation of window safety devices for all existing residences to which the bill applies.

The media has reported several instances of children falling out of windows, including in July 2012 the seven-year-old daughter of Katherine Parrottino who fell backwards out of a window and hit the concrete five metres below, sustaining damage to her liver and facial fractures. In January 2013 a nine-year-old girl suffered head injuries after falling from a second-storey window while playing with her brother, and in February 2013 two-year-old Jeremy Tak was placed in an induced coma after falling 15 metres from a third-storey window

after climbing onto a bed in a spare bedroom. The Law Society of New South Wales has raised concerns that the bill does not make sufficiently clear whether owners corporations or a lot owner who installs a window safety device pursuant to section 64A (3) must repair and maintain that device.

The Law Society recommended that the bill clearly identify which party has the continuing obligation to ensure safety devices remain compliant and in good working order and state of repair. The Law Society recommended also that the bill contain a provision that prohibits an owners corporation or occupier from removing a window safety device unless it is replaced immediately with another section 64A compliant device. The shadow Minister for Fair Trading asked the Minister in his reply to address the concerns raised by the Law Society. I hope that the Parliamentary Secretary in this place provides those responses.

The New South Wales Government had the opportunity to follow the lead of the former Labor Government when it introduced the Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 and made consequential amendments to the Residential Tenancy Act, which required all existing premises to have smoke alarms installed. A reform of this nature, which complied with the amendment to the National Construction Code, would have included all residential premises in New South Wales, including owner-occupied premises. Whilst they are greatly needed, these reforms have narrowed the scope of application to only those residences under a strata scheme. The Opposition is concerned that the bill does not address the need to install child window safety devices in buildings that are not strata title. A provision similar to new section 64A in this bill could have been introduced to amend the Residential Tenancies Act 2010, which would have required landlords to apply the relevant window safety provisions of the National Construction Code to existing windows of tenants' bedrooms.

The safety of the children who are injured in falls from windows is of paramount concern—and often the consequences are even more tragic. The Australian Medical Association estimates that approximately 50 children fall out of windows every year. Eighty per cent of those children suffer significant injuries and four out of five are under the age of five. The Opposition is also concerned that the reforms have not been extended to residents of public housing in New South Wales. As the Shadow Minister for Housing, I have spent quite a lot of time over recent months talking to residents in public and social housing. I have visited many people at community meetings and in their homes. I urge the Government to act. I would like the Parliamentary Secretary, in his reply, to provide information to me and public housing residents about why the Government is not extending this measure to residents in public housing. I urge the Government to extend these reforms to such properties.

The Government is the landlord of New South Wales public housing. The Government oversees more than 140,000 public housing dwellings. The Government must apply these crucial reforms to high-rise and walk-up public housing units. I have visited a number of high-rise and walk-up units recently at Whalan, Redfern, Waterloo and Mount Druitt, and in the St George area. I urge the Government to extend the provisions in this bill to apply to public housing. I understand from the shadow Minister for Fair Trading that the Tenants Union supports our call. Public housing tenants, including children, deserve the same legislative protections as those who are living under strata title. Company title residential apartment buildings also appear to be excluded from the auspices of the bill, as do old apartment or residential buildings that are not strata titled.

The Opposition supports provisions that prescribe the installation of window safety devices in residential buildings. The Opposition has been calling for these reforms for the last two years. It has advocated this position from the outset. Proposed section 64A is a good provision. However, the Government must act because children who live in strata buildings are still falling from windows, and that is a tragedy. Over the next five, 10 and 15 years a lot more families will be living in strata apartments. We are already seeing this trend. The Urban Taskforce, the Grattan Institute and a number of other peak bodies have recently released reports showing the trend for families to live in strata apartments. I foreshadow that the Opposition will move amendments to the bill when the House is in Committee. I urge the Government and other members in this place to support those amendments. Some electorates in our State have a large proportion of apartment buildings and three-storey walk-ups. Sadly, in the shadow Minister's electorate in south-western Sydney, in the St George area, we hear about more of these tragic incidents.

I sincerely thank the Australian Medical Association, the Children's Hospital at Westmead, the Tenants Union of New South Wales and New South Wales Strata Management for their support in assisting the Opposition to highlight the significant issue of child window safety devices. This is an important reform. The Opposition has worked with stakeholders in New South Wales to put pressure on the Government to bring this bill forward. I also thank the Minister and his office for providing briefings on the bill to the shadow Minister. The Opposition will move an amendment to the bill, and I urge our friends on the crossbench to support it.

The amendment will seek to decrease the implementation period from five to two years. As the shadow Minister for Local Government, I understand that when the Government introduced the swimming pool legislation a year ago it called for an 18-month implementation process. That is much broader and more complex legislation because it involves the identification of people who own pools and the requirement for them to register their pools. The Government should be consistent and support the two-year implementation period that we will propose in our amendment to this bill.

The Hon. DAVID CLARKE (Parliamentary Secretary) [6.05 p.m.]: The Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013 is outstanding legislation. It is the result of extensive discussion and consultation with a range of key stakeholders in different forums. The bill will implement part of the Government's response to the report of the Children's Hospital at Westmead Working Party for the Prevention of Children Falling from Residential Buildings. The working party was established in 2009, following a spike in the number of admissions to the Children's Hospital due to child falls from buildings. It was acknowledged that such incidents are preventable and that prevention is better than cure. The working party brought together trauma specialists, the NSW Department of Planning, legal academics, industry professionals and other interested parties. The working party identified the issues, looked at possible means to address them and examined overseas experiences to assess the most effective approaches.

In late 2009 a symposium was held with attendees from key government agencies, non-government agencies and the industry. The discussion at the symposium helped to guide the development of the proposals to address this important community concern. Following further consideration and assessment, the Children's Hospital report was finalised and released in February 2011. This was just before the O'Farrell-Stoner Government was elected. The Children's Hospital report was one of many important matters that needed consideration and assessment. The Government's full response was announced on 13 March 2013. On the day that the Minister for Fair Trading announced the Government's response to the Children's Hospital report, he also released the Children and Window Safety Consultation Paper, which sought public feedback on the implementation of the proposed child safety measures. This is yet another demonstration of the Government's strong commitment to proper consultation with industry and the community.

Information about the Government's response to the Children's Hospital report and the consultation paper was sent directly to key Government agencies and industry stakeholders. Many of the stakeholders informed their membership of the consultation process, which effectively spread the message. Furthermore, details of the consultation paper were sent to everyone on the lengthy consultation list for the review of strata and community title laws, and to licensed industry professionals. This meant that information about the Government's response to the Children's Hospital report was widely circulated among the very people who have the keenest interest in such matters. I commend the Minister for Fair Trading and his agency for their efforts in conducting such a well-targeted consultation. It is clear that the measures in the bill are an appropriate response to a significant child safety issue.

One of the key provisions in the legislation is the five-year implementation period for schemes to achieve compliance. This five-year period is crucial to the successful installation of these devices on all applicable windows in New South Wales as it provides an adequate time for schemes to determine which windows, if any, require safety devices. It provides time for people to obtain quotes, hire tradespeople, raise appropriate levies and source suitable devices. There are currently some 70,000 strata schemes in New South Wales, with more forming each week. Within that number there are approximately 600,000 residential lots and it is estimated that 75 per cent of them will need to comply with the new window safety requirements. The five-year period will also ensure that we avoid a repeat of the failures that emerged when the former Rudd Labor Government attempted to fast-track the rollout of its ill-fated pink batts scheme. What an infamous fiasco that turned out to be. What a disaster, yet it was typical of Labor Governments.

We are all well aware of the outcomes of that disastrous policy: billions wasted, unnecessary damage to properties, and workplace accidents that could have been avoided. Are there any Labor programs that do not end up being basket cases? Will they ever learn from their mistakes? The answer is: no, they never will. By allowing a reasonable period to achieve compliance, the Government is providing time for owners' corporations to go through the decision-making process to get the job done—and done correctly the first time around. The Minister for Fair Trading deserves commendation for getting the window safety measures so far advanced before the beginning of summer, as that is a high-risk period for child falls from buildings. This is yet another good bill from an outstanding Minister for the benefit of the people of New South Wales. If common sense prevails in this House today, I am sure that all members will support the measures in this amendment bill. I commend it the House.

Dr JOHN KAYE [6.11 p.m.]: On behalf of The Greens I address the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. I indicate at the outset that The Greens will be voting for this legislation. We have some concerns in addition to those raised by the Opposition with respect to this legislation. We will be supporting the Opposition amendments for reasons that I will outline. We believe that movement towards imposing the appropriate level of regulation on windows in buildings with strata schemes—and other buildings that have windows which are more than two metres above ground level—makes sense in terms of dealing with the 39 children who fall out of windows each year and end up being hospitalised for it. That number—39—is highly significant. I commend NSW Fair Trading for its work in this area and the website Kids Don't Fly. The website is very good. It contains reputable information and, without being alarmist, gives parents the appropriate level of warning as to what could happen to their children.

According to that website, over the past decade 91 children have been exfenestrated and ended up in hospital as a result of that accident—that is 9.1 children per year. Yet the Hon. Marie Ficarra tells us that in 2011-12 there were 39 children who fell out of windows and ended up in hospital. Clearly we have an accelerating rate of accidents—partly because there are more children living in strata high-rise developments and partly also I imagine because there is less open space and children are playing inside. Most of us remember being children. I remember flying out a window; fortunately it was a second-storey window that gave onto a lower roof. I had older brothers and I cannot say that our play was necessarily very gentle.

The Hon. Amanda Fazio: They must have hurled you out the window!

Dr JOHN KAYE: That is where I learnt to fly!

The Hon. Duncan Gay: I heard that The Greens could fly in their offices.

Dr JOHN KAYE: No, that is the Labor Party and their connection to the Maharishi Yogi. The Labor Party tried to sell Currawong to the Maharishi Yogi.

The Hon. Amanda Fazio: That was the Labor Council.

Dr JOHN KAYE: I am sorry, it was the Labor Council. Maybe the Hon. Amanda Fazio learnt about levitation when she was there. Nonetheless this is a serious matter. Of the 39 children who were hospitalised, 80 per cent were below the age of five years—31 kids under the age of five years were hospitalised in 2011-12 as a result of falling out of a window. Also 80 per cent of those 39 children suffered either serious or severe injuries. We are talking about an unacceptable toll on our young people. This legislation comes at the right time. It is the right thing to do. This legislation makes it mandatory for strata schemes to have window safety devices installed on all windows that present a safety risk to young children. A safety risk is defined as any windowsill that is less than 1.7 metres above the internal floor and more than two metres above the external floor. I was a bit confused by one aspect of the presentation by the Hon. Marie Ficarra. She said this would not apply to two-storey strata schemes. I had imagined that it would.

The Hon. Marie Ficarra: It will, but it will be less likely to involve all the windows.

Dr JOHN KAYE: It will not involve all the windows because it will not involve the ground-floor windows, but I would imagine that it would involve all the upper-storey windows. I imagine all of the second-storey window sills, at least all of those that are less than 1.7 metres above the internal floor height—except in extraordinary or unusual cases—would be more than two metres above the natural ground level. On such windows, devices that can restrict the opening of the window to less than 125 millimetres are required to be installed. I think 125 millimetres is more than the limitation in New York, but it makes sense. It is unlikely that a child will be able to squeeze through anything less than 125 millimetres. The bill also requires that the window restraint device can withstand a force of 250 newtons. I was disappointed that the Hon. Marie Ficarra could not convert that into kilogram weight force, and then I realised of course that she was a biological scientist.

The Hon. Marie Ficarra: I was a biologist; I was a physiologist.

The Hon. Sophie Cotsis: What kind of doctor are you?

Dr JOHN KAYE: I am an engineer, and proud of it. I can convert 250 newtons to the weight of 25.5 kilograms. That is certainly more than the force that a small child falling backwards against a window

would exert. I imagine if I fell backwards against a window I would probably exert more than 25.5 kilograms. But I do not think this legislation is designed to cover people of my age and weight; it is designed for the smaller folk, and so it should be. So that is sensible. We have two major concerns with this legislation. The first mirrors that which was raised by the Hon. Sophie Cotsis in her contribution. The owners' corporation will have primary responsibility for installing safety devices, which is fine, and will have until 13 March 2018 to comply.

March 2018 is 4.4 years away. Over a four-year period one would expect at least 156 children to fall out of windows—and, given the escalating rate, the number may be far greater than that. During the four-year delay we can expect more than 134 children to suffer severe or serious injuries as a result of exfenestration from windows that do not have appropriate devices fitted to them. The Minister's office provided us with a document on the reasons for the five-year implementation, and I thank the Minister for that. The document suggested that the reasons for the five-year implementation period were to reduce the risk of market distortion and price gouging by tradespeople. Basically that is a concern about the speed of the rollout of these measures. I heard the previous speaker refer to pink batts.

I do not accept that argument and I do not think four years is required. This is not a major installation that requires a significant amount of effort; these are $20 window restraint devices. It is not beyond the wit of the O'Farrell Government to introduce a regulation to prescribe standards or put pressure on Standards Australia to stop inappropriate devices from being available on the market. I do not think anybody really believes these measures will take four years with our stock of tradespeople. Also, this is a visible and simple process and not like installing a device in a roof. The window restraints are wholly visible. If a tradesperson does a bad job it will be discovered quickly by a rapid, non-expert visual inspection.

The second reason the Minister's office provided for the implementation period is to account for the time it will take to establish decision-making procedures in strata schemes. As I understand it, the major decision-making in a strata scheme will relate to windows in common spaces. Many of those windows are not able to be opened but some of them are. Even so, I do not think it will take four years for strata management to decide on something as simple as which window safety device to install. I do not find any of the reasons persuasive.

Our second concern is that the legislation relates only to strata units and does not capture company title and other non-strata title residential buildings. There are still a number of company title buildings around. I ask the Parliamentary Secretary to address whether the Government intends to expand the requirements of this legislation or put in place similar requirements to cover company title buildings and, as a separate question, other residential buildings. While strata title is the most common multi-unit dwelling ownership arrangement, company title buildings still exist but are not covered by this legislation.

It is interesting to note that the Children's Hospital at Westmead Working Party for the Prevention of Children Falling from Residential Buildings outcomes report, dated February 2011, envisaged two options. One was to amend the Residential Tenancy Act and the Strata Schemes Management Act and other legislation to ensure that all residential buildings were covered. The alternative, which I think is probably more difficult to execute but would be far more effective, is to amend the Environmental Planning and Assessment Act to mirror the way in which smoke alarms were made compulsory in New South Wales. The former Labor Government did that under advisement from the Fire Brigade Employees Union and others concerned about public safety.

