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LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Wednesday 13 November 2013

JOINT SITTING TO ELECT A SENATOR

The two Houses met in the Legislative Council Chamber at 3.45 p.m. to elect a senator in the place of Senator the Hon. Bob Carr, resigned.

Mr BARRY O'FARRELL: Mr Clerk, I move:

That the Hon. Donald Thomas Harwin, President of the Legislative Council, act as President of the Joint Sitting of the two Houses of the Legislature for the election of a senator in place of Senator the Hon. Bob Carr, resigned, and that in the event of his absence the Hon. Shelley Elizabeth Hancock, Speaker of the Legislative Assembly, act in that capacity.

Mr JOHN ROBERTSON: I second the motion.

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

Motion agreed to.

The Hon. Don Harwin took the chair.

The PRESIDENT: I acknowledge the presence in the Legislative Council for this joint sitting of the Most Reverend Dr Glenn Davies, the Anglican Archbishop of Sydney.

Mr BARRY O'FARRELL: I present the proposed rules for the regulation of the proceedings at the joint sitting, which have been printed and circulated. I move:

That the proposed rules, as printed and circulated, be now adopted.

Mr JOHN ROBERTSON: I second the motion.

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

Motion agreed to.

The PRESIDENT: I am now prepared to receive nominations with regard to a person to fill the vacant place in the Senate caused by the resignation of Senator the Hon. Bob Carr.

Mr JOHN ROBERTSON: I propose Ms Deborah O'Neill to hold the place in the Senate, which expires on 30 June 2014, rendered vacant by the resignation of Senator the Hon. Bob Carr, and I announce that the candidate is willing to hold the vacant place if chosen. Senator the Hon. Bob Carr was, at the time he was chosen by the people of the State, publicly recognised to be an endorsed candidate of the Australian Labor Party and publicly represented himself to be an endorsed candidate of that party. Ms Deborah O'Neill is a member of the same political party.

The Hon. LUKE FOLEY: I second the motion.

The PRESIDENT: Does any member desire to propose any other person to fill the vacancy? There being no other nominations, the question is: That Ms Deborah O'Neill be chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. Bob Carr.

Question resolved in the affirmative.

The PRESIDENT: I declare that Ms Deborah O'Neill has been chosen to hold the place in the Senate, which expires on 30 June 2014, rendered vacant by the resignation of Senator the Hon. Bob Carr.

Mr BARRY O'FARRELL: I move:

That the President inform Her Excellency the Governor as soon as practicable that Ms Deborah O'Neill has been chosen to hold the place in the Senate, which expires on 30 June 2014, rendered vacant by the resignation of Senator the Hon. Bob Carr.

The Hon. MICHAEL GALLACHER: I second the motion.

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

Motion agreed to.

The PRESIDENT: I now declare the joint sitting closed.

The joint sitting closed at 3.53 p.m.

LEGISLATIVE COUNCIL

Wednesday 13 November 2013

The President (The Hon. Donald Thomas Harwin) took the chair at 10.00 a.m.

The President read the Prayers.

REGIONAL RELOCATION (HOME BUYERS GRANT) AMENDMENT BILL 2013

CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2013

CIVIL AND ADMINISTRATIVE LEGISLATION (REPEAL AND 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. Michael Gallacher agreed to:

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

Bills read a first time and ordered to be printed.

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

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

WEAR ORANGE WEDNESDAY

Motion by the Hon. MICHAEL GALLACHER agreed to:

That this House:

- (1) Notes that Wednesday 13 November 2013 has been designated as Wear Orange Wednesday, otherwise known as WOW Day, by the Australian Council of State and Territory Emergency Services.
- (2) Acknowledges the commitment of more than 40,000 State Emergency Services volunteers nationwide in responding to floods, storms and tsunamis, in addition to assisting other emergency agencies in incidents like road crash rescue and general land searches.
- (3) Thanks these volunteers, in particular the some 10,000 State Emergency Service volunteers across New South Wales, for their tireless efforts to help their communities.
- (4) Encourages members of the public and of this House to show their support by wearing something orange on 13 November to celebrate WOW Day.

WORKCOVER NSW BULLYING ALLEGATIONS

Production of Documents: Order

Motion by Reverend the Hon. FRED NILE agreed to:

That under Standing Order 52 there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created since 1 January 2011 in the possession, custody or control of the Public Service Commission, the Department of Premier and Cabinet or the Premier:

- (1) Any report arising from or connected to an investigation conducted by Ms Linda Pettersson, investigator, Internal Audit Bureau, or any other person, in relation to alleged bullying or harassment by a former employee of WorkCover NSW, together with copies of any annexures or appendices connected to any such report.
- (2) Any document that records or refers to the production of documents as a result of this order of the House.

NATIONAL ASBESTOS AWARENESS MONTH

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
 - (a) on 1 November 2013 a candlelight tribute and lighting of the Opera House was held to commemorate Australia's first National Asbestos Awareness Month as a mark of respect for all those people whose lives have been touched by asbestos-related diseases, and alert communities and home owners about the very real dangers of disturbing asbestos when renovating or maintaining homes; and
 - (b) dignitaries who attended the event included:
 - (i) ambassadors for Asbestos Awareness Mr Don Burke, Ms Cherie Barber and Mr Lindsay Farris;
 - (ii) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier;
 - (iii) Geoff and Karen Wicks, volunteer curators and chauffeurs of Betty, a mobile model home designed to demonstrate where asbestos might be found in and around any Australian home built or renovated before 1987, which travels into communities and promotes community engagement and experiential awareness initiatives of the Asbestos Education Committee in partnership with the Asbestos Diseases Research Institute (ADRI);
 - (iv) Ms Carol Klintfalt from ADRI and Mr Mathew Klintfalt, who told of his family's story regarding asbestos;
 - (v) Professor Nico van Zandwijk, Director of ADRI;
 - (vi) Ms Julie Newman, Chief Executive Officer of WorkCover NSW;
 - (vii) Mr Peter Dunphy, Chair of the Heads of Asbestos Coordination Authorities Working Group;
 - (viii) Mr Nicholas Brown; and
 - (ix) Ms Clare Collins and Ms Alice Collins, Insight Communications.
- (2) That this House extends its sincere sympathy to those victims and their families who have suffered from the serious health effects of asbestos and congratulates all those involved on raising awareness as to the dangers of asbestos in our community.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1605 outside the Order of Precedence objected to as being taken as formal business.

MARONITE CATHOLIC SOCIETY TWENTY-FIFTH JUBILEE

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
 - (a) on 1 November 2013 the Maronite Catholic Society under its President, Mr Toufic Kayrouz, marked its twenty-fifth year jubilee with a celebratory function at the Renaissance Reception Centre, Lidcombe;
 - (b) those who attended as guests included:
 - (i) His Excellency the Most Reverend Antoine-Charbel Tarabay, Bishop of the Maronite Catholic Church in Australia;
 - (ii) His Grace the Most Reverend Robert Rabbat, Archbishop of the Melkite Catholic Diocese of Australia;
 - (iii) the Hon. Philip Ruddock, MP, Federal member for Berowra representing the Prime Minister of Australia, the Hon. Tony Abbott, MP;
 - (iv) the Hon. Tony Burke, MP, Federal member for Watson representing the Federal Opposition Leader, the Hon. Bill Shorten, MP;

- (v) the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Premier, the Hon. Barry O'Farrell, MP;
- (vi) the Hon. Barbara Perry, MP, member for Auburn, representing the Leader of the New South Wales Opposition, Mr John Robertson, MP;
- (vii) His Excellency Dr Jean Daniel, Ambassador for Lebanon;
- (viii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
- (ix) the Hon. Jason Clare, MP, Federal member for Blaxland and shadow Minister for Communications;
- (x) Mr Mark Coure, MP, member for Oatley;
- (xi) Mr Tony Issa, MP, member for Granville;
- (xii) Mr Charles Casuscelli, MP, member for Strathfield;
- (xiii) Councillor John Faker, Mayor of Burwood City Council;
- (xiv) Councillor Daniel Bott, Mayor of Strathfield City Council;
- (xv) Mr Nick Kaldas, Deputy Commissioner of the NSW Police Force;
- (xvi) Reverend Father Marcelino Youssef, Vicar General of the Maronite Church of Australia;
- (xvii) Monsignor Shora Maree, Episcopal Vicar for Youth and Parish Priest of Our Lady of Lebanon, Harris Park;
- (xviii) Monsignor Emmanuel Sakr, Episcopal vicar for Pastoral Works;
- (xix) Reverend Father Maroun Moussa, Parish Priest of St John the Beloved, Mount Druitt;
- (xx) Reverend Father, Father Superior of St Charbel Monastery, Punchbowl;
- (xxi) Sister Elham Gea Gea, Chief Executive Officer, Sisters of the Holy Family Nursing Home, Marrickville;
- (xxii) Sister Clara and Sister Marie Rose Tannour, from the Holy Family Nursing Home, Marrickville;
- (xxiii) Ms Anne Farah Hill, Chairperson of Maronite Care of the Maronite Eparchy of Australia;
- (xxiv) Mrs Yolla Wakim, Vice President of the Ladies of the Gospel Maronite Eparchy;
- (xxv) Mr Michael Dovelhi, President of the Lebanese World Cultural Union;
- (xxvi) Mr Wally Wehbe, President of the Lebanese Christian Federation;
- (xxvii) Mr Joe Khattar, President of the Lebanese Chamber of Commerce;
- (xxviii) Professor Fadia Ghossayn, Chairperson of the Australian Lebanese Foundation;
- (xxix) Mr Anwar Harb, Chief Editor of *An Nahar* newspaper;
- (xxx) Mr Joe Khoury, Chief Editor of *Al-Mustaqbal [Future]* newspaper;
- (xxxi) Mr Tony Azzi, *El Telegraph* newspaper; and
- (xxxii) Ms Merae Kayrouz, President of the Maronite Catholic Society Youth.

- (2) That this House congratulates the Maronite Catholic Society on the occasion of the celebration of its twenty-fifth year jubilee and commends it for its service to the Maronite Catholic community of Australia and to the wider Australian community.

EMMALINE PANKHURST "FREEDOM OR DEATH" ADDRESS 100TH ANNIVERSARY

Motion by the Hon. CATHERINE CUSACK agreed to:

That this House:

- (1) Notes that 13 November 2013 is the 100th anniversary of Emmaline Pankhurst's "Freedom or Death" address to the women of Hartford, regarded as one of the finest speeches by a woman in the twentieth century.
- (2) Acknowledges the sacrifice, courage and persistence of suffragists and suffragettes in New South Wales, Australia and around the world whose 70-year campaign secured the vote for women as a first step towards female emancipation.

- (3) Acknowledges female participation in politics is an ongoing project to achieve our political, economic and social equity goals.
- (4) Calls for the establishment of a permanent tribute to those groundbreaking women of New South Wales whose vision and effort has furthered the cause of improved female participation in politics today.

WHEELCHAIRS FOR KIDS IN EGYPT

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

- (1) That this House notes that:
 - (a) on 2 November 2013 an Egyptian community Wheelchairs for Kids fundraiser for disabled Egyptian children was held;
 - (b) the event raised the cost of shipping two 20-foot containers of wheelchairs for disabled children in Egypt and a donation of more than \$7,000 to Wheelchairs for Kids; and
 - (c) the event was attended by the Hon. Shaoquett Moselmane, MLC; Deputy Consul General of Egypt Ahmad Farid; Father Augustinos Nada and Father Mark Basily from St Marks Church Arncliffe; Councillor Lydia Sedrak; Dr Fawzi Soliman and partner Dr Soliman; Ameer Soliman; Mr John Iskander; Allen Zreik from Zed and Zed Jewellers; Mr Mohamed El-Mouelhy; Dr Nader Obied; George and Rita Guirguis; Yasser Ghattas; and other distinguished guests.
- (2) That this House notes the kind and significant donations made by the Australian Egyptian community and in particular the Coptic churches of St Marks Arncliffe and St Mina Bexley, Councillor Lydia Sedrak, Councillor Paul Sedrak and John Iskander, and the wonderful work of volunteers that make up the Wheelchairs for Kids Foundation.

WOMEN OF INFLUENCE AWARDS 2013

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
 - (a) on Thursday 17 October 2013 the *Australian Financial Review* and Westpac Women of Influence awards for 100 Women of Influence in 2013 were held;
 - (b) the 100 Women of Influence awards are dedicated to identifying and celebrating the bold, energetic women who are changing Australia; and
 - (c) award recipients included:
 - (i) overall winner and innovation winner: Professor Adele Green, Senior Scientist, QIMR Berghofer Medical Research Institute;
 - (ii) board/management: Belinda Hutchinson, Chair, QBE Insurance Group; and Rebecca Dee-Bradbury, President, Developed Markets Asia Pacific, Mondelez International;
 - (iii) global: Dr Julia Newtown-Howes, Chief Executive, CARE Australia;
 - (iv) diversity: Deanne (Dee) Gibbon, Director, Workforce Diversity, Royal Australian Air Force;
 - (v) social enterprise/not-for-profit: June Oscar, Chief Executive Officer, Marninwarntikura Fitzroy Women's Resources Centre;
 - (vi) business entrepreneur: Catherine Harris, Chair, Harris Farm Markets;
 - (vii) public policy: Professor Marian Baird, Professor of Employment Relations, the University of Sydney Business School;
 - (viii) philanthropy: Sam Meers, Executive Director, Nelson Meers Foundation;
 - (ix) young leader: Sophie Ryan, Chief Executive Officer, Sony Foundation; and
 - (x) local/regional: Su McCluskey, Chief Executive Officer, Regional Australia Institute.
- (2) That this House commends and congratulates all recipients on the 2013 Women of Influence awards and thanks the *Australian Financial Review* and Westpac for sponsoring the awards.

PALLIATIVE CARE NEW SOUTH WALES**Motion by the Hon. GREG DONNELLY agreed to:**

- (1) That this House notes that:
 - (a) Palliative Care NSW is the peak organisation for palliative care in this State; and
 - (b) on Wednesday 30 October 2013 Palliative Care NSW conducted a forum in the Parliamentary Theatre with the theme "Palliative Care: Where to from here?"
- (2) That this House notes that:
 - (a) the forum was an outstanding success with more than 70 people being placed on a waiting list because of the community interest in the event;
 - (b) there were a number of expert and experienced speakers including:
 - (i) Dr Frank Brennan, Palliative Care Physician, based at St George and Calvary Hospitals;
 - (ii) Sue Hanson, National Director, Clinical Services, Little Company of Mary Health Care and Co-Chair of the ACI Palliative Care Network;
 - (iii) Jenny Gannon, carer;
 - (iv) Jane Mahony, Clinical Nurse Consultant;
 - (v) Ruth Jones, Director, Cancer Services and Innovation, Western NSW Local Health District;
 - (vi) Lyn Sykes, Rural Community Leader;
 - (vii) Peter Cleasby, Immediate Past President of Palliative Care NSW;
 - (viii) Tony Ireland, Foundation Fellow of the Chapter of Palliative Medicine; and
 - (c) that both the Hon. Jillian Skinner, MP, Minister for Health, and Dr Andrew McDonald, MP, shadow Minister for Health, also spoke at the forum, sharing their thoughts on the work that needed to be done to improve and enhance palliative care in New South Wales.
- (3) That this House acknowledges and congratulates Carolyn Walsh, President; Linda Hansen, Executive Officer; the Management Committee of Palliative Care New South Wales; and the many volunteers on the outstanding work of both organising and conducting the forum.

REMEMBRANCE DAY**Motion by the Hon. CHARLIE LYNN agreed to:**

That this House notes that:

- (1) On 11 November 2013 the annual Remembrance Day Service was held at Martin Place Cenotaph to mark the anniversary of the armistice that ended the First World War, 1914-18.
- (2) Remembrance Day provides us with the opportunity to honour Australians who died or suffered in conflicts, and to reflect upon the sacrifices made by our service men and women and their families.
- (3) In addition to this, Legacy will be hosting a Remembrance Luncheon on 13 November 2013 to fundraise for families of service men and women.
- (4) All Australians, young and old, should take the time to understand the sacrifices Australia's forebears made for the freedom enjoyed today, to ensure their memory will be honoured and remembered with dignity and respect.
- (5) Lest we forget.

ISLAMIC RELIEF AUSTRALIA**Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

- (1) That this House notes that:
 - (a) Islamic Relief Australia was established in 2011 and is one of 47 offices around the world delivering humanitarian aid across the globe; and
 - (b) Islamic Relief Australia, the Grand Mufti of Australia Dr Ibrahim Abu Mohamed, and the President of the Australian National Imams' Council Sheikh Mohamed Khamis, like many across the State, pitched in to help the victims of the New South Wales bushfires by delivering supplies urgently needed by those left homeless by the fires that destroyed a significant part of the Blue Mountains region.
- (2) That this House notes the work of Islamic Relief, The Grand Mufti of Australia Dr Ibrahim Abu Mohamed, and President of the Australian National Imams' Council, Sheikh Mohamed Khamis.

RIGHTS OF PERSONS WITH DISABILITIES**Motion by the Hon. JAN BARHAM agreed to:**

- (1) That this House acknowledges that this year marks Australia's first review under the Convention on the Rights of Persons with Disabilities [CRPD] since its adoption in 2008.
- (2) That this House congratulates the Australian Civil Society Parallel Report Group, a collaboration of Australian Disabled People's Organisations [DPOs], disability advocacy organisations, disability legal centres and human rights organisations, that attended the tenth session of the Committee on the Rights of Persons with Disabilities in Geneva in September 2013 to present their report.
- (3) That this House notes with concern the facts contained in the opening comments made by the group to the committee, including that:
 - (a) Australia is ranked 21 out of the 29 member countries of the Organisation for Economic Co-operation and Development [OECD] for employment participation of people with disabilities;
 - (b) Australia has the highest level of disability poverty in the OECD, with 45 per cent of people with disabilities in Australia living near or below the poverty line; and
 - (c) these figures do not highlight the extreme poverty and disadvantage experienced by Aboriginal and Torres Strait Island communities, where rates of disability are twice that of the general population.
- (4) That this House notes the 11 priority areas of concern identified by the group regarding Australia's obligations under the convention, which were:
 - (a) access to justice, including denial of reasonable accommodation and inadequate funding of legal services;
 - (b) criminal justice, including overrepresentation and indefinite detention;
 - (c) access to disability support services and living in the community;
 - (d) access to education and equity in education, including segregation;
 - (e) employment and workplace participation;
 - (f) equal recognition before the law;
 - (g) inhuman treatment and restrictive practices;
 - (h) suitability of the legislative and policy framework, including incorporation of the CRPD into domestic law, equality and non-discrimination, and implementation of the National Disability Strategy;
 - (i) respect for home and the family, including removal of children from parents with disabilities and involuntary or coerced sterilisation; and
 - (j) violence, abuse, neglect and exploitation, especially against women and children with disabilities.

AUSTRALIAN EGYPTIAN COUNCIL FORUM**Motion by the Hon. DAVID CLARKE agreed to:**

- (1) That this House notes that:
 - (a) on Sunday 3 November 2013 the Australian Egyptian Council Forum hosted its fourteenth Annual Egyptian Festival at Darling Harbour, Sydney, which was attended by several thousand visitors;
 - (b) the annual Egyptian Festival provides the opportunity for the Egyptian Australian community to showcase its cultural heritage to the wider Australian community; and
 - (c) those who attended as guests included:
 - (i) Mr Craig Kelly, MP, Federal member for Hughes, representing the Prime Minister of Australia, the Hon. Tony Abbott, MP;
 - (ii) the Hon. David Clarke, MLC, New South Wales Parliamentary Secretary for Justice, representing the Premier, the Hon. Barry O'Farrell, MP, and the Hon. Victor Dominello, MP, Minister for Citizenship and Communities, and Minister for Aboriginal Affairs;
 - (iii) Mr Guy Zangari, MP, member for Fairfield and shadow Minister for Citizenship and Communities, representing the Leader of the New South Wales Opposition, Mr John Robertson, MP;
 - (iv) the Hon. Amanda Fazio, MLC, Opposition Whip in the Legislative Council;
 - (v) Mr Nick Kaldas, Deputy Commissioner of the NSW Police Force;
 - (vi) Dr Stepan Kerkyasharian, AO, Chairman and Chief Executive Officer of the Community Relations Commission of NSW;
 - (vii) Dr Eman Sharobeem, PHD, Commissioner of the Community Relations Commission of NSW; and
 - (viii) Mr Anthony Pang, Commissioner of the Community Relations Commission of NSW.
- (2) That this House commends the Australian Egyptian Council Forum for organising and hosting the Annual Egyptian Festival and for its community and charitable work, not only within the Australian Egyptian community, but throughout the wider Australian community as well.

ST GEORGE MONASTERY APPEAL**Motion by the Hon. SOPHIE COTSIS agreed to:**

That this House notes that:

- (1) The Greek Orthodox Archdiocese of Australia, Archbishop Stylianos, recently circulated an encyclical to the Greek Orthodox parishes and monasteries across Australia to inform them about the enormous damage caused by the recent bushfires throughout New South Wales, bringing about terrible devastation to the families, particularly in the Blue Mountains.
- (2) In that area there has stood for many decades the Holy Monastery of St George of the Mountain and although it does not have monks at present, its heroic Abbot, Archimandrite Kyriakos, has worked night and day for nearly 20 years to complete the building facilities.
- (3) It was only by a miracle that Father Kyriakos escaped with whatever he was wearing, as his residence and other areas of the monastery turned to ash.
- (4) Fortunately, however, the two holy churches and the candle factory were not seriously affected.
- (5) In spite of this, Father Kyriakos lost all his belongings: his clothing, vestments and books, and even several domestic animals that met a frightful death in the flames.
- (6) A bushfire appeal has been launched, including a special collection that will be held in all Greek Orthodox churches throughout Australia, to which members are called to contribute to the best of their ability.
- (7) A portion of the amount collected for the St George Monastery Appeal will be forwarded also, through the Red Cross, to the closest victims of the fire in the region.

MATTHEW MARTIN TIME OUT TRUST FUND

Motion by the Hon. CHARLIE LYNN agreed to:

- (1) That this House notes that:
 - (a) 13 November 2013 marks the anniversary of Matthew John Martin's death, who passed away in 2008 at the age of 23 from his battle with melanoma;
 - (b) to honour his memory, his parents Lyn and Chris Martin established the Matthew Martin Time Out Trust Fund with Westmead Medical Research Foundation;
 - (c) the fund is open to anyone between the ages of 0 to 24 years of age who is currently undergoing cancer treatment;
 - (d) the fund provides grants up to \$5,000 to enable the recipient to take a break from treatment and time out from the enormous emotional journey they are travelling; and
 - (e) the great work of Westmead Medical Research Foundation is helping families like Matthew's remember their loved ones through raising funds for much-needed medical treatments and research at Westmead Hospital.
- (2) That this House:
 - (a) congratulates the many people who have generously donated to the Matthew Martin Time Out Trust Fund; and
 - (b) notes the many individuals who have selflessly sacrificed their time and put their effort into fundraising for Westmead Hospital through the Westmead Medical Research Foundation.

NETBALL NSW AWARDS 2013

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes:
 - (a) the Netball NSW annual awards dinner was held on Saturday 2 November 2013 at the Anne Clark Centre, Lidcombe;
 - (b) this was the last Netball NSW awards dinner to be held at the Anne Clark Centre with Netball NSW headquarters moving to the new Netball Centre of Excellence at Sydney Olympic Park in 2014; and
 - (c) awards and acknowledgements on the night included:
 - (i) Hall of Fame inductees: Elizabeth Ellis, AM, and Barbara Long;
 - (ii) Netball NSW Special Recognition 2006: Sydney Swifts;
 - (iii) Anne Clark, BEM, Service Awards: Marian Chilvers—Westlakes Netball Association; Julie Gates—Armidale Netball Association; and Janice Jackson—Penrith Netball Association;
 - (iv) Nance Kenny, OAM, Medal—DOOLEYS State League Player of the Year: Leah Shoard—Sutherland Shire;
 - (v) Marilyn Melhuish, OAM, NSW Swifts Player of the Year: Kimberlee Green;
 - (vi) Marj Groves, AM, Scholarship: Taylah Davies;
 - (vii) Judy Dunbar Media Awards: best photo—Phil Hillyard, *Daily Telegraph* Borrego v Mkoloma; best feature—Dominic Bossi, *Sydney Morning Herald* The Wright Stuff; overall coverage—Carly Adno, *Daily Telegraph* Allphones Arena Coverage; and community media excellence—Michelle Cook and Nick McGrath, *Central Western Daily*;
 - (viii) Lynn Quinn, OAM, Bench Officials Award: Maria Rigor—Hills Netball Association;
 - (ix) Neita Matthews, OAM, Umpires Encouragement Award: Eugene Afa—Penrith Netball Association; and Leisa Kenny—Forbes Netball Association;
 - (x) Margaret Corbett, OAM, DOOLEYS State League Coach of the Year: Janene Van Gogh—Manly-Warringah;
 - (xi) 2013 State Championships winners supported by Winston Hills Mall Open Championship: Manly Warringah; Open Division Two: Glen Innes; 19/U: Manly Warringah; 17/U Championship: Manly Warringah; 17U Division 2: Wagga Wagga; 17U Division Three: Maitland; over 35: Baulkham Hills; over 40 Championship: Manly Warringah; over 45 Championships: Hills District; and Pat Weston, OAM, Country Champions Cup: Orange;

- (xii) 2013 State Age Championship winners with Charity Partner The Kids' Cancer Project; 15U Championship Division: Liverpool City; 15U Division 2: Woy Woy; 15U Division 3: Lismore; 15U Division: Gunnedah; 14U Championship Division: Eastwood Ryde; 14U Division 2: City of Sydney/University of Sydney; 14U Division 3: Bathurst; 14U Division 4: Blayney and District; 13U Championship Division: Sutherland Shire; 13U Division 2: Wagga Wagga; 13U Division 2: Nambucca Valley; 13U Division 4: Cowra and District; 12U Championship Division: Sutherland Shire; 12U Division 2: Lismore; 12U Division 3: Queanbeyan; and 12U Division 4: Lower Clarence;
 - (xiii) 2013 DOOLEYS State League Winners: Waratah Cup Eastwood Ryde; Division Two: Manly Warringah; Division Three: Randwick; Division Four: Sutherland Shire; Division Five: City of Sydney/University of Sydney; Division Six: Hills District; Division Seven: Illawarra; and Division Eight: Blue Mountains;
 - (xiv) 2013 Netball NSW Masters proudly supported by the Australian College of Physical Education [ACPE]; over 35s Competitive: Scone RSL; over 35s Social: Gerberas; over 40/45s Competitive: Junction Hotel in Motion; and over 40/45s Social: FDAS Angels;
 - (xv) 2013 Regional State League—Sponsored by GrainCorp: Far North Coast: Lismore, Hunter Division 1: Charlestown 19s; Hunter Division 2: Maitland; open Hunter Division 3: Charlestown 17s; Hunter Division 4: Newcastle U15; Hunter Division 5: Charlestown 15s; North Coast Division 1: Coffs Harbour Opens; North Coast Division 2: Taree 17s; Northern Inland Division 1: Glen Innes; Northern Inland Division 2: Tamworth; Riverina Division 1: Wagga Wagga 17s; South Coast Division 1: Sapphire Coast; South Coast Division 2: Sapphire Coast; West/Central West Division 1: Orange A; and West/Central West Division 2: Parkes;
 - (xvi) 2013 Inter-Regional State League supported by GrainCorp Orange A;
 - (xvii) 2013 Netball NSW Schools Cup: Metropolitan: St Paul's Primary—Camden; South Coast: Jerrabomberra Public; Hunter: Belair Public—Adamstown; Northern Island: Wee Waa Public; West/Central West: St Mary's Primary—Orange; North Coast: Tacking Point Public—Port Macquarie; Far North Coast: Casino West Public—Riverina; and St Patrick's Primary—Albury; and
 - (xviii) 2013 Schools Cup State Champion: Casino West Public.
- (2) That this House:
- (a) congratulates and commends all recipients of awards and winners of 2013 championships and competitions; and
 - (b) acknowledges and commends the Board of Netball NSW Ltd for its continued outstanding service and dedication to the sport of netball and its members, being President: Wendy Archer, AM; Deputy Chair Carol Murphy; Janet Bothwell; John Hahn; Ruth Havrlant; Cheryl McCormack; and Rodney Watson.

TRIBUTE TO DAME MONICA GALLAGHER, DBE, DCSG, CEP

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes with sadness that on 18 September 2013 Dame Monica Gallagher, DBE, DCSG, CEP, passed away at the age of 90 years of age.
- (2) That this House notes that Dame Monica Gallagher:
 - (a) had a long history of voluntary service to many church and community groups, including as:
 - (i) member of Australian Church Women (NSW Division);
 - (ii) member of the Central Committee of Catholic Care of the Aged;
 - (iii) Chairman of the Young Women's Christian Association, Sydney;
 - (iv) board member of the Save the Children Fund;
 - (v) Chairman of the Friends of St Mary's Cathedral, Sydney;
 - (vi) Executive Director of St Mary's Cathedral Flower Festival Committee;
 - (vii) President of the Catholic Women's League; and
 - (b) for her long record of charitable and community service, was made:
 - (i) Dame Commander of the Order of St Gregory the Great, a Papal Award;
 - (ii) Dame Commander of the Order of the British Empire; and
 - (iii) a recipient of the Good Citizen Award for Outstanding Community Service.
- (3) That this House recognises the late Dame Monica Gallagher for her outstanding charitable and community service and extends sympathy to her family, loved ones and friends on the sad loss of such a fine citizen of this State and nation.