The amendment was well executed and has been extremely successful in making householders in all types of residential dwellings and strata managers install smoke alarms. That was a good thing. As I said, the Westmead children's hospital report envisaged two alternatives. The O'Farrell Government has decided to adopt one part of one of the options in the outcomes report, which will leave many people uncovered. In his speech in reply I ask the Parliamentary Secretary to address whether the Government considered the idea of amending the Environmental Planning and Assessment Act and mirroring the approach taken for smoke alarms. If so, why was that rejected? Why was that not enacted? Our concern is that under the current arrangement other modes of unit ownership are not covered.

For the reasons I indicated, we will support the Opposition amendment. Setting a period of two years addresses the concerns the Minister raised in his argument for 4½ years. Two years seems to be a sensible phase-in period. In fact, it is possibly a bit long, but it will save lives and prevent terrible injuries. I encourage all members who are concerned about kids to vote for the Opposition amendment. While we have some concerns about the scope and timing of the introduction of these amendments to the Strata Schemes Management Act, we support them and will vote for the bill. I commend the bill to the House.

The Hon. SARAH MITCHELL [6.25 p.m.]: I am pleased to support the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. I do not intend to speak for long, but this is important legislation and so I will place a few of my thoughts on record. Recent data by NSW Health indicates that during 2011-12 some 39 children were hospitalised in New South Wales due to falls from windows. With more than 70,000 strata schemes in New South Wales and a further five schemes being registered each day there is a growing need to regulate window safety. Following the release of the report by the Children's Hospital at Westmead Working Party for the Prevention of Children Falling from Residential Buildings, the Government has taken action to reduce the incidence of injuries and, in severe cases, death caused by falls from high-rise buildings.

The bill will make it compulsory for owners corporations of residential strata schemes to install safety devices on windows. This is not unchartered territory. In New York City, which has a far greater density of high-rise buildings than Sydney, a program that combined community education and mandatory safety guards led to a 96 per cent reduction in related hospital admissions. In the 1990s a similar program was established in Boston due to a spike in the incidence of child falls. Though initially relying on voluntary compliance, the measure was extended to compulsory requirements combined with an education program. Over seven years a 95 per cent reduction in falls was recorded.

The Hon. Trevor Khan: Ninety-five?

The Hon. SARAH MITCHELL: Yes, 95 per cent. As the Parliamentary Secretary said, owners corporations and lot owners will be able to choose from a wide range of suitable devices to meet the proposed requirements. The cost of carrying out retrospective installation is estimated to be only $10 to $40 per window. I think everyone would agree that is a small price to pay for the benefit it will provide to our children. The window safety device must allow the window to be locked with a maximum opening of 125 millimetres and it must be robust enough to resist a sensible amount of force. If the device is able to be removed or unlocked, it must have a child-proof release.

It is important to note that the Government consulted with the Building Code of Australia in drafting this legislation. It is also important to make clear that windows will not be locked permanently. If there is no child present in the residence the window can be left open as per normal. Similar measures as those contained in this bill are already being introduced on new constructions. It only makes sense that existing buildings meet the same standards. I thank the Minister for his work on this matter and I commend the bill to the House.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [6.28 p.m.], in reply: I thank all members who contributed to debate on this important bill. As members would be aware, the purpose of the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013 is to introduce enhanced child safety measures at residential strata premises. All members are united in their support for this legislation and want the improved child safety measures to be introduced as soon as is possible. The legislation requires devices to be installed by 13 March 2018, which will allow owners corporations five years to install the devices and ensure compliance with the laws.

The Opposition's amendment will be dealt at the Committee stage. The other considerations raised by members include the concerns expressed by the Law Society that were referred to by the Hon. Sophie Cotsis. Essentially, the concern is: Who is responsible? Responsibility was made clear by the Minister for Fair Trading in the other place when he said that strata laws already impose obligations on each owners corporation to maintain common property, which includes window safety devices. Details on obligations and rights will be set out in supporting regulations. In relation to the issue of public housing, I note that all windows in Land and Housing Corporation-owned dwellings already are fitted with a locking mechanism. For utter safety, key window locks have been fitted in all windows on newly built homes since July 2009. For existing buildings, the Land and Housing Corporation commenced a program in 2011 to install key window locks. The locks are installed when requested by the tenant or when a potential risk is reported.

The locks also are being retrofitted progressively when maintenance work is carried out on vacant property. The Land and Housing Corporation is fully aware of the Government's window safety measures for strata schemes and residential tenancies. The corporation will assess any impact on the current retrofitting program when the legislation is finalised. I think I have dealt with the major issues raised by members opposite. I commend the Minister for introducing this very important safety legislation. I most strongly commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

[*The Deputy-President (The Hon. Jennifer Gardiner) left the chair at 6.31 p.m. The House resumed at 8.00 p.m.*]

NATIONAL DISABILITY INSURANCE SCHEME (NSW ENABLING) BILL 2013

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

Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [8.00 p.m.]: I move:

That this bill be now read a second time.

The Government is very proud to introduce the National Disability Insurance Scheme (NSW) Enabling Bill 2013. The bill is necessary to enable New South Wales to take its first steps to ensure the success of the National Disability Insurance Scheme [NDIS] for people with disability in our community. In December 2012, New South Wales became the first Australian State to sign on to the National Disability Insurance Scheme through a heads of agreement with the Commonwealth. This agreement represents a historic milestone for people with disability, their families and carers not only in New South Wales but throughout the country. It establishes the means by which to deliver equitable and adequate support for people with disability, many of whom have struggled for so long without access to the necessary supports they need to live with dignity and respect.

The agreement places real choice and control in the hands of people with disability over the supports that they need to live the lives they want. The reforms will be delivered through a partnership between New South Wales and Commonwealth governments and will benefit approximately 140,000 people with disability in New South Wales. The New South Wales commitment of $3.1 billion will be directed exclusively to enable people with disability to plan individual funding packages to purchase supports based on an assessment of their capacity and circumstances. In addition, the Commonwealth will be providing $3.3 billion to make total funding worth $6.4 billion.

The launch of the National Disability Insurance Scheme occurred in 2013 in the Hunter area. It will result in an estimated 10,000 people beginning to access the National Disability Insurance Scheme over the next three years. The launch in the Hunter and in other locations across Australia will enable us to design the approach to progressively rolling out the scheme across the remainder of New South Wales from July 2016. The New South Wales Government is contributing $585 million towards this first stage launch. The launch process is critical to ensuring that we have all of the policy and operational parameters right before we move to a full State rollout. Some of the stories we are hearing from early participants suggest that most of the processes are working but, more importantly, people with disability for the first time are about to make a real difference to the way they live their lives.

I cite the example I heard of one young man who has had a major turnaround in his life. From a pattern of challenging and explosive behaviour, which required intensive support from the New South Wales Government-delivered specialist supports and in which he had few opportunities to engage within his local community, he has progressed to an arrangement whereby he makes his own decisions about all sorts of aspects of his life, which was never possible before. He is now in an independent living arrangement, supported by a non-government organisation. One of the key factors in his turnaround is the process of being asked what he wants and feeling in control of the decisions about his life. The decisions may be as simple as what supermarket to shop at, what support person he would like to assist him and where he wants to live. We are moving towards a truly monumental shift in the way people with disability are supported in our community to plan for their lives and achieve their goals.

For people with disability, the National Disability Insurance Scheme is more than just insurance: It is a fundamental human rights issue. It means that people with disability will have choice and control over their supports instead of having services prescribed for them. Ultimately it will lead to more positive outcomes in their lives. This will be fostered through the promotion of a vibrant and competitive market of services and supports across communities in New South Wales that will need to respond to the desires and aspirations of people with disability and bring new approaches, innovation and flexibility to bear in how supports are arranged. The New South Wales Government is by far the largest provider of disability services and community care supports in the State.

There is already a diverse disability and community care non-government sector in place, made up of everything from small local volunteer organised services to large and complex non-government providers that provide a suite of support. For the National Disability Insurance Scheme to be truly innovative and responsive to the needs of people with disability, the non-government sector needs to grow and flourish. I will take a moment to explain why this is necessary: non-government organisations are mainly inclusive, participatory and quality-focused, and they have the capacity to generate social capital in a way that government and the private sector cannot. That social capital is critical to maximising advantages for people with disability and other vulnerable groups.

There are thousands of non-government organisations across New South Wales, each with their own philosophy, specialisation, and collaborations. The rich diversity of the sector provides an economic and social benefit for New South Wales. They can take risks where a government service may be more conservative and they can influence the views of the community and government about the people that they support, which can lead to greater inclusion, acceptance and knowledge transfer. These are the organisations that have their fingers on the pulse of local communities. These are the organisations that can work directly with local communities and with individuals to make inclusion and choice for people with disability a reality. The role of the New South Wales Government in the future needs to be as an enabler for the non-government sector. We have an obligation to support the sector in accessing a skilled and experienced workforce to help it achieve the innovation that people with disability crave.

We, as the New South Wales Government, also have an obligation to the people that we currently support. That obligation is to do everything within our power to ensure that when the time comes for them to engage with the National Disability Insurance Scheme they have the chance to make choices about their future, to not be constrained by the models of support that are now in place. From 2018 New South Wales will no longer provide or fund disability or community care support and the National Disability Insurance Agency will take over responsibility for the development of the sector and the funding of support for people. This means that the existing State service capacity, workforce and expertise need to be placed in the hands of the non-government sector and reinvested in the marketplace for the National Disability Insurance Scheme to succeed. The key purpose of this bill is to provide for this transfer.

Importantly, the bill is designed to achieve three critical objectives: to ensure that the implementation of the National Disability Insurance Scheme delivers maximum continuity of services for people with disability as they make decisions about their future, promotes the retention of a skilled disability services workforce, and maximises the capacity of the disability services sector. This is a necessary step in meeting this Government's commitments under the heads of agreement.

As I mentioned earlier, the New South Wales Government has already committed $3.13 billion to the implementation of the National Disability Insurance Scheme. This will be matched with a contribution of $3.3 billion from the Commonwealth. The total commitment for New South Wales represents the largest contribution of its kind. We are committed to making the National Disability Insurance Scheme work and the types of transfers enabled by the bill are designed to boost the sector and guarantee the success of the scheme. Should any income be generated under the bill, it will be used to support the inclusion of people with disability across the New South Wales community.

At present, the New South Wales Government funds and delivers support to over 90,000 people with disability across New South Wales. These services include supported accommodation in group homes and other centres, respite, therapy services and community-based support. Similarly, the Home Care Service of New South Wales is the largest organisation of its kind in the country and delivers community care supports to 50,000 older people and people with disability to enable them to remain in their own home. The 14,000 staff who currently work within the government sector to deliver services to people with disability are a highly experienced and dedicated group of people. People with disability, their families and carers are grateful for the special expertise and commitment of staff in the sector.

The relationship between this workforce and the people it supports cannot be overstated. It is a key priority of the Government that, where possible, staff continue to work with the same people and maintain those relationships beyond 2018 and into the future. This reflects the commitment that, for people with disability, the transition to the National Disability Insurance Scheme is to be a seamless one as reflected in the objects of the

bill. The National Disability Insurance Scheme also represents a huge shift in the employment market, with an expected requirement for up to 25,000 new jobs in the non-government sector. I now turn to the detailed provisions of the bill. The functions of the bill apply to those assets and staff in the government disability sector involved in delivering services under the key disability legislation. Section 5 establishes the purposes for which the transition can be effected and reflects the dramatic change that the National Disability Insurance Scheme will have on the operations of Family and Community Services.

Part 2 provides for how transfer arrangements may be structured and enables government to tailor the right package of services to transfer to the sector. The bill has been drafted to provide flexibility in the types of transactions required to implement the move to the National Disability Insurance Scheme—flexibility in scale, in location and in the types of support to ensure that the transfer of services occurs in a way that is focused on good outcomes for people with disability in New South Wales and that no-one is left behind. These measures include the creation of corporate and other entities to package services which can then be transferred to non-government organisations. This will allow assets to be brought together in a way that is viable and appealing to non-government providers.

To support staff in the move to the non-government sector, part 3 of the bill provides for the continuity of industrial instruments, strengthening the requirements of the Commonwealth Fair Work Act 2009 for transferring staff. It also provides for continuity of entitlements, including sick leave, annual leave, long service and extended leave, and superannuation benefits. Further, the bill allows the Government to negotiate with new providers to ensure staff interests are best reflected, and transfer agreements will set parameters around employment guarantees and other more detailed conditions of transfer.

Part 4 of the bill deals with the transfer and vesting of assets, which include the full range of assets, rights and liabilities that the Government uses to deliver supports. These include some 580 group homes, six large residential centres, vehicles, therapy equipment and contractual rights. The bill enables the vesting of property from the Government's disability portfolio to alternative owners where this will be seen to be of the greatest benefit to the State. Section 19 also enables the severance of fixtures from land to allow organisations to utilise these assets while the assets are maintained in the State.

While it is not a revenue exercise, nor will it be a fire sale, the movement of services will be carefully thought out following detailed scoping, investigation and examination of the best options for people with disability, the current workforce and the sector at large. In those circumstances, where the best option is for the transfer of a property to the private sector, schedule 2 includes a right for the Government to register an interest on the title to the property to ensure that it continues to be used for the benefit of people with disability in New South Wales.

It is a tribute to all those who have worked together to develop the National Disability Insurance Scheme that the passage of the National Disability Insurance Scheme legislation and its roll-out has received bipartisan support. As we move towards making the National Disability Insurance Scheme a reality in New South Wales, I call on members to offer their complete support for this bill. I will go so far as to say that a vote against this bill is a vote against the National Disability Insurance Scheme and the rights of people with disability to live with dignity and respect in the New South Wales community. This bill represents the New South Wales Government's biggest investment in disability service provision, from State-directed support to self-directed support. It is an investment in the future of disability service provision and, more importantly, the future of people with disability and our community as a whole. 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.

STRATA SCHEMES MANAGEMENT AMENDMENT (CHILD WINDOW SAFETY DEVICES) BILL 2013

In Committee

Clauses 1 and 2 agreed to.

The Hon. SOPHIE COTSIS [8.21 p.m.], by leave: I move Opposition amendments Nos 1 and 2 on sheet C2013-144 in globo:

No. 1 Page 4, schedule 1 [7], line 29. Omit "13 March 2018". Insert instead "the day that is 2 years after the commencement of that section".

No. 2 Page 4, schedule 1 [7], line 32. Omit "13 March 2018". Insert instead "the day that is 2 years after the commencement of section 64A".

I spoke about the importance of these amendments during the second reading debate. I cannot understand why the Government is allowing a five-year period for the implementation process. A two-year period is plenty of time for strata corporations and other organisations to make the changes. The process is not expensive and the passing of these amendments does not require strata corporations to hold extraordinary meetings to move for the installation of these devices. All members who contributed to the debate agree that we need to mandate safety devices on windows, but our concern is that the implementation period should be reduced from five years. The shadow Minister unsuccessfully moved these amendments in the other place. I have referred to the statements of the Australian Medical Association, the Tenants' Union of NSW and other organisations. I commend the amendments.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [8.24 p.m.]: As I foreshadowed previously, the Government opposes the Opposition's amendments. The bill provides that an owners corporation is not required to comply with section 64A until 13 March 2018. An order from the adjudicator cannot be sought until that date. New South Wales has approximately 600,000 residential lots in strata schemes, of which as many as 75 per cent are expected to need to comply—not a small number. As such, market impacts need to be considered, such as supply and demand for window safety devices. Similarly, there exists the potential for price gouging in the market by, for example, tradespeople or those selling the devices. The five-year compliance period as proposed in the bill will mitigate the risk of this practice—I note the comments of the Hon. David Clarke in this regard. Further, we do not need another pink batts-type scenario in New South Wales on such an important issue. The Government wants this work done right the first time for the benefit of all children across New South Wales.

I also touch upon the implications of the amendments for decision-making processes within strata schemes. Understandably, following the introduction of these laws owners corporations will need to discuss the process they will follow as they go about installing window safety devices. Owners corporations will need to identify which windows are affected; obtain quotes; hire tradespeople; if need be, raise appropriate levies and consult with residents within the strata scheme to schedule the work. This is necessary to ensure that the work is carried out correctly. Despite this, some schemes have acted already to put window safety devices on their buildings. The Government urges owner corporations to take action early and responsibly; we all agree about that. It should be noted that the Australian Medical Association and Westmead Children's Hospital wholly support the legislation and stood next to the Minister when he made the announcement about this in March.

The Opposition's amendments are impractical. To protect our children, this work needs to be done right. We agree that it needs also to be done in a timely manner. That is why the Government is investing in an education campaign on this important issue. This campaign will be multistrategic and targeted in its approach. It will also include partnerships with relevant stakeholders, such as the building industry and non-government organisations involved in child safety. The education campaign will focus on the delivery of existing campaign materials, including brochures, posters and translated materials, to childcare services and community housing and a communication strategy targeted at those at high risk of child falls, such as residents and tenants in multistorey dwellings. This campaign will also be interagency and cross-sectional in nature with agencies such as Health, Planning, Infrastructure, Housing, Fair Trading, Education and Communities, Premier and Cabinet—including through its Division of Local Government—and the Commission for Children and Young People being responsible for the dissemination of campaign materials to their relevant sectors and networks.

It is also worth noting that the distribution and reach of campaign materials will be monitored and evaluated by the NSW Ministry of Health, and the impact of this whole-of-government strategy in reducing the incidence of child falls from windows and balconies will be assessed through monitoring hospitalisation data. Any future decision regarding further regulatory action would require consideration of a cost-benefit analysis of options available at the time of making the regulation. We have taken a comprehensive approach on this important issue. For all those reasons, the Government opposes these amendments.

Dr JOHN KAYE [8.29 p.m.]: The Greens support these amendments and thank the Opposition for moving them. The amendments reduce the period to install mandatory window safety devices from 4½ years to two years. At current rates of approximately 39 kids per year being ex-fenestrated, the proposed two-year phase-in of these devices means a total of 78 kids would not end up in hospital. It means a total of 62 kids who will not have serious or severe injuries. It is worth the extra stress of early implementation. I accept the Government's statement that it would be difficult to implement it earlier. But we are not talking about a major retrofit of apartments; we are talking about fitting safety devices to windows. Fitting window safety devices is not a highly skilled activity. The Government is making a mountain out of an issue that is not complex. Clearly, it has consulted with the industry and the industry has said, "It is all very difficult and too hard." The industry has done this repeatedly.

For example, the Building Code of Australia amendments that were introduced this year that required window locks to be fitted in new residential premises were restricted to bedroom windows—as if kids play only in bedrooms. Of course they play elsewhere and face the same risks. The industry is desperate to lessen any inconvenience so that it can continue to push ahead with construction and minimise its costs. This bill is about saving children's lives. We all have a role to play and we ought to implement this requirement as quickly as possible. The Opposition is correct when it argues that two years is not an unrealistic timetable. The industry might squeal, but I would prefer to hear complaints from the industry than continue to see this number of children falling out of windows and being severely injured. If members are serious about protecting children and doing it in a timely fashion, they will support the Opposition's amendments.

Question—That Opposition amendments Nos 1 and 2 [C2013-144] be agreed to—put.

The Committee divided.

Ayes, 17

Ms Barham	Dr Kaye	Mr Veitch
Mr Buckingham	Mr Moselmane	Mr Whan
Ms Cotsis	Mr Primrose	Mr Wong
Mr Donnelly	Mr Secord	*Tellers,*
Dr Faruqi	Ms Sharpe	Ms Fazio
Mr Foley	Mr Shoebridge	Ms Voltz

Noes, 21

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

Pairs

Mr Searle	Mr Gallacher

Question resolved in the negative.

Opposition amendments Nos 1 and 2 [C2013-144] negatived.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

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

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. John Ajaka, 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 Order of the Day No. 6 postponed on motion by the Hon. David Clarke and set down as an order of the day for a later hour.

ADOPTION LEGISLATION AMENDMENT (OVERSEAS ADOPTION) BILL 2013

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [8.43 p.m.], on behalf of the Hon. Michael Gallacher: 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 Government is pleased to introduce this bill, which makes important amendments to the *Births, Deaths and Marriages Registration Act 1995* and the *Adoption Act 2000*.

Currently, children adopted from overseas can be issued with a New South Wales post-adoption birth certificate provided that the adoption is finalised in New South Wales. However, children whose adoptions are arranged by the Department of Family and Community Services but completed abroad are ineligible for a New South Wales birth certificate. Although their adoption may be recognised under the *Adoption Act 2000*, the Supreme Court does not make any orders in respect of the adoption and the Registry of Births, Deaths and Marriages has no trigger for registering the adoption. The registry, therefore, cannot issue the child with a post-adoption birth certificate, which records the child's birth details and legal parents in one document.

This creates difficulties for some overseas adoptees, including those from China, whose identity and adoption documents refer to their "abandonment". Being required to produce these papers for enrolment in school or a job application can be embarrassing and potentially creates a risk of discrimination. Concerns around this issue have been raised by adoptive parents and a Commonwealth House of Representatives Standing Committee Inquiry into Overseas Adoption.

The amendments in this bill respond to these concerns. They amend the *Births, Deaths and Marriages Registration Act 1995* and the *Adoption Act 2000* to enable New South Wales residents who adopt a child overseas to have that adoption registered in New South Wales and a post-adoption birth certificate issued for their adopted child provided that the adoption was arranged by the Department of Family and Community Services and is recognised by New South Wales law.

As there is no court order in these adoptions, the Department of Family and Community Services will be responsible for providing the Registry of Births Deaths and Marriages with the information needed to register the adoption. This will occur automatically for eligible intercountry adoptions that occur after the commencement of the amendments, provided that the Department of Family and Community Services has the information and documents that are required for registration.

For eligible intercountry adoptions that have occurred prior to the commencement of the amendments, notification will occur upon application to the Department of Family and Community Services by the adoptive parents or an adopted person who is over the age of 18.

These changes to the law will give these adopted children and their families more privacy and greater protection from discrimination. It will have a significant impact on the lives of these children and their families, given the frequency with which birth certificates are used as proof of identification.

The Hon. PENNY SHARPE [8.43 p.m.]: I lead for the Opposition in debate on the Adoption Legislation Amendment (Overseas Adoption) Bill 2013. The Opposition does not oppose the bill. The object of the bill is to allow residents of this State who adopt a child overseas to have that adoption registered in New South Wales and to have a post-adoption birth certificate issued for the adopted child. This is provided so that the adoption is recognised under New South Wales law and was arranged by the New South Wales Department of Family and Community Services. The mechanism will be that the Director General of the Department of Family and Community Services will notify the Registrar of Births, Deaths and Marriages of the details of the adoption. The registrar will then be required to register the adoption and issue a post-adoption birth certificate.

There is also a mechanism to allow this to occur for adoptions that took place before the passing of this legislation. That is one item of retrospectivity that I think everyone is quite happy to agree with tonight. To access these new certificates will require a written request from the adoptive parents or, where the child is over 18, from the adopted child himself or herself. The bill extends the current system, which allows the issuing of post-adoption certificates for children adopted from overseas only if the adoption was finalised in New South

Wales. The need for this bill comes because there are problems with the documents for children who have been adopted overseas. In some cases, documents that are currently issued refer to the abandonment of the child who is being adopted. This is a gross invasion of the child's privacy whenever they have to present important documents to verify their identity. It also causes anguish for adopted children and their parents.

The Hon. Dr Peter Phelps: Understandably so.

The Hon. PENNY SHARPE: Yes. The language that is used brings up a past trauma. It is nobody else's business whether a child has been adopted and under what circumstances. They just want to be able to prove who they are, for reasons such as obtaining a driver licence or a passport. My colleague the member for Canterbury gave a very good example of why this change is so important. She spoke of the background to the change and the advocacy of a woman called Ms Jo Ellem, who fought for this change as a result of circumstances that her daughter found herself in. As her daughter's certificate from China was a certificate of abandonment, Ms Ellem was deeply concerned that her daughter would experience enormous discomfort and have trouble obtaining documents that are generally obtained for children in Australia.

Ms Ellem also was concerned as a mother that her little girl, Cai, would grow up lacking a birth certificate and that that could cause her angst, sadness and ongoing insecurity about the arrangements of her family. That was one of the motivating factors that caused Jo Ellem to pursue this issue. The bill will impact on approximately 800 children in Australia who are currently in the same situation. The change to the law brought about by this bill is minor but will undoubtedly mean a great deal to those affected by it. The bill brings New South Wales into line with most other jurisdictions across Australia. The Opposition supports the bill.

Mr DAVID SHOEBRIDGE [8.47 p.m.]: On behalf of The Greens, I lend our party's support to the Adoption Legislation Amendment (Overseas Adoption) Bill 2013. The purpose of the bill is to enable residents of New South Wales who adopt a child overseas to have that adoption registered here and to have a post-adoption birth certificate issued for the adopted child. It can only happen in circumstances where the adoption is recognised under New South Wales law and has been arranged by the Department of Family and Community Services. The amendments in the bill will also only apply where the foreign countries in which adoptions are recognised are party to the Hague Convention on Intercountry Adoption and countries prescribed under Commonwealth regulations providing for intercountry adoption and bilateral arrangements.

The purpose of the bill is to provide for a birth certificate to be issued for adopted children in circumstances where at present they are required to obtain a document called an "abandonment certificate". The largest cohort of children—some of whom are now adults—who have at present only the option to obtain an abandonment certificate have come from China. In a briefing earlier this week, the Government informed us that approximately 10 children a year come to Australia from China through the lawful adoption process. Under that process, applicants in Australia are pre-assessed by the department here as being appropriate parents for overseas adoptees. Having been accepted by the department in New South Wales, they travel to China and go through China's rigorous process. They eventually receive a court order allowing the adoption in China and can then bring the child to Australia.

In Australia the only option they have is to get an abandonment certificate. It is not a birth certificate that recognises their date of birth and their adoptive parents as parents. Unlike the rest of us—who were born in Australia, adopted as children in Australia or born in an overseas country and came to Australia other than through an adoption process—they are not able to obtain a birth certificate to prove their place of birth, their age and their identity. These people when required to provide proof of identity must produce an abandonment certificate. It is an insult and a totally inappropriate way of providing proof of identity. It could, and for some people I know it does, provide an ongoing stigma about their adoption. Instead of having a birth certificate, they are required to show their abandonment certificate to prospective employers, government departments or agencies seeking proof of identity.

While this legislation will probably only apply to a relatively small number of children in the future—because, as I understand it, overseas foreign adoptions are of a much lower order now than they were even five or 10 years ago—there are thousands of children and young people now in Australia who have been through this overseas adoption process. As I understand it, the law will apply retrospectively to all of those people. It will open up the opportunity for all of those people to apply for a birth certificate, like the rest of us have, and to move beyond what is a very Victorian or nineteenth century form of identity in the form of an abandonment certificate. I commend the Government for bringing forward this legislation and the Attorney General for driving it through the department. I commend the bill to the House.

Reverend the Hon. FRED NILE [8.52 p.m.]: I am very pleased on behalf of the Christian Democratic Party to speak in support of the Adoption Legislation Amendment (Overseas Adoption) Bill 2013. This bill will enable New South Wales residents who adopt a child overseas to have that adoption registered in New South Wales and to have a New South Wales post-adoption birth certificate issued for their child, provided that the adoption was arranged by the New South Wales Department of Family and Community Services and is recognised by New South Wales law. Some months ago I had a request from a young lady to meet her and discuss this very issue, which was relatively new to me. She showed me her abandonment certificate, which had been issued in her name by the Chinese government. She had sought to travel overseas and went to the Australian Passport Office to obtain a passport, but they would not issue a passport based on an abandonment certificate. She had to provide some other document.

I am very pleased that this legislation will now provide that documentation through this process. As members know, currently if an intercountry adoption is finalised in New South Wales the New South Wales Supreme Court makes an adoption order and the adoption must be registered by the New South Wales Registry of Births, Deaths and Marriages. Once the adoption is registered, the Registry of Births, Deaths and Marriages may then issue a post-adoption birth certificate for the child. This certificate records both the child's birth details and the child's legal adoptive parents in a single document. However, some of the countries in Australia's intercountry adoption program require the adoption to be finalised in their jurisdiction. In these cases, the Supreme Court does not either order or declare the validity of the adoption. Consequently, the Registry of Births, Deaths and Marriages has no trigger for registration and the adopted child is not entitled to a New South Wales post-adoption birth certificate. This is the case even though the adoption was arranged by the New South Wales Department of Family and Community Services and is recognised under the Adoption Act 2000.

Not being able to obtain a New South Wales post-adoption birth certificate has created particular difficulties for children adopted from China, whose identity and adoption documents usually refer to the child's abandonment. They are issued with an abandonment certificate. They are required to produce these papers for enrolment in school, to participate in sport or for job applications. This can be embarrassing and infringes the person's rights to privacy and non-discrimination. As I said, it also prevents them from being issued with a passport and, therefore, they cannot travel overseas. This bill seeks to address concerns around this issue by providing that an intercountry adoption by New South Wales residents can be registered by the Registry of Births, Deaths and Marriages and a post-adoption certificate can be issued for the adopted child provided that the adoption was arranged by the Department of Family and Community Services and is recognised by New South Wales law.

It raises the question of what happens in those cases where the adoption was not arranged through the Department of Family and Community Services. Some time ago it may have been possible for people to negotiate directly for adoptions from China. I think some adoptions of that type have occurred. For all adoptions that occur after the commencement of the amendments, the Department of Family and Community Services will automatically notify the Registry of Births, Deaths and Marriages of the adoption for the purposes of registration. But for those that occurred prior to the commencement of the amendments, the adoptive parents or an adoptive adult will need to request that the Department of Family and Community Services notify the Registry of Births, Deaths and Marriages. Once the Registry of Births, Deaths and Marriages has registered the adoption it will be able to issue the child with a post-adoption birth certificate. That will put them on the same basis as all other citizens and children in Australia. I am interested as to what happens in the odd case where the adoption was not arranged by the Department of Family and Community Services. Does that person fall through the net? I am pleased that this will operate retrospectively. I think that is very important. I am pleased to support this bill.