NSW SCIENCE AND ENGINEERING AWARDS 2013**Motion by the Hon. MARIE FICARRA agreed to:**

- (1) That this House notes that:
 - (a) the 2013 NSW Science and Engineering Awards were held at Government House on 1 November 2013 and presented by Her Excellency the Governor, Professor Marie Bashir, AO, CVO, and NSW Chief Scientist, Professor Mary O'Kane, and in the presence of the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier, representing the Deputy Premier and Minister for Trade and Investment; and
 - (b) the 2013 NSW Scientist of the Year was awarded to Professor Graeme Jameson who:
 - (i) is a Laureate Professor of Chemical Engineering and Director of the Centre for Multiphase Processes at the University of Newcastle;
 - (ii) attained his Bachelor of Science with Honours in Chemical Engineering at the University of New South Wales, subsequently completed his PhD at the University of Cambridge and was also an Associate of Sydney Technical College;
 - (iii) has been at the University of Newcastle since 1978 and has built up an international reputation as a leading specialist in fluid and particle mechanics involving surface chemistry; and
 - (iv) is famous for the development of the Jameson flotation cell that has gained worldwide acceptance and is used in leading mineral processing plants.
- (2) That this House notes that:
 - (a) the Jameson flotation cell uses flotation to remove oil, grease and suspended solids from industrial waste water and effluent;
 - (b) the device has changed the face of mineral processing and now contributes around \$4 billion annually in minerals exports to the Australian economy,
 - (c) the cell is now in use in more than 300 locations in 20 countries and has been hailed the most financially successful Australian invention in three decades; and
 - (d) recently, Professor Graeme Jameson has made improvements to the Jameson Cell so it uses less water.
- (3) That this House notes that Professor Graeme Jameson:
 - (a) is a fellow of two academies, has more than 200 publications to his credit and is named as the inventor on 54 patents; and
 - (b) has been the recipient of some outstanding awards and honours such as:
 - (i) Fellow, Australian Academy of Technological Sciences and Engineering (1991);
 - (ii) Foreign Fellow, Royal Academy of Engineering, United Kingdom (1994);
 - (iii) Fellow, Australian Academy of Science (1996);
 - (iv) Chemeca Medal (2002);
 - (v) Wark Medal, Australian Academy of Science (2003);
 - (vi) Order of Australia, Officer (AO) (2005); and
 - (vii) Antoine M Gaudin award, among the world's most prestigious in the field of engineering science and industrial technology (2013).
- (4) That this House notes that category awards winners included:
 - (a) Category 1: Excellence in Mathematics, Earth Sciences, Chemistry and Physics—Professor John Webb of Astrophysics at the University of New South Wales, who is recognised as one of the world's most high profile researchers of the physics of the early universe;
 - (b) Category 2: Excellence in Biological Sciences (Ecology, Environmental, Agricultural and Organismal)—Professor Robert Park, who currently holds the Judith and David Coffey Chair in Sustainable Agriculture at the University of Sydney Plant Breeding Institute and is an international leader in plant pathology and genetics, focusing on rust fungi infecting crop plants in agriculture;
 - (c) Category 3: Excellence in Biological Sciences (Cell and Molecular, Medical, Veterinary and Genetics)—Professor Katharina Gaus, a National Health and Medical Research Council Senior Research Fellow at the Centre for Vascular Research at the University of New South Wales and an international leader in the field of cellular immunology and molecular microscopy;

- (d) Category 4: Excellence in Engineering and Information and Communications Technologies—Professor Martina Stenzel, Co-Director, Professor and Australian Research Council Future Fellow at the Centre for Advanced Macromolecular Design at the University of New South Wales, who is an established authority in the area of polymer-based nanoparticles, which are used in the treatment of cancer;
 - (e) Category 5: Emerging Research—Scientia Professor Justin Gooding, Scientia Professor and Australian Research Council Australian Professorial Fellow at the University of New South Wales, who has made outstanding contributions to the emerging field of surface chemistry, especially as it relates to the development of cutting-edge chemical and bio-sensors;
 - (f) Category 6: Renewable Energy Innovation—Professor Thomas Maschmeyer, an Australian Research Council Future Fellow at the School of Chemistry at the University of Sydney whose research is characterised by the intimate connection between cutting-edge fundamental research and commercialisation of technological solutions to some of the greatest challenges of our lives—energy supply and security, the provision of chemicals and materials to enhance the standard of living, and the mitigation of greenhouse gas emissions through the innovative exploitation of novel carbon feedstocks;
 - (g) Category 7: Innovation in Public Sector Science and Engineering—Adjunct Professor Harvey Dillon, Director of the National Acoustic Laboratories, who is recognised as one of the world's leading authorities on hearing and hearing aid research and has made significant contributions to both hearing technologies and services used daily in hearing clinics and by audiologists and physicians nationally and internationally, contributed to the development of improved hearing devices and better ways to ensure the individual user receives maximum benefit from the device and has also contributed to clinical services, developing tools that improve hearing assessment and timely remediation; and
 - (h) Category 8: Innovation in Science and Mathematics Education, Ms Nicolette Hilton, a science teacher and presenter at Uralla Central School, who has used engaging learning activities to instil a passion for science and mathematics in her students and relies on her students' natural curiosity and fascination for space and her own experiences, knowledge and skills which she developed working with National Aeronautics and Space Administration [NASA] scientists, to inform innovative cross-curricular teaching programs.
- (5) That this House congratulates and commends all recipients of the 2013 NSW Science and Engineering Awards.

LEBANESE HERITAGE EXPOSITION

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on Friday 8 November 2013 an Exposition of Lebanese Heritage was launched by His Excellency, the Most Reverend Antoine-Charbel Tarabay, Bishop of the Maronite Catholic Church of Australia, at Our Lady of Lebanon Hall, Harris Park;
 - (b) the exposition, which highlights the history of Lebanon, particularly daily life as it was a century ago, will continue until Christmas this year and was organised by:
 - (i) the Senior's Committee of Our Lady of Lebanon, Maronite Catholic Church, Harris Park, under the direction of its executive office bearers comprising President Mrs Mariette Elia; Vice President Mrs Sue Habib; Secretary Mrs Margo Khoury; Treasurers Mr Jalal Komer and Mrs Denise Semaan; and Marketing Organiser Mrs Lilliane Youssef;
 - (ii) the exposition's Curator Ms Waffa Moussa;
 - (iii) Reverend Father Bernard Assi as General Co-ordinator; and
 - (c) those who attended as guests included:
 - (i) His Excellency the Most Reverend Antoine-Charbel Tarabay, Bishop of the Maronite Catholic Church of Australia;
 - (ii) Councillor John Chedid, Lord Mayor of the City of Parramatta;
 - (iii) Dr Geoff Lee, MP, member for Parramatta;
 - (iv) Mr Tony Issa, OAM, MP, member for Granville;
 - (v) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (vi) the Consul General for Lebanon, Mr George Bitar Ghanem;
 - (vii) Councillor Pierre Esber of Parramatta;
 - (viii) Mr Toufic Kayrouz, President of the Maronite Catholic Society;

- (ix) Mr Wissam Azzi, President of the Australian Lebanese Association;
 - (x) Dr M Dagher; and
 - (xi) Dr L Moussa.
- (2) That this House:
- (a) congratulates the Parish community of Our Lady of Lebanon Maronite Catholic Church, Harris Park, particularly Parish Priest, Reverend Father Bernard Assi, Curator Ms Waffa Moussa and the Women's Committee on their initiative in organising the Exposition of Lebanese Life; and
 - (b) commends the Maronite community of Our Lady of Lebanon Maronite Catholic Church for its long and continuing service to the Maronite Catholic community and to the people of New South Wales.

UNPROCLAIMED LEGISLATION

The Hon. Michael Gallacher tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 12 November 2013.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the Auditor-General's Financial Audit Report, "Volume Five 2013—Focusing on Education", dated November 2013, received and authorised to be printed this day.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Jan Barham agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 1606 outside the Order of Precedence relating to a select committee on social, public and affordable housing, be called on forthwith.

Order of Business

Motion by the Hon. Jan Barham agreed to:

That Private Members' Business item No. 1606 outside the Order of Precedence be called on forthwith.

SELECT COMMITTEE ON SOCIAL, PUBLIC AND AFFORDABLE HOUSING

Establishment

The Hon. JAN BARHAM [10.29 a.m.]: I move:

- (1) That a select committee be established to inquire into and report on demand for social, public and affordable housing and in particular:
 - (a) projections of future social, public and affordable housing supply and demand to 2020;
 - (b) data regarding the link between the lack of appropriate social, public and affordable housing in New South Wales;
 - (c) housing design approaches and social service integration necessary to support tenant livelihoods and wellbeing;
 - (d) recommendations on State reform options that may increase social, public and affordable housing supply, improve social service integration and encourage more effective management of existing stock including, but not limited to:
 - (i) policy initiatives and legislative change;
 - (ii) planning law changes and reform;
 - (iii) social benefit bonds;
 - (iv) market mechanism and incentives;
 - (v) ongoing funding partnerships with the Federal Government such as the National Affordable Housing Agreement; and
 - (e) any other related matter.

- (2) That notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
 - (a) three Government members;
 - (b) two Opposition members, one of which will be Ms Sophie Cotsis; and
 - (c) Mr Paul Green and Ms Jan Barham.
- (3) That the committee report by 9 September 2014.
- (4) That the Chair of the committee be Mr Paul Green and the Deputy Chair Ms Jan Barham.
- (5) That at any meeting of the committee any four members of the committee will constitute a quorum.
- (6) That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
 - (a) the Chair is present in the meeting room;
 - (b) all members are able to speak and hear each other at all times; and
 - (c) a member may not participate by electronic communication in a meeting to consider a draft report.

I thank all members for acknowledging the importance and urgency of this inquiry referral. In the past decade the social issues committee has undertaken two housing-related inquiries, issuing its reports on the 2003 community housing inquiry and the 2009 inquiry on homelessness and low-cost rental accommodation. The Public Bodies Review Committee also examined social housing allocations in 2005. Unlike the Tasmanian, Victorian and Western Australian parliaments, New South Wales has not had a broad-ranging public inquiry focusing on affordable and social housing need, its contribution to individual and community wellbeing, and ways forward to deliver a housing network that alleviates deep and persistent disadvantage. New South Wales faces some difficult housing policy and management challenges that are complex, contentious, cross-departmental and multidisciplinary.

I will address the proposed terms of the inquiry and why it is critical that New South Wales communities participate in considering the challenges embedded in the terms of reference. Paragraph (a) of the motion addresses projections of future social, public and affordable housing supply and demand to 2020. According to the 2011-12 Land and Housing Corporation Annual Report, 146,576 properties are under management in New South Wales, including 25,894 community housing properties and 1,498 crisis accommodations that support approximately 316,275 people, or between 3 per cent and 4 per cent of the State population. Approximately 3 per cent of New South Wales social housing stock is allocated to Aboriginal Housing and approximately 4,600 dwellings are owned by Aboriginal community organisations. As at June 2013 approximately 57,451 applicants were on the social housing register awaiting housing in New South Wales, of which 4,511 were priority applicants—those at risk of harm or currently living in inappropriate accommodation. According to Housing NSW projections, in order to meet only 44 per cent of social housing need in 2021 the New South Wales Government will need to build an additional 2,500 dwellings per annum at a cost of more than \$9 billion over 10 years.

The recent Auditor-General report on public housing revealed that currently no policies or strategies address the future management of public housing stock. While I agree with the Auditor-General on the need for social housing policy and an asset portfolio strategy, I am concerned about the narrow focus on social housing. New South Wales has a broad spectrum of social and affordable housing tenure and assets that are inherently interrelated and linked. Policies in one component of the sector have consequences in all affordable housing sectors. From 1945 to 1995 social housing dwelling numbers increased steadily, but in the past 10 years social housing as a proportion of overall New South Wales housing has declined. This deserves to be recognised as a major challenge for New South Wales. An inquiry will provide the opportunity to gain input from the many stakeholders across the State. Paragraph (b) of the motion refers to data regarding the link between the lack of appropriate social, public and affordable housing in New South Wales and indicators of social disadvantage.

The PRESIDENT: Order! Members who wish to have private conversations should leave the Chamber.

The Hon. JAN BARHAM: Generally, it is accepted that lack of shelter and housing leads to a number of adverse social and economic outcomes. Housing plays a critical, foundational role in supporting education

and training opportunities, employment, health outcomes, transportation access, social service accessibility, child protection, and welfare and local community cohesion and resilience. Appropriate housing is the linchpin to avoiding deep and persistent disadvantage. Empirical social studies, from jurisdictions near and far, show the link between lack of housing and indicators of social disadvantage. The recent Auditor-General report on social housing managed to scrape the surface on social housing demographics. At June 2011, 94 per cent of public housing-subsidised tenants received a Centrelink benefit as their main income, with only 5 per cent receiving wages as their main income source and 34 per cent receiving a disability pension. The Auditor-General projects that by 2021, 32 per cent of social housing clients will be older people and 23 per cent will have significant disability.

New South Wales has a real data deficit on housing and social indicators. We need to explore the deeper, generally accepted idea that lack of housing equates to poor social and economic outcomes. Accurately characterising persistent disadvantage and examining the links between housing and social indicators will better enable us to design and implement policy. Paragraph (c) refers to housing design approaches and social service integration necessary to support tenant livelihoods and wellbeing. The Auditor-General made clear there was no strong match between social housing and demographics of social tenants. Paragraph (d) refers to recommendations on State options. We need to examine State and Federal housing policy levels and understand how they can work more effectively and at least address the long-term issues of supply and funding capabilities to ensure intergenerational delivery of appropriate housing. Much more can be said on this topic and there is much more to learn from other jurisdictions. A housing inquiry will achieve that information and knowledge. I commend the motion to the House.

The Hon. SOPHIE COTSIS [10.35 a.m.]: Labor has been calling for such an inquiry by an oversight body to ensure that the Auditor-General's recommendations are implemented. I have made a number of statements in the Parliament and as shadow Minister for Housing I have spoken to tenants and a range of peak bodies. I commend the work of the Christian Democratic Party, The Greens and some good Government members who are concerned about housing and planning for future housing. I move that the motion be amended as follows:

- (1) Insert after paragraph 1 (c):
 - (d) maintenance and capital improvement costs and delivery requirements;
 - (e) criteria for selecting and prioritising residential areas for affordable and social housing development; and
 - (f) the role of residential parks,
- (2) Insert after paragraph 1 (d), subparagraph (v):
 - (vi) ageing in place,
- (3) Insert after paragraph 1:
 - (2) That, in conducting the inquiry, the Committee note the recommendations of the 2013 report of the Audit Office of New South Wales entitled, "Making the Best Use of Public Housing".

I know that this inquiry will be important and comprehensive and will result in a document to ensure that this and future governments examine the recommendations from this committee report. A pathway will be set to ensure that people at risk of homelessness, particularly women and children and older people, are placed in secure affordable housing.

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

Amendment of the Hon. Sophie Cotsis agreed to.

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

Motion as amended agreed to.

COMBAT SPORTS BILL 2013**Second Reading**

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [10.39 a.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Combat Sports Bill 2013 replaces the Combat Sports Act 2008 and strengthens the regulation of combat sports to better promote the health and safety of combatants and the integrity of combat sports contests. The objects are set out in clause 3 of the bill. The growth and commercialisation of combat sports have significantly altered their structure and operation. Promotions are increasingly held for large television and online audiences. The growth of the combat sports industry, which has always had its share of colourful identities, carries particular integrity risks. Health and safety are often early casualties of poor integrity, where profits are considered more important than people.

The reforms in the bill were developed in response to a review of the current Combat Sports Act, which found that new combat sports continue to emerge and should be regulated until such time as it can be demonstrated that they are sufficiently safe to not justify regulation; that current health and safety arrangements for combatants are inadequate, particularly for amateur combat sport contests; that a stronger fit and proper person assessment process is needed, particularly for roles that can significantly influence the outcome of contests, the industry and the safety of combatants; and that promoters should be accountable for the contests they arrange and hold. The consultation involved the release of a discussion paper, a web-based survey and workshops with promoters, managers and amateur sanctioning bodies. Venue operators were also consulted, as were Health and occupational health and safety bodies, government agencies and the NSW Police Force.

The bill builds upon many of the principles established under the earlier Boxing and Wrestling Control Act 1986 and the Combat Sports Act 2008. It provides for the continuation of the Combat Sports Authority to regulate contestants and those involved in the industry. It requires the registration of combatants, promoters and industry participants and for promoters to obtain permits to hold combat sports contests. It provides for combat sports inspectors, police and medical practitioners to attend contests and manage health and safety, integrity and public safety risks. The bill also makes significant changes that bring New South Wales into closer alignment with combat sports arrangements in Western Australia, Victoria and South Australia. Emerging combat sports disciplines are not currently regulated unless they are added through regulation. Promoters of new styles of contest are not required to come forward and advise the Combat Sports Authority of the contests they hold.

Where there are changes to the rules of a particular discipline to avoid regulation, a new and renamed discipline may be established. Clause 4 of the bill amends the definition of "combat sport" to ensure that it extends to all sports in which the primary objective of each contestant is to strike, kick, hit, grapple with, throw or punch one or more of the other contestants. By having a brand definition, new disciplines will be covered from the outset. I make one thing clear: The bill will not apply to those sports where the health and safety of combatants and the integrity and governance arrangements are satisfactory. Those sports will be exempted in the regulations made under the bill. Sports that are covered by the existing Combat Sports Act and have been preliminarily assessed as being eligible for exemption are jujitsu and wrestling. It is also proposed that the following sports and disciplines of this kind that are not covered by the existing Act will be exempt: judo, karate, kung-fu and taekwondo.

The following sports that are covered by the existing Combat Sports Act will be regulated: boxing; kickboxing, including Thai boxing, Laos boxing, Burmese boxing and shoot boxing; Muay Thai; and mixed martial arts, including cage fighting, ultimate fighting, combat 8 and kyoshi. The following sports that are not covered by the existing Act will not be exempted and will be regulated: sambo and pankration. Amateur contests may attract significant crowds and generate significant revenue for promoters. It is now common for both amateur and professional contests to be held at the same event. Amateur contests carry similar health and safety and integrity risks to professional contests. This bill extends an improved regulatory framework for professional combat sports to amateur combat sports contests to which the public are admitted for the payment of a fee that are held for profit or that are held on licensed premises.

All such contests, whether amateur or professional, will now be regulated by the Combat Sports Authority. The bill does not otherwise regulate combat sports training or club and intra-club competitions. These reforms mean there will no longer be an incentive for professional combatants to conceal the payments they receive in order to compete without Combat Sports Authority oversight. The Combat Sports Authority will work in partnership with amateur sanctioning bodies in regulating amateur combat sports, with sanctioning bodies requiring ministerial approval under clause 8 to ensure that only genuine and properly administered bodies are sanctioning contests. The bill allows changes to be made to particular Combat Sports Authority and approved amateur body co-regulatory arrangements, with the authority able to devolve some regulatory functions to well-performing sanctioning bodies over time.

Regulations will be made for approved amateur bodies to remain responsible for registering amateur judges, referees, matchmakers and timekeepers who only officiate at events sanctioned by those amateur bodies. Amateur contests carry similar health and safety risks to those for professional contests. However, amateur combatants covered under the current Act are denied health and safety protections offered to professional combatants. The bill, in particular clauses 18 and 19 and part 3, extends health and safety protections to amateur contests. Promoters must ensure that medical practitioners attend all contests, whether professional or amateur, with all combatants subject to pre- and post-contest medical examinations to determine whether they are fit to fight. Medical practitioners who attend amateur contests may currently only advise that a fight be stopped on medical grounds. Clause 63 of the bill gives them the power to issue directions to stop contests in line with calls from the Australian Medical Association.

Clause 66 of the bill establishes a new offence for referees who fail to stop contests when directed to do so by a medical practitioner, combat sport inspector or police officer. The new offence carries a maximum penalty of \$55,000 and/or 12 months imprisonment. This provision will reduce the risk of referees being pressured to continue fights by promoters and managers. All combatants, whether professional or amateur, will be required to register with the Combat Sports Authority and present a medical certificate of fitness and a serology clearance, in accordance with clause 11 of the bill. A combatant's medical information, including serology status, will be better protected under the new provisions. Currently, a combatant's blood test results are sent to the Combat Sports Authority. In the future the authority will receive a clearance for HIV and relevant hepatitis strains. Detailed medical information will be confidential between the combatant and his or her doctor, which is appropriate. Serology clearances will continue to be valid for six months for adults whilst clearances for amateur combatants aged between 14 and 18 years will be valid for 12 months, given their lower HIV and/or hepatitis risk profile.

The Combat Sports Authority will issue medical record books to all registered combatants and maintain a system that accurately records all suspensions from fighting on medical grounds, in accordance with clauses 17 and 18 of the bill. This means that amateur combatants from a regulated sport will no longer hold multiple medical record books issued by different sanctioning bodies, which has resulted in a fragmentation of critical health information and enabled fighters declared unfit by one body to fight in contests sanctioned by another. The bill establishes clear health and safety duties for promoters, with promoters responsible for ensuring that attending medical practitioners examine combatants' medical record books and serology information. Promoters, rather than managers, are now responsible for ensuring that combatants have clear blood results. Serology provisions have been moved from the regulation into clause 49 of the bill, allowing for maximum penalties for serology breaches to be increased from \$5,500 to \$55,000 and/or two years imprisonment.

The Combat Sports Authority no longer has the authority to permit a contest to proceed in the absence of clear blood results and, under clause 57 (2), attending medical practitioners must declare a person medically unfit where there is no current clearance. Promoters have a duty not to permit unfit combatants to compete, with clause 51 providing a maximum penalty of \$55,000 and/or 12 months imprisonment. Clause 50 now automatically prohibits a combatant from sparring when subject to a medical suspension, and medical suspensions and health and safety decisions are now left to medical practitioners and are not subject to Administrative Decisions Tribunal review. Clause 52 now requires promoters to ensure that required protective equipment is used in contests, with the maximum penalty in the regulations increased from \$1,100 to \$17,600. The type of protective equipment to be used will be included in the regulations and through conditions of promoter permits. This will allow the authority to determine protective equipment requirements, having regard to the latest evidence-based research.

Division 2 of part 4 of the bill enables the authority to make health and safety prohibition orders to bar both registered persons and unregistered persons—for example, overseas combatants—from both fighting and sparring on health and safety grounds. A registration is suspended during the term of any prohibition order, with clause 73 enabling a combatant to apply to the authority for the review of a health and safety order. For health and developmental reasons, clause 12 continues to prohibit minors from competing professionally. The Combat Sports Authority will set the rules for the age limits for participants in regulated amateur combat sports contests consistent with current amateur permit arrangements. Combatants under the age of 14 are prevented from competing in amateur combat sports. This threshold has been in place since 1998. Combatants under the age of 18 are prevented from competing in amateur mixed martial arts.

Promoters have effective control of combat sports events and may make significant profits from them. The bill makes it clear that promoters are responsible for the conduct of events. Promoters, in addition to the abovementioned health and safety requirements, will have a new responsibility of ensuring that all combatants and industry participants involved in a contest are registered or otherwise authorised to participate in a contest. Under clause 54, promoters will be required to notify the Combat Sports Authority of any known death and/or hospital admission of a combatant that occurs within 48 hours of a contest. This requirement, recommended by the Victorian coroner, will provide the authority with a source of information that is currently not available and contribute to its ability to make better-informed health and safety decisions.

New South Wales police are a key regulatory partner under the new bill, with a nominee of the Commissioner of Police restored to the Combat Sports Authority, after the 2008 Act removed the requirement for police membership. There is no room for organised crime in the combat sports industry or in the gyms where combatants train. Police are being given new powers to work with the Combat Sports Authority to keep criminals out of the sport. Schedule 3.2 to the bill amends the Crimes (Criminal Organisations Control) Act 2012 to prevent a person subject to that Act from being registered under this bill and future Act in any capacity. Promoters, matchmakers and managers are most likely to profit from combat sport and have the greatest capacity to affect the integrity of contests. It is not unusual for a person to be registered in all three of these roles.

Adopting the model used in the Tattoo Parlours Act, clause 26 of the bill requires that promoters, managers and matchmakers are subject to a security determination by the Commissioner of Police. The commissioner may determine that a person cannot be registered in those roles on fit and proper person or public interest grounds, and the Combat Sports Authority must, under clause 25 (2), enforce that determination. The commissioner may consider criminal record information, including spent convictions, and police intelligence in making such an important determination. New South Wales police will monitor criminal records and intelligence in respect of all registered promoters, managers and matchmakers, and the commissioner may make an adverse security determination at any time in accordance with clause 34. The Combat Sports Authority must cancel a registration where this occurs.

Clauses 77 and 78 allow adverse security determinations to be reviewed by the Administrative Decisions Tribunal while protecting sensitive police information. Persons registering in other roles will also be subject to a fit and proper person assessment, which will be undertaken by the authority and include checks on previous compliance with combat sports regulatory requirements, training requirements and any relevant information that police may provide. Police will consider all applications to hold combat sports events in accordance with the police events policy, and clause 43 requires the authority to notify police of all permits for combat sports events. Clause 45 gives police new powers, exercisable by an officer of or above the rank of assistant commissioner, to cancel combat sport contests where police have public health or safety, or significant property damage concerns. Outlaw motorcycle gang members often attend combat sport contests and if police receive intelligence that rival gangs are planning to confront each other at an event police can shut down the event. Police officers attending contests have similar powers, at clause 62, to stop contests from proceeding.

The powers at clause 62 may also be exercised by the authority or inspectors, with directions not to proceed with a contest able to be made to combatants and industry participants, not just promoters. Failure to comply with such a direction will be an offence. Regrettably, some combat sports contests have been marred by ring invasions. Clause 55 establishes an offence of unauthorised entry into a contest area during or within one hour of a contest. The maximum penalty of \$5,500 is consistent with those that apply to pitch or other sporting ground invasions. Police will also be able to continue to exercise the powers of combat sport inspectors in the manner agreed between the authority and police, as outlined at clause 84.

The current Act does not allow criminal action against registered persons, with disciplinary action the only option. This is highly unusual—whether a person is subject to criminal, in addition to disciplinary, action should be determined by the seriousness of the breach and not his or her registration status. Registration should not be used as a shield against prosecution. The bill allows registered persons to be subject to disciplinary action, criminal action, or both. Local Court proceedings for offences under clause 104 may be commenced within two years of an offence, rather than six months, as is currently the case, and the court may impose penalties of up to \$22,000, or \$55,000 for corporations, rather than the current \$5,500.

The bill abolishes disciplinary fines. Instead, clause 105 will allow regulations to be made to enable specified offences to be dealt with by way of penalty notice fine, with the State Debt Recovery Office able to take enforcement action. The disciplinary provisions in division 4 of part 2 of the bill have been modernised, with clear rules about written and in-person responses to disciplinary show cause notices, with persons permitted to have a legal representative or other support person present during disciplinary proceedings. Unlike the current Act, a registration may be suspended during the show cause process in accordance with clause 32. Additional disciplinary options, including reducing the period of registration or issuing a written caution, are provided for in clause 33. Part 4 of the bill replaces the current disqualification provisions of the Act with prohibition orders, which may be imposed on unregistered persons.

The Combat Sports Authority may make orders under section 74 to prevent persons from engaging in contests or sparring, arranging or holding contests, being involved in the combat sports industry, attending premises where contests or weigh-ins are being held, or attending gyms and other places where combat sport training occurs. The powers to prevent attendance are similar to "warning off" powers in the racing industry and may be used to keep persons with known criminal associations away from contests and gyms. Police will be a key partner in prohibition order proceedings of this kind. This significant change will markedly extend the ability of the Combat Sports Authority to deal with integrity issues that occur outside the contest environment.

Prohibition orders may also be made to prevent venue operators that have previously hosted unlawful contests, and that have been warned of that fact, from hosting future contests in the case of a subsequent breach or planned breach. The Combat Sports Authority will make information on lawful contests available to venue operators. Clause 86 of the bill gives the Combat Sports Authority new powers to compel the production of information in disciplinary or prohibition proceedings, with exclusions to protect private health information held by medical practitioners who do not exercise functions under the Act.

Section 87 provides that there is no privilege against self-incrimination, although self-incriminating information cannot subsequently be used against a person in civil or criminal proceedings. Clauses 79 and 80 of the bill continue the operation of the Combat Sports Authority, with medical representation retained, and additional requirements for the police commissioner's nominee and a judicial officer or lawyer of at least seven years standing to be members—the latter being necessary, given the more formal disciplinary and prohibition processes. Clause 81 confers the additional authority function of promoting awareness of issues relating to combat sports, with this role strongly supported during consultations.

Clause 85 gives combat sport inspectors new powers of entry and inspection so they can properly fulfil their functions. Clause 84 (2) will enable representatives of approved amateur bodies to perform the duties of inspectors at events not attended by a government inspector, consistent with the co-regulatory model for amateur combat sport contests. Clauses 90 and 92 provide new offences for providing false and misleading information to inspectors, the authority, police and medical practitioners, and for obstructing those exercising functions under the Act. Clause 100 protects those who exercise functions under the Act in good faith from personal liability. This bill will better protect the health and safety of all combatants, amateur or professional, and safeguard the integrity of the combat sports industry. These reforms are necessary and timely. Additionally, this bill ensures that New South Wales will have a modern, flexible regulatory framework that reflects the needs of stakeholders now and into the future. I commend the bill to the House.

The Hon. LYNDIA VOLTZ [10.39 a.m.]: The Opposition does not oppose the Combat Sports Bill 2013, although it has concerns with the way that regulations have changed. The purpose of the bill is to regulate the combat sports industry by requiring the registration of participants and promoters of the combat sports industry and ensuring that permits are obtained by amateur bodies in order to be approved to hold combat sports contests. I have some concerns about this. Currently the Combat Sports Authority issues permits for professional bodies to hold sports contests. Amateur sports permits were issued by the Department of Sport and Recreation. The Department of Sport and Recreation has been taken out of the process under this Act. The Government is allowing the industry to appoint its own combat sports inspectors. Traditionally combat sports inspectors were appointed by the Department of Sport and Recreation and those people were required to have knowledge of the regulations and how the Act works. In particular proposed section 39 (5) specifies that a requirement to hold a permit for a combat sports contest has an addition:

This section does not apply to the following activities of an approved amateur body:

- (a) the approval of an amateur combat sport contest,
- (b) arranging for a judge, referee, timekeeper or combat sport inspector to officiate at or to attend an amateur combat sport contest,
- (c) acting as a match-maker for an amateur combat sports contest.

That is a significant change within the regulations. It relates to changes within the definition of a combat sports contest. Previously combat sports contests were defined as amateur and professional. Those definitions have now been deleted.

Combat sport contest means a contest, display or exhibition of combat sport:

- (a) to which the public are admitted on payment of a fee or arranged or held for profit basis.

This also is a significant change to the regulation. The previous regulation included a definition that the public can use a building or a section of a building or temporary structure subject to an approval in force under part 1 of chapter 7 of the Local Government Act 1993 for use as a place of public entertainment within the meaning of the Act. The department advisers say that there is no way of defining public entertainment. I have had a discussion with my colleague the Hon. Paul Green. The previous Act specifically defined what public entertainment meant. It specifically related to the entertainment of the public or a section of the public at a building under chapter 7 of the Local Government Act. Removing that provision means that an event can be held, to which the public is admitted, as long as a fee is not paid or the organisation of that event is not specifically arranged or held on a profit basis. Events held in those circumstances will not be captured by this Act. There will be no requirement for amateur bodies—whether they are an amateur approved body or a body organising a sports contest—to hold a permit for that event.

The genesis of this legislation was the safety of combatants. The current legislation takes out a number of sports, including wrestling, which is sensible. Wrestling and boxing have been well organised and regulated for a long time. Wrestling does not represent a risk, but mixed martial arts such as cage fighting and those that do not follow the strict criteria and have the structures that exist in more established combat sports pose a significant risk to combatants. The death of Mark Fowler occurred under an amateur permit and it has been said that this legislation will deal with some of the problems that led to his death. The organiser of the event, Mr Favuzzi, had been issued an amateur permit but was charged by police under the Combat Sports Act for holding a professional sporting contest. The great risk when one ignores regulation is that there is less transparency and less governance.