The Hon. PAUL GREEN [8.56 p.m.]: I also lend my support to the Adoption Legislation Amendment (Overseas Adoption) Bill 2013. Under current legislation, children who are adopted from overseas must have their adoption finalised in New South Wales in order to receive a New South Wales post-adoption birth certificate. Children whose adoption is finalised overseas, even if arranged by the Department of Family and Community Services, are not eligible for a New South Wales birth certificate. As it was finalised overseas, the Registry of Births, Deaths and Marriages has no trigger for registering the adoption and, therefore, currently cannot issue a post-adoption birth certificate that records the child's birth details and the legal parents in the one document.

The Hon. Greg Smith in his second reading speech in the other place explained that this has been problematic for some overseas adoptees whose identification papers and adoption papers state that they were "abandoned". One can only imagine the pain and humiliation caused for the child when required to produce

these documents. The Minister also suggested that it opens up the possibility of discrimination. This bill will enable New South Wales residents who adopt a child overseas to have that adoption registered and to have a post-adoption birth certificate issued for the adopted child, as long as the adoption is recognised under New South Wales law and was arranged by the Department of Family and Community Services.

A child once adopted into a family becomes part of and belongs to that family. For the child who is adopted after being abandoned, adoption can begin a healing process for the emotional wounds they might be carrying. It seems a little inhumane that their documentation should be a constant reminder of their beginning and the suffering that abandonment might have caused. To have this stated on their documents—which is to be shown to prospective educators, employers or anyone else who needs to verify their identity—would only increase their grief. The Christian Democratic Party commends the bill to the House.

The Hon. DAVID CLARKE (Parliamentary Secretary) [8.59 p.m.], on behalf of the Hon. Michael Gallacher, in reply: I thank members for their contributions to debate on the Adoption Legislation Amendment (Overseas Adoption) Bill. The bill makes amendments to the Births, Deaths and Marriages Registration Act 1995 and the Adoption Act 2000 so that children whose adoptions are arranged by Family and Community Services but finalised abroad will be eligible for a New South Wales birth certificate. This will place children adopted from China and several other countries on the same footing as children who are adopted in New South Wales. This is a good bill and I commend it to the House.

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

Bill read a second time.

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

Third Reading

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

That this bill be now read a third time.

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

ASSENT TO BILLS

Assent to the following bills was reported:

Firearms and Criminal Groups Legislation Amendment Bill 2013
Game and Feral Animal Control Amendment Bill 2013
Liquor Amendment (Kings Cross Plan of Management) Bill 2013

EXPLOSIVES AMENDMENT BILL 2013

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [9.01 p.m.]: 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.

I am pleased to introduce the Explosives Amendment Bill 2013. The bill is the result of a statutory review of the Explosives Act 2003 that was undertaken by WorkCover as required by section 38 of the Act. The review included consultation with business, employer and union groups and submissions from the public.

The Report on the Review of the Explosives Act 2003 concluded that the policy objectives of the Act, to protect workers and the public from harm that may arise from illegal and/or unsafe use of explosives, remained valid subject to minor amendments. The purpose of this bill is to implement many of the recommendations of the report by making those minor amendments to the Explosives Act, as well as some other amendments that have since been identified as necessary.

I now turn to the bill before the House.

The Explosives Amendment Bill 2013 makes the following amendments to the New South Wales Explosives Act.

The bill improves the licensing provisions of the Explosives Act by inserting new sections 6A and 10A, to clarify the role of the security clearance as a pre-requisite to obtaining a licence to handle explosives and explosive precursors, consistent with the recent remaking of the Explosives Regulation 2013. Other consequential amendments also emphasise the role of the security clearance, which is issued by WorkCover as the regulatory authority for licensing, and is based on the report of the Commissioner of Police under section 13 of the Act.

The Explosives Act currently provides that the Commissioner of Police may provide a report to the regulatory authority in relation to licence applicants or licence holders under the Act. The bill amends the Explosives Act by expanding the matters in relation to which the commissioner may report, including whether a licence applicant or licence holder is a fit and proper person to hold a licence, and whether it is contrary to the public interest for the person to hold a licence. It removes from the ambit of the section 13 report some matters that the police consider are not within their role, such as whether the person has adequate facilities for safekeeping of explosives.

The bill protects from disclosure by the regulatory authority criminal or security intelligence or other confidential criminal information given by the Commissioner of Police to the regulatory authority under section 13 of the Act.

The bill also inserts new section 24A into the Explosives Act, which provides that any part of a report issued by the Commissioner of Police under section 13 that could disclose the existence or content of criminal or security intelligence or other confidential information is not to be disclosed by the Administrative Decisions Tribunal in giving reasons for its decision without approval of the Commissioner of Police.

The bill repeals section 24 (5) of the Act, which currently prevents internal review of licensing decisions, making the Explosives Act consistent with other New South Wales licensing legislation.

The bill improves the ability of the regulatory authorities, the WorkCover Authority and the Department of Trade and Investment in relation to mines, to monitor and enforce compliance with the Explosives Act. Currently, inspectors appointed under the Explosives Act exercise the same compliance powers they exercise under the Work Health and Safety Act 2011. Consistent with this approach, the bill permits them to exercise information gathering powers as set out in section 155 of the Work Health and Safety Act 2011, requiring the production of documents and answering of questions. The bill also amends section 35 of the Act to allow regulations to be made authorising the regulatory authority to disclose information obtained in the administration or execution of the Act.

The bill makes amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 to allow police officers to search persons and seize and detain things without warrant if the police officer suspects on reasonable grounds that a person has in their possession any explosive or explosive precursor or dangerous good in connection with an offence under the Explosives Act, and allows seized explosives and explosive precursors and dangerous goods to be forfeited and destroyed. The NSW Police Force has been closely consulted in the drafting of the bill.

The bill contains some transitional provisions which set out how the consequential amendments to the Act relating to reports by the Commissioner of Police and internal reviews of WorkCover decisions will apply. Schedule 2 to the bill makes some consequential amendments to the Explosives Regulation.

The Explosives Act is of course supported by a detailed regulation, the Explosives Regulation which was recently remade on 1 September 2013.

WorkCover is continuing to work with stakeholders to ensure that industry and workers will be aware of and understand their responsibilities once the bill is enacted. This work includes communications strategies and a range of support material.

In conclusion, the Explosives Legislation Amendment bill seeks to improve the utility of the legislation. The bill will protect workers and the public from harm that may arise from illegal and or unsafe use of explosives or explosive precursors.

I commend the bill to honourable members.

The Hon. STEVE WHAN [9.02 p.m.]: The Opposition will support the Explosives Amendment Bill 2013. The first objects of the bill are to amend the Explosives Act to require security clearances to be held by natural persons who handle explosives or explosive precursors, enable regulations to be made authorising the disclosure of certain information, and enable the regulatory authority under the Act to communicate to certain persons any information that comes to its knowledge in the exercise of its functions with respect to licences and security clearances, and holders of licences and security clearances.

The bill also will amend the Explosives Act to enable the Commissioner of Police, at the request of the regulatory authority, to report under section 13 of the Act on: whether there is any available information with respect to the participation of an applicant for a licence or security clearance or the holder of a licence or security clearance in any criminal activity, and any available information concerning any such conviction that the commissioner considers to be relevant to the application or continued holding of the licence or security clearance; whether the applicant or holder is a fit and proper person to hold a licence or security clearance; and whether it is contrary to the public interest for the person to do so.

Further, the bill will remove the ability of the Commissioner of Police to make such a report in relation to whether the applicant or holder has a good reason for holding such a licence or can be trusted to handle explosives in the manner authorised by the licence without danger to the public safety or the peace and ensure that any part of such a report that could disclose the existence or content of a criminal or security intelligence report or other confidential criminal information is not disclosed by the Administrative Decisions Tribunal in giving reasons for its decisions, or in proceedings before it, without the approval of the Commissioner of Police.

The bill will also amend the Explosives Act to provide for the internal review of decisions concerning licences and security clearances that are reviewable decisions under the Administrative Decisions Tribunal Act 1997 by removing a provision that currently prevents such a review and by enabling inspectors appointed under the Explosives Act 2003 to exercise the kind of information-gathering powers set out in section 155 of the Work Health and Safety Act 2011. Finally, the bill will amend the Law Enforcement (Powers and Responsibilities) Act 2002 to enable police officers to seize, retain and destroy explosives, explosive precursors or certain dangerous goods.

In his second reading speech the Minister said that the bill was the result of a statutory review of the Explosives Act 2003 that was undertaken by WorkCover as required by section 38 of the Act. He also said that the review included consultation with business, employer and union groups as well as submissions from the public. The Explosives Act currently provides that a person must not handle an explosive or an explosive precursor without a license. The bill now extends that provision by requiring security clearances to be held by natural persons who handle explosives or explosive precursors and by licence holders. The security clearance is provided by WorkCover based on a report under section 13 of the Act from the Commissioner of Police. This appears to be a sensible provision and should be supported.

Section 13 of the Act is to be amended to clarify the role and input of the Commissioner of Police. It will provide for the commissioner to advise whether a licence applicant or licence holder is a fit and proper person to hold a licence and whether it is contrary to the public interest for the person to hold a licence. It removes from the ambit of the section 13 report some matters that the police consider are not within their role, such as whether the person has adequate facilities for the safekeeping of explosives. The bill also makes several amendments relating to information about persons or bodies that are licensed under the Act. Most notably, the Commissioner of Police may identify any information that could disclose the existence of criminal or security intelligence, reports or other criminal information on an applicant for a licence.

The bill also provides protection from disclosure by WorkCover for criminal or security intelligence or other confidential criminal information given by the Commissioner of Police to WorkCover under section 13 of the Act. The bill inserts a new section 24A into the Explosives Act, which provides that any part of a report issued by the Commissioner of Police under section 13 that could disclose the existence or content of criminal or security intelligence or other confidential information is not to be disclosed by the Administrative Decisions Tribunal in giving reasons for its decision without approval of the Commissioner of Police. Further, the regulatory authority is not required to give any reasons for not granting a licence or a security clearance to a person on the basis of a report made by the commissioner about the person under that section.

Significantly, the bill amends the Law Enforcement (Powers and Responsibilities) Act 2002 to allow police officers to search persons, and seize and detain things without warrant if the police officer suspects on reasonable grounds that a person has in his or her possession any explosive or explosive precursor or dangerous good in connection with an offence under the Explosives Act, and allows seized explosives and explosive precursors and dangerous goods to be forfeited and destroyed. The Government has recently announced a review of the Law Enforcement (Powers and Responsibilities) Act. The addition of a range of offences into the Law Enforcement (Powers and Responsibilities) Act through this bill should be considered in conjunction with the general review of the Act.

The shadow Minister for Finance in the other place sought clarification on this issue during the second reading debate and asked for an undertaking from the Minister that the amendment to section 20 of the Law Enforcement (Powers and Responsibilities) Act would be considered as part of the general review of the Act. He informs me that the Minister gave a fairly vague response and suggested in general terms that the entire Act would be the subject of the review. I invite the Minister in this place to make a more specific response to that this evening. Notwithstanding that, the Opposition's support for the bill is not affected. We will support the bill.

Mr DAVID SHOEBRIDGE [9.08 p.m.]: I speak on behalf of The Greens in debate on the Explosives Amendment Bill 2013. The Greens will support the amendments, but note that they have moved slowly through

Government. In 2008 there was a five yearly review of the Explosives Act 2003, which was required to be undertaken. The report that was tabled in Parliament in 2009 made nine recommendations. At least two of those recommendations refer to Acts that have now been repealed. No doubt it has been a difficult task for the Government to incorporate those recommendations into the changed legislative landscape. Nevertheless the bill aims to do that in a sensible manner.

The bill seeks to amend the Explosives Act 2003 to, first, clarify security clearance procedures by providing that a security clearance must be held by a natural person handling any explosive or precursor. It puts in place a penalty for breach of 250 penalty units. That effectively makes security clearances a prerequisite to acquiring a licence to handle explosives. Given the obvious security risks to people of handling explosive materials, The Greens believe it is only sensible that a security clearance is obtained before they are granted a licence. It was rather surprising when we reviewed the regulation to find that it was not there in the first place. The thought that people who never had a security clearance could be getting their hands on enormously damaging explosive materials was a surprising lacuna in the law, and The Greens support closing that.

The second thing that the bill does is provide that the Commissioner of Police can report on licences and security clearances to the regulatory authority, which is WorkCover. That includes reporting on whether a person has been found guilty of offences, has an apprehended violence order [AVO] made against them and if the person is the subject of a firearms prohibition order. Obviously security issues are not entirely static. If any further information comes to hand to the Commissioner of Police, it seems only rational and extraordinarily sensible that that material can be provided to the regulator, WorkCover, and then WorkCover can review the licensing situation.

The bill also provides that if an application is refused or cancelled on the grounds of a report from the police, a review of that decision can be conducted in the Administrative Decisions Tribunal where the Commissioner of Police will be a party to the proceedings. In those circumstances the tribunal will be given a copy of the commissioner's report and may be provided with confidential security information in the course of those hearings. The bill provides that in the reasons for any decision made in the case, the Administrative Decisions Tribunal cannot disclose any confidential police information. It puts in place quite a detailed regime: In circumstances in which the Administrative Decisions Tribunal forms the view that the commissioner may have inadvertently provided a security clearance, the tribunal puts the commissioner on notice in those proceedings.

There are now many of those types of arrangements in New South Wales statutes where police security information is provided to the tribunal but not to the party who is seeking either to challenge the decision or make an appeal. Federally and indeed in the first tranche of bikie legislation in Queensland, an arrangement was put in place whereby an inspector is appointed who is independent of either the police or the security organisation or the party who is the subject of the security information. The inspector effectively can appear as amicus curiae to assist the tribunal in assessing the weight to be given to the security information.

The Hon. Duncan Gay: I didn't think I would ever see you supporting Queensland bikie legislation.

Mr DAVID SHOEBRIDGE: I said the first tranche, and one element of it. I note the interjection. For the record, the current gross assault on civil liberties being proposed by the Queensland Government is enough to make us realise that Joh Bjelke-Petersen has risen from the grave.

The Hon. Rick Colless: Wash your mouth out.

Mr DAVID SHOEBRIDGE: I note the interjection made by the Hon. Rick Colless. I do not know whether he is pleased or frightened by the prospect. Now risen, he might come and do a Barnaby Joyce and find his way down here.

The Hon. Lynda Voltz: It is scary when Warren Entsch agrees with you.

Mr DAVID SHOEBRIDGE: Yes. The first tranche of the Queensland bikie legislation, which was the subject of a constitutional challenge in the High Court, contained that inspector provision. The inspector was the amicus curiae who was there to assess and weigh up the security information and to assist the court by saying that it is either strong or weak security information. Effectively the inspector would be there to test the case of the police or the Australian Security Intelligence Organisation [ASIO] or the Crime Commission. Serious consideration should be given in New South Wales to the appointment of a general inspector whose role I have described.

The party that is the subject of the adverse security information does not have access to the material, and for security reasons is not given access to the material. I understand those security reasons. But the situation then becomes one of the Commissioner of Police, the Australian Security Intelligence Organisation [ASIO] or the Crime Commission seeking to persuade the tribunal about the strength and power of this evidence and being given access to the material, but there is no-one to put the contrary case. No independent person actually will test the strength of that security information.

Given that we are now seeing this model of protected security information rolled out in a series of different pieces of legislation, I think there is real merit in the Government considering the appointment of a general inspector—either under this legislation or other security legislation—who will ensure justice and that the security issues are tested, but not in a way that the confidential information is provided to inappropriate people That brings me to the last part of the bill, which provides for information-gathering powers under section 115 of the Work Health and Safety Act 2011 to be given to inspectors under the Explosives Act 2003, which is contrary to recommendation 5a of the review. Recommendation 5a states:

> The review recommends the utility of the Act would be improved by listing all the powers of inspectors within the Act, and repeal any reference to the *OHS Act 2000*.

As I stated earlier, it is quite an old review. The Occupational Health and Safety Act 2000 has been repealed. Recommendation 5a seems contrary to the direction the Government has taken in giving the information-gathering powers under the Work Health and Safety Act to inspectors under this Act. However, I note that WorkCover is the regulator. WorkCover inspectors are very familiar with their powers under the Work Health and Safety Act, and I think there are arguments both ways. I ask the Minister to clarify in his reply why that recommendation was not adopted and why the provisions relating to inspectors' powers within this Act make reference to the Work Health and Safety Act.

The principal policy object of the Act was to protect workers and the public from harm. Obviously harm may arise from the illegal and unsafe use of explosives or explosive precursors. Explosive precursors are chemicals and materials that can be combined to create an explosive. The review found the objects of the Act remain as solid today as they were in 2003. The Greens support the changes in the bill. They make sensible amendments to practices and procedures relating to explosives handling and licensing in New South Wales. The move towards ensuring that there is an individual security clearance for any natural person who handles explosives or precursors is a strengthening of necessary laws to control and regulate access to explosives and precursors. I reiterate The Greens continued support for this legislation.

Reverend the Hon. FRED NILE [9.18 p.m.]: On behalf of the Christian Democratic Party, I am pleased to support the Explosives Amendment Bill 2013, which will provide stronger security controls over persons involved with explosives. Obviously that is of benefit to our society by increasing protection through stronger security requirements that will protect society from any individuals who may be seeking to use explosives to create bombs used in terrorist attacks. The bill will require security clearances to be held by natural persons who handle explosives or explosive precursors and by licence holders. The bill also will provide for the grant, suspension and cancellation of security licenses.

The bill will also enable the Commissioner of Police, at the request of the regulatory authority, to report under section 13 of the Act on whether there is any available information with respect to the participation of an applicant for a licence or security clearance or holder of a licence or security clearance in any criminal activity and any available information concerning any such conviction that the commissioner considers to be relevant to the application or continued holding of the licence or security clearance, on whether the applicant or holder is a fit and proper person to hold a licence or security clearance and whether it is contrary to the public interest for the person to do so. I assume that criminal activity would include terrorist activity, because that is against the law, but I trust that that will always be in the mind of our authorities, the Commissioner of Police and so on.

The bill will also ensure that any part of such a report that could disclose the existence or content of a criminal or security intelligence report or other confidential criminal information is not disclosed by the Administrative Decisions Tribunal in giving reasons for its decisions, or in proceedings before it, without the approval of the Commissioner of Police. The bill will also provide for the internal review of decisions concerning licences and security clearances and will enable inspectors appointed under the Explosives Act 2003 to exercise the kind of information-gathering powers set out in section 155 of the Work Health and Safety Act 2011. I note that the bill includes a provision that will allow the use of fireworks, which are obviously a very important part of our New Year celebrations and events such as the recent Fleet Review:

> 34 Security clearance not a pre-requisite to obtaining a fireworks (single use) licence.
>
> For the purposes of section 10A (3) of the Act, a security clearance is not required in relation to a fireworks (single use) licence.

That seems to be a sensible provision and we are pleased to support the bill.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [9.22 p.m.], in reply: I thank honourable members for their contributions to the debate. The policy objective of the Explosives Act 2003 is to protect workers and the public from the illegal or unsafe use of explosives. A statutory review of the Explosives Act 2003 was undertaken by the WorkCover Authority in consultation with business, employer and union groups, and the public. The review concluded that the policy objectives of the Act remain valid and that, subject to minor amendments to increase the Act's utility, it remains effective and efficient. The Explosives Amendment Bill 2013 makes a number of amendments to the Explosives Act to improve its effectiveness. The bill clarifies the role of security clearances as a pre-requisite to being granted a licence to handle explosives or explosive precursors.

The bill amends the matters in relation to which the Commissioner of Police can report to the regulatory authority in relation to a licence applicant or a licence holder's suitability to hold or maintain a licence. The bill protects from disclosure by the regulatory authority or the Administrative Decisions Tribunal criminal or security intelligence information or other confidential criminal information provided by the Commissioner of Police. This will assist in protecting covert operations. The bill improves the enforcement powers of inspectors and police officers in relation to explosives and explosive precursors, and allows police officers to seize and destroy certain explosives and explosive precursors.

The Explosives Amendment Bill will assist in continuing to protect the community from harm that may arise from the unsafe or illegal use of explosives. The Hon. Steve Whan is very keen for a review of section 20 and I am sure the Minister's comprehensive review of the whole Act will include a very detailed examination of that section. Mr David Shoebridge indicated a concern regarding recommendation 5a and I have been informed that that recommendation was not taken up as the national review of the explosives bill will address this issue. I thank the honourable members for their contributions and their support for the bill. I commend the bill to honourable members.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Duncan Gay agreed to:

That this bill be now read a third time.

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

FINES AMENDMENT BILL 2013

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [9.26 p.m.]: 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 State Debt Recovery Office is responsible for enforcing fines and recovering outstanding fines debt on behalf of the State of New South Wales. The Fines Amendment bill 2013 contains provisions to abolish the State Debt Recovery Office and vest its functions and powers in a new position, the Commissioner of Fines Administration. The bill also contains provisions which will enable the commissioner to more efficiently enforce fines and recover State debt.

The State Debt Recovery Office [SDRO] is a statutory body corporate with functions relating to the administration of penalty notices, enforcement of fines and recovery of debts due to the State. It is part of the Office of State Revenue [OSR] within the Department of Finance and Services.

The Office of State Revenue has merged its debt recovery functions in relation to fines, taxes and benefits into a single debt management business unit using the name State Debt Recovery. These functions are currently the statutory responsibility of State Debt Recovery Office for fines, and of the Chief Commissioner of State Revenue for taxes and benefits. The Executive Director of Office of State Revenue holds both statutory positions of Chief Commissioner of State Revenue and Director State Debt Recovery Office.

The bill abolishes the State Debt Recovery Office and vests its statutory functions in a new position, the Commissioner of Fines Administration.

Savings and transitional provisions ensure that any actions by or in respect of State Debt Recovery Office, including legal proceedings, are taken to have been done by or in respect of the commissioner.

Although it is desirable to maintain a formal functional separation between collecting civil debts such as taxes, and the enforcement of fines payable for breaches of the law, greater integration of the management of all debt administered by the Office of State Revenue can also provide benefits, and enhance Office of State Revenue's capability to provide debt management services to other Government agencies.

For example, experienced tax investigators could provide valuable assistance in the examination of a fine defaulter to determine the person's financial circumstances and ability to satisfy the fine. The bill therefore provides for the appointment of authorised officers to exercise enforcement functions under the Fines Act, including examination of fine defaulters. This is similar to the existing provisions for authorised officers under the Taxation Administration Act.

The bill authorises the commissioner to engage contractors to assist in fines debt recovery. This is consistent with the powers available to the Chief Commissioner of State Revenue for the purposes of administering taxation laws, and will facilitate the use of private sector debt recovery agents to improve the rate of collection of debts. These contractors are currently used for non-statutory debt collection functions, and the amended provisions will allow Office of State Revenue to use these contractors to exercise specified statutory functions, such as serving notices and orders.

To the extent that this proposal would entail the provision of personal information about fine defaulters to contractors, privacy rights are already protected by confidentiality requirements in the Fines Act, and by existing contractual arrangements.

In recognition of the fact that the name State Debt Recovery is known in the community as the government agency responsible for fines administration and enforcement, the bill retains that name for use in the exercise of those statutory functions, and otherwise in acting for the State for the purpose of recovering debts due to the State.

The bill makes numerous consequential amendments to other Acts and regulations to replace references to State Debt Recovery Office with references to the commissioner.

The bill also contains important provisions to ensure that fines imposed for breaches of the law can be enforced against interstate residents.

If an offence under New South Wales law is committed by a person who resides outside the State, many of the enforcement actions that would otherwise be available to the commissioner cannot be used. As a result, of the more than 60,000 New South Wales fines payable by interstate residents each year, more than 40,000 remain unpaid after 12 months. The total of outstanding fines payable by interstate residents is currently approximately $97 million.

The State Debt Recovery Office has improved the rate of recovery of interstate fines in recent years, but a comprehensive solution cannot be implemented without the cooperation of other States and Territories in providing for reciprocal enforcement of interstate fines.

In March 2008 the Standing Committee of Attorneys-General gave in-principle approval to a system of mutual recognition of fines to permit enforcement if those fines in accordance with the laws of the State or Territory where the fine defaulter resides.

In November 2010 the Commonwealth passed amendments to the Service and Execution of Process Act 1992 to facilitate interstate enforcement of court fines.

The bill amends the Fines Act to complement the Commonwealth provisions by providing for interstate enforcement of fines payable under penalty notices or similar administrative processes. The provisions would authorise the commissioner to take recovery and enforcement action under the Fines Act in relation to fines imposed by or under the laws of other states and territories, request authorities in other states and territories with reciprocal legislation in place to take recovery and enforcement action in relation to New South Wales fines, and enter into operational and financial arrangements with authorities in other states and territories in relation to those matters.

In New South Wales, the enforcement process for both court imposed fines and fines under penalty notices currently commences with the making of an enforcement order by the State Debt Recovery Office. The bill applies the same process to the enforcement of interstate fines following a request by the fines enforcement agency of the other State or Territory.

An enforcement order would only be made if the fine defaulter has a relevant connection with New South Wales, such as being resident in New South Wales, having a driver licence or registered motor vehicle in New South Wales, having debts due in New South Wales, or owning property in New South Wales.

The fines would then be enforced using the same enforcement actions that apply to New South Wales fines. These include suspension or cancellation of the offender's driver licence or vehicle registration, and civil enforcement such as property seizure, garnishment of wages, and community service.

An interstate fine could not be enforced by imprisonment of the fine defaulter, as this is prohibited in some states. However, this is effectively a last resort enforcement action, and to date has not been applied under the Fines Act.

Amounts paid to the commissioner in respect of interstate fines would be applied in the same manner as amounts paid under other enforcement orders, being, first, toward New South Wales enforcement costs; secondly, toward any outstanding New South Wales fines; and, thirdly, the balance toward the interstate fine, payable to the referring agency.

Allowing the commissioner to retain enforcement costs will ensure that much of the additional cost to the Office of State Revenue in collecting interstate fines is recovered.

The scheme introduced by the bill also authorises the commissioner to request enforcement of New South Wales fines in another participating jurisdiction.

The commissioner would only request an interstate fine enforcement agency to enforce a New South Wales fine if enforcement action by the commissioner has not been or is unlikely to be successful in satisfying the fine, and the fine defaulter has a relevant connection with that other jurisdiction.

Enforcement could only occur in one jurisdiction at a time, so that the commissioner would not be permitted to take or continue any enforcement action under the Fines Act while the fine is subject to enforcement interstate.

Other operational and financial arrangements would be dealt with by agreement between the commissioner and the relevant authority of the other State or Territory.

In developing these provisions, the Office of State Revenue has consulted with the Department of Attorney General and Justice. In addition, a draft of the provisions has been considered by other states and territories through the forum of the Parliamentary Counsel's Committee.

The bill contains four other provisions to improve enforcement of fines.

The first measure is to facilitate a trial of enforcement of amounts payable under victims' restitution orders.

The Government recently introduced legislation to establish a new Victims Support Scheme to address delays and costs blowouts in the current Victims Compensation Scheme. A secondary problem with the existing scheme was the inability to recover compensation amounts payable by offenders.

Last financial year $4.08 million was recovered and paid into the Victims Compensation Fund, to be used to make payments of compensation. The shortfall in funding is appropriated from the Consolidated Fund.

Under the new scheme, the Commissioner of Victims Rights may make an order for recovery from an offender of amounts awarded to victims as statutory compensation. The amounts payable under these victims' restitution orders will be recovered by the Commissioner of Victims Rights and paid into the Victims Support Fund. These amounts can only be recovered as judgement debts, with limited enforcement options available. The Auditor-General has noted in his report to Parliament that of $310 million in restitution debts owing by offenders at 30 June 2012, only $19.7 million was likely to be recovered.

It is clear that some offenders are avoiding their obligations to pay restitution. It is therefore proposed to implement a trial under which the Commissioner of Fines Administration will recover restitution debts using the fine enforcement processes in the Fines Act.

The wide range of enforcement action available to the commissioner is anticipated to result in a significantly improved recovery rate. Amounts recoverable under the equivalent scheme in Queensland are enforced as if they were court fines. New South Wales victims' compensation levies, which are separately payable as part of the funding for the compensation scheme, are already enforceable by the commissioner as fines.

The bill amends the Fines Act to provide that an amount payable under a restitution order can be recovered as a fine for the purposes of the trial, as an alternative to recovery under the Victims Rights and Support Act. Imprisonment for failure to pay the debt will not be an option.

The trial will commence almost immediately, and will be limited to 1,000 matters with a total outstanding debt value of approximately $10 million. The commissioner will provide the Department of Attorney General and Justice with a report after six months on the progress of the trial, and an evaluation, including a cost-benefit analysis, will be conducted after 12 months to determine whether to implement the process on a permanent basis.

The trial can be extended by regulation, but any permanent transfer of responsibility to the commissioner would be subject to a further legislative amendment.

The bill extends the types of enforcement actions that may be taken in relation to fines imposed for driving offences.