That is where the problem existed that resulted in the death of Mark Fowler. People have not abided by the 2008 Act. It required that people submit an approval form, which is still required under this bill, but it is clear from the information we have been given by the Department of Sport and Recreation that nobody bothered to administer that section of the Act. The application of Mr Favuzzi to hold that event consisted of only two lines. The response of the Government is to remove the Department of Sport and Recreation from this process and to hand it over to the Combat Sports Authority. To some extent that is good. The Combat Sports Authority will have a wider scope as to who can and cannot be regulated. To a lesser extent certain events will not be captured, particularly where the public are allowed in but for which they do not pay a fee, and also those events run by amateurs. I have mentioned combat sport inspectors. There are two changes in this legislation to combat sport inspectors. One new provision states:

The Authority may appoint a class of persons nominated in writing by an approved amateur body for a style of combat sport as combat sport inspectors for the purposes of amateur combat sports contests for that style of combat sport.

The industry is regulating itself in relation to amateur combat sports. Be under no illusion: Amateur combat sports involve people paying to walk through the door. The provisions that describe the difference between professionals and amateurs are retained. "Combat sport contest" is what has been redefined. I have a concern about this provision, which states:

The Authority may, with the approval of the Director-General of the Department of Education and Communities, appoint a Public Service employee to be a combat sport inspector for the purposes of the Act.

The way this bill is written specifies that anyone within the public service can be appointed as a combat sports inspector. It does not mean that someone who has the relevant information or experience is being appointed as a combat sports inspector as has been the case previously. The Department of Sport and Recreation has qualified people who can be appointed as combat sports inspectors. The Combat Sports Authority in the past also has had combat sports inspectors, but they are no longer covered by the Act.

The website of the Department of Sport and Recreation does not advertise a huge number of events that a combat sport inspector is required to attend if appointed from within the department. In March 2013 there were three events, one at Dorrigo and two at Cowra. In April 2013 there were eight events. Nearly all

of them were in Sydney except for one in Hexham. At other times there was only one event. In August 2013 there was one event at Condong. In October there were four events. Inspectors were not required to go to a lot of these events. I do not understand the reason. The Government is changing all Acts to refer to "a public service employee" rather than the department. However, an appropriately qualified person is required to carry out the task of inspector. In the past department numbers have been reduced and these activities have been distributed to other departments without the appropriate capacity to appoint inspectors to carry out the task.

Monitoring of these sports must be undertaken by someone who understands the legislation and how combat sports work. This is particularly necessary for new combat sports. Sports like boxing have been well regulated for a long time and there is a lot of experience and knowledge out there. With newer combat sports, such as cage fighting and mixed martial arts, some are better regulated than others. The level of regulation is difficult to determine.

Another problem the Opposition has with the bill, and in relation to which it will be moving amendments, is the requirement under proposed section 46 (2) for combat sport inspectors or other persons to be present at contest weigh-ins. Given the amount of money that is attached to some of these events and the high risk of injury to combatants, there is justification for sport inspectors to be present. That is consistent with the current Act. For some reason, the Government has included in this bill the phrase "or other persons". A combat sport inspector can be present, as one would expect, and a medical practitioner is required to be in attendance. That is part of the current legislation. The Government moved an amendment to the bill in the lower House to fix an anomaly relating to medical practitioners.

The combat sport inspector's role is to ensure that the Act is being administered in line with the legislation passed by this Parliament. However, the bill now says "combat sport inspector or other persons" can be present to regulate contests. The phrase "or other persons" can mean anybody. It defines nobody. The whole point of having a combat sport inspector in attendance is that they know the Act; they regulate the contest in line with the Act. The phrase "or other persons" is broad. Under this bill, the role of that person will be determined at the whim of the Government. We do not know what that person will do.

Under this legislation the Department of Sport and Recreation will no longer oversee the regulation of combat sports. This bill significantly moves the department away from any regulatory role. It moves that responsibility to the Combat Sports Authority, or allows the industry to regulate itself. This is of great concern given that there have been 39 breaches of the Act and only one prosecution—that of Mr Favuzzi. Based on what we see on the department's website, we know that there are not a great number of events. We also know from other reports that combat sport inspectors have not been attending events. Therefore, 39 breaches is a very high threshold.

There are significant risks in the combat sports industry. The police have expressed a view on that, which is why a police representative has been included in the Combat Sports Authority. There is a tendency for money laundering to take place within the industry. There is also a tendency for other criminal activity, as it is forced out of other areas, to move into combat sports. To some extent, the Government should be congratulated for giving police the ability to take out prohibition orders on combat sports contests. That is a significant change.

The Opposition will move a number of amendments to the bill. As a whole, the bill is good. It builds on the work of the previous Labor Government. There have been a few variations to the bill. The Opposition believes the bill is weak in a few areas. The words "public entertainment" could be returned. The words "other persons" could be removed. Combat sport inspectors could be made responsible for the regulation of the industry. I think they are the appropriate people to do that. The Opposition will be moving amendments on those matters accordingly.

The Hon. JEREMY BUCKINGHAM [10.53 a.m.]: On behalf of The Greens, I rise to speak on the Combat Sports Bill 2013. The debate on combat sports is sure to raise some emotion in this House. The violent nature of the most extreme versions of these sports would be abhorrent to most members of Parliament. I certainly do not want to see a society that glorifies violence and profits from its public exhibition. I note that many popular sports that serve as public entertainment in this State, such as rugby league, rugby union and Australian Rules, have previously had issues with violence but are moving to reduce the levels of violence in their sport. They are moving to reduce the risk for participants.

It is of concern that the new combat sports that we are seeking to regulate here are inherently violent. The participants are undoubtedly going to be injured, but The Greens recognise that combat sport is part of our

society, and we would like to see the adoption of a harm-minimisation approach. The Greens welcome the opportunity to regulate these sports to reduce harm and address the corruption and other risks associated with them. The Hon. Lynda Voltz mentioned some of those risks.

As a member of The Greens I have significant concerns about the violent nature of combat sports. One of the four key principles of The Greens is peace and nonviolence. The Greens do not condone the culture of combat sports but recognise that there are people who will inevitably participate in such sports. We support the bill in the interests of harm minimisation. The Greens would prefer to have these sports regulated rather than seeing the most extreme forms pushed underground, where the associated risk of involvement by organised crime and increased health risks to combatants would be greater. We will move amendments to strengthen the bill to ensure that the current regulatory regime enhances the protections currently in place and does not leave the industry to self-regulate.

The bill continues the regime that exists under the Combat Sports Act 2008 and sets out the requirements for professional combatants and industry participants, including promoters, matchmakers, managers, trainers, seconds, referees, judges and timekeepers. The combat sports that will be regulated by this Act include the most violent forms: kickboxing, Thai boxing, Laos boxing, Burmese boxing, shoot boxing, Muay Thai, mixed martial arts [MMA], cage fighting, ultimate fighting, combat 8, kyoshi, sambo and pankration. According to the Minister's second reading speech, wrestling and jujitsu, currently prescribed as combat sports, will be excluded from the Act's regulation. Therefore, combat sports that will be exempt from the Act's requirements will be jujitsu, wrestling, judo, karate, kung-fu and taekwondo. The Greens recognise that these more traditional types of sport are less risky. The Greens therefore do not oppose the intent of the bill in that regard.

The bill requires the registration of combatants. They must be fit and proper persons and meet any age or other preconditions for registration, and must not be members of a declared criminal organisation. People aged under 18 cannot be registered in any professional combat sport, under proposed section 12. Presumably, the regulations will prohibit the participation in amateur contests of people aged under 14, as has been the case since 1998. The Greens look to the Minister's speech in reply to the second reading debate for confirmation of this. Medical record books of combatants are to be kept. The Greens welcome this. Industry participants, including matchmakers, managers, trainers, seconds, judges, referees, timekeepers and promoters will be required to be registered.

Promoters, managers and matchmakers will be subject to security determinations by the Commissioner of Police. The Greens will be saying more on that later. Industry participants, promoters and combatants will be subject to disciplinary action by the Combat Sports Authority. Permits will be required for the conduct of amateur and professional combat sports contests. Various provisions in the bill act to protect the safety of combatants through the use of protective clothing or equipment, the attendance of a medical protection practitioner and pre- and post-contest medical examinations. The Greens believe that that is absolutely essential. Part 6 of the bill provides for the continuation of the Combat Sports Authority.

The authority has considerable powers, under the bill, to prohibit combat sports contests for health and safety reasons or where there is likely to be a contravention of the Act or regulations. This power is extended to police officers and medical practitioners. The Greens support this provision. As reflected in the contribution by the Hon. Lynda Voltz, there are significant corruption risks in combat sport. Organised crime is taking an interest in combat sports events and there is the opportunity for money-laundering and illegal gambling. The use of illegal drugs such as steroids is a real risk in these sports. The Greens welcome the powers of the Combat Sports Authority in that regard.

Many of the decisions made by the Combat Sports Authority and others are reviewable by the Administrative Decisions Tribunal under part 5 of the bill. Decisions that cannot be reviewed include those relating to the health and safety of a person, which we think is sensible. The bill strengthens the health and safety arrangements for combatants, particularly for amateur combat sports contests, such as medical checks and the issuing of medical records. It introduces a stronger fit and proper person assessment process, particularly for roles that can significantly influence the outcome of contests, the industry and the safety of combatants. It holds promoters to account for the contests they arrange, and automatically regulates emerging combat sports disciplines so that variations do not escape the application of the law.

New disciplines will be covered from the outset. This is very important because so many times we have seen the renaming of what are essentially cage fighting events, with cage fighting given a new name in the hope

that it will escape regulation. However, our concerns remain. Philosophically The Greens, and many in the community, remain concerned about the inherently violent nature of combat sports. The Greens are greatly concerned about the legitimisation and normalisation of the brutality featured in the extreme examples of combat sports such as mixed martial arts and cage fighting. The last thing we want in our society is an industry that promotes violence and broadcasts such images into the lounge rooms of the residents of New South Wales.

The Greens do not support or condone the combat sports that the bill seeks to regulate. These sports are abhorrent to many in our society. Nevertheless, we recognise the necessity of regulating these sports in the interests of harm minimisation. We as legislators must be mindful of the fact that we are in effect giving a green light to this industry. This is an industry that says it is acceptable in certain circumstances to strike someone to the head with all the force you can muster—to violently punch someone in the face as hard as you possibly can. If that occurred on the street, it would potentially lead to someone's death and a murder charge. It is abhorrent and repulsive to all in our society. We have the inherent contradiction in the promotion of these sports: They promote the type of violence that, if carried out on the street, can be very damaging. We only have to look to recent events to see the concern in the community about violence on our streets and the tragic circumstances that can unfold when violence occurs.

The more traditional forms of combat sports—such as jujitsu, judo, karate, kung-fu and taekwondo—have gained legitimacy over time because of their strict adherence to rules and their less violent nature. The more extreme versions of combat sports—such as kickboxing, Muay Thai and mixed martial arts [MMA]—are known for their explicit violence, which often results in combatants being covered in blood or passing out as a result of choking or violent strikes. Combatants can sustain broken and sprained limbs, and can fall into a coma. These are serious issues. As honourable members have said, these contests can even lead to death. The bill raises personal autonomy versus the welfare of society: The age-old tension between personal autonomy and an individual's rights. This was raised by the Hon. Ian Cohen during debate in the Legislative Council on the Combat Sports Bill 2008, when he stated:

As culturally abhorrent as I find this form of fighting, the decision on whether this State gives it legitimacy and regulates it must turn on a need to balance personal autonomy and the welfare of society's citizens. It raises the question of why society will accept consent to some forms of violence or assault and not others.

To highlight this tension, the Hon. Ian Cohen drew on the comments of Lord Templeman in the House of Lords case *R v Brown* (1993), which says:

In earlier days some other forms of violence were lawful and when they ceased to be lawful they were tolerated until well into the nineteenth century. Duelling and fighting were at first lawful and then tolerated provided the protagonists were voluntary participants. But, where the results of these activities were the maiming of one of the participants, the defence of consent never availed the aggressor. A maim was bodily harm whereby a man was deprived of the use of any member of his body which he needed to use in order to fight but a bodily injury was not a maim merely because it was a disfigurement. The act of maim was unlawful because the King was deprived of the services of an able-bodied citizen for the defence of the realm. Violence which maimed was unlawful despite consent to the activity which produced the maiming.

The Hon. Ian Cohen said:

I think the quote nicely encapsulates the counterbalancing considerations of personal autonomy and community health. The same themes are relevant to this bill. On one end of the spectrum we have the need to respect personal autonomy. We must remember that personal autonomy is not absolute and that government intervenes in the lives of its citizens on a range of issues including drug use, end-of-life decisions, health decisions, interactions with the environment, intestacy processes, and the list goes on. An evaluation of personal autonomy—a right to engage in activities such as professional boxing, wrestling or cage fighting—could lead us to a conclusion that combatants who voluntarily consent to participation in a sport, where the primary objective is to inflict injury, are well within their right to make such a choice. Liberal individualism ascribes to reasonable women and men the capacity to make decisions about how they live their life.

Society must decide whether these are appropriate sports, and that requires a mature dialogue about the consequences and impacts such extreme displays of violence have on participants and members of our society more broadly. We believe in a harm-minimisation approach. In an ideal world we would not have such violent sports. However, the nature of our society inevitably means there will be a minority element attracted to such violent endeavours. In recognition of the likelihood that a blanket prohibition would push the sport underground, a harm-minimisation approach is to seek better regulation. Regulation is therefore in the public interest, but it should be coupled with programs that more holistically seek to reduce violence in society and encourage people into alternative sports. Importantly, the Government needs to take a multi-agency approach to reducing the influence of gambling and advertising in combat sports. Harm minimisation certainly should not be seen as tacit acceptance of or support for the combat sports industry.

Combat sports are currently regulated at a State level, resulting in different standards among the different State jurisdictions in Australia. While the Minister acknowledges that this bill brings combat sports regulations in New South Wales into closer alignment with those in Western Australia, South Australia and Victoria, in light of the national and international nature of the combat sports industry, we should seek a national harmonisation of combat sports laws. National harmonisation would lead to efficiencies in regulation, better sharing of medical and safety information—which is very important, consistency in rules relating to the different disciplines and avoiding a race to the bottom with some States loosening their regulations to attract more violent or extreme versions of these sports. It is no use New South Wales banning cage fighting if it means these fights go across the border to Queensland, where the sport is largely unregulated.

Participants from New South Wales can freely travel across the border and engage in this activity. The Greens are cognisant of the extreme health and safety issues inherent in such violent sports, and are supportive of a regulatory framework that seeks to minimise the injuries of combatants, especially to prevent deaths. The inherent safety risks of combat sports are widely accepted and have been researched extensively. While the bill focuses on risk-mitigation strategies to ensure combat sports competitors are not exposed to unnecessary risk—for example, registration, event permits, medical tests and medical officers at events—there is no broad reference to the promotion of safety in combat sports. The Greens will seek to introduce this by way of amendment to the Combat Sports Authority's objectives.

The Australian Medical Association [AMA] would prefer a ban on combat sports that risk severe injuries such as brain damage, but, from a pragmatic point of view, it sees harm minimisation as a step towards this ideal. In line with calls from the Australian Medical Association, The Greens support the added authority for police, medical practitioners, referees and inspectors to stop fights on medical grounds. Referees who fail to stop a fight when directed to do so by a medical practitioner will be committing an offence. The Greens welcome this and the requirement for promoters to ensure that the required protective equipment or clothing is used in contests. The big issue for us in this bill is the approved amateur bodies. As the Hon. Lynda Voltz has said, there is the potential to devolve the regulatory functions of the Government body, the Combat Sports Authority, to approved amateur bodies.

The Minister says the Combat Sport Authority will regulate combat sports, "until such time as it can be demonstrated that they are sufficiently safe to not justify regulation". The Minister has indicated that the Combat Sports Authority will be able to, "devolve some regulatory functions to well-performing sanctioning bodies over time". Clause 8 of the bill sets out this process. The Greens have serious concerns with this. While this may be desirable in terms of administrative efficiency and cost-saving, it should not be a slippery slope to industry self-regulation. Approved amateur bodies do not require permits or the registration of industry participants or promoters for amateur contests, therefore it is vital that the Minister does not devolve the Combat Sports Authority's regulatory role to bodies that do not have robust governance practices or adhere strictly to health and safety requirements. There is also an inherent conflict of interest in amateur bodies being both the sanctioning authority for amateur contests and the promotional bodies for their discipline.

Although the Minister indicates that initially only the Amateur Boxing Association would be an "approved amateur body", there is the worry that over time more amateur bodies may be approved under this proposed section. Of particular concern is what regulatory control will prevent the Minister from approving an amateur mixed martial arts or cage fighting body in this role. In light of the bill setting up a strong regulatory regime inclusive of amateur combat sports, it seems somewhat perverse that regulatory control will then be given away by this clause. The Greens will move amendments to address this. The Greens have strong concerns about the operation of the powers relating to security determinations. Clause 26 relating to security determinations essentially gives the Commissioner of Police a veto power to refuse registration of matchmakers, managers and promoters based on adverse police intelligence.

Although clause 78 makes this intelligence reviewable by the Administrative Decisions Tribunal, the provisions relating to how this will be done are far from adequate. My colleague Mr David Shoebridge has spoken extensively on this matter in relation to other legislation. The clause 78 review process means that the party that is the subject of the adverse security determination does not have access to the intelligence, nor can that party be present at the Administrative Decisions Tribunal review. Therefore there is no-one to put the contrary case and no independent person to test the strength of the police intelligence. This is far from adequate and should be addressed. As my colleague Mr David Shoebridge has said on this matter:

Federally and in the first tranche of bikie legislation in Queensland, an arrangement was put in place whereby an inspector is appointed who is independent of the police and the party who is the subject of the security information. The inspector effectively appears as *amicus curiae* to assist the tribunal in assessing the weight to be given to the police intelligence. Given that we are now seeing this model of protected police intelligence rolled out in a series of different pieces of legislation, I think the Government should consider the appointment of an inspector—either under this legislation or other security legislation—to ensure that the necessary checks and balances are in place to test police intelligence.

We look to the Minister to respond to the crucial issue of the appointment of an independent inspector of police intelligence during his speech in reply. The Greens would prefer a society that promotes non-violent sports and discourages the most violent forms of combat sports. From a pragmatic and harm-minimisation approach, we support strong regulation with a move towards banning the most extreme versions of combat sports. This needs to be undertaken at a multi-departmental level and requires a conversation in the broader society about what levels of violence in sport are acceptable and what this means to us.

We must discuss how we will separate combat sports in the ring from behaviour on our streets. We must also discuss the impact that combat sports have on people who are exposed to them and when they are normalised in society. If people think it is appropriate to punch, kick or beat someone into unconsciousness in certain circumstance, where else may they think it is appropriate? The majority of people, and I hope all legislators in this place, find such behaviour unacceptable. Nevertheless, The Greens would prefer to have combat sports regulated so that they are not pushed underground where more harm can be done.

The Hon. PAUL GREEN [11.13 a.m.]: During this debate the Hon. Marie Ficarra gave a great advertisement for netball, but a couple of my daughters play netball and I sometimes wonder whether it is not also a combat sport. You have to watch out for the goal defence and goal attack.

The Hon. Lynda Voltz: You've got to learn how to drop your shoulder in netball.

The Hon. PAUL GREEN: So we hear from the girls. On behalf of the Christian Democratic Party I speak in debate on the Combat Sports Bill 2013. The object of the bill is to repeal the Combat Sports Act 2008 and to introduce an Act to regulate the conduct of combat sports contests, to constitute the Combat Sports Authority of NSW, and for other purposes. The Combat Sports Act 2008 commenced on 1 October 2009 and established the Combat Sports Authority. The authority is responsible for the control and regulation of professional combat sports events. The department, under ministerial delegation, controls amateur combat sports through a permit system for events.

The Combat Sports Act 2008 sets out the requirements for registration of professional combatants and industry participants including promoters, matchmakers, managers, trainers, seconds, referees, judges and timekeepers. While the Act focuses on risk-mitigation strategies to ensure combat sports competitors are not exposed to unnecessary risk by introducing such measures as registration, event permits, medical tests and medical officers at events, there is no broad reference to the promotion of safety in combat sports. Over time the combat sport industry has evolved, and new combat sports and martial arts disciplines have emerged. Concerns have been raised regarding the varying approaches of individual combat sports to the conduct of amateur contests and the difficulty in some instances of determining whether an event is a professional or amateur contest.

Other issues have arisen in regard to medical books issued by different sanctioning bodies and continuity of care. The bill has been introduced to strengthen the regulation of combat sports to better promote the health and safety of combatants and the integrity of combat sports contests. The bill will provide for the continuation of the Combat Sports Authority to regulate contestants and those involved in the industry. The authority is responsible for supervising and regulating professional and amateur combat sport in New South Wales, advising the Minister on matters related to combat sports and this Act, and promoting the awareness of issues relating to combat sports. Previous speakers in this debate outlined those issues clearly.

The authority requires the registration of combatants, promoters and industry participants and that promoters obtain permits to hold combat sports contests. It provides for combat sports inspectors, police and medical practitioners to attend contests and manage health and safety, integrity and public safety risks. All contests, whether amateur or professional, will now be regulated by the Combat Sports Authority. The bill will not apply to those sports where the health and safety of combatants and the integrity and governance arrangements are satisfactory. The Combat Sports Authority of NSW will appoint combat sports inspectors, who will be responsible for monitoring and reporting to the authority on the compliance of combatants, promoters, industry participants and other persons related to the regulations. They will also attend combat sports contests and weigh-ins.

I will now discuss some other aspects of the bill. Clause 66 will enact a new offence for referees who fail to stop a contest as directed by a medical practitioner, combat sports inspector or police officer. This new offence carries a maximum penalty of \$55,000 and/or 12 months imprisonment. It will reduce the risk of referees being pressured by promoters and managers to continue fights. Promoters, who also have to be

registered, will now be responsible for various health, safety and integrity requirements. These include up-to-date medical books and serology information that will ensure combatants have clear blood results. Serology breaches will attract maximum penalties of \$55,000 and/or two years imprisonment. Promoters also have the responsibility of ensuring that combatants are medically fit to compete. Clause 51 provides that breaches will attract a maximum penalty of \$55,000 and/or 12 months imprisonment.

By increasing the maximum penalty from \$1,100 to \$17,600, the bill also will ensure that, in accordance with current regulations, protective clothing and equipment will continue to be used in contests. A promoter will also be responsible for ensuring that a medical practitioner is present at and after a contest, and failure to do so will attract a maximum of 500 penalty units and/or 12 months imprisonment. A promoter will also be responsible for the conduct of events and for ensuring that all combatants are registered to compete. A person under the age of 18 years is not entitled to apply for registration or to be registered to participate in any professional combat sport contest. Registrations will be valid for three years from the date a permit is granted. A promoter will also have an obligation to notify the authority in writing within 48 hours of the death or injury of a contest participant, including an admission to hospital of a contestant.

The bill is quite comprehensive and includes important new powers related to policing. The police will have the authority to cancel combat sports contests when the contest breaches public health or safety, damages the integrity of the sport, or would cause substantial damage to property if it were to continue. Referees will also have a duty to stop contests if the combatant is exhausted or injured to such an extent as to be unable to defend himself or herself, or if a disruption occurs that warrants stopping the contest, or if an attending medical officer, Combat Sports Authority officer or police officer deems stopping the contest necessary. Like the Hon. Lynda Voltz, the Christian Democratic Party believes that this bill represents another significant step towards providing greater protection for participants in combat sports, particularly amateur and professional participants.

As the combat sports industry continues to change and evolve, the Christian Democratic Party encourages the Government to constantly reform regulations and laws to protect the health, safety and integrity of combat sports in New South Wales. I note that clause 110 of the bill provides for the legislation to be reviewed five years after assent and that a report on the review will be tabled in Parliament within 12 months of commencement of the review. The bill also provides for the appointment of officers whose role is to ensure compliance with the Act and regulations. There is concern over corrupt or illegal activities in combat sports. I thank the Minister for Sport and Recreation for her patient and helpful responses to both my questions about the bill and questions that have been drawn to my attention. Compliance will not be effective without some form of intelligence-sharing between the police and the department, which I understand takes place already. The police are able to comment on high-level matches.

The Hon. Lynda Voltz: When a permit is issued. There are matches for which permits will not be issued.

The Hon. PAUL GREEN: I acknowledge that interjection. The police have a monitoring role and there is intelligence-sharing between the police and the department. The Government obviously will do its best to control combat sports and, for the sake of competitors, ensure that matches are conducted properly and at a level that is commensurate with participants' abilities. However, the Government must also live within its means and cannot adopt a blank cheque approach. It goes without saying that the legislation could simply wipe out combat sports, but as noted by the Hon. Jeremy Buckingham: People choose the sport in which they wish to participate. A combat sport would not by any means be the sport I would choose, yet to my surprise even my son, who is the gentlest, kindest and most generous young man I have ever met, has entertained the idea of taking up Muay Thai, which I consider to be a blood sport. I do not know where he got that inclination from—it must have come from his mum because there is no way he got that from me. I am a lover, not a fighter.

Intelligence-sharing between the police and the department will assist in keeping combat sports safe, preserving the integrity of the sport, and protecting the health and safety of participants. I applaud the provisions of the bill dealing with accountability of promoters. It is good to put pressure on those who are responsible for contests and who are in a position either to make a buck out of contests or exploit participants, or both. The bill places responsibility on the promoters' side of the equation to ensure that promoters do the right thing by participants. All members who have contributed to this debate acknowledge that while essentially the legislation is not perfect and probably never will be, provided the Government continues to monitor its implementation, and tweaks sections and regulations in response to concerns expressed in relation to the effectiveness of the legislation within its first five years of its operation, we are prepared to support it. I am sure the department has sufficient powers to finetune the legislation through regulations, if necessary.

After having consulted the Minister for Sport and Recreation in relation to this bill, I note that new disciplines in combat sport will need to be addressed. As a result of that consultation, I am of the opinion that flexibility should be retained as it relates to the roles of the inspector or other persons, albeit that is a point of contention in one of the foreshadowed amendments. The Christian Democratic Party is content to retain flexibility in the legislation, particularly as new sports are constantly evolving and a wider definition will cater to both amateur and professional arenas. Overall, the Christian Democratic Party commends the bill to the House. My colleague Reverend the Hon. Fred Nile will comment on cage fighting.

Reverend the Hon. FRED NILE [11.26 a.m.]: My colleague the Hon. Paul Green has dealt with the Combat Sports Bill 2013 in detail. My contribution to debate on the bill will focus on my concern over the increase in activity known as cage fighting. A recent report on ABC News under the headline, "Cage fighting becoming the new 'blood sport' ", states that people who engage in cage fighting cannot escape their opponent because the metal frame or cage keeps boxers closely confined. I saw some cage fighting on television when one boxer held the other against the wall of the cage and continuously pounded that boxer's face and head until there was blood everywhere. Cage fighting is a blood sport and I do not think it should be placed in the same category as other sports that originated in Asia, such as karate, judo or wrestling. Those sports are in a different category to what is referred to as mixed martial arts. I note the bill's definition of combat sport states:

combat sport means any sport, martial art or activity in which the primary objective of each contestant in a contest, display or exhibition of that sport, art or activity is to strike, kick, hit, grapple with, throw or punch one or more other contestants, but does not include a sport, martial art or activity that is prescribed by the regulations.

We should not be complacent about the growth of cage fighting. Sadly, some people will be attracted to watching two men—I assume it will be two men, but it could be two women—pounding each other until there is blood everywhere. That harks back to the old days in the Roman era of the Colosseum when people enjoyed seeing combatants attempting to kill each other and finally being allowed to kill, depending on whether the emperor gave the victor the thumbs up or the thumbs down. I think cage fighting is opening the door to the same mentality that surrounds blood sport.

The Government should keep cage fighting under close observation. In my opinion, cage fighting should be banned. I know other members have said that if we ban something it will go underground. That is why we have police and regulations; and if it is banned, I believe we can prevent cage fighting from taking place by imposing heavy penalties for illegal cage fighting. I think that would soon take care of the problem. As members know, the reason we are debating this bill is the tragic death of Mark Fowler, who died not as a result of cage fighting but following a kickboxing event. After his bout it was thought he was all right, but during the night he lapsed into unconsciousness and ultimately passed away. His death and the Coroner's inquiry led the Government to introduce the Combat Sports Act 2008. I do not want cage fighting to be allowed to go on, because combatants will die and in a couple of years time we will try to ban cage fighting. I think we should look at this very closely right now in the interests of our society. I wish to put my concerns about this activity on the record.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [11.31 a.m.], in reply: First, I thank all members for their contributions to this debate. The bill before the House repeals and replaces the Combat Sports Act 2008. This bill proposes changes that will ensure more robust medical requirements for amateur combatants, broader background checks to better promote integrity within combat sports, and greater accountability of promoters. The bill also broadens the definition of combat sports, recognises the role of approved amateur bodies and provides for a single medical record book system to be implemented in New South Wales. It also strengthens the Combat Sports Authority by requiring an experienced lawyer or judge and a nominee of the Commissioner of Police to be appointed, in addition to the current requirement for the appointment of a medical practitioner and chairperson. The changed membership will ensure that the Combat Sports Authority has the full range of expertise needed to exercise its new powers to better supervise and regulate combat sports in New South Wales.

The Opposition raised a number of issues, which I understand will be dealt with in Committee. I will comment on those matters when the amendments are discussed. The Greens also raised a number of issues, which I will deal with at the Committee stage when those amendments are being discussed. The Greens raised also the issue of the Administrative Decisions Tribunal reviewing police security determinations. The bill reflects other New South Wales legislation that deals with the protection of police intelligence in the Administrative Decisions Tribunal. The tribunal has full access to police information for review purposes, and that is appropriate. In summary, these reforms aim to improve the health and safety of combatants, especially those participating at the amateur level. They promote integrity within combat sports by ensuring those involved

meet fit and proper person requirements. The bill provides for the Combat Sports Authority and the Police to be proactive in their approach to regulating combat sports contests so that health, safety and security risks can be assessed as they arise. 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): Order! I propose to deal with the Combat Sports Bill 2013 by parts. There being no objection, I shall proceed accordingly.

The Hon. JEREMY BUCKINGHAM [11.34 a.m.]: I move The Greens amendment No. 1 on sheet C2013-149A:

No. 1 Page 2, clause 3. Insert after line 10:

(c) to regulate combat sport contests on a harm minimisation basis.

The amendment will include in the objects of the Act a subclause (c), the object of which is to regulate combat sport contests on a harm minimisation basis. The Greens believe it is important to include this as an object of the new Act, because harm minimisation is very important to the effective operation of this legislation. The amendment enshrines in the bill the fundamentals of harm minimisation to protect not only participants in combat sports but also the wider community, because we believe these sports pose significant harm not only to the individual but also to society through the promotion of violence leading to violence on our streets. We see far too much of that. We believe harm minimisation should be intrinsic to the bill and therefore it should be enshrined in the objects of the bill.