One of the principles behind the introduction of the Fines Act was that a privilege granted by the State, being the right to drive on State roads, can be withdrawn if the person defaults in an undertaking to the Crown, being the payment of a fine. As a consequence, the first action required to be taken when a fine enforcement order is made is the suspension of the fine defaulter's driver licence.

Interstate and international visitors to New South Wales are exempt from the requirement to hold a New South Wales driver licence if they hold a current Australian driver licence issued in another jurisdiction or a current foreign driver licence. These visiting driver privileges can be withdrawn by Roads and Maritime Services [RMS] in some circumstances, but not as a result of failing to pay a fine.

It is anomalous that people who reside outside the State can retain the privilege of driving on New South Wales roads in circumstances where that privilege would be withdrawn from a New South Wales resident, especially when the fine default relates to traffic offences committed on New South Wales roads.

It is recognised that withdrawal of New South Wales driver privileges would have little effect on one-off interstate or international visitors who have defaulted on a fine. However, there are still many thousands of regular users of New South Wales roads with visiting driver privileges who incur multiple penalty notices but escape payment of the fines, including some with debts of many thousands of dollars.

The bill provides that the commissioner can direct Roads and Maritime Services to withdraw the person's visiting driver privileges if the fine defaulter is subject to two or more enforcement orders relating to traffic or parking offences. Roads and Maritime Services would be required to notify the person in writing, consistent with the existing procedures for withdrawal of visiting driver privileges. The standard enforcement costs payable for enforcement action taken by Roads and Maritime Services, currently $40, would be payable.

The bill removes a procedural delay affecting the enforcement of some fines.

One of the options available for the commissioner to recover outstanding fines is to make payment instalment arrangements with the fine defaulter. It is common for people with multiple outstanding fines to agree to a payment instalment plan covering all of their fines.

If a fine defaulter who is subject to an existing enforcement order receives a court imposed fine or penalty notice in respect of a further offence, the amount of the new fine cannot be incorporated into the payment instalment plan until there has been a default in payment of the new fine.

These fine defaulters will often request inclusion of the new fine in the payment instalment plan, as they are unlikely to be able to pay the new fine on time in addition to their existing instalment payments. The requests are usually to increase the number of instalments payable rather than increasing the amount of the instalments.

Voluntary early enforcement is already available, but only for people who are in receipt of a Commonwealth benefit from Centrelink who can make direct debit payments under Centrepay. In other cases, arrangements cannot be made until the new fine is overdue.

The bill therefore amends the Fines Act to allow an enforcement order to be made prior to default in payment of a fine if the person in receipt of the fine is subject to a current fine enforcement order, and the early enforcement is for the purpose of agreeing to a combined payment instalment plan.

As approximately 40 per cent of people on payment instalment plans default, the standard enforcement costs payable on the making of an enforcement order, currently $65, would apply, subject to the existing discretion for the commissioner to waive costs. As these costs would still apply if early enforcement is not available, they do not represent an additional cost to fine defaulters and will not raise any additional revenue.

People who apply for voluntary enforcement are advised that once an enforcement order is issued, they will not be able to elect to have the liability for the fine reviewed or to have the fine referred to a court.

Finally, the bill introduces a provision to allow the commissioner to reallocate overpayments towards amounts payable under other fine enforcement orders in force in relation to the same person. This extends the currently limited power to reallocate, but will be subject to a right to a refund of the reallocated money to ensure that reallocation does not cause financial hardship to a person who has overpaid by mistake.

In conclusion, the Fines Amendment bill continues the Government's record of improving the administration and enforcement of fines. It will enable more efficient administration of fines by the Office of State Revenue, and improve the recovery of fines debts due to New South Wales by interstate residents.

I commend the bill to the House.

The Hon. STEVE WHAN [9.26 p.m.]: The Fines Amendment Bill 2013 has a number of objectives, including abolishing the State Debt Recovery Office, providing for the appointment of a Commissioner of Fines Administration to exercise its functions; providing for the suspension of visitor driver privileges as a means of enforcing payment of fines, which is quite an important provision; establishing a trial for the enforcement of amounts payable by offenders under restitution orders; establishing a scheme for the enforcement in this State of interstate fines that are not subject to the enforcement scheme provided for by the Service and Execution of Process Act 1992 of the Commonwealth; authorising the Commissioner of Fines Administration to utilise interstate laws and Commonwealth laws to enforce New South Wales fines; making changes related to the interstate fine enforcement scheme; permitting the enforcement of a fine or penalty notice amount before its due date where a person agrees to a combined payment arrangement; permitting any fine overpayments made by a person to be reallocated towards the payment of other fines payable by the person; and other minor and consequential amendments.

As I said, the bill seeks to abolish the State Debt Recovery Office and vest the powers and functions in a new position, which is the Commissioner of Fines Administration. The State Debt Recovery Office is

currently a statutory body corporate, which has legislative functions conferred on it that relate generally to the administration of penalty notices, the enforcement of fines and the recovery of debts due to the State. Administratively, it resides within the Office of State Revenue, which is within the Department of Finance and Services. The O'Farrell Government has been rearranging the departments within the Finance and Services cluster and has merged the Office of State Revenue's debt recovery functions relating to fines and taxes into a single debt management business that has been using the name State Debt Recovery. Currently, there is a dichotomy in the statutory responsibility in relation to these matters. The State Debt Recovery Office holds responsibility for fines and the Chief Commissioner for State Revenue holds responsibility for taxes and benefits.

These restructurings might deliver consequential back-office savings, and the Opposition does not oppose them. However, it should be noted that the Minister expressly mentioned in his second reading speech in the other place, and presumably in the one just incorporated, that these changes will facilitate the use of private sector debt recovery agents to improve debt collection rates. This is hardly surprising, given that the Government's expenditure on consultants in the last budget was $136 million—$37 million over budget. I shall return to the issue of private debt recovery agents shortly. The bill also contains provisions to ensure that fines imposed for breaches of the law can be enforced against interstate residents. The Minister noted in his second reading speech that more than 40,000 of the 60,000 New South Wales fines payable by interstate residents each year remain unpaid after 12 months. That is a substantial value—to the tune of around $97 million.

In March 2008 the Standing Committee of Attorneys General gave in-principle support to a mutual recognition system of fines to permit enforcement between jurisdictions. This was followed by Commonwealth amendments to the Service and Execution of Process Act in November 2010 to facilitate enforcement of interstate court fines. Therefore, the bill will amend the Fines Act to complement the Commonwealth provisions and provide for interstate enforcement of fines payable under penalty notices. This would authorise the New South Wales Commissioner of Fines Administration to take recovery and enforcement action under the Fines Act for fines imposed under the laws of other States, to request authorities in other States to take recovery and enforcement action in relation to New South Wales fines, and enter into operational and financial arrangements with authorities in other States regarding those matters.

The Commissioner of Fines Administration would request an interstate fine enforcement agency only to enforce a New South Wales fine if enforcement action by the Commissioner of Fines Administration has not been or is unlikely to be successful. The bill also will extend the type of enforcement actions that may be taken for fines imposed for driving offences. One of the principles said to drive the introduction of these amendments is that driving on State roads is a privilege that can be withdrawn at any time. Therefore, the bill will provide that the Commissioner of Fines Administration can direct Roads and Maritime Services to withdraw an interstate person's visiting driver privilege if the fine defaulter is subject to two or more enforcement orders relating to traffic or parking offences. Roads and Maritime Services would be required to notify the person in writing, consistent with the existing procedures for withdrawal of visiting driving privilege.

The Opposition will not oppose those interstate enforcement provisions. Indeed, it notes the significant amount of money owing. However, obviously we are interested to know how this will work in using, presumably, police number plate recognition technology et cetera, and how the Roads and Maritime Services would be involved in withdrawing a person's interstate driving privileges. Significantly, the bill also facilitates a trial of enforcement amounts payable under victim restitution orders. Under the new scheme, the Commissioner of Victims Rights, which is a new office recently established under the Government's amendments to the Victims Support Scheme, may make an order for recovery from an offender of amounts awarded previously to victims as statutory compensation. These amounts will be recovered by the Commissioner of Victims Rights and paid into the Victims Support Fund. These amounts can be recovered only as judgement debts, with limited enforcement options available.

The Auditor-General noted in his report to Parliament that of the $310 million in restitution debts owed by offenders on 30 June 2012, only $19.7 million was likely to be recovered. The Minister in his second reading speech noted that the Government will implement a trial under which the Commissioner of Fines Administration will recover restitution debts using the fine enforcement processes in the Fines Act. The trial will commence soon and will be limited to 1,000 matters, with a total outstanding debt of approximately $10 million. After six months the report will be given to the Department of Attorney General and Justice on the trial's progress and an evaluation will take place. The Opposition also supports this provision. Finally, the bill also introduces provisions that make it easier for people to make arrangements to pay fines by instalments by allowing people with multiple outstanding fines to agree to a payment instalment plan, which can also be amended readily to

include new fines that have not yet been the subject of a default. The Opposition supports this sensible provision also. Obviously, the Opposition supports the aim of trying to get people to pay their outstanding fines rather than progressing to further and more serious action.

I return now to address a few issues with this legislation. Using private debt recovery agents to improve the rate of debt collection raises a degree of concern in that the process may become personal. A number of government agencies, such as local government, already use private debt collection agencies. Certainly, the Opposition would be concerned if private debt recovery agencies approached their task in a somewhat heavy-handed manner. We will keep a close eye on the procedure. However, I acknowledge that using private sector agencies is likely to improve the debt collection rate. This legislation enables us to also set the level of fines in New South Wales. The Coalition has had a total turnaround since the election. In opposition before the election Coalition members made a big deal of saying that many fines were revenue raising and that in government they would remove many speed cameras, for example, and suggested to the public that the Coalition would not engage in revenue raising. Now we see a significant increase in the number of fines issued in New South Wales.

According to one report in June in the *Daily Telegraph*, in the 12-month period to March this year 550,000 drivers were hit with $124 million worth of speeding fines—an increase of 20 per cent. The latest budget papers reveal that revenue from fines was expected to outstrip forecasts by $58 million this financial year, driven by an increase in motor vehicle infringements, which account for about 80 per cent of all government fines. Additional cameras also have been installed around the State. My straightforward view is that if you do not want to be fined, do not break the law, do not speed and do not drive through red lights. I have simply identified the Government's hypocrisy in pretending to campaign against what it said was revenue raising and suggesting that motorists were being treated terribly unfairly by speed cameras et cetera.

The Hon. Duncan Gay: They were.

The Hon. STEVE WHAN: "They were", says the Minister.

The Hon. Duncan Gay: They needed me to fix it up.

The Hon. STEVE WHAN: Exactly. The Coalition gave a nod and a wink to those in our society who think speeding is some sort of competition and being caught by stationary speed cameras is not fair.

The Hon. Duncan Gay: You were trapping them. It was entrapment.

The Hon. STEVE WHAN: The Minister says we were trapping them. Quite frankly, anyone speeding deserves to be fined. If you do not want to be fined, do not speed. Those who think this is some sort of competition say it is not fair on speeding motorists, who should be able to get away with it if no police are around. With a nod and a wink, the Coalition suggested exactly that in opposition before the election. Now the Coalition is in government it has turned over and fines revenue is increasing. I am delighted to see the Minister for Finance in the gallery because he would be delighted to see increased fines revenue coming into the government coffers. The Government has been hypocritical on this issue. It is collecting more fines and rolling out more cameras. It should have been up-front about those facts before the last election rather than trying to appeal to those who suggest that breaking the law and speeding is some sort of competition. Speeding is dangerous.

The Hon. Dr Peter Phelps: The Hon. Steve Whan supports unfair laws.

The Hon. STEVE WHAN: The Opposition Whip says that I support unfair laws. If there is a problem with an inappropriate speed limit in an area, one should lobby the Minister to change the speed limit, not break the law and hope to get away with it. The Minister will agree with that because he has undertaken reviews of speed limits on some roads based on people's input. If someone has a problem with the speed limit, do what I did with Old Cooma Road when it was being sealed—write to the Roads and Maritime Services and ask for a review of the varying speed limits, which it did. The speed limits were increased to a uniform speed limit of 100 kilometres an hour. What we are hearing from this Government now is in total contrast to the rhetoric before the election. The Fines Amendment Bill highlights the fact that this Government loves getting revenue from fines, which is contradictory to the message it was giving to people before the election. The Opposition supports the legislation.

Reverend the Hon. FRED NILE [9.41 p.m.]: On behalf of the Christian Democratic Party, I am pleased to support the Fines Amendment Bill 2013. This bill will amend the Fines Act 1996 in a number of ways to provide for more efficient administration in collecting revenue from fines. As we know from the Auditor-General's report, there is at least $310 million outstanding in fines that the State Debt Recovery Office has not been successful in recouping. The amount of money it takes to recoup the fine is probably greater than the fine itself. Nevertheless, the system should be that when somebody is fined, they are expected to pay the fine and action should be taken against them if they do not. To enable greater efficiency, this bill will abolish the State Debt Recovery Office and provide for the appointment of a Commissioner of Fines Administration to exercise its functions. The functions of the commissioner will be substantially the same as the functions of the State Debt Recovery Office. The new provisions in this bill will enable the commissioner to use the name State Debt Recovery in the exercise of functions under the Act and to authorise the use of that name for other purposes.

The Hon. Catherine Cusack: Point of order: I cannot hear the speaker with the call.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! I uphold the point of order. There is too much audible conversation in the Chamber.

Reverend the Hon. FRED NILE: It will be an offence to take proceedings under that name, or to carry out any activity under that name, unless authorised to do so under the bill before the House. The amendment will also provide for the employment of persons in the Public Service to assist the commissioner; the delegation of the commissioner's functions; authorisation to exercise enforcement functions; and the personal liability of the commissioner. The bill will permit the enforcement of a fine by means of suspension of a person's visitor driver privileges. A visitor driver privilege is any exemption under the road transport legislation that confers authority on a visiting driver, such as a resident of another State or from overseas, to drive a motor vehicle in New South Wales, even though the visiting driver does not hold a New South Wales driver licence.

The amendments require Roads and Maritime Services to suspend visitor driver privileges if directed to do so by the commissioner. Such enforcement action is to be taken only if the fine defaulter is liable for two or more fines and the fines relate to traffic offences. As strange as it sounds the bill will provide also for the ability to combine payment arrangements. Obviously there will be some delinquent drivers who will accumulate a larger number of fines. A time-to-pay order is an order that extends the time for payment of a fine or allows a fine to be paid by instalments. A time-to-pay order may be made only after a fine enforcement order has been made. Hopefully that will also enable the new commissioner to recoup those fines. The Christian Democratic Party supports the bill with those practical provisions.

Dr JOHN KAYE [9.45 p.m.]: On behalf of The Greens I speak to the Fines Amendment Bill 2013. I indicate from the outset that except for two provisions within the legislation, The Greens have no problem with the bill. The bill abolishes the State Debt Recovery Office and invests the powers and functions of that office in the Commissioner of Fines Administration within the Office of State Revenue. I express some concern about that. To date the State Debt Recovery Office has been associated with the collection of fines associated with defaulters, whereas the Office of State Revenue collects taxes and benefits.