The Hon. LYNDIA VOLTZ [11.36 a.m.]: The Opposition supports the amendment moved by The Greens. There is absolutely no reason to regard this as inconsistent with the intentions of the original Combat Sports Act. As members of this Chamber will know, boxing and wrestling had been regulated, but cage fighting in particular as well as mixed martial arts and Muay Thai have been completely unregulated. These combat sports pose risks, and the intention right from the start was to minimise the harm occurring to combatants. The minimisation of harm has been recognised in established sports such as boxing; combatants have been required to wear gloves and headgear, and to have contests that are like-on-like. Under the old Boxing and Wrestling Control Act—

The Hon. Dr Peter Phelps: Why not have them not hit each other? That is the ultimate harm minimisation—don't let them touch each other.

The CHAIR (The Hon. Jennifer Gardiner): Order! The Hon. Lynda Voltz has the call.

The Hon. LYNDIA VOLTZ: I note that the Government Whip continues to interject in debates in which he does not want to participate. The reality is that government has always had an intention of regulating this industry, particularly at the more dangerous level, cage fighting. It is not the intention to stop people from hitting each other; the intention is that the Combat Sports Authority ensures harm minimisation. In the case of Mark Fowler—a matter that is still before the Coroner's Court—harm minimisation includes among the authority's roles the production of medical records and the undertaking of medical checks. There are a whole range of things that have not happened under the Act.

The Hon. Dr Peter Phelps: That is already included in 3 (a) of the objects.

The Hon. LYNDIA VOLTZ: The reality is that at these events there have not been medical officers, as were required under the Act; and there have not been combat sport inspectors, as has been required under the Act.

The Hon. Dr Peter Phelps: Already included in 3 (a).

The Hon. LYNDIA VOLTZ: I note that the member keeps referring me to the Act. My point is that the 2008 Act was not implemented by the department. That is the whole reason behind trying to put more rigorous provisions in the new Act to ensure that this combat sport is regulated. It serves no purpose to have an Act by which nobody abides. The reality is that people were required to provide certain information and meet certain criteria for the conduct of these events, but that just did not happen under the 2008 Act. The risk is that that will continue to be the fact under the 2013 Act. I would have thought harm minimisation is a role of government. That does not mean events do not take place. That certainly happened in boxing and wrestling. But promoting harm minimisation is not a bad idea for competitors at the higher end of those events—that is, cage fighting, mixed martial arts and Muay Thai—where people come from Thailand and compete in Sydney in the most dangerous sport before returning to Thailand. We have to reach a point of checking that people are not killing each other and understand the risks they take.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [11.39 a.m.]: The Government does not support The Greens amendment No. 1. Clause 3 of the bill provides that objects of the new Act are:

- (a) to promote the health and safety of combat sport contestants.
- (b) provides that an object of the new Act is to promote the integrity of combat sport contests.

These objects were released for public consultation and received near universal support. The Combat Sports Authority and other persons with functions under the bill already are required to exercise their functions having regard to the health, safety and integrity of the objects of the Act. The Greens amendment suggests that promoting health, safety and integrity somehow are separate from harm minimisation—they are not. Implying that simply would cause confusion and undermine the very clear objects of the new Act.

Reverend the Hon. FRED NILE [11.40 a.m.]: I indicate the support of the Christian Democratic Party for The Greens amendment moved by the Hon. Jeremy Buckingham. I would have preferred the amendment to contain the words "harm prevention basis" but I accept that "harm minimisation basis" at least is an improvement. I have received lots of reports about boxers entering the ring and cage fighting without undergoing a health test, blood test or medical report. Fights have proceeded without a doctor being present or medical books proving the contestants are fit to fight. Some fighters step into cages on consecutive weekends despite being concussed and subject themselves to serious brain injuries. I have been advised also that often the Combat Sports Authority issues permits but is never on site to supervise or provide oversight. One man involved with promoting combat sports says that is just a recipe for disaster. This amendment will help the Government focus on making certain that those activities are regulated properly to prevent injuries to competitors.

Question—That The Greens amendment No. 1 [C2013-149G] be agreed to—put and resolved in the affirmative.

The Greens amendment No. 1 [C2013-149G] agreed to.

The Hon. LYNDIA VOLTZ [11.43 a.m.]: I move Opposition amendment No. 1 on sheet C2031-174:

No. 1 Page 2, clause 4 (1), line 31. Omit "on payment of a fee".

Section 53 of part 5 of the Act applies to amateur sports and wrestling contests held for public entertainment and subsection (3) specifically contains a definition of "public entertainment" as:

- (a) entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission, or
- (b) the entertainment of:
 - (i) patrons of any premises licensed under the *Liquor Act 2007*, or—

both appear in the definition of "combat sports contest" under clause 4 of the bill—

- (ii) the public or a section of the public at a building or temporary structure subject to an approval, in force under Part 1 of Chapter 7 of the *Local Government Act 1993*, for use as a place of public entertainment (within the meaning of that Act).

The Government removes those words and leaves only "contest, display or exhibition of combat sport to which the public are admitted on payment of a fee" as part of the definition. Anywhere these combat events are held for public entertainment should be included in the definition, as provided in the previous Act. Therefore, the Opposition amendment omits the words "on payment of a fee". Clearly, despite the arguments from the department, the bill can contain a definition of "public entertainment" because it was included in the previous Act.

The Hon. JEREMY BUCKINGHAM [11.45 a.m.]: The Greens support this important amendment to omit the words "on payment of a fee". "Combat sport contest" should be defined not by the exchange of moneys but that it occurs and the public is witness to it: it is public entertainment. The bill creates a loophole whereby promoters and managers could make other arrangements as to how those events are administered. For example, a free event might be held at a particular area and the public is told it can watch the free event in this space and not far away, but at different premises that may have a liquor licence is another event the public can attend that may attract a fee. Combat sport activities could be adjacent where one has free entry and others have a sausage sizzle, a bar and the like. A different definition should apply for public entertainment. We support Labor's sensible amendment.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [11.47 a.m.]: The Government does not support the Opposition's amendment No. 1. I understand that the proposal by the Hon. Lynda Voltz to delete "on payment of a fee" from paragraph (a) of clause 4 in the definition of "combat sport contest" relates to concerns that promoters may avoid regulation by dispensing with admission fees. Certainly, promoters can profit by other means, for example, by charging a venue operator who would recoup costs through food and beverage charges or by establishing pay per view arrangements via a broadcaster or the internet. That is the reason the Government has extended the definition of "combat sport contest" to include those contests arranged or held on a for-profit basis. The current Act is weakened by lacking such a provision. The bill will ensure that contests held in casinos and premises licensed under the Liquor Act are all covered. Those contests held for profit or personal gain magnify health, safety and integrity risks. The bill reflects the approach developed in consultation with industry. The current Act has a permanent scheme for amateur combat sport contests held for public entertainment with section 53 defining it as follows:

- (a) entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission, or
- (b) the entertainment of:
 - (i) patrons of any premises licensed under the *Liquor Act 2007*, or

Similarly, the bill applies to amateur contests to which the public is admitted on payment of a fee, but there is no need to establish payment of a fee when a contest is arranged or held on a for-profit basis, held in a casino or licensed premises, or where at least one of the combatants is paid. The fee requirement for other contests held by members of the public is consistent with the approach taken under the current Act and under Victorian combat sports legislation—Victoria being the jurisdiction with which New South Wales has the greatest level of interaction in respect of combat sport contests.

The Opposition's proposed amendment captures intra-club and interclub competitions that have never been regulated in New South Wales and where no demonstrated health and safety risks have warranted government regulation. It also catches sparring in gyms to which members of the public are admitted as the bill extends to displays or exhibitions that meet combat sport criteria. The Government believes this would result in interference in purely amateur sport and training. Such an approach would require further consultation with combat sport bodies and the community. The Government has provided a regulation-making power at paragraph (e) of the definition of "combat sport contest" that enables the definition of "combat sport contest" to be extended if it later becomes apparent that additional contests should be covered. I am also informed that the Local Government Act provisions that are in the current Act no longer have any application or force.

The Hon. LYNDA VOLTZ [11.50 a.m.]: I think that is nonsense as I have never raised the issue of pay per view or restaurating fees. In the running of mixed martial arts and other events I am concerned about gambling. Not everyone in New South Wales will have access to gambling facilities but as these amateur events are used for gambling purposes on the internet people can access them from anywhere. One does not need to be a promoter charging a fee to make a profit. Providers of gambling on the internet will not be captured by the Act. There is a definition for public entertainment under the Local Government Act that the Government can use and it does not capture those people who are sparring and the mums and dads who turn up.

The Hon. Dr Peter Phelps: Yes, it would. That is exactly what it does.

The Hon. LYNDIA VOLTZ: That is absolute nonsense. As usual, the Government Whip is ignorant of the Act and what it achieves. His best idea is to yell and drown out any woman who is speaking in this Chamber. He did it to the Hon. Sophie Cotsis and to the Hon. Jan Barham. Whenever anyone speaks the Government Whip yells as loud as he can because he has some dumb-arse idea that he wants to put before the Committee. If he wants to make a contribution he should do so.

The Hon. Shaoquett Moselmane: Point of order: The Hon. Dr Peter Phelps is badgering the Hon. Lynda Voltz. He should be asked to stop interjecting.

The CHAIR (The Hon. Jennifer Gardiner): Order! I remind members that interjections are disorderly at all times.

The Hon. LYNDIA VOLTZ: The best idea the Government Whip has in this Chamber is to bully anyone with whom he does not agree. In reality there already is a clear definition of "public entertainment" but that definition has now been removed. The only criteria for something to be captured as an event requiring a permit is that a fee be paid. As a result of the Favuzzi case, amateur permits will be used to run an event. Combat sport inspectors have not turned up to many events but of the 39 breaches of the Act there has been only one prosecution that resulted from the death of a combatant.

The Hon. Dr Peter Phelps: Point of order: The member should understand that this is not the time for second reading speeches. Her comments should pertain directly to the amendment before the Committee.

The Hon. LYNDIA VOLTZ: To the point of order: The issue of public entertainment and how amateur events are used fall within the realm of combat sport contests, which is the area I am elucidating. I fail to understand why the Government Whip has taken a point of order.

The CHAIR (The Hon. Jennifer Gardiner): Order! I remind members addressing the Chair that they should address the amendments.

The Hon. LYNDIA VOLTZ: Before I was interrupted I was saying that under the definition of "combat sport contest", an event can be held without a permit. The public can be admitted and there is no requirement for such a contest to be regulated. People have found ways to bypass the regulations in the past so it is important to ensure that they are clear.

The Hon. JEREMY BUCKINGHAM [11.54 a.m.]: I urge members of the Christian Democratic Party to consider this amendment. The Minister outlined in his contribution the risk posed by this clause in its current form. It will capture interclub and intra-club contests which is exactly what it should do. I urge any member in this place to go to a mixed martial arts intra-club and interclub contest and to tell me that is—

The Hon. Dr Peter Phelps: When is the last time you went to a police citizens youth club?

The Hon. JEREMY BUCKINGHAM: I am a regular attendee at Pollet's Martial Arts Centre. I have been to many—

The Hon. Dr Peter Phelps: Every police citizens youth club?

The Hon. JEREMY BUCKINGHAM: I routinely engage in Muay Thai sparring.

The Hon. Mick Veitch: That is just in the House.

The Hon. JEREMY BUCKINGHAM: That is just in the House, so watch out; I am lean and mean. Any time the Hon. Dr Peter Phelps wants to spar I will oblige. He might bully other people but he will not bully me.

The Hon. Dr Peter Phelps: Point of order: I object to the allegation that I bully people. I ask the Hon. Jeremy Buckingham to withdraw that comment.

The Hon. Lynda Voltz: To the point of order: On every occasion the Government Whip uses his voice to bully people and to deride their comments. He can hardly argue that it is outrageous for someone to accuse him of doing so.

The Hon. Dr Peter Phelps: To the point of order: I have been accused of bullying by a second member and I also ask her to withdraw that comment. Interjections are not bullying. I ask both members to withdraw their comments.

The CHAIR (The Hon. Jennifer Gardiner): Order! Interjections are disorderly at all times. The Hon. Dr Peter Phelps has taken objection to the description that he is bullying.

The Hon. JEREMY BUCKINGHAM: It is comical.

The CHAIR (The Hon. Jennifer Gardiner): Order! I repeat that all interjections are disorderly at all times. I ask the Hon. Jeremy Buckingham and the Hon. Lynda Voltz to withdraw their comments.

The Hon. JEREMY BUCKINGHAM: I withdraw my comment if the Hon. Dr Peter Phelps has taken offence, but I will not be bullied.

The Hon. Lynda Voltz: I withdraw my comment.

The CHAIR (The Hon. Jennifer Gardiner): Order! The debate will proceed with no further interjections.

The Hon. JEREMY BUCKINGHAM: I urge members of the Christian Democratic Party to consider this amendment which defines "combat sport contest" as a contest only when people pay a fee. As the Hon. Dr Peter Phelps said, an intra-club or interclub championship can be broadcast on the web and people do not pay a fee because they do not attend. It is still a full contact fight but it would not be captured by this regulation which means there is a loophole in the law. The definitions that already exist relating to public entertainment should be applied. There is room for corruption when clubs broadcast a contest on the web and those who are watching it are not charged.

They might be charged when they are buying drinks at a different establishment but they will not be charged when they are watching a fight on the internet. Intra- and inter-club championships and sparring can be as violent, dangerous and risky to participants as anything else. Because the people are known to each other, there can be a lot of animosity. There may not be the appropriate oversight, especially if the contests are not defined as combat sports. They will escape all regulation. For this bill to be effective, it is absolutely crucial that this amendment be agreed to. The Greens wholeheartedly support the amendment.

Question—That Opposition amendment No. 1 [C2013-174] be agreed to—put.

The Committee divided.

Ayes, 18

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

Noes, 21

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

Pair

Mr Searle

Mr Lynn

Question resolved in the negative.**Opposition amendment No. 1 [C2013-174] negatived.**

The Hon. JEREMY BUCKINGHAM [12.07 p.m.], by leave: I move The Greens amendments Nos 2, 3 and 4 on sheet C2013-149G in globo:

No. 2 Page 5, clause 8. Insert after line 10:

- (2) The regulations are to prescribe criteria for consideration by the Minister in determining whether to approve a body as an approved amateur body.

No. 3 Page 5, clause 8. Insert after line 14:

- (5) The Minister must, as soon as practicable after approving a body as an approved amateur body, publish in the Gazette particulars of the approval, including any conditions of the approval. This subsection also applies to the variation of an approval.

No. 4 Page 5, clause 8. Insert after line 16:

- (6) The Minister must review the list of bodies approved under this section at least once every 2 years, with the first review to be carried out not later than 2 years after the commencement of this section.

These amendments insert important criteria into the bill. Amendment No. 2 requires that there be criteria for the Minister to use in deciding whether an amateur combat sports body should be prescribed in the regulations. This provides an accountability mechanism for assessing the Minister's decision and ensures that the Minister considers certain aspects that are important to the integrity of the amateur sports body. The department has indicated that such criteria already exist—so that is why we want them included in the regulations—and include the integrity of the body's governance structure, having robust risk assessment processes and the training of officials, to name just a few. These are quite capable of being prescribed in the regulations so that there is transparency, accountability and objectivity when it comes to this fundamental part of the bill—that is, the approval of amateur bodies. That is why amendment No. 2 is important.

Amendment No. 3 requires the gazettal of an approved amateur body, along with the conditions of the approval. This will ensure there is some public oversight of these approved amateur bodies, and the conditions which govern them. We are clearly going to a regime where the boxes are ticked off at the beginning but down the track we may well have the approval of the amateur body for pankration, mixed martial arts [MMA], Ultimate Fighting Championship [UFC] or other combat sports. We think gazettal will ensure that the community has oversight of not only how that happens and the criteria involved but also the fact that it has happened.

Amendment No. 4 requires the Minister to review this list of bodies every two years to make sure that such bodies remain compliant and accord with the expectations of the sanctioning bodies. It also holds the Minister to account by clearly making the ongoing integrity of such amateur bodies the responsibility of the Minister. The inherent conflict we see in the bill is the regulating of this area of combat sports but then devolving that regulation to the sporting bodies themselves. We think that creates a conflict. We are moving these amendments to enshrine greater transparency and accountability in the Combat Sports Bill 2013.

The Hon. LYNDIA VOLTZ [12.12 p.m.]: The Opposition supports these amendments. They are hardly onerous. They provide greater transparency and in particular put the onus of responsibility on the Minister, where really the carriage and responsibility for this legislation should rest. The Opposition supports The Greens amendments.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.12 p.m.]: The Government does not support The Greens amendments Nos 2, 3 and 4. In respect of amendments Nos 2 and 3, gazettal is not the most effective way to guarantee the necessary visibility and transparency for approvals. The Minister for Sport and Recreation has advised me that she will issue a direction to the Combat Sports Authority and the executive director of Sport and Recreation to publish all approvals, including conditions and subsequent variations, on the information pages of the Combat Sports Authority on the Sport and Recreation website. Clause 8 (1) provides that:

The Minister may, on application by a body corporate or other body and on the recommendation of the Authority, approve the body as an **approved amateur body** for a specified style, or styles, of combat sport for the purposes of this Act.

In relation to amendment No. 4 it is interesting that those opposite, both The Greens and the Opposition, continually accuse the Government of undertaking an excessive number of reviews and continually seeking reviews. But what they do not say is that they are the ones who keep insisting on having reviews in every piece of legislation that comes through the Parliament, which is clearly not necessary.

The Hon. PAUL GREEN [12.13 p.m.]: The Christian Democratic Party has considered these amendments in light of the Minister's response. We are quite happy that there is a bit of latitude for the Minister to follow through on these matters and we will not be supporting the amendments.

The Hon. LYNDA VOLTZ [12.13 p.m.]: In response to the Minister's claim that the Opposition is constantly criticising the Government for having reviews I point out that reviews are a normal part of the process for any legislation and changes to it. I cannot recall the last time this side of the House criticised a review that was enshrined in legislation.

Question—That The Greens amendments Nos 2 to 4 [C2013-149G] be agreed to—put and resolved in the negative.

The Greens amendments Nos 2 to 4 [C2013-149G] negatived.

The Hon. JEREMY BUCKINGHAM [12.14 p.m.]: I move The Greens amendment No. 5 on sheet C2013-149G:

No. 5 Page 5, clause 8. Insert after line 16:

- (6) The Authority is to approve the following:
 - (a) a panel of medical practitioners who may act as attending medical practitioners in amateur combat sport contests,
 - (b) a panel of referees for each style of combat sport for which there is an approved amateur body.
- (7) The Authority may at any time add a person to or remove a person from a panel.
- (8) The Authority must publish on a website maintained by the Authority a list of approved amateur bodies and a list of current members of panels approved under this section.
- (9) An approved amateur body that holds or arranges an amateur combat sport contest must ensure that:
 - (a) any attending medical practitioner is a member of the panel of medical practitioners approved under this section, and
 - (b) any referee is a member of the panel of referees for the relevant style of combat sport approved under this section.

This amendment seeks to put a restriction on approved amateur bodies by in effect creating a white list of referees and doctors to be used by approved amateur bodies. In light of our significant concerns regarding approved amateur bodies, this amendment seeks to introduce a de facto licensing system for key participants in amateur combat sports contests, notably medical practitioners and referees, in an effort to ensure the integrity of such contests and the safety of combatants.

Although the department indicates that only the amateur boxing association will initially be approved as an amateur body there is the worry that over time more amateur bodies may be approved under this section. Particularly for those new combat sports where the risks for participants are far greater, I believe there needs to be integrity for the key participants—that is, medical practitioners. As approved amateur bodies do not require permits or the registration of industry participants for amateur contests, there is a risk that amateur bodies may shirk their duties or cut corners in approving amateur contests.

In particular, there may be a tendency to put mates into the role of referees or medical practitioners, to put pressure on people in such roles to keep fights going at the risk of combatants or to green light participants in contests when there may be some doubt as to their health, fitness and capacity to compete in an able-bodied way. As medical practitioners and referees play a critical role in the safety of combat sports contests, the risk of this occurring is unacceptable. These amendments therefore provide for an effective white listing by the Combat Sports Authority of referees and medical practitioners who can be used by approved sports bodies. This will

ensure that there is some independent oversight of who performs these roles in amateur sports contests and prevent amateur sports bodies from becoming self-regulating fiefdoms away from the watchful eye of the Combat Sports Authority.

The Hon. LYNDA VOLTZ [12.17 p.m.]: The Opposition does not support this amendment. While some of the intentions behind it are good, some of these measures would be very difficult to apply, particularly in regional areas; and in particular the requirement to have a panel of medical practitioners. Medical practitioners should be well versed in the medical needs of participants in combat sports—that is, dealing with resuscitation, motor function and concussions. Quite frankly, if a medical practitioner cannot pick up those signs then he or she probably should not be practising let alone assisting at a sporting event. While some of the measures contained in the amendment are good, I think they present difficulties, particularly in regional areas. Therefore the Opposition will not be supporting this amendment.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.18 p.m.]: The Government does not support this amendment. I will not repeat what has been said by the Hon. Lynda Voltz in relation to concerns about contests in regional and country areas other than to say that I concur with her views. The authority has never had the role of approving medical practitioners for professional contests. It is not appropriate for the authority to determine which medical practitioners should or should not be able to perform medical duties at either professional or amateur contests. Placing limits on medical practitioners and the suitability of medical practitioners is appropriately a matter for the relevant medical registration authority. Medical practitioners should fulfil their functions independently rather than be beholden to the authority.

The Hon. PAUL GREEN [12.18 p.m.]: I will keep this contribution brief given the previous comments from the Hon. Lynda Voltz and the Minister. The Christian Democratic Party concurs with those comments and therefore we will not be supporting the amendment.

Question—That The Greens amendment No. 5 [C2013-149G] be agreed to—put and resolved in the negative.

The Greens amendment No. 5 [C2013-149G] negatived.

Part 1 [Clauses 1 to 8] as amended agreed to.

The Hon. JEREMY BUCKINGHAM [12.19 p.m.]: I move The Greens amendment No. 6 on sheet C2013-149G:

No. 6 Page 8, clause 16. Insert after line 25:

- (4) In subsection (1), a reference to a person who is, or has been, registered as a combatant for a registration class applicable to a professional combat sport contest includes a reference to a person who is, or has been, authorised under a law of another State or a Territory to engage as a combatant in professional combat sport contests permitted by the relevant registration class.

This amendment prevents interstate professional combatants from registering in amateur contests and is crucial to the integrity of the bill. Currently, clause 16 prevents professional combatants from registering as amateur combatants. This is to prevent generally more highly skilled and experienced combatants from competing in amateur contests where there may be more risk of injury to the amateur combatant. However, a loophole exists because the clause does not prevent someone who is registered as a professional combatant in another State from subsequently registering as an amateur combatant in New South Wales. The Greens amendment fixes the loophole and ensures that we will not import into New South Wales fighters who are more serious, better trained and present more danger to the welfare of amateur contestants. I urge members to support the amendment.

The Hon. LYNDA VOLTZ [12.20 p.m.]: The Opposition will support The Greens amendment. It is consistent with comments by the previous Minister for Sport and Recreation that the Council of Australian Governments took the view that legislation should be introduced to regulate combat sports across the country. Western Australia and Victoria already have regulations and it is not inconsistent that this bill should include a clause that covers a situation in which a person is registered in those States.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.21 p.m.]: The Government does not support The Greens amendment No. 6. Interstate and, more

importantly, international combatants are required to register as either professionals or amateurs in New South Wales having reference to their previous status. However, under clause 102 the Combat Sports Authority may exempt combatants who are not ordinarily residents in New South Wales, which is consistent with arrangements under the current Act. The Combat Sports Authority will contact any relevant combat sport regulator in that jurisdiction and determine the amateur or professional status of the combatant having regard to New South Wales definitions and approve a combatant to fight in a New South Wales contest on that basis.

The problem with The Greens amendment is that other jurisdictions do not necessarily have legislation that provides for registration classes in the same manner as this bill provides. Similarly, other jurisdictions may define professional combatants differently or have lower registration standards that may be relevant to a particular contest proposed in New South Wales. Clause 102 provides the necessary flexibility for regulators to jointly consider proposed contests involving combatants who live outside New South Wales rather than restrict the regulator to definitions that may be different from those used in other jurisdictions and standards that may be lower than those in New South Wales.

Question—That The Greens amendment No. 6 [C2013-149G] be agreed to—put and resolved in the negative.

The Greens amendment No. 6 [C2013-149G] negatived.

Part 2 [Clauses 9 to 37] agreed to.

The Hon. LYNDIA VOLTZ [12.23 p.m.], by leave: I move Opposition amendments Nos 4 and 5 on sheet C2013-174 in globo:

No. 4 Page 19, clause 46 (2), line 19. Omit "or other persons".

No. 5 Page 19, clause 46 (2), line 23. Omit "or other persons".

The current Act lays out certain criteria for the conduct of combat sport contests for or with respect to the health or safety of combatants who are, will be or intend to be engaged in contests. The Act requires combat sport inspectors to fulfil those functions. For reasons which I will be interested to hear the Minister explain the Government has broadened the provision so that the functions can be carried out by a combat sport inspector or other persons. The important point is that with the regulation of the Act people have been concerned for some time that combat sport inspectors have not been attending contests and that the Act is not being implemented in the way in which it should. More breaches may have come to light if combat sport inspectors had been in attendance and had noted the lack of medical practitioners or other requirements of the Act.

It has been explained that other persons may include medical practitioners, which is fine except the Act already includes medical practitioners at these events. I move to omit the words "or other persons" from lines 19 and 23. The Opposition takes the strict view that in order to ensure the health and safety of combatants a combat sport inspector must be in attendance and not some other undefined person who may be given the authority to act as a combat sport inspector at the whim of either the amateur sport or the department.

The Hon. JEREMY BUCKINGHAM [12.26 p.m.]: The Greens will reluctantly not support the Opposition amendments just to keep the Hon. Lynda Voltz on her toes and also because we think from time to time it may be necessary for other persons to attend. There should be provision for other persons to attend weigh-ins and events with the combat sport inspector.

The Hon. Lynda Voltz: It is not with, it is instead of.

The Hon. JEREMY BUCKINGHAM: That is true.

The Hon. Lynda Voltz: Yes, it is other persons instead of the combat sport inspector.

The Hon. JEREMY BUCKINGHAM: The Hon. Lynda Voltz makes a good point and has convinced me of her argument. The Greens will now support the amendments. The provision hangs on the "and/or" and I probably should have paid more attention to that detail.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.27 p.m.]: The Government does not support Opposition amendments Nos 4 and 5. The current

provisions make it clear that regulations can require the attendance of combat sport inspectors and/or other persons at weigh-ins or contests. Regulations will be made in respect of combat sport inspectors but there should also be regulation-making powers in respect of the attendance of other persons to provide for any as yet unforeseen circumstances that may arise. The Government therefore wishes to keep the regulation-making powers broad in this area. For example, it may be considered appropriate down the track to require a member of the authority to attend certain contests for broad systems audit or review purposes. The bill will ensure the necessary flexibility over time.

The Hon. PAUL GREEN [12.28 p.m.]: This issue was brought to my attention and I sought counsel from the Minister on it. The Minister gave a good explanation in the Chamber. In my speech I addressed the fact that there is a need for flexibility in terminology for the purposes of meeting unforeseen circumstances that may arise in the future. That is a reasonable argument as to why it should be undefined. The Christian Democratic Party will not support the amendments.

The Hon. LYNDA VOLTZ [12.28 p.m.]: It is interesting that the Minister only gave the example of the Combat Sports Authority. Under the current Act, Combat Sports Authority personnel are combat sport inspectors. In this bill the Minister has chosen to specifically exclude Combat Sports Authority personnel as inspectors, which is their role under the 2008 Act. This amendment will not give us a combat sports inspector and somebody else: It will give us a combat sports inspector or somebody else. It gives us a completely different person who is not a combat sports inspector. I am still interested in the Minister informing the Committee of an example of anyone, other than the Combat Sports Authority, which is specifically excluded from being a combat sports inspector, who should be at one of the events.

Question—That Opposition amendments Nos 4 and 5 [C2013-174] be agreed to—put and resolved in the negative.

Opposition amendments Nos 4 and 5 [C2013-174] negatived.

Part 3 [Clauses 38 to 66] agreed to.

Parts 4 and 5 [Clauses 67 to 78] agreed to.

The Hon. JEREMY BUCKINGHAM [12.31 p.m.], by leave: I move The Greens amendments Nos 7 and 8 on sheet C2013-149G in globo:

No. 7 Page 32, clause 81 (1) (c), line 26. Insert "and, in particular, of risks to health and safety" after "combat sports".

No. 8 Page 32, clause 81. Insert after line 26:

(2) The Authority must not, in exercising its functions, promote or advocate for combat sports.

The Greens amendments are absolutely fundamental to the operation and integrity of the Combat Sports Bill, combat sports laws and the Combat Sports Authority. Amendment No. 7 seeks to insert after "combat sports" in clause 81 "and, in particular, of risks to health and safety". Clause 81 (1) (c) relates to the functions of the authority, which are absolutely fundamental to the integrity of the authority, and states, "to promote awareness of issues relating to combat sports". The Greens amendment will add "and, in particular, of risks to health and safety". If the amendment is agreed to, clause 81 (1) (c) would read, "to promote awareness of issues relating to combat sports and, in particular, of risks to health and safety." The Greens want the risks to health and safety to be at the forefront of issues dealt with by the Combat Sports Authority. It is absolutely fundamental that health and safety issues are the principal concern of the authority, considering there is so much risk in combat sports and so much concern in the community about the damage that the combat sports industry, as it were, can do to individuals and to the wider community. The Greens amendment No. 8 seeks to insert in clause 81 an additional subclause, which states:

(2) The Authority must not, in exercising its functions, promote or advocate for combat sports.

The Greens believe that that subclause is also absolutely fundamental to the proper functioning of the authority. If the Government will not support The Greens amendment No. 8, I seek the Government's assurance that the function of the Combat Sports Authority is not to promote or advocate for combat sports. We would hate to see another Game Council situation and promotion of a particular activity that is not widely supported in the community. If the Government cannot bring itself to include what The Greens consider to be a rather moderate clause in the bill, I seek an assurance from the Minister that the function of the Combat Sports Authority is not

to promote or advocate for combat sports. The industry is doing a very good job of promoting itself in the community. One only has to walk into a Blockbuster store to see promotions of *UFC 4500* depicting two big gorillas attacking each other, with blood and mayhem throughout.

Children are being exposed to an extremely violent and abhorrent sport that involves people being maimed and injured. There is no doubt that the industry is promoting itself. The community really has not had a discussion on whether it wants this genie out of the bottle, but it is out and we are regulating it. We accept that, but we certainly do not want the Combat Sports Authority to be promoting it as well as the sport and the industry. There are plenty of people who will promote combat sport, such as the gambling industry and television stations. We must ensure that the regulator is controlling the sport and is not involved in promotion. If the Government will not support the amendment, The Greens seek an assurance from the Minister that promotion and advocacy will not be functions of the authority.

The Hon. LYNDIA VOLTZ [12.35 p.m.]: The Opposition supports The Greens amendments Nos 7 and 8. Amendment No. 7 is consistent with an amendment that has been passed already by the Committee. In relation to amendment No. 8, the reality is that the authority does not, in the exercise of its functions, promote or advocate for combat sports. That has never been the role of the authority. While I am not opposed to the amendment—because it is something the authority does not do anyway, and never has, I note that the authority fulfils a regulatory role. The authority does not promote and is not similar to the Game Council. It has always been the intention that the authority would regulate the industry. It is not as though regulation allowed an industry to develop. The reality is that the 2008 Act dealt with an existing industry that was completely unregulated—covering cage fighting and extreme fighting—and involved large events in Sydney. A lot of money was involved in events that were quite violent and quite risky for the participants.

Cage fighting is similar to boxing and there has been a long tradition of regulation in boxing. Of course boxing is a sport that has a long history of public entertainment in Australia. Actually, it is quite a fine history. Having had three great-uncles who all earned a living from boxing in their younger days, I know that boxing was a way for them to get away from the bush and get down to the city. It is not the role of the authority to promote and advocate for combat sports. The amendments may not be necessary, but they are not contrary to the functions already undertaken by the authority.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.37 p.m.]: The Government opposes The Greens amendments Nos 7 and 8. In relation to amendment No. 7, the principal object of the bill is to promote health and safety. Many of the bill's provisions have an explicit health and safety focus. The authority clearly will promote an awareness of combat sports health and safety issues in exercising its function under clause 81 (1) (c). One of the problems with amendment No. 7 is that it downplays the other principal object of the Act, the integrity of combat sport contests. The authority should promote that object vigorously as well. The current provisions of the bill are sufficient to ensure that the authority promotes awareness of health and safety as well as integrity and other relevant issues as they arise.

Amendment No. 8 appears to have been designed to restrict the authority in providing independent advice to the Minister and in making public comments. The authority is an independent body that needs to be able to provide the Minister for Sport and Recreation with independent and balanced advice, and it needs to be able to provide independent and balanced comment on public issues. In response to the request for assurance made by the Hon. Jeremy Buckingham, I remind him that the former Minister for Sport and Recreation, the Hon. Graham Annesley, dismantled the former authority that comprised industry representatives and replaced it with an authority of appropriately qualified experts. This bill requires that the authority's membership include an experienced legal practitioner, a medical practitioner and a nominee of the Commissioner of Police. The authority clearly is not an industry advocacy body. The Government's actions clearly have proved that.

Question—That The Greens amendments Nos 7 and 8 [C2013-149G] be agreed to—put and resolved in the negative.

The Greens amendments Nos 7 and 8 [C2013-149G] negatived.

Part 6 [Clauses 79 to 83] agreed to.

The Hon. LYNDIA VOLTZ [12.39 p.m.]: I move Opposition amendment No. 6 on sheet C2013-174:

No. 6 Page 34, clause 84 (1), line 5. Insert "of that Department" after "employee".

This amendment is consistent with my views on the "or other persons" provision in the Act. I know that it is consistent with changes that occurred under the public sector Act. The definition that any public servant can be appointed as a combat sport inspector is far too broad. The Director of the Department of Education and Communities is required to appoint the combat sport inspector, and the person appointed a combat sport inspector certainly should come from that department, to ensure integrity and to ensure that the person appointed at least has some understanding of the industry.

The Hon. JEREMY BUCKINGHAM [12.40 p.m.]: For the reasons outlined so eloquently by the Hon. Lynda Voltz, The Greens will support the amendment.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.40 p.m.]: The Government does not support amendment No. 6 on the basis of advice previously provided by Parliamentary Counsel. The Government has already introduced legislation that provides that individual departments will no longer employ staff, with government employees to be employees of the public service. As there will no longer be employees of the Department of Education and Communities, the amendment makes no sense. However, the authority will continue the current practice of appointing public service employees attached to that department.

Question—That Opposition amendment No. 6 [C2013-174] be agreed to—put and resolved in the negative.

Opposition amendment No. 6 [C2013-174] negatived.

Part 7 [Clauses 84 to 91] agreed to.

Part 8 [Clauses 92 to 110] agreed to.

Schedules 1 to 3 agreed to.

Title agreed to.

Bill reported from Committee with an 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.

CRIMES LEGISLATION AMENDMENT BILL 2013

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (ARREST WITHOUT WARRANT) 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. John Ajaka 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.

BUSINESS OF THE HOUSE**Postponement of Business**

Government Business Orders of the Day Nos 2 to 6 postponed on motion by the Hon. Matthew Mason-Cox and set down as orders of the day for a later hour.

WORK HEALTH AND SAFETY AMENDMENT BILL 2013**In Committee**

Clauses 1 and 2 agreed to.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [12.46 p.m.]: I move Opposition amendment No. 1 on sheet C2013-146A:

No. 1 Page 3, schedule 1. Insert before line 3:

[1] Section 229B Procedure for offences

Insert after section 229B (1):

(1A) Proceedings for a Category 2 offence are to be dealt with summarily before the Industrial Court.

As outlined in the second reading debate, the Opposition maintains the view that prosecutions for work health and safety matters should be reposed in a specialist court with properly experienced and qualified judicial officers who are able to deal with these matters. We understand and we accept that the Government has a different philosophical outlook and that this matter was the subject of some debate in 2011. We also acknowledge though, as we also indicated, that that experiment has gone awry; there is now significant legal doubt over the validity of a number of prosecutions because of the way in which the conferral on that court was done. We also acknowledge this is the opportunity to resolve those difficulties going forward.

This first amendment deals only with prosecutions that are commenced after the passage of this legislation. It deals with the future; it does not deal with what has gone before. In this connection I will, with the indulgence of the Chair and the Committee of the Whole, make some reflections on the Opposition's second amendment, which will not be moved by me if the first amendment is carried. But I reiterate that we are committed to ensuring the objects of this legislation: that prosecutions are not in doubt, or do not fail, for reasons of legal technical defects. These matters should be heard and dealt with on their substantive merits.

As I said, the first amendment deals with the situation in the future. I note that, while we have a continuing view about the specialist court, we do know that the number of judges will diminish from early next year down to two judges; and that from next year the former President will be an acting judge for 12 months, as I understand it. Of course, it is not beyond the realms of possibility that this Government, or another government at the time, may appoint suitably qualified and experienced practitioners in this field, and so rebuild the capability of that court to deal with these matters.

The Hon. Dr Peter Phelps: Are you putting your hand up for that, and getting the CV ready?

The Hon. ADAM SEARLE: No. The important point is that to the extent that that is not what happens, a bill already passed by this House deals with that eventuality—that is, should the workload of the Industrial Court increase to where it cannot be dealt with by such judges as it has, the facility is there for Supreme Court judges to act as judges of the Industrial Court. Members should be mindful of what is now before them for future prosecutions: Should these matters be dealt with by District Court judges—an inferior court that has not been resourced to deal with these matters, is without expertise in these matters and from all reports even practitioners are not content and happy with the way matters have been implemented—or by Supreme Court judges, which reflects this Parliament's view that work, health and safety matters are serious criminal matters and should be dealt with by the highest courts in this State? That is the substantive reason we press amendment No. 1 and ask this Committee to embrace it for future prosecutions.

In conclusion, I reflect briefly on the Opposition's second amendment, which deals with the past that is, matters that had arisen under the Occupational Health and Safety Act 2000 and had been reposed in the District Court and about which there is now some doubt. Some 70 matters are in this category not only for the reasons given rise to in empire waste, but also, in the case of Built Pty Ltd, the issue of whether the summons was signed by the inspector or by a legal practitioner, a matter which this bill deals with. Matters that have commenced and in which evidence has been heard should remain in the District Court with its imperfect arrangements, but matters that have not commenced substantively with the hearing of evidence should return to a court of the appropriate level.

Certainly, the Government and others have reservations that the passage of the second amendment could give rise to further delays even though the legal difficulties may be resolved. We do not share those concerns; we believe they are misplaced. However, we do not for a single moment want to add to the difficulty of practitioners or injured workers the subject of proceedings and, above and beyond all, we do not want to add to the grief of family members of deceased persons regarding a number of cases. As imperfect as we view those past arrangements and in as much need of curing as we feel they are, with some reluctance I flag that in good faith the Opposition will not proceed with its second amendment relating to past matters. Therefore, those matters would be, as it were, for a closed period in that court and would be allowed to run their course on their substantial merits.

That is the appropriate course of action. I have signalled that to the Minister and the Government. We accept and welcome the indications to me by the Minister that the Government will not play politics with this legislation. The ultimate objective, of which we should not lose sight, is to secure the curing of those legal difficulties we outlined and which the Government has embraced by introducing this legislation. For those reasons and in good faith, the Opposition will not proceed with its second amendment regarding past prosecutions and will look only to the future. The argument about those past matters was dealt with in this place and as much as we would want to fix them, we will leave them rest where they are and look to their better future not attended by their past legal difficulties. We hope to proceed that way. I ask all members and parties to join me in curing this matter for the future.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [12.54 p.m.]: It certainly is my pleasure to inform the Committee that the Government is pleased to hear that the Opposition has reconsidered its position with its second amendment—a wise decision in the circumstances. We accept that in the goodwill in which it has been offered. I reiterate briefly regarding the first amendment that the Government holds the view strongly that this bill is to correct technical problems with the original bill. The Government's policy has not changed in that respect. The Government's view is that these matters should be dealt with in the District Court on a prospective basis along with current cases.

We have been entirely consistent in that regard. For those reasons, we believe the first Opposition amendment is a retrograde step. We refer to some of the arguments advanced by the Opposition that the Industrial Court, if you like, is slimming down over the coming months through retirements and that its workload has reduced considerably under this Government. All those changes will mean that moving cases prospectively to that court would cause workflow issues. The Government's view is, and remains, crystal clear and consistent in ensuring that these matters should be dealt with by the District Court. In that respect, we will oppose the Opposition's amendments.

Question—That Opposition amendment No. 1 [C2013-146C] be agreed to—put.

The Committee divided.

Ayes, 20

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

Noes, 18

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

Mr Green
Mr Harwin
Mr Khan
Mr MacDonald
Mrs Maclaren-Jones
Mr Mason-Cox
Mrs Mitchell

Mrs Pavey
Mr Pearce

Tellers,
Mr Colless
Dr Phelps

Pair

Mr Whan

Mr Lynn

Question resolved in the affirmative.

Opposition amendment No. 1 [C2013-146C] agreed to.

Schedule 1 as amended agreed to.

Title agreed to.

Bill reported from Committee with an amendment.

Adoption of Report

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

That the report be adopted.

Report adopted.

Third Reading

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [1.04 p.m.], on behalf of the Hon. Duncan Gay:

That this bill be now read a third time.

Mr DAVID SHOEBRIDGE [1.04 p.m.]: On behalf of The Greens I support the bill, as amended, out of Committee. This bill is necessary to ensure that the 70-odd prosecutions that were brought under the previous Act and have been subject to the transitional provisions of the Work Health and Safety Act 2011—

The PRESIDENT: Order! The third reading stage of a bill is a last opportunity to oppose the legislation.

Mr DAVID SHOEBRIDGE: It is to explain our position for adopting the amended bill out of Committee.

The Hon. Duncan Gay: Point of order: My point of order is that the second reading is the stage at which these comments should be made. As correctly indicated, it is not at the third reading stage. If the honourable member is not organised enough to be in the Chamber to contribute to the second reading of the bill, which took a long time, he should not trifle with the House by trying to do so at the third reading stage.

The PRESIDENT: Order! I have the gist of the point of order. Having viewed the selected rulings, I rule that brief comments advising on a change of position can be made, but with limited latitude. Mr David Shoebridge should confine his comments to why the position is now different as a result of the outcome of the Committee stage of the bill.

Mr DAVID SHOEBRIDGE: Originally the Labor amendments that were proposed had two limbs. The second limb was to transfer a raft of prosecutions that are currently before the District Court to the Industrial Relations Court mid prosecution. We had real concerns that if that amendment was passed it would

have jeopardised those 70-odd prosecutions. In fact, we had detailed conversations with the Minister and I was grateful for those conversations about the shared concerns that The Greens and the Government had about the potential 70 prosecutions.

However, Labor has restricted its amendments to the first clause, which will open up the jurisdiction for class 2 proceedings in the Industrial Relations Commission, but it is limited to going forward. We believe this bill, with those amendments, is eminently supportable. It protects existing prosecutions and ensures that they will not be subject to what I would call pettifogging legal technicalities. Those prosecutions can continue. They will not be jeopardised as a result of Labor's limited amendment No. 1. This bill, as amended, will be adopted by the lower House. The families who have had loved ones killed in industrial accidents can have prosecutions that are currently under a cloud proceed quickly before the courts.

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

Motion agreed to.

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

[The President left the chair at 1.09 p.m. The House resumed at 2.30 p.m.]

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

QUESTIONS WITHOUT NOTICE

CRIME SENTENCING PROCEDURES

The Hon. LUKE FOLEY: My question is directed to the Leader of the Government in the Legislative Council in his capacity as the Minister for Police and Emergency Services. Did the NSW Police Force make a submission in response to the 2011 discussion paper about family victim impact statements and sentencing in homicide cases released by the Department of Attorney General and Justice? If so, did that submission favour changing the law to allow courts to consider such statements as part of the sentencing process?

The Hon. MICHAEL GALLACHER: Can the member tell me when that was released in 2011?

The Hon. Luke Foley: No.

The Hon. MICHAEL GALLACHER: As the member is unclear when it was in 2011 I will need to make sure that we have the right paper so I will take that question on notice.

ROTARY POLICE OFFICER OF THE YEAR AWARDS

The Hon. JENNIFER GARDINER: My question without notice is addressed to the Minister for Police and Emergency Services. Can the Minister inform the House about the recent 2013 Rotary Police Officer of the Year Awards?

The Hon. MICHAEL GALLACHER: I am happy to inform the House that the Rotary Police Officer of the Year Awards were announced last Friday night. The awards are a great way of recognising the contributions of individuals working in the NSW Police Force, and I congratulate all those nominated. The key to these awards is that they recognise not only sworn officers but also unsworn employees and volunteers. This year, a record number of police officers, civilian employees and volunteers were nominated for the awards—more than double the number that were nominated in previous years. Nominations were received from either police commanders or from winners of locally-based Rotary Police Officer of the Year Awards. The winners were announced at a gala dinner held last Friday night.

Congratulations to the overall 2013 Rotary Police Officer of the Year: Detective Senior Constable Vasilios Ferfiris from the State Crime Command Drug Squad. He was also the winner of the Specialist Operations Police Officer of the Year Award. The award recognises his tenacity, creativity and dedication to duty while investigating the criminal activities of West African crime syndicates in Sydney. The syndicates had little criminal history and there were very few leads, but the result was the arrest and charging of 11 people and the seizure of six kilograms of drugs. The Customer Service Award went to Inspector Bruce McGregor from the

Lake Macquarie Local Area Command. This is a new award category and reflects the commitment of the NSW Police Force to customer service. Nominations for this award came from the public, with over 100 nominations received. Inspector McGregor has brought 34 years of policing experience to the command and has created a practical action plan to strengthen ties with the Lake Macquarie Aboriginal community.

The NSW Police Force Civilian Employee of the Year Award went to Kirsty Doolan, a team leader at PoliceLink, Tuggerah. As members would know, PoliceLink takes calls from the public to 000, the Police Assistance Line and Crime Stoppers. In this important role Kirsty deals with hundreds of people during her working day, some at highly stressful times in their lives. The Volunteer in Policing Award went to Dennis Gapes, a volunteer at Hawkesbury Local Area Command. A volunteer since 2008, Dennis volunteers on nightshift most nights, and also works on some day shifts. He has been particularly involved in assisting the licensing officer to arrange firearms inspections.

The Police Officer Community Award went to Sergeant Bob Minns at Wollongong Local Area Command. Sergeant Minns is a 30-year veteran of the NSW Police Force and has a passion for ensuring the welfare of police officers and their families, particularly those killed or injured on duty. He is a representative of the Police Association and a board member of Police Legacy. The Police Officer of the Year Award Field Operations went to Constable Angela Vergopoulos at Ashfield Local Area Command. Constable Vergopoulos has been with the NSW Police Force for just three years but, with her strong sense of social justice, she always wanted to be a police officer. Now in criminal investigations, she recently received a letter from the Deputy State Coroner complimenting her good work investigating a death.

Policing is often a thankless profession. These awards are a rare opportunity to publicly recognise and thank the police officers who go above and beyond their duties, and who do so much in their communities. I am sure the House would join me in congratulating all the finalists and the winners of the awards on their achievements and their service to the community of New South Wales.

NORTH COAST POLICE NUMBERS

The Hon. ADAM SEARLE: My question without notice is directed to the Minister for Police and Emergency Services. Given that local officers are threatening industrial action over the ongoing North Coast police staffing crisis, will the Minister provide the region with the 400 additional officers that the Police Association says are needed to keep local communities safe?

The Hon. MICHAEL GALLACHER: I thank the member for his question and commence my response with an apology. I apologise to those police on the North Coast, and indeed to police right around the State, that it took us so long to get rid of the former Labor Government, which for 16 years ignored the North Coast, country areas of New South Wales and the needs of police right around this State.

The Hon. Steve Whan: That is simply not true.

The Hon. MICHAEL GALLACHER: It is true. Those opposite should hang their heads in shame. The member interjecting was part of the executive of the former Labor Government which ignored the pleas for help from the NSW Police Force. The member opposite was part of a government that continued to ignore the needs of police not only on the North Coast but indeed in other areas, particularly country and regional New South Wales. The inquiry into police numbers on the North Coast is one that I requested. The Police Association wrote to me and said that it had grave concerns about staffing levels on the North Coast. It did so because it recognised that it needed to intervene. If a politician had identified the need for such an investigation those opposite would have gone around the State screaming, "We need additional resources in all these areas", making political mischief as they have a penchant for doing, particularly in south-western Sydney. They continue to say that we should take police away from other areas and send them to south-west Sydney. When it comes to those opposite their comments are always political and never professional.

Be that as it may, the Police Association wrote to me and indicated that it had concerns about policing resources on the North Coast. As a result of my discussions with the commissioner and Mr Jeff Loy, the newly appointed assistant commissioner for the northern region, Mr Loy has embarked on an investigation into the policing resources needs of that region. I look forward to receiving further advice from the NSW Police Force as it closely scrutinises the observations of, and indeed any remedies suggested by, the assistant commissioner. Members opposite should think seriously before asking questions about police resources—an area neglected by the Labor Party for 16 years when it was in office.

GARDENS OF STONE NATIONAL PARK

Dr MEHREEN FARUQI: My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for the Environment. Given the recommendation of the Department of Planning to reject the Coalpac mine expansion into the Ben Bullen State Forest, will the Government now commit to listing the spectacular stone pagodas and adjacent area as part of the Gardens of Stone National Park?

The Hon. JOHN AJAKA: I will direct the member's question to the Minister and come back to her with a response.

BOATING SAFETY

The Hon. RICK COLLESS: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the combined efforts by compliance agencies to improve boating safety?

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

The Hon. Greg Donnelly: It's not a soft question.

The Hon. DUNCAN GAY: A member opposite indicated that it was a soft question. This has been a hard solution.

The Hon. Greg Donnelly: Point of order: My point of order is misrepresentation. I said that this was not a soft question.

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

The Hon. DUNCAN GAY: The Government is intent on making sure it gets the most out of its resources for the benefit of the people of New South Wales. In March this year the Government announced a two-year strategy called the Marine Compliance Taskforce to reform its on-water compliance operations. At the time it seemed we almost had our own small navy of boats attached to all the major agencies and doing similar work. I am delighted to inform the House that new combined on-water patrols will be carried out for the next six months between Roads and Maritime Services, the New South Wales Department of Primary Industries and the NSW Police Force.

The Hon. Trevor Khan: It's a great idea.

The Hon. DUNCAN GAY: It is a great idea. These new combined patrols will make more efficient use of our compliance officers and reduce disruption to commercial and recreational vessels. We want to ensure that all checks are conducted simultaneously when a vessel is stopped. The new teams will patrol Botany Bay, Port Hacking and the Georges River. We are so proud of the teams that we have called them "O'Farrell's Navy". "O'Farrell's Navy" is a much more efficient operation than what went before it, which was known to everyone in the business as "McHale's Navy".

The Hon. Luke Foley: It's a bit of a leaky boat at the moment.

The Hon. DUNCAN GAY: What about Michael Egan's comments? Do you want to talk about them? During the trial all compliance checks will be conducted from police, maritime or fisheries vessels. Under this combined approach officers from any of the three agencies will be empowered to enforce important boating safety measures. It means that fisheries officers can now check life jackets and boat licences and Roads and Maritime Services boating safety officers can inspect the size and bag limits of any fish caught. In addition, police officers will conduct random breath tests when on board the vessels. All our officers will be vigilant in their on-water checks. As is the case everywhere in New South Wales, they will take a zero tolerance approach to non-compliance with life jacket requirements.

Over the past decade nine out of 10 people who drowned when boating in New South Wales were not wearing a life jacket. More often than not, they were in a small vessel. That is a devastating statistic. There will be much more to say about our life jacket campaign as the boating season progresses, but the message is simple:

It is not enough just to have a life jacket on board—it cannot save one's life unless one is wearing it. Across the waterways in Sydney's south our new combined patrols will have people not wearing life jackets in their sights this boating season.

HOME SCHOOLING

The Hon. PAUL GREEN: My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for Education. Under the heading "Investigating home schooling", the New South Wales Ombudsman 2012-13 annual report made a recommendation requiring the Board of Studies to research the "academic attainment of home-schooled students compared to children who attend public or private schools". What are the results of the commissioned research? Will the Minister table in this House the full and complete set of recommendations made by the Ombudsman to the Board of Studies?

The Hon. JOHN AJAKA: I note the member's question and will refer it to the Minister for Education to obtain an answer.

DOMESTIC VIOLENCE POLICING

The Hon. SOPHIE COTSIS: My question without notice is directed to the Minister for Police and Emergency Services. Given that the Government has provided in principle support to recommendation 39 of the Standing Committee on Social Issues report on domestic violence, how many sergeants have now been allocated to deal specifically with domestic violence?

The Hon. MICHAEL GALLACHER: Again I look back to what the Government has done to give sergeants greater flexibility when dealing with domestic violence and the direction in which the Government is going. I will seek advice from the Commissioner of Police about the number of sergeants, but it is extremely important to recognise that whilst it is a specialist field it is not limited to sergeants. Domestic violence response is part of the important training that every first-response police officer undertakes at the New South Wales Police Academy. Sergeants obviously carry a degree of authority, but every police officer is trained in domestic violence response as he or she proceeds through the academy.

The Hon. Niall Blair: And new laws to help them.

The Hon. MICHAEL GALLACHER: As a Government we are proud of the attempts we continue to make to assist the victims of domestic violence by unravelling and removing the red tape that once bound the hands of police. We have allowed police to have flexibility to make decisions at the scene. I will make inquiries of the police force regarding the specific numbers that were requested in the question.

SPINAL CORD INJURY AWARENESS WEEK

The Hon. NATASHA MACLAREN-JONES: My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra. Will the Minister update the House on what the Government is doing for Spinal Cord Injury Awareness Week, which started on Sunday 10 November?

The Hon. JOHN AJAKA: The aim of Spinal Cord Injury Awareness Week is to raise the profile of people living in the community with a spinal cord injury and the causes of spinal cord injury. It also provides a focus for promoting the prevention of spinal cord injuries in Australia while recognising the struggles and celebrating the achievements of people with spinal cord injuries, their families and carers. This year spinal injury organisations around Australia are working together to highlight the common barriers people with spinal cord injuries face in their everyday lives.

Many spinal cord injuries are preventable. That is why raising awareness and promoting prevention through incentives such as Spinal Cord Injury Awareness Week is so important. A spinal cord injury can happen to anyone regardless of age or gender; however, most spinal injuries are sustained by people under the age of 35. The most common causes are traumatic accidents such as road accidents, water-related accidents, contact sports and falls. Every year 350 to 400 new cases are reported. That is more than one case every day. The highest incidence is in males aged 15 to 24 years.

A recent report completed by the Social Policy Research Centre at the University of New South Wales estimates that more than 10,000 people live with a spinal cord injury in Australia. Depending on the extent and

level of the injury a person with a spinal cord injury will need a variety of supports. These supports increase skill development and educate the injured person about how to access the necessary resources to live and participate in the community and achieve their new goals. NSW Health and Ageing, Disability and Home Care are working collaboratively to address some of the needs of people with spinal cord injuries. An example of this collaboration includes the joint funding of in-home support for people with these types of injuries who are approved for the Adult Home Ventilation Program.

Individuals with a spinal cord injury access a range of Ageing, Disability and Home Care funded services, including the Attendant Care Program, Life Choices Program, respite, accommodation support as well as services funded under the Community Care Support Program. The department also provides funding to some non-government organisations such as Spinal Cord Injuries Australia and Spinal Talk to deliver support specifically for people with spinal cord injuries. This research will assist service providers and policymakers to understand the lived experience of people with spinal cord injuries and their quality of life, life choices, support needs, experience of good support and gaps in support. Spinal Cord Injuries Australia will receive more than \$3 million in 2013-14 to provide a suite of services including life skills training, advocacy and information, accommodation, peer support, injury prevention, job training, career planning and employment support, and intensive exercise recovery.

The manner in which people with disabilities are supported in New South Wales and across Australia is undergoing unprecedented reform that will culminate in the full implementation of the National Disability Insurance Scheme by 2018. As part of that reform, Ageing, Disability and Home Care is aligning its high-needs pool with the Attendant Care Program in one program under a new policy that will deliver greater flexibility, control and choice for participants. People with spinal cord injury are a key group providing input to the reform. The New South Wales Government is committed to shifting structural and attitudinal barriers so that people with disability can enjoy the same rights and opportunities that people take for granted, including education, entertainment, transport and housing.

RURAL AND REMOTE EDUCATION

Dr JOHN KAYE: My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for Education. Given the Government's commitment to improving student learning in rural and remote public schools through the Rural and Remote Education Blueprint for Action, how does the Minister justify the cuts to the statewide network of 17.2 community information officers who provided community liaison and partnership-building support to those schools? For example, to whom will a rural and remote public school turn for English as a second language support, or if they have a racist incident, or if they need to establish more effective partnerships with their local non-English-speaking-background families and communities?

The Hon. JOHN AJAKA: I thank Dr John Kaye for his question. I am well aware that the Minister for Education has delivered a blueprint for reform—for the first time in many years—to improve education for rural and country students. As the question has many specific aspects, I will take it on notice and request the Minister for Education to respond to it in due course.

ST GEORGE HOSPITAL FUNDING

The Hon. SHAOQUETT MOSELMANE: My question is directed to the Minister for Police and Emergency Services, representing the Minister for Health, and Minister for Medical Research. Given that renowned cancer scientist Professor Barry Allen recently was made redundant from the St George Hospital, despite being the only Australian on the list of the world's 50 top medical physicists, will the Minister reverse the Government's hospital funding cuts so that the St George Hospital can re-employ Professor Allen and allow him to continue his ground-breaking and lifesaving research?

The Hon. Greg Donnelly: Good question.

The Hon. Duncan Gay: It is not a good question. It is just so wrong.

The Hon. MICHAEL GALLACHER: I agree with the Minister for Roads and Ports: The member intends to mislead the people of St George by using the term "hospital funding cuts".

The Hon. Shaoquett Moselmane: It is \$3 million.

The Hon. MICHAEL GALLACHER: No. The Hon. Shaoquett Moselmane is not being fair dinkum.

The Hon. Melinda Pavey: You cannot count, Shaoquett. You can only count branch numbers.

The Hon. MICHAEL GALLACHER: It is all about branch numbers. That is what this whole exercise is about. It is very disappointing indeed that we have this ongoing preparation for a preselection timetable predicated on untruths in a community that most certainly relies heavily on this resource.

The Hon. Shaoquett Moselmane: Point of order—

The Hon. MICHAEL GALLACHER: I did not name anybody, but if the Hon. Shaoquett Moselmane wishes to make a personal explanation, I think I have hit the mark.

The Hon. Shaoquett Moselmane: My question was specifically about Professor Allen and it is specifically about funding to the St George Hospital. I was not asking about anything else. Mr President, I ask you to direct the Minister to answer the question.

The PRESIDENT: Order! I have the gist of the point of order. I remind Ministers that they should be generally relevant when answering questions.

The Hon. MICHAEL GALLACHER: I thank the Hon. Shaoquett Moselmane for not denying the truth that this is all about a preselection timetable, which one would have thought would have been the subject matter of his point of order. Be that as it may, I will take the question on notice and refer it to the Minister.

POOL SAFETY

The Hon. MARIE FICARRA: My question is addressed to the Minister for Police and Emergency Services. Will he inform the House about Kids Can Drown Without a Sound?

The Hon. MICHAEL GALLACHER: This is a very important and serious issue indeed. I thank the Hon. Marie Ficarra for her question. Kids Can Drown Without a Sound is a campaign funded under the Government's Water Safety Black Spots Fund. Research undertaken by Kids Health at the Westmead Hospital indicates a significant proportion of drowning deaths occur in inflatable and portable pools. Kids Health envisaged a campaign to raise awareness of the dangers of portable pools and fencing requirements to the English and culturally and linguistically diverse communities and to research community knowledge, awareness and behavioural change. Kids Health applied successfully for funding for this campaign from the Water Safety Black Spots Fund. The fund provides financial assistance for water safety initiatives—and the Hon. Melinda Pavey did a great job in preparing that initiative—that focus on high-risk locations, populations and activities associated with drowning.

The campaign is the first of its kind to promote the dangers of inflatable and portable pools. The development of the campaign included an analysis of appropriate languages for the translation of campaign material and for focus groups to identify the key message. The message is simple: Kids Can Drown Without a Sound. Even in small or large inflatable or portable pools, kids literally can drown in seconds. It can be that quick and it can be that quiet. Inflatable and portable pools can pose more of a risk to children than pools that have been built with fences. Unfortunately, many people are not aware that those pools may need to have fences, and some are not able to be emptied due to their size.

The campaign advises that inflatable and portable pools that can hold more than 30 centimetres of water should be used only if they can be fenced and that fines apply if people do not have a four-sided fence around a pool of that size. For inflatable and portable pools that are smaller than pools that can hold more than 30 centimetres of water, the campaign advises people to always empty the pool when it is not in use and always store the pool away from young people when it is not in use. The campaign material is available in 16 languages and has been circulated through health and local government networks. The message has been promoted in print and through radio advertising. An online survey linked with the campaign has indicated that 90 per cent of people would not buy a large portable pool, given the information that has been provided.