This legislation regularises what the Government has been doing administratively. On the one hand it brings together the collecting of fines and pursuing of defaulters and, on the other, the collecting of land tax. Blending the two brings together two different activities and deals with two different groups of citizens. I am concerned that in doing so the distinction between a fine and the collecting of a tax or benefit will be lost. The second provision of the bill is to create reciprocal arrangements for the enforcement of interstate fines—that is, fines from individuals from other States who break the speed limit in New South Wales. I raise no objection to that; it is a sensible provision. In the Minister's second reading speech he identified a very large sum of money that has not been collected. He said:

> As a result, of the more than 60,000 New South Wales fines payable by interstate residents each year, more than 40,000 remain unpaid after 12 months.

More than two-thirds—$97 million that is owed by people from Victoria, Queensland, the Australian Capital Territory and so on. Sensibly, the bill introduces a number of provisions to recover that money. The bill also implements a trial by the commissioner of the enforcement of amounts payable under victims restitution orders. When I read the Minister's second reading speech, I was rather amused by the statement:

> This Government is on the victim's side.

Given the devastation of the Victims Compensation Scheme that we saw earlier this year, it is hard for the Government to say that with a straight face. This legislation facilitates a trial enforcement of amounts payable under victims restitution orders. It anticipates a substantial amount of money that can be recovered and paid into the Victims Support Fund. Given the miserable compensation now available from this Government for a number of violent crimes, it is good to see at least some money going into that program. The current rate of recovery is only about 27 per cent. That sounds more exciting than it is because a number of people from whom money has been recovered are currently serving jail sentences, are probably substantially impecunious and do not have the resources available to pay their fines.

As the Hon. Steve Whan pointed out, the legislation authorises the Commissioner of Fines Administration—the replacement entity for the State Debt Recovery Office—to engage contractors to assist in fine debt recovery. That will facilitate the use of private sector debt recovery agents to improve the rate of debt collection. I have grave concerns about that from two perspectives. The first is a privacy perspective. In his second reading speech the Minister claimed that privacy rights are already protected by confidentiality requirements in the Fines Act and by existing contractual arrangements. Of course, contractual arrangements are subject to change when contracts change.

I have concerns about information about fine defaulters being handed over to the private sector, where privacy protection is much more difficult to enforce. My second concern is that we are going after people. We are setting bounty hunters in action. These people will be paid according to the amount that they recover. We will see the ruthless pursuit of individuals by private sector agents who have little or no concern for the people they are pursuing. We will see all of the adverse behaviour associated with bounty hunting.

The Hon. Duncan Gay: Ruthless.

Dr JOHN KAYE: I acknowledge that interjection. It will be ruthless because the amount that the private sector contractors will be paid will be determined by their success at recovering the money. We are currently a State that enforces the law through public sector officials. They are not paid a fee for service based on the amount recovered; they are on a wage. Their commitment is simply to do the right thing. We are moving to a situation where we will employ those with a deep commercial interest in pursuing individuals. Some of the individuals being pursued have quite chaotic lives. They have defaulted on fines not because they are necessarily deeply evil individuals but because their lives are in chaos. They do not have money. They do not have a fixed address. They are not capable of completing the paperwork associated with paying a fine.

For some of the public sector officials, these matters have escalated from being relatively small to being much larger. These people need to be dealt with with a degree of sensitivity that private sector contractors chasing the buck simply will not have. We raise grave concerns about the enforcement of the law by private sector agencies when pursuing defaulters. The rest of the legislation deals with matters that are largely administrative. We have raised two issues of concern with this legislation. We will not be opposing the legislation.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [9.54 p.m.], in reply: I thank members for their contributions and their indicated support. The proposals in the bill will strengthen the legislation, which seeks to ensure that people who breach our laws are held to account. The measures in the bill are primarily designed to deal with people who incur a fine in a State or Territory other than where they normally reside. I share the concerns that have been raised about private agencies by Dr Kaye. I know the Minister shares them and is keen to ensure that we get this right. The State Debt Recovery Office has contractual agreements in place with four debt recovery agencies as part of the Debt Partnership Program.

These agreements prescribe the way in which client data and information is to be handled and used by partner agencies. Under these agreements, partner agencies are contractually bound not to use the data provided for any other purpose and to destroy data once a matter is finalised and the money returned. The State Debt Recovery Office has a contract management plan in place which reports weekly on any breaches. If any breaches were to occur, they could result in the termination of the contract. Those sorts of issues are in the legislation. All the checks and balances are there.

The Hon. Steve Whan raised concerns about visiting rights relating to vehicles and what Roads and Maritime Services would do. Roads and Maritime Services and the police work together on many matters relating to light and heavy vehicles. If there are no improvements to some of the State's regimes on heavy vehicles, I will certainly be looking at visiting rights in a more intense fashion very soon.

We have removed the entrapment issue relating to fines. Signs on our speed cameras are now double the size, and we have double the number of signs. If you get caught speeding despite the signs, you are either dumb or determined. We do not want your money; we just want you to slow down. To illustrate the extent to which this is working, there has been a reduction in the amount of money that is coming in from many of our mobile cameras. We are as pleased as punch about that. That means people are slowing down. As members would remember from when the bill went through the House, we have hypothecated that money into road safety. This is a good bill. I thank members for their support and commend it to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Duncan Gay agreed to:

That this bill be now read a third time.

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

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [9.58 p.m.]: I move:

That this House do now adjourn.

LIQUID FUEL SUPPLY

The Hon. PETER PRIMROSE [9.58 p.m.]: Australia has abundant renewable and non-renewable energy resources. Despite this, we are heavily dependent on imports of refined petroleum products and crude oil. This dependence is increasing. The types and quantity of liquid fuels we currently consume cannot readily be supplied from within our own country. Any major interruption to the global supply chains that deliver this fuel will have dramatic effects in New South Wales and throughout the nation. Air Vice Marshal John Blackburn notes:

> We view fuel largely as a commodity supplied by the market in response to consumer demand.

He says that we assume fuel supplies will be provided by the market in all situations, instead of asking what measures need to be taken to assure a minimum essential level of supply in the event of an interruption to the fuel supply chain. Our transport systems in particular are almost wholly dependent on oil. Transport consumes about 70 per cent of all liquid fuel supplies. Let us take the case of food supply. In New South Wales food distribution comprises 14 million cases a week through 25,000 truck trips from retail distribution centres and direct suppliers to retail outlets. The average stockholding of food in supermarkets is estimated to be seven days for refrigerated foods and around 10 days for packaged foods. Households on average have two to four days in stocks. The same reliance on the global supply chain of imported liquid fuel is replicated throughout our economy. Pharmaceuticals are primarily imported and distributed from centralised warehouses. Chemists hold about seven days' supply, and hospitals about three days. The supply of drinking water is dependent on transport to provide chemicals for purification and to maintain water distribution systems.

In the case of business and personal transportation, in Sydney, for example, around 68 per cent of all resident travel is by car. The public transport system in peak hours is already carrying passenger loads of 120 to 150 per cent of seating capacity, and would not cope with the large increase in demand caused by interruption to fuel supplies or a significant increase in the price of fuel. The majority of Australia's crude oil production is exported because of the qualities and characteristics of the oil. Australian refineries currently source about 80 per cent of their crude oil needs from overseas. In fact, with the closure of Kurnell Australia we are set to become Asia's biggest importer of fuels. From this largely imported source, Australian refineries currently

produce around 75 per cent of Australia's petroleum needs. But this will be reduced by another 10 per cent with the closure of the Clyde refinery, and a further 18 per cent when the Kurnell refinery closes. Shell is moving to close its Geelong refinery, leaving only four refineries in Australia—down from eight in 2003.

Industry estimates are that Australia currently holds enough liquid fuel to meet 23 days of consumption. There are around 10 days of crude oil stocks at refineries, 10 days of products in the distribution chain and perhaps three days in the hands of consumers. Perhaps the best term to describe the state of the resilience of our liquid fuel supply in the face of potential supply shocks is "fragile". I do not have the opportunity in the time available to detail the potential fuel supply chain vulnerabilities. I point out that 51 per cent of Australia's imported petroleum products come from Singapore, and 40 per cent of Singapore's oil comes from the Middle East. Liquid fuels vulnerability assessments have been conducted, but these have not adequately focused on the specific vulnerabilities of Australia's supply chain in any detail.

I urge the New South Wales Government to ensure that the issues of liquid fuel security and our supply chain vulnerabilities are considered at the next Council of Australian Governments meeting. Policies need to be developed and investments made to assure diversity of supply and demand even when it does not make short-term commercial sense to do so. For instance, improved demand-side resilience can be achieved through measures such as the increased use of alternative transport fuels and the expansion of renewable energy strategies. At the very least, Australia should move to meet its obligations as a member country of the International Energy Agency [IEA]. Membership of the agency obliges Australia to hold reserves of crude oil and product equivalent to 90 days of the prior year's average net oil imports, which the Government could access in a national emergency.

EAST COAST GAS SUPPLY

The Hon. JEREMY BUCKINGHAM [10.03 p.m.]: Earlier this week, at the East Coast Gas Outlook Conference, Innes Willox, from the Australian Industry Group spoke about what he called "one of the sharpest policy divides in Australia as we prepare for 2014". This policy divide is over how we should ensure a supply of gas to East Coast markets as we make a responsible and hopefully rapid transition away from fossil fuels to renewables. The Australian Industry Group surveyed gas users across the East Coast network. They found that of those who were looking for a gas contract one in 10 were unable to get an offer at all; a third were unable to get an offer they considered serious—whether because of the volumes on offer, the contract term, or conditions of supply or price; another quarter were able to get a serious offer but only from one supplier; and a final third were able to get multiple offers. It is now accepted that the move into coal seam gas and liquefied natural gas [LNG] exports is causing a major issue for the Australian manufacturing sector. Of this, Mr Willox said:

> … the Commonwealth and the States took the decision to allow the Eastern Australian gas market to be linked to the high-price East Asian gas market. They should not escape responsibility for the unintended consequences.

The Australian Industry Group advocates a series of measures to address the gas market failure, including a "national interest test". It recommends that this test be applied to any new liquefied natural gas export capacity beyond that which already has a final investment decision. I suggest that, to be effective, such a test would need to be applied to existing projects as well. Mr Willox continues:

> Such a test should not be startling. It is the expansion of LNG exports that lies behind the painful transition in Eastern Australia’s gas market. The current set of projects were not subject to adequate consideration of economic impacts before approval. For all the demands of the environmental impacts process, in the economic arena they sailed through without real debate.

This goes to the heart of the gas supply issue: why were the liquefied natural gas projects approved without any consideration of the effect it would have on domestic manufacturing and residential consumers? Why were the liquefied natural gas projects approved without securing a social licence from the community to roll out coal seam gas developments on our farmlands and in our aquifers? And it raises a couple of serious strategic economic and environmental questions: Is Australia's economic future based on resource extraction or does our economic future lie with value-adding to our natural resources through a skilled workforce and through manufacturing?

Why would we start a new fossil fuel industry in an age of record heat, mega fires, rising seas and climate change? The Greens believe we must rapidly transition to renewable energy. Indeed any gas reserve policy must factor in a transition to renewable energy. Built into any reserve system should be incentives for manufacturers and others users to switch to renewable energy where possible. Perhaps the quota of gas reserved would decrease over time to encourage the transition. Other policies, such as a price on pollution and incentives for the renewable energy sector, must also be pursued.

Currently governments are in paralysis, failing to realistically respond to this tsunami of a market failure. Blindly they stumble down the road in the belief that the ramping up of coal seam gas and a supply increase will save the day. It is not going to happen—neither now nor in the medium term. The community will not have their farms, water resources and environment trashed by coal seam gas mining; and nor will they allow governments to sit on their hands stubbornly adhering to free market fundamentalism whilst energy companies deride our collapsing manufacturers as "rent seekers". The Greens acknowledge this serious economic and energy policy issue. We are grappling with it. We will be discussing a range of policy solutions at our New South Wales State conference and will discuss the issue at the Australian Greens national conference in November.

STATE BUSHFIRES

The Hon. NIALL BLAIR [10.08 p.m.]: In the last few days we have seen dozens of fires ravage areas around the Hunter, the Southern Highlands and the Blue Mountains. Over 200 homes have so far been lost, as well as one life. Unfortunately, we have not seen the end of these fires. Today 59 fires have continued to burn across the State, with 19 of these uncontained. Temperatures today reached the mid-30s with winds of more than 70 kilometres an hour. Some 3,000 firefighters helped to battle the blaze today, including, amazingly, 700 firefighters who have flown in from interstate and overseas. I wholeheartedly commend the actions of the NSW Rural Fire Service volunteers for fighting these wildfires, and the Fire and Rescue New South Wales firefighters who have made up many task forces from across New South Wales and concentrated on structural firefighting along with the wildfire effort.

Not to be forgotten are the Fire and Rescue New South Wales Community Fire Units. They have educated locals, helped with fire plans and also been an important front line for property protection in some areas. In the midst of this tragedy and the many heroic efforts by paid staff and volunteers alike, last week we saw a gutless, grubby act by The Greens to try to politicise this state of emergency. Adam Bandt kicked off this shameful political stunt by tweeting, "Why Tony Abbott's plan means more bushfires for Australia and more pics like this of Sydney", next to a picture of a bushfire. He then thought it necessary to continue his cheap political point scoring by telling ABC television:

> Tony Abbott has picked this time to say he's going to rip up action on global warming and in fact allow more pollution, which is going to mean these kinds of fires we will see happening more often.

This tune was taken up by Dr Mehreen Faruqi last night, although she was more gracious than Mr Bandt in some of her comments. In this place she said:

> ... it is absolutely true that without strong action to reduce global greenhouse gas emissions we will see more of these fires and they will be severe.

Now is not the time or the place for such a debate. With thousands of firefighters putting their lives on the line to save life and property and with people literally sifting through the ashes of the remains of their homes, it is inappropriate to selfishly seek airtime to further a political agenda. Even Federal Labor leader Bill Shorten stated that it was an inappropriate time to link the fires to climate change in light of the fact that a 63-year-old man had perished. Mr Bandt obviously has little empathy or compassion for his fellow Australians. From the comfort of his inner-city cafe, while people were at work not knowing what had happened to their homes or loved ones, Mr Bandt was on Twitter trying to get one up on his political opponents. While the nation's thoughts turned to those in need, it seems The Greens' thoughts turned to their political advantage.

I am sure they have never seen firsthand what such an emergency is like on the front line. If they had, maybe they could the grasp why their comments have upset so many. If they had stood before a fire front and heard the roar as it moved through a valley and been at the ready to take it head on only to turn around to see it spotting behind them due to embers and strong winds they might think again. They do not know what it is like to struggle to take a breath due to the smoke in your lungs starving you of oxygen or to have your eyes sting and weep while you try to focus on ensuring you use your water in the most efficient and effective way, only to be faced with nothing but destruction and a feeling of helplessness. This is what our firefighters have faced over the past week.