The campaign is ongoing and the materials are available for downloading on the Kids Health website at www.kidshealth.schn.health.nsw.gov.au. The Kids Can Drown Without a Sound message needs to be continually repeated. Kids need constant supervision by adults in and around water. Large portable pools still

require fencing. Small portable or inflatable pools are very dangerous indeed. I believe this is an important message for me to share in the House as the weather warms up. It is forecast to be a hot summer and we do not want to lose any children to drowning. I ask people to be vigilant in regard to water safety this summer. I thank the Hon. Melinda Pavey for her fine work in the development of this initiative.

MOUNT PENNY AND DOYLES CREEK COAL EXPLORATION LICENCES

Reverend the Hon. FRED NILE: I direct my question to the Minister for Police and Emergency Services, representing the Attorney General, and Minister for Justice, the Hon. Greg Smith. Is the Government aware that the report of the Independent Commission Against Corruption entitled "Reducing the opportunities and incentives for corruption in the state's management of coal resources" was tabled in Parliament on 30 October 2013? Is the Government also aware that the report makes 26 corruption prevention recommendations in relation to the corrupt conduct that the commission found in operations Jasper and Acacia investigations? When will those recommendations be implemented? Will the Attorney General supply a timetable for implementation of those important recommendations?

The Hon. MICHAEL GALLACHER: I thank Reverend the Hon. Fred Nile for his question. The Government is aware of the report and most certainly is aware of the recommendations. I assure Reverend the Hon. Fred Nile that the Attorney General is progressing development in relation to the Government's response and that I expect to see something in the not-too-distant future.

DROUGHT ASSISTANCE

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries, and Minister for Small Business. What is the State Government doing to support drought-affected farmers who currently are experiencing delays waiting for the Rural Assistance Authority to determine their eligibility for Federal drought assistance?

The Hon. DUNCAN GAY: I thank the honourable member for his question. In order to obtain the exact detail, I will take the question on notice and seek a response. But in general terms, I would indicate that in the past couple of weeks hardly a day has gone by that the Minister for Primary Industries has not been meeting with her colleagues to look at ways, and better ways, to help the people of regional New South Wales. The Minister actually gets it. Her background is a farming family: her father, David Hodgkinson, was a vice-president of NSW Farmers; and there are very close links between the Hodgkinsons and the Merrimans. They are part of the grazing industries of Australia—unlike people that want to play politics. It was interesting to hear Steve Whan talking about some initiatives—

The Hon. Greg Donnelly: Point of order—

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

The Hon. Greg Donnelly: The Minister, who is not without experience, knows that he is reflecting directly on a member. It is clear from previous rulings that when answering a question a Minister must not make reflections on other members.

The PRESIDENT: Order! In the comments made by the Minister so far I have heard no reflection on any other member, other than that the Minister did not use the member's correct title. I would not say that was an intentional reflection.

The Hon. DUNCAN GAY: Inherent in what our Minister is doing is putting in place measures that are designed to move from crisis management to risk management. The aim is better to support farmers, their families and rural communities in preparing for future challenges, rather than waiting until they are in crisis to offer assistance. Interestingly, those are the same words that were in a communique issued by the Hon. Steve Whan in November 2010. You are hoist on your own petard; you have been caught fibbing.

The Hon. Steve Whan: Point of order: The Minister is out of order in addressing comments directly across the Chamber, pointing at me and telling lies and not understanding what is going on in the drought sector. You are a liar.

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

The Hon. DUNCAN GAY: It is interesting that at the Primary Industries Ministerial Council on Friday 5 November 2010 the Australian Government was represented by Senator the Hon. Joe Ludwig and New South Wales was represented by the Hon. Steve Whan. This was their "draft policy improvement", and I quote from section 3:

The measures are designed to move from a crisis management approach to risk management. The aim is to better support farmers, their families and rural communities in preparing for future challenges, rather than waiting until they are in crisis to offer assistance.

That is exactly what he was trying to criticise. He has been hoist on his own petard, is misleading the House and is telling fibs.

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

SYDNEY ROADS MAINTENANCE

The Hon. DAVID CLARKE: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on how the Government is saving taxpayers' money through the delivery of better road maintenance?

The Hon. DUNCAN GAY: What a great question. Why do I never get a good question like that from the Opposition? They just want to tell us the bad news, rather than give us the good news. The Government is determined to make sure that taxpayers get value for money in everything we do, and that includes the maintenance of our roads. Do you want to enter into this, Walt?

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

The Hon. DUNCAN GAY: It is interesting to note that the member for Liverpool had as a guest for lunch a high school teacher from Cecil Hills High.

The Hon. Lynda Voltz: Point of order: My point of order is relevance. The Minister continues to direct comments to members on this side of the Chamber rather than answer the question that has been asked of him. He is using up his time.

The PRESIDENT: Order! It was not clear how the comment was generally relevant. The Minister has the call.

The Hon. DUNCAN GAY: It made me feel better, Mr President. That is why I was so pleased to announce earlier this month the successful two joint ventures to deliver road maintenance and improvement work for the south and west zones of Sydney. A key priority for Roads and Maritime Services is to provide road users with reliable road networks to ensure efficient and safe journeys, and the New South Wales Government is committed to working with the private sector to deliver improved services with greater innovation. About \$900 million is invested each year on State managed roads across New South Wales, with about \$300 million spent each year on maintaining Sydney roads. Road maintenance contestability has been used throughout Australia and overseas to build and maintain roads while achieving the best value for every dollar spent. Road maintenance contestability has been successfully used in Sydney's northern region for a number of years.

Increased contestability of road maintenance in the Sydney region will reduce the cost of managing and maintaining assets and will deliver improved services for all road users. Both of the new service providers have a combination of local knowledge and international expertise and will work across more than 1,300 kilometres of roads in the two Sydney zones. The first joint venture Leighton Boral Amey will cover is the Sydney south zone while DownerMouchel will deliver the Sydney west zone. These consortiums have been engaged on a seven-year contract with an option for Roads and Maritime Services to extend the contract for a further three years. By engaging the private sector to deliver road maintenance, motorists will benefit from improved travel conditions, including road quality and reduced traffic disruption.

The work will include planning, project management, maintenance on roads, bridges and tunnels, including resurfacing work and asset upgrades to improve safety and reduce congestion. In addition, as part of the maintenance contestability program, Roads and Maritime Services is calling for expressions of interest for the maintenance of Intelligent Transport Systems [ITS] assets. Roads and Maritime Services has been talking

with industry about contestability in the Intelligent Transport Systems area since August, with more than 30 organisations providing submissions on the process. Overall, this is good news. It is even better news that a teacher from Cecil Hills High School is in the Legislative Assembly waiting to see Walt.

POLICE ACT 1990 REVIEW

Mr DAVID SHOEBRIDGE: My question is directed to the Minister for Police and Emergency Services. At what stage is the review of the Police Act up to, and when will public submissions be sought?

The Hon. MICHAEL GALLACHER: I will seek some advice in relation to the timetable and report back to the member. I want to make sure I have that right.

WARRAGAMBA SPECIAL AREA DINGO MANAGEMENT

The Hon. WALT SECORD: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Planning and Infrastructure, who is responsible for the Sydney Catchment Authority. What steps is the Government taking to protect nearby livestock from the 400 dingoes estimated by the University of Western Sydney to be living and roaming in the Sydney Catchment Authority's Warragamba Special Area?

The Hon. DUNCAN GAY: There are a lot of creepy-crawly creatures in that area. Nathan Rees' black panther is one that has been seen. The bloke that wrote an ode to traffic is something else. I am pleased that the honourable member has finally realised that there are potential problems from national parks creatures, both feral and native, coming out of national parks and hurting livestock.

The Hon. Walt Secord: Point of order. My point of order goes to relevance. I was not referring to the national park; I was referring to the Warragamba Special Area, which is not a national park.

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

The Hon. DUNCAN GAY: I acknowledge the member's point, but one joins the other and has the same effect.

The Hon. Greg Pearce: Dingoes are protected, like him.

The Hon. DUNCAN GAY: Not from what I hear. He is not very protected at the moment. I hear Mick is making a late comeback. We are with you—go Mick. Just a few weeks ago when we needed a vote to protect farmers in trying to get feral animals removed from parks the member voted against it. These are his crocodile tears. This bloke is a shonk when it comes to protecting farmers.

AUSTRALASIAN SOCIETY OF INTELLECTUAL DISABILITY CONFERENCE

The Hon. MELINDA PAVEY: My question is addressed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on the recent forty-eighth annual Australasian Society of Intellectual Disability Conference?

The Hon. JOHN AJAKA: I thank the member for her timely question. On 6 November 2013 I gave the opening address at the forty-eighth Annual Australasian Society for Intellectual Disability Conference. The conference was organised by the not-for-profit organisation Australasian Society of Intellectual Disability [ASID]. Australasian Society of Intellectual Disability is a coalition of seven associations, with six located in Australia in New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia, and a seventh in New Zealand. The aim of the Australasian Society for Intellectual Disability is to enhance the skills, knowledge and commitment of its members, and to facilitate a supportive network in order to enhance the quality of life for people with an intellectual or developmental disability, their families and carers.

The conference is an annual event providing a forum in which delegates can share ideas, learn, talk and debate. Distinguished guests from around the world were invited to present. The conference was a three-day event attended by approximately 500 people. The audience included people with an intellectual disability; families, carers and advocates; service providers; disability support workers; management staff; clinicians,

therapists and case managers; intellectual disability organisations; teachers and educators; policy makers; medical practitioners; government departmental staff; accommodation, support and community services; and employment services.

The conference theme "Our Time" was about celebrating the meaningful presence of people with an intellectual disability on the main stage, alongside families, carers and paid professionals from all the industry sectors. This marks a shift in how society views disability and the research presented as part of this conference was inclusive—that is, people with an intellectual disability were research partners. This inclusive research will help people with disability lead lives of their choosing and live a good life. This acknowledges that people with disability have a right to be involved in the decisions and research that affect their lives. The New South Wales Government recognises the challenge of responding to community needs and delivering what people with disability require and are entitled to. We are committed to shifting the structural and attitudinal barriers that impact on the 1.3 million people with disability in New South Wales.

The National Disability Strategy New South Wales Implementation Plan 2012-2014 that was launched by the New South Wales Government in December 2012 supports the vision of an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens. I can assure the House that the New South Wales Government remains committed to the implementation of this plan and demonstrates its commitment to fairness in addressing the social disadvantage experienced by people with disability. The New South Wales plan is an important step in making this State a better place for us all.

As members are aware, the New South Wales and Commonwealth governments jointly announced the launch of the historic National Disability Insurance Scheme [NDIS] on 1 July 2013. The New South Wales Government is moving towards the full introduction of that scheme by 2018. This is an exciting time for people with disability, their families and carers. The National Disability Insurance Scheme will ensure that all people with disability have choice, control and, most importantly, live life the way they choose. It was an honour to address the delegates at this forty-eighth annual conference and I was very impressed by its content, organisation and focus on improving the lives of people with disability.

DISABILITY SERVICES

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Ageing, and Minister for Disability Services. I refer to the Government's confirmation that it intends to withdraw from all disability service delivery by July 2018. What steps is the Government taking to ensure its implementation of the National Disability Insurance Scheme does not remove the continuity and availability of services, including residential care, that people with disabilities and their families deserve? In particular, what does the Government intend to do when the non-government sector may be unavailable or unwilling to take on a transfer of Department of Ageing, Disability and Home Care services?

The Hon. Amanda Fazio: He won't have an answer.

The Hon. JOHN AJAKA: I have the perfect answer. I thank the member for the question. The simple answer is this: This House unanimously passed the National Disability Insurance Scheme (NSW Enabling) Bill that will ensure that all the matters raised by the member are taken care of during the transition.

The Hon. JAN BARHAM: I ask a supplementary question. Will the Minister elucidate on the situation when the non-government sector may be unavailable or unwilling?

The Hon. JOHN AJAKA: I thank the member for the question. Let me assure the member that the enabling bill clearly provides the opportunity for this Government to ensure that any transition of disability services, clients, assets and staff to the non-government organisation [NGO] sector will occur only when there is no uninterrupted access to those services. We required the enabling bill to pass this House and, as I understand, it will be passed by the other House shortly, so we can ensure that the transitioning of services takes place without any interruption whatsoever.

When one looks at the great work undertaken by the Department of Ageing, Disability and Home Care and non-government organisation staff—currently non-government organisations undertake more than 60 per cent of all government-funded disability services in this State and the Department of Ageing, Disability and Home Care undertakes approximately 40 per cent of those services—it is clear that the non-government

organisation sector is ready, willing and able to properly provide the necessary services. We must remember also that the non-government organisation sector provides numerous other services in the disability sector funded either through moneys it raises or by other contributions. *[Time expired.]*

QUEANBEYAN AGEING AND DISABILITY SERVICES

The Hon. STEVE WHAN: My question without notice is directed to the Minister for Ageing, and Minister for Disability Services. Is the Minister aware that Queanbeyan City Council has given up its contract to provide services to older and disabled residents on behalf of the State Government? What will be the impact of this decision on disabled and older residents? What will the Minister do to ensure that the quality and level of these services will be maintained?

The Hon. Duncan Gay: Thank goodness they have a good local member.

The Hon. JOHN AJAKA: That is exactly right—thank God they have a great local member who is well aware of these issues and makes representations on these issues that I am looking at and will continue to look at.

The Hon. STEVE WHAN: I ask a supplementary question. Will the Minister elucidate his answer to detail what representations he has received from the member for Monaro and on what dates?

The Hon. Luke Foley: There is no minimum IQ to get into Cabinet if this bloke can make it.

The Hon. Duncan Gay: Point of order: The Leader of the Opposition made a personal reflection on the Minister and I request that he be asked—

The PRESIDENT: Order! I call the Hon. Luke Foley to order for the first time.

The Hon. JOHN AJAKA: The answer to the question is very simple. It is obvious what a great job the local member is doing. The people of Queanbeyan finally have a member who looks after their interests first and foremost rather than his own.

The Hon. Amanda Fazio: Point of order: My point of order is on relevance. The Minister was asked about a service in Queanbeyan. He was not asked to give his appraisal of the current and former members for Queanbeyan.

The PRESIDENT: Order! The Minister was giving generally relevant information.

RURAL FIRE SERVICE VOLUNTEERS

The Hon. TREVOR KHAN: My question is directed to the Minister for Police and Emergency Services. Given the outstanding contribution by volunteer firefighters during the recent fire emergencies, will the Minister update the House on current efforts to recruit and retain Rural Fire Service volunteers?

The Hon. MICHAEL GALLACHER: As the House is aware, during the recent bushfire emergencies the volunteer firefighters of the NSW Rural Fire Service again demonstrated their skills and commitment in protecting New South Wales. Rural Fire Service volunteers have been protecting our local communities from bushfires and grassfires for more than 100 years. The Rural Fire Service informs me that its volunteer membership currently stands at 71,926 and, as such, it is one of the world's largest volunteer fire services. Volunteers attend a broad range of emergencies, including bushfires and grassfires, house and structural fires, and road accidents, and provide assistance during other events such as floods, storms and searches.

Recently, in the week 16 to 23 October, Rural Fire Service members attended more than 320 bushfires and grassfires across the State, which included significant fires in the Southern Highlands, Hawkesbury, Hunter, Port Stephens, Central Coast and Blue Mountains areas. It was in the Blue Mountains areas that a number of large and destructive fires impacted on communities, including Springwood, Winmalee, Mount Victoria and small communities along the Bells Line of Road. The fires destroyed homes and affected infrastructure. At the peak of the emergency, thousands of volunteers were deployed or strategically located so they were ready to respond. These recent activities highlight the importance of the volunteer members of the Rural Fire Service and the contribution they make to keeping communities of New South Wales prepared for and protected from the impact of fire.

Although the Rural Fire Service volunteer membership has remained relatively stable with only a slight fluctuation over the past 10 years, it is important for the Rural Fire Service to develop strategies to ensure that volunteer membership remains strong and sustainable for the future. For this reason, the Rural Fire Service recently developed a recruitment and retention kit to provide support and guidance to the rural fire brigades. The kit is a compilation of ideas to assist brigades to recruit and retain its members. Many of the stories, ideas and tools within the kit come from volunteers. The resource has been designed to adapt the particular needs of the local community and the branch membership. Overall, the recruitment and retention kit will help brigades to recruit across their community, increase retention, increase participation and diversity, consider flexible ways to participate, and offer different roles that volunteers might fulfil within their area.

The recruitment and retention kit has four main components: planning tools to assist brigades develop a more targeted approach to recruitment and training; a section on recruitment, providing information and tools about how a brigade would attract more members from the community; a retention component that focuses on maximising the experience of Rural Fire Service members so that they want to remain within the brigade; and templates that the brigades can use to adapt to suit their local needs. The development of a recruitment and retention kit has been funded through the Natural Disaster Resilience fund. A copy of the recruitment and retention kit will be distributed to every Rural Fire Service brigade in New South Wales via their district office in the coming weeks. I invite members of the public and members of the House to visit the Rural Fire Service to learn more about volunteering. Importantly, the Rural Fire Service does not just offer firefighting roles. It has a multitude of areas that require volunteers: communications, catering, logistics, planning and aviation support is critical. The Rural Fire Service has a job for nearly everyone.

WESTCONNEX MOTORWAY

The Hon. LYNDIA VOLTZ: My question without notice is directed to the Minister for Roads and Ports. What is the Government's response to industry concerns that the WestConnex fails to go to Port Botany by about eight kilometres and risks undermining the economic potential of the project?

The Hon. DUNCAN GAY: I thank the honourable member for the question. I note that the Government has committed \$61.8 billion over four years to build critical infrastructure, with the significant focus on improving transport and freight links. This represents historic levels of funding. Indeed, it is a level of funding that New South Wales Labor did not get within a bull's roar of achieving. Some key investments to help road and freight productivity in New South Wales include an extra \$2 billion in New South Wales funding to help complete the Pacific Highway duplication from Hexham to the Queensland border, \$277 million to upgrade grain rail lines in country New South Wales—

The Hon. Amanda Fazio: Point of order: My point of order relates to relevance. The Minister was asked a question about WestConnex, not about other roads in New South Wales.

The PRESIDENT: Order! The Minister is being generally relevant to the question he was asked.

The Hon. DUNCAN GAY: Contributions of \$489 million and \$435 million have been delivered since 2011 to continue upgrades of the Princes Highway and Great Western Highway respectively. A total of \$810 million with the Federal Coalition Government has been allocated to build any future F3 to M2 motorway link. A total of \$3.3 billion of New South Wales and Federal funding has been allocated to deliver stage one of WestConnex, which is Australia's largest urban road project. I was disappointed—I am sure this is where the question came from—to read Mr Kilgariff's comments in the *Sydney Morning Herald* on behalf of the Australian Logistics Council. There is no other way to say it: he is wrong.

The Hon. Amanda Fazio: I'd take his word over yours any day.

The Hon. DUNCAN GAY: Your party put Eddie Obeid into Parliament and kept him there, so we would not like your work. The design philosophy for WestConnex is to focus on the needs of all road users, including transport operators who access Port Botany. Mr Kilgariff is suggesting that the motorway should take all motorists on a circuit that passes the front gates of Port Botany, which is Australia's second largest container terminal. This clearly adds unnecessary distance and travel time to the journey of many motorists who have no reason to be in the vicinity of the port. It would add also an unnecessary cost of approximately \$2 million to the project for direct port access, which cannot be justified on economic grounds. Why? Because we know the number of port trucks is about 2 per cent of the 100,000 vehicles that use the M5 East each day.

WestConnex will relieve a significant proportion of both passenger and through traffic entering the port and airport precinct. This will free up capacity for increased truck movements to and from the port. Furthermore, via a \$282 million investment in enabling roadworks, the Government is improving connectivity to the port and airport precinct through WestConnex. Specific projects targeted by that investment are the removal of the General Holmes Drive level crossing, the widening of Joyce Drive and traffic improvements to Mill Pond Road. The proposed works are based on an exhaustive analysis by Infrastructure NSW, Roads and Maritime Services and Treasury. [*Time expired.*]

The Hon. LYNDIA VOLTZ: I ask a supplementary question. Will the Minister elucidate his answer about the 2 per cent of trucks that use the M5 East each year and the percentage of trucks using the streets of surrounding suburbs each year?

The Hon. DUNCAN GAY: It is not a new question to repeat my answer.

The Hon. Dr Peter Phelps: Point of order—

The PRESIDENT: Order! It is quite clear that the honourable member has asked for the elucidation of an answer given by the Minister for Roads and Ports and that it is in order.

The Hon. DUNCAN GAY: The question that was asked was answered properly. I have nothing to add.

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

Questions without notice concluded.

CASINO CONTROL AMENDMENT (BARANGAROO RESTRICTED GAMING FACILITY) BILL 2013

CRIMES (APPEAL AND REVIEW) AMENDMENT (DNA REVIEW PANEL) BILL 2013

Bills received from the Legislative Assembly.

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

Motion by the Hon. Michael Gallacher agreed to:

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

Bills read a first time and ordered to be printed.

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

MATTHEW DANIEL, FORMER DEPARTMENT OF PLANNING AND INFRASTRUCTURE EMPLOYEE

Production of Documents: Order

The Hon. LUKE FOLEY [3.30 p.m.]: I seek leave to amend the resolution of the House of Thursday 31 October 2013 under Standing Order No. 52 relating to Matthew Daniel by omitting "within 14 days" and inserting instead "within 21 days".

Leave granted.

Motion by the Hon. Luke Foley agreed to:

That the resolution of the House of Thursday 31 October 2013 under Standing Order No. 52 relating to Mr Matthew Daniel be amended by omitting "within 14 days" and inserting instead "within 21 days".

SENATE VACANCY**Joint Sitting**

The PRESIDENT: I shall now leave the chair until the conclusion of the joint sitting. The business of the House will be suspended during the joint sitting. The House will resume at the conclusion of the joint sitting, following the ringing of the bells.

[The President left the chair at 3.34 p.m. The House resumed at 4.02 p.m.]

The PRESIDENT: I report that at a joint sitting this day Ms Deborah O'Neill was elected to fill the vacant seat in the Senate of the Commonwealth of Australia which expires on 30 June 2014 caused by the resignation of Senator the Hon. Bob Carr. I table the minutes of proceedings of the joint sitting.

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

REGIONAL RELOCATION (HOME BUYERS GRANT) AMENDMENT BILL 2013**Second Reading**

The Hon. DUNCAN GAY (Minister for Roads and Ports) [4.03 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Regional Relocation (Home Buyers Grant) Amendment Bill 2013. The bill proposes legislative changes to the Regional Relocation (Home Buyers Grant) Act 2011, which established a grant scheme for home owner-occupiers in metropolitan areas if they sell their metropolitan home and purchase a regional home as their principal place of residence. The principal Act combined with these proposed amendments is designed to address skill shortages in regional areas as well as ease housing pressures in the metropolitan areas of New South Wales—that is, the Sydney metropolitan and Newcastle and Wollongong local government areas. These new measures are part of the Government's response to the final report of the NSW Decentralisation Taskforce. These amendments are intended to improve the targeting of the scheme to economically active applicants and to minimise the potential misuse for very short relocations, or "minor moves".

The proposed legislative changes make provision for three sets of amendments to the principal Act that will take effect on 1 January 2014. The first set of amendments extend the original grant scheme to people residing in metropolitan homes that they do not own—that is, renters—who are prepared to relocate to a regional location in order to enter the regional housing market. The second set of amendments establishes a new grant called the Skilled Regional Relocation Incentive available to people undertaking an eligible employment relocation or an eligible self-employment relocation to a regional area. The third set of amendments contains general provisions to enhance and clarify the operation and functioning of the amended Act.

Eligible applicants under the first set of key amendments, which is the extension of the Regional Relocation Home Buyers Grant, must have lived in one or more metropolitan homes for a continuous period of two years under a lease, licence or other arrangement for valuable consideration. For non-home owners, rental history over a period of two continuous years can be established by a lease agreement or other form of documentary evidence so that people who have been renting without formal leases or who are not signatories to a lease can access the grant. To mitigate the potential misuse of the scheme in areas that border metropolitan and regional boundary lines, the bill introduces "minor moves" clauses that stipulate that each metropolitan home must be at least 100 kilometres in a direct line from the regional home that is purchased. Following discussions with shadow Minister the Hon. Mick Veitch in relation to this aspect of the bill the Government moved an amendment during debate in the other place, details of which I will provide shortly.

The second key amendment, which is the introduction of the Skilled Regional Relocation Incentive, provides for the payment of \$10,000 in two equal instalments to eligible applicants who relocate from metropolitan areas to regional areas to commence employment between 1 January 2014 and 1 July 2015. Importantly, the incentive is open to either relocations for eligible employment, which includes apprenticeships, or relocations for eligible self-employment. Similarly to the Regional Relocation Home Buyers Grant, an applicant for the incentive must have resided in one or more metropolitan homes for a continuous period of at least two years. Additionally, the eligible applicant must have been living in a metropolitan area within 12 months of commencing employment in the regional job for which they are relocating.

For the Skilled Regional Relocation Incentive to be payable to an applicant, the applicant must be employed on a full-time basis for at least two years in one or more regional areas. The two-year period does not have to be continuous so long as the applicant is employed on a full-time basis for at least two out of three consecutive years in an eligible regional location and meets all other eligibility criteria. "Minor moves" provisions limiting relocations of less than 100 kilometres from the applicant's former home or place of employment also apply to the Skilled Regional Relocation Incentive.

To ensure that the grant is restricted only to genuine regional relocations the Chief Commissioner of State Revenue has been given discretionary powers under the legislation to call for further documentary evidence that can demonstrate the bona fides of grant recipients. This initiative is also available to entrepreneurs and the self-employed including people wishing to join or establish a regionally located partnership. To be eligible, self-employment relocation applicants must relocate from a metropolitan area for the purposes of self-employment in a regional small business that they purchase or establish.

An applicant establishing a regional small business also will be required to complete a small business advisory program approved by the Small Business Commissioner, such as the Small Biz Connect program, unless they are buying, and provide evidence of purchase, 50 per cent or more of a partnership. Crucially, small business advisory programs such as Small Biz Connect will help businesses familiarise themselves with their new markets and provide business planning and diagnostic services that will ensure their long-term success and sustainability.

The third set of key amendments that is designed to refine the general scope, functioning and targeting of the scheme includes removal of the scheme target of 40,000 Regional Relocation Grants and the introduction of a funding cap, which is subject to the available budget allocation, restriction of the scheme to one grant per household, and the extension of clawback provisions to both the expanded Regional Relocation (Home Buyers Grant) and the Skilled Regional Relocation Incentive whereby a person incurs a liability to repay an amount as outlined in the principal Act. The three sets of amendments will enhance the current scheme and provide more opportunities for skilled workers and property buyers to obtain financial assistance to relocate to the regions. Both the Regional Relocation Grant and Skilled Regional Relocation Incentive encourage regional areas of New South Wales to continue their contribution to the prosperity and diversity of the State and should be supported.

Yesterday in the other place the Deputy Premier moved an amendment to the bill, which was supported by the Opposition. As I noted earlier, the bill seeks to require a person to move at least 100 kilometres from his or her original place of residence. This is in response to data showing that a proportion of moves under the existing scheme are for relatively minor distances. In fact, 29 per cent of applicants were for a distance of 100 kilometres or less and the shortest move was one kilometre from the Newcastle local government area to the Lake Macquarie local government area. Following discussions between the Office of the Deputy Premier and the shadow Minister, the Hon Mick Veitch, MLC, the Government moved this amendment to clarify an apparent unintended consequence of the drafting of this part of the bill, which would have resulted in a person living in Penrith, for example, having fewer regional relocation options than a person living in Sydney's eastern or northern suburbs. That is not the Government's intention.

The amendment provided the Chief Commissioner for State Revenue with the ability to approve moves of less than 100 kilometres, if the commissioner is satisfied that the move meets the intent of the bill. The Department of Trade and Investment will coordinate the preparation of guidelines to assist the commissioner in those instances. The Office of the Deputy Premier has indicated it is happy to share the guidelines with the shadow Minister, if desired. The shadow Minister also stressed the importance of ongoing support and contact for relocating small business owners. The Government has no desire to add additional red tape to the process and therefore is not proposing to amend the legislation. However, we agree that ongoing contact between the Office of the Small Business Commissioner and a relocating small business is desirable. Those arrangements have been confirmed with the Office of the Small Business Commissioner. The Government is happy to provide a briefing on this particular aspect also, if required. I commend the bill to the House.

The Hon. MICK VEITCH [4.13 p.m.]: I lead for the Opposition in debate on the Regional Relocation (Home Buyers Grant) Amendment Bill 2013. At the outset I indicate that the Opposition will support the legislation, particularly as it was amended in the lower House to correct some Opposition concerns related to the 100-kilometre threshold, as the Minister indicated during his second reading speech. The long title states that the bill will amend the Regional Relocation (Home Buyers Grant) Act 2011 to permit grants to be made available under that Act to persons who relocate from metropolitan areas to regional areas for the purposes of employment, self-employment or purchasing a home.

To do that, the bill will amend the Act to extend eligibility for Regional Relocation Grants to renters in metropolitan Sydney, Newcastle and Wollongong who are willing to relocate to regional areas of New South Wales. I will deal in greater detail later with the importance of renters in this legislation. The bill also introduces a Skilled Regional Relocation Incentive [SRRRI] that will permit grants worth \$10,000 to be made available for eligible people who relocate from metropolitan areas to regional areas of New South Wales. That initiative also introduces a minimum distance requirement of 100 kilometres for the relocation.

It is important for me to state at the outset that the Opposition supported the original bill for the reason that this legislation was an election commitment of the Government. The Coalition took this proposition to the election and, in our view, the Government won a mandate to introduce the scheme. However, as most people would know, I have been critical of the scheme from its commencement. In fact, I have been quoted as stating in public that I think the scheme is a dud. My basis for saying that was the structure of the scheme and the way in which it was administered. During budget estimates hearings it would be fair to say that the Opposition explored the very low take-up rate of the scheme, and examined matters such as the advertising campaign for the scheme and issues around eligibility for the scheme. During budget estimates hearings last year I asked the Deputy Premier whether the scheme could be opened up to renters.

It just seemed to me to be unfair, that people, particularly those who rent in Western Sydney or south-western Sydney, were not eligible to participate in the scheme. That part of this bill is quite an important element of the bill for me. I am pleased that the Deputy Premier took on board the suggestion that renters also should be eligible to participate in the scheme. I suggested it because I do not think anyone in regional New South Wales would not look at schemes that explore supporting regional areas of New South Wales and particularly regional economies of New South Wales, but also a scheme that would entice people to move to some of the wonderful areas in which people reside in country areas of New South Wales, such as Crookwell, Young or Queanbeyan. It is important for people to know that regional areas are available and that they are great spots in which to live and raise families.

The Opposition's view is that funding for the scheme originally would have been much better spent on supporting jobs because people will move to where there is a job. The events in the Central West in recent weeks, which no member of this House would make light of, bring home the realisation that the number of jobs that disappeared from the Central West and more broadly across New South Wales create a very serious situation. That is a critical issue. Investment in jobs in regional areas of New South Wales also is very important.