Some people have lost everything in this tragedy—photographs, books, vehicles and homes—and one man paid the ultimate price. Many took offence to the timing of the comments from The Greens because of the raw facts I have mentioned. As both sides of the political spectrum have attested, it was completely inappropriate and uncalled for. My advice to The Greens is to quit their petty politicking and infantile bickering,

to show a bit of empathy for the loss suffered by so many around our State and to congratulate the everyday heroes, the firefighters, who put themselves on the line to keep our communities safe. "Thank you", and, "We are sorry for your loss", is enough for now. We will debate the other issues in good time when the time is right. That time will come.

PARTHENON MARBLES

The Hon. SOPHIE COTSIS [10.12 p.m.]: More than 200 years ago the Parthenon Marbles were removed from the Hellenic Republic, also known as Greece. Since then the marbles have largely been housed at the British Museum. Tonight I call on the British Museum to return the Parthenon Marbles to their rightful place at the Acropolis Museum in Athens. The Parthenon—one of Western civilization's greatest works of art and architecture—is a religious temple built in honour of the Goddess Athena by the people of a city that 2,500 years later still bears her name. Such historic continuity can be claimed by only a few nations in the world today.

In 1801 the seventh Earl of Elgin began sawing off and ripping away a substantial number of the Parthenon sculptures. Due to financial difficulties, he sold the sculptures to the British Government for £35,000. The Government in turn handed them to the British Museum where they are currently displayed. The legality of the sale has always been questioned, given that there was never any evidence of permission for their removal in the first place. If permission had been granted, it was the permission of the Ottoman Turks who were the occupying force in Greece at the time.

Successive Greek governments have sort to negotiate the return of the marbles; however, the British Museum is yet to make a single concession or negotiate in good faith. With the opening of the long-awaited Acropolis Museum, the British Museum can no longer claim that its facility is better equipped to house the marbles. In contrast to the purpose-built 270,000 square foot, £115 million museum capable of housing all the marble panels in their splendid totality, the British Museum offers a windowless back room with heavy doors shoved in between panels. The British Museum should return the marbles.

Arguably, the main concern of the British Museum is not the conservation of the Parthenon Marbles but rather the preservation of its ownership over other exhibits and the precedent that would be set by returning the Parthenon Marbles. However, I am not calling for the emptying of our world's museums or even the return of all Greek artefacts from the British Museum. I am only calling for the return of, as described by Professor Pantermalis, "this unique work of global significance, whose meaning lies in its totality". In recent years the governments and people of Italy, Germany, Sweden and the Vatican have organised the return of all missing fragments in their possession. These countries recognised the unique nature of the situation and acted accordingly. Within Britain, polls show that the majority also agree that the rightful place for the Parthenon Marbles is Athens.

Fantastic work is being done in Australia to further the cause. From 15 November to 17 November, which is in a few weeks, I will be honoured to attend a presentation by the Australian chapter of the International Organising Committee for the Restitution of the Parthenon Marbles of world expert submissions on the "Parthenon, An Icon of Global Citizenship". I encourage all members to view the submissions and get involved in the campaign for the rightful return of the Parthenon Marbles. I acknowledge the work of Emanuel Comino, OAM, founder and chairman of the international organising committee's Australian chapter, and the organisation's secretary and public affairs officer, Dennis Tritaris.

I have long supported the return of the Parthenon Marbles. My active involvement began at university when I wrote a piece commemorating the life of Melina Mercouri, former Hellenic Minister for Culture and early international advocate for the return of the Parthenon Marbles. Elected to the Hellenic Parliament in 1977, her first act as Minister for Culture was to ban the transport abroad of all Greek antiquities dating from the period of 1600 to 200 BC. Throughout her advocacy for the return of the marbles, Mercouri continually stated that her goal was not to empty the museums of the world of all Greek antiquities. But the Parthenon constitutes the historical, religious and cultural heritage of the ancient Hellenes and what Western civilisation has adopted as the main fundamentals of democratic societies. The unique heritage therefore demands its return to its proper place.

The Labor Party, including former premiers Bob Carr and Kristina Keneally and former Prime Minister Gough Whitlam, recognises the cultural and historical significance of the Parthenon Marbles. In the words of Gough Whitlam: "The Parthenon sculptures are unarguably among the world's most important surviving art works. The new Acropolis Museum gives the British Museum the opportunity of righting one of history's great wrongs."

STATE BUSHFIRES

Mr DAVID SHOEBRIDGE [10.17 p.m.]: The current bushfire crisis in New South Wales is threatening many communities. I join all members of this House in expressing my sympathy and support for all the people and communities in affected areas. I am grateful that the worst fears for the fires in the Blue Mountains did not come to fruition today. Most property was saved and no lives were lost. This did not happen by accident or solely as a result of slightly improved weather. A large part of the reason that today's fires were not as awful as some predicted is the extensive planning, unflagging efforts and determination and courage of the volunteer and staff firefighters in the mountains and at other fires across the State. We all thank them.

I note the contribution of my colleague Dr Mehreen Faruqi, who spoke in this place last night about bushfires in New South Wales, the role of climate change and The Greens policy on hazard reduction. Tonight I echo the comments of Dr Mehreen Faruqi when she said The Greens "are committed to an effective and scientifically based approach to hazard reduction, which takes into account the needs of both the human and natural environments". I refer also to the comments of the Minister for Police and Emergency Services yesterday during question time when he addressed a lot of the misinformation and plain ignorance about the role of hazard reduction burning in fire management.

Let me be clear: The Greens support hazard reduction. Appropriate hazard reduction activities including controlled burns are an important land management tool to protect properties and lives. Furthermore, those claiming that The Greens policy has hindered hazard reduction and therefore been responsible for the current fire situation are grossly ignorant of both our policy and our position in New South Wales. The Greens have not been in government in New South Wales. We have not been in charge or in control of hazard reduction burning operations and we have not been directing government policy. I do not say this to avoid controversy or responsibility. The Greens do have a view that hazard reduction burning needs to be responsible and must not only consider lives and property but also take into account the environmental constraints and needs of our native forests.

The main decision-makers on hazard reduction burning are local bushfire management teams comprised of Rural Fire Service personnel, public and private landholders and local councils working together. Informed bushfire risk management plans developed by the local committees and landholders both public and private conduct controlled burns in the lead-up to the fire season where and when it is appropriate. However, the fire season has started extraordinarily early due to unseasonably warm and dry weather. This has meant in many areas that weather has been too hot or too windy to allow for safe hazard reduction programs. Officers in firefighting services, such as local members of the Rural Fire Service, have no control over the weather; nor do the Greens.

It is also not as simple as arguing that more controlled burning means increased safety. Minister Gallacher detailed this in the House yesterday and quoted Shane Fitzsimmons, who is the Commissioner of the New South Wales Rural Fire Service, on this matter. The commissioner understands the science and recognises that if we had hazard reduction every year, we would decimate our national parks and other green places. This would displace native animals in favour of pest species and would mean native vegetation would be replaced with weeds. It is important also to recognise that regular hazard reduction burning does not inevitably lead to lesser fire risk. The evidence shows that some of the hottest fires occur shortly after hazard reduction burning or logging and that intact forest can often reduce the severity and extent of bushfires, particularly in the temperate forests of south-east New South Wales.

I refer members to a 2009 article by Professor David Lindenmayer from Australian National University in *Conservation Letters 2* (2009), which clearly shows that a moist understorey in an intact temperate forest can be a protection against bushfires. In contrast to an intact forest with a moist understorey, a forest that recently has been logged has increased canopy openings that alter microclimactic conditions and lead to increased drying on the forest floor. It is this dry understory that makes forests particularly vulnerable to fire. Added to that is the increased fire risk from a forest comprised of readily inflammable young woody saplings as against taller, more mature and resilient forests. It is therefore of little surprise that such logged forests are substantially more fire-prone.

While in many areas targeted hazard reduction burning can reduce fuel load and protect people and property and is an essential part of bushfire management in Australia, it is not the only answer to making us safer. Better planning controls to prevent development in bushfire-prone land, improved building codes to make dwellings more fire resilient and a sophisticated approach to forest management are all part of the

answer. We must of necessity also address the ongoing impact of climate change or in the future these fires will just grow more serious, more common and more damaging. In short, we need to listen to all the evidence when making policy that might affect bushfire control in New South Wales. The Greens consider all such evidence when making our policies and I know that local bushfire management teams do as well. When I hear uninformed complaints about the alleged lack of hazard reduction burning being the cause of recent fires, I share the sentiments and echo the comments of the Minister for Police and Emergency Services, who stated:

> I wish that people would keep their ignorant comments to themselves rather than talk to the media at a time when the community needs comfort.

DEATH OF GODFREY "RUSTY" PRIEST

The Hon. CHARLIE LYNN (Parliamentary Secretary) [10.22 p.m.]: I pay tribute to former New South Wales State President and national deputy president of the RSL, Godfrey Eugene Priest, AM, who passed away on 25 September 2013 at the age of 86. Godfrey Eugene Priest, who was known to us all as Rusty, was State President of the New South Wales Branch of the Returned Services League of Australia from 1993 to 2002 and also the national deputy president. After his Army career, he dedicated his life to the welfare of veterans and to highlighting the sacrifices they have made for the nation.

Rusty was born in June 1927 in Melbourne and first put on a slouch hat in 1945 after joining the 2nd Australian Imperial Force at the age of 19. From April 1946 until December 1948 he served in the occupation forces in Japan with the Signals Regiment, 8th United States Army Signals Corps and "A" Field Battery of the Royal Australian Army. Rusty wore his country's uniform with great pride for 22 years before shifting his attention to the Returned and Services League, but not before being awarded the Meritorious Service, Long Service and Good Conduct medals. He retired as a regimental sergeant major in 1967.

Rusty approached the RSL with the same enthusiasm, professionalism and dedication he displayed during his time with the Australian Army. One of his main goals was to ensure the perpetuation of the spirit of Anzac and to arrest the decline in attendances at commemorative services on Anzac Day. The Vietnam War had left a nation divided. Anzac services were ridiculed and disrupted by extreme Left demonstrators and students were subjected to their anti-Australian propaganda. Rusty and his Victorian counterpart, Bruce Ruxton, represented the end of an era for World War II veterans. There was never any doubt about where they stood on issues relating to our wartime heritage, the sacrifice made by servicemen and women, the values they fought and died for and the welfare of our veteran community.

Rusty was more measured in his reaction to provocation than was Bruce, but he never shirked an issue and always put the views of the wider veteran community ahead of his own. He urged the RSL to reach out to schools and the wider community. He worked tirelessly for aged care for veterans. He earned the respect of the media and became the voice of the veteran community. This respect led to a reawakening of public interest in Anzac Day and a steady increase in attendance at Anzac Day commemorative ceremonies around the State. Rusty was instrumental in renaming the Glebe Park Island Bridge the Anzac Bridge. At the opening of the Anzac Bridge, in a spontaneous gesture that was typical of Rusty's commitment to our wartime history and the Anzac legend, he placed a small jar of sand from Anzac Cove at the foot of a four-metre bronze statue of a digger guarding one of the approaches. Later he said, "The idea was that the digger would forever be standing with his mates at Gallipoli."

Rusty also fought to ensure that the wannabes—the imposters who march on Anzac Day posing as veterans—received harsh fines. He staged a campaign against the merger of Anzac Day and Australia Day. It was a victory for Rusty, who believed our national day of celebration should not be combined with a national day of commemoration. He played an integral role in health research being undertaken by the Department of Veterans Affairs, include the development of post-traumatic stress disorder programs. He was awarded life membership of the RSL in 1994 and made a Member of the Order of Australia in 1997. In addition, he was the inaugural Chairman of the Kokoda Track Memorial Walkway Board and devoted the later years of his life to ensuring that the walkway, which is adjacent to Concord Hospital in Sydney, was transformed into a fitting memorial to honour the service and sacrifice of those who served in World War II. Rusty's service was acknowledged by Premier Barry O'Farrell, who is the son of a warrant officer. The Premier said:

> Our state has lost a great Australian who has arguably done more than anyone else to pass onto future generations the legend of the Anzac …Rusty was passionate about helping those who fought to protect our country, especially ensuring that as our World War I veterans pass away their deeds are not forgotten.

The Premier accorded Rusty with a State funeral with full military honours. At Rusty's funeral, the former Chief of the Army, General Ken Gillespie, reminded us of the service of Australia's soldiers:

It is the Soldier, not the minister
Who has given us freedom of religion.

It is the Soldier, not the reporter
Who has given us freedom of the press.

It is the Soldier, not the poet
Who has given us freedom of speech.

It is the Soldier, not the campus organiser
Who has given us freedom to protest.

It is the Soldier, not the lawyer
Who has given us the right to a fair trial.

It is the Soldier, not the politician
Who has given us the right to vote.

It is the Soldier who salutes the flag,
Who serves beneath the flag,
And whose coffin is draped by the flag,
Who allows the protester to burn the flag.

The Premier's gesture of a State funeral on Rusty's passing says a lot about our egalitarian spirit. In other countries such occasions are reserved for high-ranking politicians and generals. But to accord such an honour to a crusty, old warrant officer who dedicated his life to the service of his nation and to the veteran community says a lot about who we are. Rusty is survived by his son, Michael, known as "Tim", his daughter, Carole-Anne Priest, and four grandchildren. Rest in peace, Rusty. Your job has been done and the world is a poorer place for your passing. Lest we forget.

DAM LEVELS

The Hon. WALT SECORD [10.27 p.m.]: As the shadow Minister for Water, I will update the House on dam levels in Sydney, the Blue Mountains, the Illawarra, the Central Coast and the Lower Hunter. The warmest winter in more than 150 years has impacted on our water supplies. As at 21 October, Sydney's water catchment is at 91.6 per cent, but dam levels on the Central Coast have dropped to 60.4 per cent and the Hunter storage levels are now at 88.4 per cent. The warm winter has meant that the greatest reduction has occurred in the Lower Hunter, with a drop of 5.8 per cent in six weeks.

Water is a precious resource and we live on the driest inhabited continent on the planet. While levels are dropping again, it will be some time before we reach the Sydney emergency levels of 42.2 per cent recorded in October 2004. But it is time to remind the community about our water usage. Just a few years ago New South Wales was in the grip of drought. Those who look at the current storage levels and think that those low levels are a threat of the past have short memories. They live in denial about the nature of Australia's climate. We must always remind ourselves to conserve water and that climate change is real. I thank the House for its consideration.

[*Time for debate expired.*]

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

Motion agreed to.

The House adjourned at 10.28 p.m. until Thursday 24 October 2013 at 9.30 a.m.