The Hon. Duncan Gay: The loss of those jobs went beyond money.

The Hon. MICK VEITCH: I acknowledge that the loss of the jobs went beyond money, but the point I make is that investment in regional areas and supporting regional areas is a matter of critical importance. I do not think anyone would object to investment in regional areas. Sustaining rural economies is very important. It is a matter of how that is done to ensure that people have a job to move to in regional areas. Treasury's figures are interesting. When the scheme was originally created, 7,000 places were available. Treasury figures from the standard call for papers in the budget session and in the 2011 budget papers contained calculations of the numbers of people who already were migrating from metropolitan areas to country areas before the scheme commenced. The figures revealed that approximately 6,100 people would have been eligible to participate in the scheme and that they already were moving to regional areas.

If 7,000 places were available, one wonders whether the \$49 million that was used to make 900 places available could have been better targeted. With regards to targeting, that is the reason the Opposition raised the issue of renter eligibility. It is critically significant that people in Western Sydney and south-western Sydney who rent, but who may well be able to afford a residence in country areas of New South Wales or in other areas outside the Sydney Basin, are able to find a home and enjoy the benefits of living and raising their family in those country areas. The briefing note provided to the Opposition by the Minister's office contains discussion around the Decentralisation Taskforce, whose terms of reference include this program and a number of other programs introduced by the Government, measuring their effectiveness to determine whether there could be improvement.

It has been stated that many of the improvements suggested in this bill arose from the review. I state for the record my appreciation of the manner in which the Minister's office has approached this legislation. I suggest other Ministers may take a leaf out of the Minister's book in that regard. The Minister's staff approached the Opposition and spoke to us in a constructive manner about this legislation and took on board the

concerns I raised about this legislation in a constructive manner. That led to the amendment being moved in the other place, which forms part of the bill that is being debated by this House. That relates to the minimum 100-kilometres provision. As the Minister said in his second reading speech, the wording of the original bill was such that there was an unintended discrimination against residents in certain parts of Sydney as to where they could or could not move to because of the 100-kilometre provision. The amendment, I suggest, goes some way to addressing that problem. I appreciate the Minister's office taking that matter on board.

The other item I raised was support for small business—people who move to country New South Wales to take up a small business opportunity. Figures show that most people who go bankrupt in a small business will do so in the first 12 months of operation, so I think they need a lot more support. At no stage was I advocating for another layer of regulation; I was advocating for much more extensive support and monitoring to ensure that people in a small business do not go broke in their first 12 months of operation. Diversification of rural economies is critical. A community that relies heavily on one industry or one business can, if something happens to that industry or business, suffer catastrophic consequences because of job losses and people moving away from the area. I was advocating a much more hands-on monitoring of businesses for up to 12 months.

This bill, as the Minister indicated, is about trying to fix some of the issues that have been identified 2½ years after commencement of the operation of the Regional Relocation Grants scheme. Whilst the Opposition is supporting the bill as amended, it is my view that the money could be much better spent on supporting rural communities through jobs. People will move because they will have a job. We accept that this was an election commitment of the Government made during the 2011 election campaign, and that today the Government is proposing an amendment in an attempt to enhance the scheme. The Opposition will support the bill.

The Hon. RICK COLLESS [4.21 p.m.]: I will make a brief contribution to debate on this very important Regional Relocation (Home Buyers Grant) Amendment Bill 2013. This bill makes amendments to the Regional Relocation (Homes Buyers Grant) Act 2011, which saw the establishment of a grant scheme to encourage people living in metropolitan cities to move to regional and rural New South Wales. Under the Act people were required to sell their property and buy a regional home as their principal place of residence. The NSW Decentralisation Taskforce, with the work of members and consultation with key stakeholders across the State, made a series of recommendations on how different sections could be improved upon. The amendments in this bill are the Government's response to the report of that task force.

The proposed legislative changes make provision for three sets of amendments to the principal Act that will take effect on 1 January 2014. This amendment extends the eligibility of the regional relocation grant to people who are renting in metropolitan Sydney, Newcastle and Wollongong, rather than solely home owners, as it has been in the past. A renter will need to provide two years of rental history to be eligible for the grant. This move is to encourage all people living in cities to move to regional and rural areas. This Regional Relocation (Home Buyers Grant) Amendment Bill will see the introduction of a minimum relocation of 100 kilometres to be eligible to receive the grant, thereby ensuring that all moves are to regional areas. This amendment is essential as five of the people who claimed the grant actually moved only two kilometres. The amendment ensures that grants are given to people who are actually relocating to regional areas.

Opening up the grant to long-term renters will not only help with easing the highly competitive city rental market; it gives people who may not necessarily have the money to move to regional areas the opportunity to now do so. At the moment the majority of people who have taken up the grants are either retirees or empty nesters. Adding renters as eligible applicants for these grants will help to encourage younger people to move to regional New South Wales. To further aid with this, the bill will introduce the Skilled Regional Relocation Incentive, which will give grants of \$10,000 to young people who move to regional New South Wales for employment, or to establish or purchase a small business. The Skilled Regional Relocation Incentive is essential to developing economical infrastructure in rural and regional New South Wales, and we wish to encourage skilled people to move to regional areas and discover the many benefits that can come from moving out of metropolitan cities.

It is hoped that this will further encourage single people, young couples and families to move to regional and rural areas of their choosing. The initial Act provides for 40,000 regional relocation grants over four years; and, while there have been 2,665 grants awarded as at 30 September 2013, we feel that removing the target gives the program more flexibility. With the Regional Relocation (Home Buyers Grant) Amendment Bill we do not wish to cap the number of people who can apply for this grant, so we are deleting this target with the new bill. I note this bill only enhances an election commitment that we made in July 2011

and that we are now seeking to further enhance it so that more New South Wales people can experience the many wonders and delights that living in regional and rural New South Wales can provide. I commend the bill to the House.

Dr JOHN KAYE [4.25 p.m.]: On behalf of The Greens I speak to the Regional Relocation (Home Buyers Grant) Amendment Bill 2013. As previous speakers have mentioned, this bill cleans up a number of problems that have, not surprisingly, emerged from the 2011 Home Buyers Grant Scheme. There are three broad sets of changes. The first is that the grants scheme will be extended to those who live within the metropolitan area but do not own their own homes, and so have rented a property for more than two years. The second amendment is to establish a new grants scheme, the Skilled Regional Relocation Incentive, to assist those who are relocating to regional areas for employment or self-employment, subject to eligibility tests. The third set of amendments has to do with general provisions to clean up and clarify the operation of the Act.

The reality of this legislation is that there is a lesson to be learnt; and it is a lesson for all of us. That is, when you make an election commitment, be careful what you commit to. The O'Farrell Government, probably with good intention—apart from the intention of winning the election, though probably with good policy intention—announced during the 2011 election campaign that it would introduce a scheme to assist people to move from overcrowded cities to live in the rural ideal, as it was sold during the election campaign. It was possibly a good idea. But of course the O'Farrell Government was elected and had to implement the policy.

Upon implementation the Government discovered that what sounds good in a media release does not always make sound public policy. A far better course of action would have been to suspend implementation of the election commitment once it was realised that there were problems with it, and to work out a better set of policy settings. Instead of amending it on the run, instead of having a scheme that has been substantially rorted, a scheme that has been subject to poor uptake and failed to deliver on the decentralisation promises made in respect of it, and instead of having the embarrassment and the waste of public resources and the lost opportunities that this scheme has represented, the O'Farrell Government could have had a scheme that genuinely did work. We have some suggestions in that regard; and I will get to those later.

There are two major concerns. The first has been the poor uptake. Only 2,531 grants have been paid since 1 July 2011, and this falls far short of the 7,000 that were expected. When we were debating the legislation in June 2011, I asked the ministerial advisers and the departmental officials what was their analysis of what they expected the uptake to be, and what was their analysis of the base case, that is, what consultants nowadays refer to as the contrapositive case. That is, what was their analysis of what would happen if there were no Home Buyers Grant Scheme, and what would happen if there were. They were unable to answer not only the second question but also the first question. That is the first hallmark of bad public policy. If you cannot assess the impact of a public policy, you never know whether it is good or bad; and consequently, it is probably going to be bad. No fundamental work had been done to determine what would happen in the absence of this scheme and what would happen in the presence of the scheme. So it was bad public policy process from the outset.

The second problem is that the scheme has been rorted: At least five recipients of the grant moved just two kilometres or less. That is an appalling waste of public funds and denudes the respect of public institutions and funding. The Greens have other concerns with this bill. It is one thing to encourage people to move to regional and rural areas; it is another to make sure they have jobs when they arrive. The O'Farrell Government's narrative contains a contradiction: It is sacking public sector workers and destroying jobs in rural and regional areas. During question time today I asked and did not receive an answer about the cuts of 17.2 Department of Education and Communities rural and regional coordinators for people from non-English-speaking backgrounds and learning English as a second language—an example of educational and health officials, and support workers who have lost their jobs. When the National Disability Insurance Scheme kicks in with full privatisation we will watch the further stripping of public sector jobs in rural and regional New South Wales.

The City of Wollongong has, on some estimates, 41.3 per cent youth unemployment—an appalling figure. Other cities and towns around New South Wales have unacceptably high levels of youth unemployment. Of course, young people will leave rural and regional New South Wales to go to the city when no job opportunities are available. If we want to protect the sustainable economic future of rural and regional New South Wales, investment in jobs is essential and should be done sustainably without devastating the environment so that not only the current generation will enjoy those jobs, but also future generations. One clearly obvious job investment area is renewable energy. The O'Farrell Government's wind energy guidelines are holding up \$12 billion of proposed investment in 28 wind farm developments across regional New South Wales. Four thousand new jobs are going begging because the O'Farrell Government has introduced enormous uncertainty into the New South Wales wind industry.

The Hon. Duncan Gay: I hope it's more than uncertainty.

Dr JOHN KAYE: I am sorry, would you repeat that? I did not hear it. You hope it is?

The Hon. Duncan Gay: I hope it's more than uncertainty.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I remind members that they should address their comments through the Chair and that interjections are disorderly at all times. The member with the call should not respond to interjections.

Dr JOHN KAYE: Good to have you on the record saying that. Thanks.

The Hon. Duncan Gay: I'm already on the record.

Dr JOHN KAYE: I acknowledge that interjection.

The Hon. Duncan Gay: My views are no secret.

Dr JOHN KAYE: I acknowledge that interjection as well. In fact, would the member like the microphone? Rural and regional New South Wales would have 3,940 direct jobs in the wind industry with a flow-on effect for indirect jobs and a multiplier effect for rural and regional economies where those economies could supply up to 21 per cent of the State's energy needs. Yet that will not happen; those jobs disappeared because of the O'Farrell Government's war on renewable energy. The Centre of Full Employment and Equity at the University of Newcastle estimated up to 73,800 new jobs in renewable energy and energy efficiency.

The overwhelming majority of those indirect jobs would be created in rural and regional New South Wales from a transition to 100 per cent renewable energy sources. If the O'Farrell Government had any interest in kick-starting some of the stalled rural economies and making them attractive places for young people to stay and to attract older skilled people instead of trying to bribe them out of the cities, why not create the jobs and a vibrant new economy? I will tell the House why: Unfortunately The Nationals lack the imagination to do anything other than support the coal and the coal seam gas industries. The Nationals lack imagination. They have a vision for a new—

The Hon. Duncan Gay: Point of order: The member forgot about a vibrant farming industry.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! There is no point of order.

Dr JOHN KAYE: The Nationals lack imagination and are a dead weight around the Coalition Government by not creating a new vision for rural and regional New South Wales based on an industry the rest of the world is developing already and on which we are being left behind. No doubt, in 20 years' time people will read *Hansard* and the contributions of people such as the Leader of The Nationals in this place, other members of The Nationals and some Coalition members and will ask, "What the heck were they thinking? Why did they destroy our regional economies? Why did they stand in the way of the jobs that my children and my grandchildren could have had? Why have those jobs gone to south-east Asia and to Europe?" Why have those jobs disappeared? Because The Nationals refuse to let go of their tradition of digging holes in the ground, and exporting coal and coal seam gas. It is interesting to look at the Renewable Energy Action Plan and its map.

I congratulate the Hon. Rob Stokes, Parliamentary Secretary for Renewable Energy, on finally extracting this plan from Cabinet—it truly was a forceps birth. He is a good bloke—I have probably wrecked his career by saying that—but he is trying to do the right thing despite those around him trying to stop him. The map shows clearly the renewable energy sources locations: high-level solar radiation in north-western and western New South Wales—areas begging for new industries; excellent wind resources in the Central West and the highlands of New South Wales; and other resources spread up and down the coast.

The Hon. Duncan Gay: Where do you live?

Dr JOHN KAYE: The Leader of the Government asks where I live. I live in New South Wales. I represent New South Wales. I care about the future of New South Wales. He may not and those opposite might not care, but The Greens care about New South Wales. We want to see jobs. We do not want to see—

The Hon. Lynda Voltz: Point of order: Interjections have been raised in the Chamber before today. Interjections, particularly from the Government Whip yelling down other members in the House, are disorderly. The Government Whip should be called to order so that the member can give his speech.

The Hon. Dr Peter Phelps: To the point of order: The member has to come to the defence of The Greens. I just wonder about her commitment to her own party. If she spends so much time defending The Greens, perhaps she should reconsider to which party she belongs.

The Hon. Lynda Voltz: To the point of order: That is another example of the Government Whip abusing the processes of this Chamber by saying anything, rather than addressing the point of order, to denigrate a speaker who has a right to have his views heard in this Chamber.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I remind members that interjections are disorderly at all times. Dr John Kaye has the call.

Dr JOHN KAYE: I accept your ruling. The map of the wind resources in the Renewable Energy Action Plan that Parliamentary Secretary Rob Stokes finally got out of Cabinet clearly shows opportunities waiting for the rural stimulus this bill tries to achieve. The reality is that this bill uses the wrong mechanism to achieve the right outcome. It uses a mechanism that was a thought bubble, a media release, during an election campaign. It might be a good supplement to a proper program that examines development and the sorts of sustainable industries—renewable energy and agriculture—that could kick-start an employment and economic boom in rural and regional New South Wales. But all we get in this Chamber are the same old responses when we say anything other than, "We should do business as usual". There is a lack of imagination from the O'Farrell Government and a lack of vision for the future of rural and regional New South Wales. This legislation attempts to fix up problems that would be solved more efficiently by creating rural economies in rural and regional New South Wales. This is not the nineteenth century when Earle Page was a boy; it is the twenty-first century and we will be constantly challenged to rethink—

The Hon. Duncan Gay: Earle Christmas Grafton Page.

Dr JOHN KAYE: Pardon?

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I remind Dr John Kaye not to respond to interjections.

Dr JOHN KAYE: That is a useful interjection. I stayed at a fine hotel in Ballina that was opened by the wife of Earle Christmas Grafton Page. It is nice to have Country Party nostalgia, but those days are gone. The economic surety from commodity exports and primary industries has gone. The jobs that they introduced are disappearing with automation. If we want a solid future for rural and regional New South Wales, we need to look to the future and not at the past. We need to look to the sunrise industries that can create new jobs. We need to understand that those industries can survive only if we protect our TAFE colleges. The O'Farrell Government war on TAFE is as bad as its war on renewable energy.

The Hon. Duncan Gay: Point of order: The member is going well outside the objects of the bill which are to amend the Regional Relocation (Home Buyers Grant) Act 2011 to permit grants to be made available under the Act to persons who relocate from metropolitan areas to regional areas for the purpose of employment, self-employment or purchasing a home. It has nothing to do with TAFE.

Dr JOHN KAYE: To the point of order: It has everything to do with TAFE. The cutting of \$800 million from the TAFE budget signifies its decimation.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Is the member speaking to the point of order?

Dr JOHN KAYE: These issues are central to the problems that this bill addresses, which is relocation.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I do not uphold the point of order. Wide-ranging debates are allowed in relation to the second reading of a bill. The member has the call.

Dr JOHN KAYE: If we want people to relocate outside New South Wales we need to create a secure economic future. To do that skills training must be provided in the public sector. Rural and regional New South

Wales are central to that economic future. The O'Farrell Government dumped TAFE into competition against low-cost, low-quality private providers, a city-centric design for TAFE that might work in a city but that certainly will not work in rural New South Wales. The O'Farrell Government has cut \$800 million out of future TAFE budgets and it has cut 800 jobs many of which are in rural and regional areas. I have travelled around New South Wales, spoken to TAFE teachers and heard what is happening in Newcastle, the Hunter, the Northern Tablelands, the South Coast and western New South Wales. The story is the same everywhere: the destruction of TAFE will undermine the skills base and the vibrancy of the economy and young people will leave rural and regional New South Wales.

On the one hand the O'Farrell Government has brought in legislation to make it easier to move people out of the city and into rural and regional New South Wales. On the other hand it has undermined the economy and forced young people to leave rural and regional New South Wales. There is no question that The Nationals have sold out on rural and regional New South Wales by selling out on TAFE and renewable energy. The Nationals are stuck in the past. They are more concerned about the middle names of their founder than they are about the middle names of the young people who will drive the future economy. We should focus on those people because they are being ignored by The Nationals. This legislation fails to address their needs.

The Hon. STEVE WHAN [4.45 p.m.]: The Labor Party supports the Regional Relocation (Home Buyers Grant) Amendment Bill 2013. As the Hon. Mick Veitch said earlier, it responds to a number of issues that have been raised and as such could more properly be called the Mick Veitch regional relocation home buyers grant bill. Yesterday one of our colleagues in the other place went through *Hansard* to read the questions that the Hon. Mick Veitch had asked at budget estimates committee hearings. The changes that have been proposed today reflect the criticisms that were raised during budget estimates committee hearings by the Hon. Mick Veitch, the Labor spokesperson on regional development. It is a great credit to him that these amendments will make this program slightly more sensible and more targeted.

One of the key issues about which I have been concerned since the implementation of this program relates to renters. At the time that the grant was released it was said that renters need not apply—an incredibly short-sighted omission from the original legislation. I am pleased that that has now been rectified. People who rent in the city are often the ones that we want to move to regional communities. Often they are young families who are just starting out. We want people in regional communities with kids to help us populate the schools and to use community resources. The bill also deals with the appalling issue that people literally moved a couple of kilometres in order to access the grant.

The Hon. Mick Veitch: Across the road.

The Hon. STEVE WHAN: Essentially across the road in some areas. I welcome the targeting of skilled members in our community to partake in that regional location incentive. However, some members of the Labor Party have expressed concern about issues relating to this program. I agree with some of the things that Dr John Kaye referred to earlier. He said that the main problem relating to this program was that only a press release had been issued during the election campaign but that there was no forethought or policy development. It became clear soon afterwards that that was a good slogan for an election campaign but it did not lead to a well-designed scheme. At the first budget estimates hearings after the 2011 election the Hon. Mick Veitch questioned the Minister. From memory I think I was also at those estimates committee hearings.

The Hon. Mick Veitch: I think you were; I was showing you how to do it.

The Hon. STEVE WHAN: That is right; I was getting a lesson from my more experienced colleagues about being on the other side of the table. The questions on which we focused were along the lines of how the Government would judge whether or not this was an effective program. The Hon. Mick Veitch said earlier that he received information from the department about how many people had already moved to regional New South Wales. It was revealed that it was not possible for the department or the Government to show whether the incentive had influenced one person to move to regional New South Wales. There was no way of establishing whether that decision had already been made or whether the decision had been influenced by the grant—a critical point when considering whether that is the best use of government money.

The fundamental problem with this program and the Government's regional development programs overall is that they are a grab bag of slogans. They are not a cohesive regional development policy for regional New South Wales. I have stood in this place before and talked about regional development policy and the need to have policies that are focused on regional communities. They are place-based policies that respond to the direction

that regional communities want to go. It is rare for a broad statewide regional policy to be effective in all parts of regional New South Wales because they are so different. Inland regional New South Wales is completely different in its needs and desire to attract people than the fast-growing coastal regions of New South Wales.

The Hon. Mick Veitch and I share the view that one of the best comprehensive regional development policies in recent years was developed by the former Victorian Labor Bracks and Brumby Government. That policy was Ready for tomorrow—a blueprint for regional and rural Victoria. In the last years of our Government we used ideas from that for our regional policy. The comprehensive Victorian policy included a number of measures targeted at regional New South Wales. It included fast rail to some regional centres—an impressive investment by the Bracks Government. It looked at developing accommodation at regional universities to assist them to attract students. No doubt this Government would say that that is a Federal responsibility. The Victorian Government was willing to invest money in it. The policy had a range of programs targeting small towns. The former New South Wales Labor Government policy involved a number of small town programs as well. The comprehensive Victorian policy included a range of other programs targeting regional Victoria.

The former Labor Government in New South Wales moved in that direction by establishing the Rural and Regional Taskforce. That policy was announced when Nathan Rees was Premier. It implemented a range of programs to assist businesses in regional New South Wales. It continued existing measures, such as payroll tax relief, but it also introduced new measures, such as the country horse program. Unfortunately, that incredibly popular program was terminated by this Government. Local members played a role in allocating grants under the Community Building Partnership program. Those grants produced amazing results by assisting communities to implement their agendas for their local area. That funding has been drastically cut by this Government.

The former Labor Government implemented programs that assisted infrastructure building in regional communities. The key to regional planning is to recognise that jobs are important, as is making a community a desirable place to bring up a family. It is not just about getting a job; there has to be a range of services to make a community attractive to families. Those services might include sports, arts and cultural facilities. That is the sort of comprehensive program that we need. We also need programs that encourage leadership within local communities. The former Labor Government worked to establish that. There is more to be done on it.

The Regional Development Australia network was developed through Labor's objective to bring together the different regional development networks and provide leadership that could cross the bounds of government. I was concerned to hear that the Abbott Government might abolish the network. That will cause regional Australia to return to the situation that existed previously, where State and Federal governments appointed different committees that did not have real resources and where appointees were party members or sympathisers. It cannot be denied that the former regional development assistance appointments were very balanced. They reflected community capacity and were not biased. Strangely, the Labor Government ended up appointing a lot of former Nationals to many of the committees.

The Hon. Duncan Gay: That is because there are no good Labor people.

The Hon. STEVE WHAN: I acknowledge that interjection. It shows how biased and narrow-minded members opposite are. They do not have the capacity to recognise talent outside their own areas. The Minister at the table, the Hon. Duncan Gay, believes the adulation that Ministers get. When his staff say, "Good job, Minister; you were terrific today," he believes them. When people at functions say to him, "Duncan, you are doing a great job," he does not realise that that is what people say to Ministers because they do not want to offend them. The Minister needs to move beyond his own publicity and acknowledge that he, as a leader of The Nationals, has failed. Instead of having a decade of decentralisation that was meant to bring jobs growth to regional New South Wales, we have seen jobs lost under this Government. We have seen a complete lack of interest by the Government in the manufacturing job losses in the Central West. The Minister attributes the job losses to many factors. A major factor is that no contracts for buses and trains are going to those companies in the Central West. That is a direct result of this Government's decisions.

Employment figures show that there are now more people unemployed and fewer jobs in regional New South Wales than when this Government came to office. It is outrageous that the Government puts out its self-congratulatory report card saying that it has created 100,000 jobs in New South Wales. The Government forgets to tell us that it has lost 120,000 jobs at the same time. That is outrageous spin and deceit from people who are so busy patting themselves on the back that they cannot see where their own policies are failing. The regional relocation grants are a classic example of Government spin. The Government created a program that was all about a slogan; it was not a real program.

The Hon. Duncan Gay: Are you voting against it? Vote against it.

The Hon. STEVE WHAN: I will respond to the Minister's interjection because he seems slow to understand. I do not know whether he has noticed that this program already exists. Voting against this bill will not abolish the program. It will not transfer the money to programs that actually work. It will not transfer funds to programs that develop jobs—the sorts of programs that the Hon. Mick Veitch was talking about. This bill should be named the Mick Veitch bill because it does exactly the things that he has called for. Rather than claiming credit, the Government should say, "Mea culpa." The performance by the Deputy Premier at estimates committees now looks very shaky, given what we see in this legislation.

What we really need to see from the Government is not a program where grants of \$7,000 a year over three years result in 2,665 moving to regional Australia over 2½ years. We do not know how many of those people were already planning to move. Yesterday in the other place the member for Cessnock, Clayton Barr, spoke about people who have moved to his local area who have come to see him because they have heard they can get \$7,000. He tells them how to go about it and points out that they have already moved. The response is: "Yes, but we heard about this grant and we thought we could get the money." That is not an effectively targeted program. This bill does make improvements, as the Hon. Mick Veitch has outlined. Therefore, we will support it. I hope that other members on this side of the Chamber who want to speak will not be intimidated by the Minister for Roads and Ports leaning across the table and saying, "If you want to be an idiot, go ahead and do it." It is their right to speak in debate on this bill if they see fit.

Reverend the Hon. FRED NILE [4.58 p.m.]: On behalf of the Christian Democratic Party, I am pleased to speak in debate on the Regional Relocation (Home Buyers Grant Amendment) Bill 2013. I congratulate the Government on initiating the scheme and on now revising and improving it with the new provisions in this legislation. It is a very positive move that comes under the heading of decentralisation in our State.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! There is too much audible conversation in the Chamber.

Reverend the Hon. FRED NILE: This bill will amend the original Act, the Regional Relocation (Home Buyers Grant) Act 2011, to extend eligibility for the Regional Relocation Grant to renters in metropolitan Sydney, Newcastle and Wollongong who relocate to regional New South Wales. That will help a lot of families struggling with the cost of accommodation and high rents in Sydney to move out to country areas. It would be far better for them, especially for those with children, to be in one of our wonderful country regions. The bill also introduces a new Skilled Regional Relocation Incentive, which will permit grants worth \$10,000 to be made available to eligible persons who relocate from metropolitan areas to regional New South Wales for the purposes of employment, or to establish or purchase a small business. Finally, the bill introduces a minimum distance requirement of 100 kilometres for the relocation.

The small business incentive is important because in the country regions we need not only more people but also more jobs. We need businesses to be established there, which obviously will provide more employment opportunities. Whether the business is a small factory, a small shop or whatever it may be, usually the business will require further staff. That will help to keep young people in those country regions—rather than having to move to the city to get a job. These improvements to the legislation will broaden the appeal of the grants to a younger demographic, including young families, and encourage more people to relocate to the regions and to bring their skills and experience.

The NSW Decentralisation Taskforce set up by the Government conducted a review of the Government's decentralisation policy and associated initiatives. The review found that there were some areas for improvement in the Regional Relocation Grant scheme, and that is why we now have this legislation before us. I believe the results achieved under the original legislation are still impressive. As at 30 September 2013, 2,665 grants have been awarded at a total cost of \$18.66 million. However, the review did show that the people taking up that initial \$7,000 grant were mostly retirees and empty nesters—that is, families whose children have now moved on and where the parents now have no children to worry about. They were taking up this offer.

I believe the provisions in the bill before us now will be far more successful in encouraging a wider range of applicants and that that will be of great benefit to country areas. This will be a change to the focus always being on metropolitan areas. I particularly congratulate the Government on its approach to encouraging business operations to take place through the special grant of \$10,000 for individuals who set up some sort of

business in country areas. The \$10,000 will be paid in two equal instalments. There will be strict criteria for those grants. People who are self-employed as sole traders or who are in partnership will also qualify for this grant provided they meet all the other eligibility criteria. I congratulate the Government on persevering with this important scheme. I believe there should be further investigations as to whether other schemes can be introduced to achieve similar results.

The Hon. SHAOQUETT MOSELMANE [5.03 p.m.]: I speak in debate on the Regional Relocation (Home Buyers Grant) Amendment Bill 2013, which has also been referred to as the Mick Veitch regional relocation home buyers grant bill. I support this bill and I support the comments made by my colleagues the Hon. Mick Veitch and the Hon. Steve Whan, and some of the comments made by Dr John Kaye. Their comments were informative, and at times entertaining.

The Hon. John Ajaka: And completely irrelevant.

The Hon. SHAOQUETT MOSELMANE: I have 20 minutes to speak. The bill amends the Regional Relocation (Home Buyers Grant) Act 2011, and is a response to reports from the New South Wales Government Decentralisation Taskforce. The objective of these amendments is to tweak the Regional Relocation Grants to make them more attractive to people currently living in Sydney, Newcastle and Wollongong. Three sets of amendments are proposed: first, the extension of the original grant scheme to people renting in metropolitan homes who are prepared to relocate to a regional location in order to enter the regional housing market; secondly, the establishment of a new grant, called the Skilled Regional Relocation Incentive, which will be available to people undertaking an eligible employment relocation or an eligible self-employment relocation to a regional area; and, thirdly, general provisions to enhance and clarify the operation and functioning of the amended Act.

Grants of \$7,000 will be provided to people who move to regional centres, as long as they have lived in Sydney, Wollongong or Newcastle for the previous two years. I am pleased to support these amendments, especially because the original bill and scheme have been, to be frank, a dud—as described by the Hon. Mick Veitch. Since 1 July 2011, 2,531 grants have been paid, despite an initially budgeted target of 7,000 grants—or \$49 million a year for four years. These grants are simply not doing what they were designed to do—that is, to decentralise the State from the metropolitan centres and encourage growth in rural and regional centres.

The Regional Relocation Grant scheme is just one example of how this Government has failed when it comes to housing and housing affordability. Last week the media reported what young people and their parents know to be true in New South Wales—that is, young first home buyers are being left behind by investors. For the first time ever, first time home buyers comprise the smallest proportion of home buyers. Australian Bureau of Statistics data shows the proportion of first home buyers dipped to 12.5 per cent in September—the lowest level since it started collecting figures in July 1991. Only one in eight buyers in September was a first home buyer. It is not a mere coincidence—

The Hon. Duncan Gay: Point of order: My point of order relates to relevance. The long title of the bill says that this is, "An Act to amend the Regional Relocation (Home Buyers Grant) Act 2011 to permit grants to be made available under that Act to persons who relocate from metropolitan areas to regional areas for the purposes of employment, self-employment or purchasing a home; and for other purposes."

The Hon. Walt Secord: To the point of order—

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! The Minister has not finished his point of order.

The Hon. Walt Secord: The Minister is using up the member's allotted speaking time on purpose.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! The Hon. Walt Secord will resume his seat. I call the Minister to continue speaking on his point of order.

The Hon. Walt Secord: The Minister is using up the member's allotted speaking time on purpose.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I call the Hon. Walt Secord to order for the first time.

The Hon. Duncan Gay: The bill title does not include first home buyers grants. Whilst I am sure the member is interested in that topic, this bill is particularly orientated towards relocation and not first home buyers.

The Hon. Steve Whan: To the point of order: I draw on your earlier ruling that second reading speeches have wide latitude. I point out particularly that the member was talking about first home buyers. This is a Regional Relocation Grant scheme aimed at people moving to regional New South Wales to buy homes. The member was being directly relevant to the leave of the bill.

The Hon. Duncan Gay: Further to the point of order: The member was specific on the area of first home buyers grants.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I refer to a ruling made by the former President of the Legislative Council the Hon. Peter Primrose. Although we do allow for wide-ranging debate, words such as "first home owners" do not refer directly to the long title of the bill. I remind the member to be generally relevant.

The Hon. SHAOQUETT MOSELMANE: I am not using the words "first home owners". I would like to continue by saying that it is not a mere coincidence that this has happened only a year after the New South Wales Government scrapped the first home buyers grant and stamp duty concessions for first home buyers.

The Hon. Duncan Gay: Point of order: Madam Deputy-President, you made a ruling relating to this issue. The member is either accidentally or deliberately canvassing your ruling.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I again remind the member to be generally relevant and to speak to the long title of the bill.

The Hon. SHAOQUETT MOSELMANE: The previous scheme, which was introduced by Labor, assisted first home buyers with \$7,000 grants and stamp duty exemptions.

The Hon. Duncan Gay: Point of order: My point of the order is the same one I have made twice before and that you have ruled on once. The Hon. Shaoquett Moselmane is flouting your ruling and speaking about the first home buyers grant.

The Hon. Steve Whan: To the point of order: The bill is broadly about incentives to get people to move to regional New South Wales. If we can only look in isolation at one part of the package this debate has no relevance to consideration of how to encourage people to move to regional New South Wales. I submit that the program of \$7,000 grants combined with other incentives is directly relevant to the bill.

The Hon. John Ajaka: To the point of order: This has been canvassed and you have made your ruling. It is not appropriate for the Hon. Steve Whan or any other member to argue the point upon which you have made a clear ruling. The Hon. Shaoquett Moselmane should not flout that ruling and the Hon. Steve Whan should not try to reargue the point.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Again I refer to a ruling made by President Primrose, who said during debate on an education bill:

... because the bill before the Chair has in its title the words "education", "school" and "attendance" does not mean that members are free to range over anything to do with education, school and attendance.

I uphold the point of order and remind the member that he should refer directly to the long title of the bill.

The Hon. SHAOQUETT MOSELMANE: Housing affordability is a huge issue for young people across New South Wales and Sydney in particular. The Premier and Treasurer must do more than bury their heads in the sand. The Real Estate Institute is unequivocal in its belief that first home buyers will move interstate unless the New South Wales Government does something to assist them. The institute said that first home buyers were simply being "smashed" by investors. It also said:

Incentives for first homebuyers purchasing existing properties must be reintroduced or NSW must face the reality that they will relocate out of the state where it is more affordable.

That is not how it should be for first home buyers in New South Wales. The Government has the capacity to do something about this issue. Last month the Treasurer announced with great fanfare that the State had a \$239 million surplus in 2012-13. Some \$198 million was made up of additional stamp duty receipts because of the increase in house prices. I call on the Treasurer and the Government to do the right thing and invest that money in helping first home buyers in New South Wales. It seems like the fair and right thing to do.

As I said at the outset of my contribution, I do not oppose these amendments because any improvement to the scheme is welcome. I welcome the comments, suggestions and amendments the Hon. Mick Veitch has raised. I am delighted that the Government has taken them on board and this bill is now at least somewhat workable as a result. It is time that the New South Wales Government got its head out of the sand and did something meaningful and practical to address this growing problem.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [5.13 p.m.], in reply: I thank members for their contributions—some of them understood what they were talking about. I am terribly disappointed for the Hon. Steve Whan. He found some people—I suspect not many—to congratulate him and tell him he was doing a good job but he did not believe them. It is a bit like finding out that Santa Claus is somebody else. It is tragic that someone sitting on the losers lounge has been scarred so badly that he cannot even believe the people who congratulate him. Call me naive, but I believe the people who congratulate me and tell me I am doing a good job.

The Hon. Sarah Mitchell: Because you are doing a good job.

The Hon. DUNCAN GAY: Thank you. It is not only people from my office who tell me that. It is tragic that the Hon. Steve Whan has been through such a scarring process. He was kicked out of his electorate and is now seated firmly on the losers lounge. He was hoisted on his own petard in question time for asking questions that intimated our people were not doing something when in fact it was the exact thing that he had put in place.

The Hon. Steve Whan: Point of order: The Minister is straying from the leave of the bill by telling fibs about question time. I ask you to bring him back to the leave of the bill.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Unfortunately, I was unable to hear what the Minister said due to the level of audible conversation in the Chamber. I remind the Hon. Walt Secord that he is on two calls to order.

The Hon. DUNCAN GAY: I pay tribute to the shadow Minister for working with the Minister. That is the way it should be. The Deputy Premier had no problem acknowledging that he listened to people about this bill, as he has always done.

The Hon. Mick Veitch: He did.

The Hon. DUNCAN GAY: The member quite rightly acknowledges that. It is a pity that Country Labor does not have more people like the Hon. Mick Veitch. The sad thing is that a plethora of them will be standing against him at the next election and he might not get up. The Labor Party would be in a better position if it had more members like him. As I indicated in my second reading speech, the Government has amended the bill based on discussions with the shadow Minister. I also note his comments in the debate about whether the funds could be better spent. Of course, the Government will continually review the outcomes of the scheme and measure them against its stated objective.

The bill proposes three key legislative changes to amend the Regional Relocation (Home Buyers Grant) Act. First, the bill seeks to extend eligibility of the Regional Relocation Grant to renters in metropolitan Sydney, Newcastle and Wollongong to encourage them to relocate to regional New South Wales for the purposes of purchasing a home. The value of the Regional Relocation Grant remains unchanged at \$7,000. Secondly, the bill introduces a new Skilled Regional Relocation Incentive linked to relocations to regional New South Wales for the purposes of employment or self-employment. This is a significant new initiative designed to provide an incentive to a younger, more economically active demographic to move to the regions for employment. This segment is likely to include single people and young families—all of whom could bring skills and contribute to the vitality of regional communities. The value of the Skilled Regional Relocation Incentive will be \$10,000 paid in two equal instalments.

Thirdly, the bill introduces a minimum distance requirement of 100 kilometres for relocations. This applies to both the Regional Relocation Grant and Skilled Regional Relocation Incentive. The purpose of the bill is to better target the scheme, which is a key component of the Government's broader plans to help revitalise our regional economies. By making these amendments we are opening up the Regional Relocation Grant to the renter demographic that was previously ineligible, as many people have said. We are introducing a new grant, which is the Skilled Regional Relocation Incentive, to target the more economically active demographic of young families and young single people to encourage them to move to regional New South Wales to take up employment and self-employment. Introducing a minimum distance requirement of 100 kilometres for relocations will mitigate the potential misuse of the scheme in areas that border metropolitan and regional boundary lines.

I was surprised by the contribution of "Dr Special Kaye" of The Greens, who has done more to damage regional New South Wales than anyone else. He of all people condemned this and offered his pie in the sky solutions. The man wants to reform regional New South Wales with a wind farm-led recovery. Yet when I asked him whether he would be willing to have a wind farm near his home he would not tell us. He asked me where I lived and I was proud to say I live in regional New South Wales at Crookwell where the scourge of The Greens has been perpetrated by Alby Shultz and Steve Whan.

The Hon. Penny Sharpe: Point of order: The issue the Minister is addressing is far outside the leave of the bill. The second point I make is that for a Minister who continues to carry on about members taking up the time of the Chamber and how many bills we have to consider, he would be better to confine his remarks to the leave of the bill.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Dr John Kaye introduced this topic. Therefore I do not uphold the point of order. The Minister has the right to reply.

The Hon. John Ajaka: The Minister is replying.

The Hon. DUNCAN GAY: "Special" Kaye brought it up.

The Hon. Walt Secord: He is brave when John is not here.

The Hon. DUNCAN GAY: I have to be able to reply. This is my reply to the second reading debate. Does the Hon. Walt Secord require retraining?

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! The Minister has the call.

The Hon. DUNCAN GAY: Dr John Kaye said, "This is the way we will reform regional New South Wales." What would happen if the Government adopted The Greens business plan for regional areas of New South Wales? The towns of Baradine and Barham were destroyed and industries were closed down and they were supposedly going to be replaced by a forest. The Greens contended that a tourism mecca would be created the very next day. The Greens should tell that to the people of Baradine, who paid for their houses in that town and own them outright, but now cannot sell them.

Baradine is now a ghost town and that is an example of The Greens-led recovery for regional areas of New South Wales. That demonstrates the hypocrisy of that person telling the Government, which is trying to relocate and help people, that he has a better plan for our future. There are a lot of people who are not living in regional areas of New South Wales because of The Greens better plan for our future. The Regional Relocation (Home Buyers Grant) Amendment Bill 2013 is a good bill and it represents a good government initiative. Certainly it has been helped by interaction with a good shadow Minister. 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. 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.

BOARD OF STUDIES, TEACHING AND EDUCATIONAL STANDARDS BILL 2013

Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [5.22 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

This bill gives effect to changes the Government recently announced to the way we support teachers and schools to deliver on improving student learning in New South Wales by the merger of the Board of Studies NSW and the NSW Institute of Teachers.

This new body will be the first of its kind in Australia. Its distinctiveness and policy power will come from bringing together the educational cornerstones of curriculum, student assessment, and teacher quality under one education body.

These three components should not exist in isolation from each other. The data and experience associated with each has relevance and bearing on the others. In the real world these cornerstones are intrinsically linked.

While each of these components is currently of a high standard in NSW, we believe that creating a single accountability for driving improvements across all of them not only makes sense, it creates the opportunity for significant improvement.

Consolidation of these functions in one organisation enables the Government to ensure that the key variable of teacher quality is at the heart of school organisation and is focused on improving student learning outcomes.

In a modern context administrative processes must be responsive to evidence of what works best for students and the NSW Board of Studies, Teaching and Educational Standards will assure that the continued work of these highly regarded bodies is brought to bear directly on supporting student learning across all sectors.

This reform puts standards at the heart of our education landscape. It signals our intent to use our educational resources to address the evidence, rather than rely on established practice. It also signals our determination to help the teaching profession to meet the challenges of educational quality in a competitive global environment.

It will also mean that there is a single entity responsible for the implementation of the Great Teaching, Inspired Learning Blueprint for Action across the government and non-government school sectors.

In addition to being responsible for many key measures in the Government's Great Teaching, Inspired Learning initiative, the Board of Studies, Teaching and Educational Standards will analyse data and consult experts, principals, teachers and parents to continuously improve policy settings for all New South Wales schools.

The current functions of the Board of Studies and the Institute of Teachers will become the functions of the new board. As well, the Government is taking this opportunity to enhance the current registration requirements of the Board of Studies for non-government schools by strengthening the registration standards in the area of school governance. This measure has strong support from the non-government school sector and the new standards will be developed in close consultation with non-government school authorities. This consultation will occur so that these new standards will be implemented concurrent with the commencement of the new Board of Studies, Teaching and Educational Standards from January 2014.

I turn now to the specific provisions of the bill.

The objectives of this bill are to constitute a new NSW Board of Studies, Teaching and Educational Standards and to consequentially amend the Education Act 1990 and the Institute of Teachers Act 2004.

Part 1 sets out the scheme of the bill by outlining that the new board will have functions set out by this bill as well as those of the Board of Studies and Institute of Teachers under the Education Act 1990 and the Institute of Teachers Act 2004. The latter is being renamed as the Teacher Accreditation Act 2004 in recognition of the functions to remain in that Act in relation to school system and individual school teacher accreditation authorities as distinct from the functions of the new board.

Part 2 deals with the constitution, membership and functions of the NSW Board of Studies, Teaching and Educational Standards and administrative arrangements for the board president, committees and staff of the board. This carries forward the independence and strengthens the broadly representative nature of the Board of Studies to the new Board of Studies, Teaching and Educational Standards.

Front and centre in section 6 is the rationale for this change:

The principal objective of the board is to ensure that the school curriculum, forms of assessment and teaching and regulatory standards under the education and teaching legislation are developed, applied and monitored in a way that improves student learning while maintaining flexibility across the entire school education and teaching sector

This is the paramount objective of the newly constituted board, and I emphasise the point again: the aim of this change is to enhance our capability to improve the achievement of all students in NSW.

Part 3 of the bill provides authority for the Board of Studies, Teaching and Educational Standards to appoint Inspectors. Inspectors will not only maintain their current functions under the Education Act 1990, these functions will also have regard to supporting the improvement in teaching standards and quality.

Part 4 of the bill deals with largely machinery provisions drawn from the existing provisions in the Education Act 1990 and Institute of Teachers Act 2004. The most significant of these is section 15, NSW Board of Studies, Teaching and Educational Standards Fund. This ensures the continuation of the current practice of hypothecating teacher accreditation fees. This means that the fees teachers pay are only to be used for costs incurred by the NSW Board of Studies, Teaching and Educational Standards in connection with the accreditation of teachers and in monitoring, maintaining and developing teacher quality.

Schedule 1—Provisions relating to members and procedure of the Board—strengthens the qualifications, expertise and experience criteria for membership of the NSW Board of Studies, Teaching and Educational Standards and its standing committees. In particular, these provisions recognise the broad scope of the new board in teacher education and continuing professional development but also the focus the new board will bring to bear in the critical areas of addressing the disparities in student outcomes for Indigenous students and for those in regional and rural NSW.

Schedule 2 deals with savings and transitional provisions. In particular, part 2—Provisions consequent on enactment of this Act—dissolves the current entities whose functions will merge—the Board of Studies NSW, the NSW Institute of Teachers, and the Board of Governance for the NSW Institute of Teachers. It ensures that there will be no lapse in operation with the creation of one new organisation by providing that:

Schedule 3 sets out the amendments to the Education Act 1990 that result from the bill. These are mostly administrative but also reflect the recent assumption of responsibilities by the Board of Studies under the National Assessment Program, in particular as test administration authority for the NAPLAN tests in New South Wales. As well, these amendments confer on the new board a strengthened role in relation to the registration of non-government schools. This is in response to representations from within the non-government school sector itself in relation to ensuring that proper accepted community norms for school governance are in place. These provisions also include the Government's response to a recommendation in a recent decision before the Administrative Decisions Tribunal to provide an explicit link between a school being required to maintain student enrolment and attendance registers and a safe and supportive environment for their students.

Schedule 4 deals with amendments to the Institute of Teachers Act 2004. Principally, it renames that act as the Teacher Accreditation Act 2004, and proposes various consequential changes brought about by this bill. The independent advisory functions of the Quality Teaching Council have been preserved. This bill also preserves the link between the council and the Chairperson of the Board of Governance of the Institute with the equivalent role of the President of the new Board of Studies, Teaching and Educational Standards continuing in the role as the chair of the council.

Schedule 5 addresses the minor amendments to the Public Finance and Audit Act 1983 and the Public Sector Employment and Management Act 2002 that reflect the merger together with other consequential changes arising from the commencement of the Government Sector Employment Act 2013 that are required to preserve the independence of the new board.

The creation of the Board of Studies, Teaching and Educational Standards represents the most significant reform of key education bodies in New South Wales since the creation of the Board of Studies by the previous Coalition Government in 1990. Just as that reform attracted bipartisan support in the Parliament, I look forward to similar support for this reform by this Parliament.

I commend the bill to the House.

The Hon. PENNY SHARPE [5.22 p.m.]: I lead for the Opposition on the Board of Studies, Teaching and Educational Standards Bill 2013. The object of this bill is to create the Board of Studies, Teaching and Educational Standards and merge the functions currently exercised by the Board of Studies and the NSW Institute of Teachers. The bill also dissolves the current Board of Studies and the NSW Institute of Teachers. The Opposition supports the Board of Studies, Teaching and Educational Standards Bill. The Opposition agrees with the Minister that it makes sense to bring together curriculum, student assessment and teacher quality under one education body.

I note that when the Minister first announced the proposed merger he made clear that this was not a cost-cutting measure and that any savings would remain with the board. The Opposition believes it is extremely important that this change is driven by what is in the best interests of the students and improving their educational outcomes. The Government said that this legislation puts standards at the heart of the education landscape and that the new board will analyse data, consult experts, principals, teachers and parents to continuously improve policy settings in schools across New South Wales.

The Board of Studies is responsible for curriculum, examinations and the registration of non-government schools, and the Institute of Teachers is responsible for accrediting teachers, approving initial teacher education and the endorsement of teacher professional learning. Merging the two bodies should allow teacher quality measures to reflect the requirements of the curriculum and ensure the evaluation of those measures through student assessment. Research is very clear about the impact of teacher quality on students' educational performance. It is clear that there is a direct relationship between the quality of teaching and the successful learning outcomes of students. That is why Labor established the NSW Institute of Teachers in 2004. The institute oversees the accreditation of teachers against a framework of professional teaching standards. New South Wales was the first State in Australia to do so. Our model was the foundation for national teaching standards.

The Minister makes some important commitments in his second reading speech that have the support of the Opposition. The new Board of Studies, Teaching and Educational Standards will continue to have the independence and broadly representative nature of the current Board of Studies. This will be welcomed as the Board of Studies has been a highly regarded body: Its system of committees has given broad representation of the teaching profession and provided for valuable input, particularly into curriculum matters. It is also good to see that the appointed members of the board will include a person with knowledge and expertise in early childhood education and an Aboriginal person with knowledge and expertise in the education of Aboriginal people. The bill also preserves the independent, advisory functions of the Quality Teaching Council and the president of the board also will continue as chair of the council.

The legislation makes provision to ensure the hypothecation of teachers' funds within the new body, which is important to teachers as they pay a fee to join the Institute of Teachers. The bill also gives the board a strengthened role in relation to the registration of non-government schools in the area of governance. This has the support of the non-government sector and the standards will be developed in consultation with them. The merger has the broad support of all the key stakeholders. However, the Opposition will state for the record some issues that remain to be addressed. All stakeholders have made the point that it is important to ensure the voice of teachers is clearly heard in the new body and that the governance arrangements ensure the teaching profession is well represented and continues to be listened to.

In a letter from the Independent Education Union the general secretary, John Quessy, made the point that governance structures need to "reflect an undiminished independence for the teaching profession if the accreditation body is to have any creditability with teachers in this State." The Independent Education Union also has raised concerns that teacher accreditation authorities should be required to have policies that provide support to teachers to achieve a quality induction to the teaching profession. Ensuring beginning teachers get the appropriate support they need is an important issue. The Opposition requests the Minister to address this important issue during his reply.

Finally, the Opposition notes that while these changes are not driven by a desire to make savings, there will nonetheless be impacts on staff as the new entity takes effect. This can be a challenging time for staff, particularly as it is occurring just before Christmas. The Opposition again urges the Minister to make sure there is a transparent and fair process for all staff transitioning to the new entity. The merger provided for by this legislation will mean better coordination between the functions of the Institute of Teachers and the Board of Studies. It will provide for a more explicit link between teacher professional standards and curriculum standards and assessment. It may be that in doing that it also will be possible to build greater support and understanding of the role and importance of assessment and how it can help to lift students' performance.

Testing provides valuable information to identify students who are behind the level they should be achieving, and testing can then be used to tailor teaching programs to meet individual student needs. It can help to set targets for improvement and evaluate the effectiveness of literacy and numeracy programs. Of course, testing has limitations: Schools need to get the balance right in preparing for tests. However, if merging the Board of Studies and the Institute of Teachers means that the useful information from student assessment can help inform teaching standards and practice, that can only be a good thing. The Opposition will support this bill.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [5.28 p.m.], in reply: I thank the Hon. Penny Sharpe for her contribution to debate on the Board of Studies, Teaching and Educational Standards Bill 2013. The bill will amalgamate the Board of Studies and the NSW Institute of Teachers and their respective functions into a new body, the Board of Studies, Teaching and Educational Standards. The new board will set and monitor standards in the areas of curriculum, assessment, governance and teaching standards. The educational cornerstones will operate cohesively under one education

body. The three educational components should not exist in isolation from each other. The data and experiences associated with each have relevance and bearing on the others. In fact, the amalgamation will facilitate better integration of the three functions of curriculum, student assessment and teacher quality for the benefit of all students, teachers, schools and schooling organisations. The Minister for Education has asked me to convey his thanks to the hardworking staff of the Board of Studies, including the president, the chief executive, the deputy chief executive and staff of the board.

The Minister would also like to commend the fantastic work of the staff of the NSW Institute of Teachers as well as that of their former chief executive, Patrick Lee. Finally, the Minister would like to thank the leadership of the Association of Independent Schools and the Catholic Education Commission, the NSW Teachers Federation and the Independent Education Union for working together with the board and the institute on this amalgamation. Finally, as the Minister representing the Minister for Education, I take this opportunity to thank the staff of the New South Wales Parliamentary Counsel's office, including for the advice they provided about the structure of this bill. The Minister is confident that the new Board of Studies, Teaching and Education Standards will be a powerful agency working to continuously improve policy settings for all New South Wales schools. 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. 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.

EDUCATION AMENDMENT (NON-GOVERNMENT SCHOOL FUNDING) BILL 2013

Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [5.32 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Government's amendments to the Education Act 1990 will allow important improvements to the way we fund non-government schools in this State.

Importance of targeting need

This Government strongly supports the principle of school funding being directed according to need.

We know that, despite the many successes of our schools, there are still persistent gaps in students' educational outcomes.

These gaps are strongly associated with socioeconomic disadvantage, Aboriginality and remoteness from metropolitan centres.

In order to close the gaps in educational outcomes, funding must be targeted to the areas of highest need, so that we make available funds as effective as possible.

This principle of funding according to need is an important part of our national agreement.

National Education Reform Agreement

I am very proud that the New South Wales Government was the first Australian jurisdiction to sign up to the National Education Reform Agreement, which enacted the "Gonski" school funding reforms.

It demonstrates the high priority the New South Wales Government places on education and our children's future.

At the heart of these reforms is the commitment that "every child should have access to the best possible education, regardless of where they live, the income of their family, or the school they attend".

It is this principle of funding students according to their needs that sits at the heart of the National Education Reform Agreement, signed in April this year.

Our funding reforms will bring both an improved distribution of funds and an increase in investment.

Our agreement with the Commonwealth will bring an additional \$5 billion in investment, with an estimated \$790 million going to non-government schools.

Importantly, our agreement contains a set of educational reforms to ensure that every dollar is directed towards improving education for our students.

And they set out a fair way of distributing resources across the school sectors, based on student need.

So we are changing the way that schools in this State are funded, in order to be more responsive to student need. Over time our funding mechanisms for both government and non-government schools will move to be consistent with the Schooling Resource Standard.

This is a model that provides for a single, consistent resource standard against which need is assessed, for both government and non-government schools.

It is designed to be more objective, more effective and fairer.

The Government's drive to improve needs-based funding, and our commitments under our agreement with the Commonwealth, mean that changes are needed in the way that non-government schools are funded by New South Wales.

The new arrangements will be introduced progressively from 2014 so that non-government schools have funding stability.

Detail of the amendments

The amendments will allow for new ways for the New South Wales Government to fund non-government schools—ways that better respond to need.

Subsection (1) of new section 21 maintains the ability of the Government to fund non-government schools. There is a longstanding commitment by the State to fund non-government schools and this will continue.

The State provides assistance both for "recurrent" needs—that is generally paid on a "per student" basis - and for capital works.

Subsection (2) provides a legislative guarantee that the State will meet its obligations under national agreements.

This amendment to the Act will enable the Government to carry out our commitments through the National Education Reform Agreement for funding non-government schools and systems.

In providing certainty to non-government schools we are also including a provision that ensures they are not disadvantaged should our overarching national agreement come to an end.

Subsection (3) provides that, should the relevant national agreement cease, the State will maintain the level of financial assistance that applied at this time, and may increase that amount taking account of the costs of schooling.

The relevant agreement is defined in subsection (9) as the National Education Reform Agreement or any subsequent replacement agreement, this being our principal agreement with the Commonwealth, which delivers the bulk of funding to non-government schools.

This provides a guarantee to non-government schools that the State will not walk away should our national agreement cease.

Subsection (4) provides that the assistance to non-government schools can have regard to the needs of different schools. This enables the Government to accurately target students and schools that have higher levels of need. This includes schools with a high number of students from a disadvantaged background or in remote areas.

In subsection (5) the bill provides that the costs of administration are also included under the allocation of financial assistance. The State invests around \$1 billion per annum in non-government schools, so it is important that this funding is well administered and accountability to the public is as strong as it can be.

As with existing arrangements, subsection (6) outlines that funding can be paid to individual schools or through systems such as the Catholic system.

Subsection (7) provides that, as with the current Act, these provisions are subject to parliamentary appropriations.

Subsection (8) indicates that the operation of this section will be reviewed in 2017.

In making these improvements to the Act, some current provisions become superseded.

The current requirement that per capita grants to non-government schools are tied to the average cost of educating government school children will be removed from the Act. This provision is not consistent with an enhanced, needs-based funding model.

Per capita funding to non-government schools will continue but, over time, they will be provided according to an improved, needs-based funding mechanism.

The certainty of funding that the "flow on" provided will in future be guaranteed by subsections (2) and (3).

The Act will maintain the requirement that non-government schools not operate for profit. These rules under the existing section 21A will be maintained for all forms of State funding, whether provided as the result of a national agreement or not.

Commitment to non-government schools

The Government believes that non-government schools are integral to the education of students in this State.

We champion the right of parents to choose schools for their children, and these amendments demonstrate that we remain committed to supporting this right through continued funding.

The national reforms that we have agreed to will benefit all schools and all students in this State, including those in non-government schools.

Transition to the new arrangements

New South Wales Government funding for non-government schools will transition to be more consistent with the Schooling Resource Standard over time.

For 2014 the majority of funding will continue to be provided to non-government schools according to the current Education Resource Index mechanism.

Existing programs such as the supervisor subsidy program for students with a disability will also continue.

Capital assistance through the Building Grants Assistance Scheme and Interest Subsidy Scheme will also continue.

Additional funding to the non-government sector due to the National Education Reform Agreement will be provided consistent with the Commonwealth's Schooling Resource Standard.

Importance of improving educational performance

We know that in the twenty-first century it will be more important than ever to have a highly skilled workforce so that we remain economically competitive, especially against the growing economies of the developing world.

This is why the State's 10-year plan, NSW 2021, contains ambitious goals for improving education.

Investing in education and training is one of the most effective ways of boosting the productivity and prosperity of our State and improving the life chances of individuals.

For most of us, our education is central to our lives.

Its importance to us, as individuals and as a society, is such that we cannot just be complacent with the success we already enjoy.

Rather, we must continually strive for improvements.

A funding system that is more responsive to student need is the base from which a strong education system develops.

It enables all the other crucial aspects of the system, such as good teachers, strong leaders, responsive teaching methods, and proper care for our students.

That is why these amendments to the Education Act are so important.

I commend the amendments to the House.

The Hon. PENNY SHARPE [5.32 p.m.]: I lead for the Opposition in relation to the Education Amendment (Non-Government School Funding) Bill 2013. The bill facilitates the provision of financial assistance to non-government schools in accordance with the State's obligations under the National Education Reform Agreement. In order to provide certainty to the non-government school sector, a provision is included that ensures that they are not disadvantaged, should the overarching agreement come to an end, by requiring that assistance be maintained and that the State may increase the amount taking into account the cost of schooling.

The bill also enables the assistance to non-government schools to be allocated having regard to the needs of different non-government schools. Importantly, the bill maintains that funding can be paid to individual schools or through systems and includes the requirement that non-government schools not operate for profit. The bill also provides for a review in 2017.

The bill is supported by both the Catholic Education Office and the Association of Independent Schools. Both organisations have said that they have been consulted in the development of the bill and they support the bill. For example, the Catholic Education Commission has said that it is confident the amendments reflect the real value of grants over time and provide a secure method for ongoing funding if the current Commonwealth-State agreement becomes the subject of renegotiation at any time. This is important as these two organisations represent the schools that will be affected by this legislation. School funding is always a complex, sensitive area, and the Opposition knows how hard many people have worked to bring this bill to fruition.

This legislation, which removes the longstanding requirements that link State funding to non-government schools to a percentage of the average cost of educating government schoolchildren is necessary because of the National Education Reform Agreement arising from the review of funding for schools chaired by David Gonski; this was the most important comprehensive review of school funding in 40 years. The Gonski review showed that while we are still a high-performing country, our international performance is slipping and that compared to many OECD countries the performance gap between students from disadvantaged backgrounds and students from wealthier backgrounds is far greater in Australia. This is something that the Opposition believes we must address.

The National Education Reform Agreement was one of the landmark reforms of the Federal Labor Government. The agreement provides New South Wales with additional investment totalling some \$5 billion over six years, of which the Federal Government will provide 65 per cent and the New South Wales Government will provide 35 per cent. The reforms are based on a new schooling resource standard, which is a fairer approach to funding based on the needs of every student. The New South Wales Government was the first government to sign up to the Gonski agreement. And why would it not? It provides additional funding of \$5 billion for New South Wales schools, of which the New South Wales Government share is \$1.7 billion. This is a win-win for every student and family in New South Wales.

The State Government has funded its share through a range of measures, including funding cuts to the education and training system announced in 2012. The Opposition points out to the Government that at the time these budget cuts were announced they were predicated on a very needy budgetary situation. Given that the Treasurer has recently announced that the New South Wales budget is in surplus earlier than expected, the Opposition believes it is not too much to expect that the New South Wales Government now may restore some of the funding to schools in New South Wales. Funding for schools is an issue that has been fraught with division in Australia. The great strength of the Gonski review was that it removed the debate around past divisiveness by focusing on funding students based on need irrespective of what sector they are in.

Taking the recommendations of the Gonski review and turning them into something that is affordable, acceptable to all education stakeholders and agreed by State governments has been a mammoth task. It took a Labor Government federally to achieve this. But of course the real winners are students, our sons and daughters and the children of this State. Let us hope the Abbott Government sees the sense of this and commits to the full six years of the agreement. This is truly an opportunity that we should seize right now, and it is truly an opportunity that after six years of investment will make an enormous difference to the education system in Australia. Today the bill is another important part of moving forward with the Gonski reforms. It aligns the new State funding model with the national funding model, and is supported by the Opposition.

The Hon. SHAOQUETT MOSELMANE [5.36 p.m.]: I make a brief contribution to the debate on the Education Amendment (Non-Government School Funding) Bill 2013. I support the bill. These amendments will allow funding for non-government schools to comply with the National Education Reform Agreement, known as Gonski. The Gonski plan would inject overall \$14.5 billion into primary and high school education over the next six years. New South Wales was the first State in Australia to sign on to the reforms, which will ensure that funding is given to the students and the schools that need it most. The reforms will bring an additional \$5 billion of investment in New South Wales, with over \$790 million to go to non-government schools. These amendments will ensure that New South Wales will meet its obligations to fund non-government schools, as is required by national agreements.

New subsection (6) is consistent with the current arrangements and outlines that funding can be paid to individual schools or through systems such as the Catholic system. As with the current Act, new subsection (7)

ensures that these provisions are subject to parliamentary appropriations. New subsection (8) indicates that the operation of this section will be reviewed in 2017. In making these improvements to the Act, some current provisions are superseded. The current requirement that per capita grants to non-government schools are tied to the average cost of educating government schoolchildren will be removed from the Act. While per capita funding to non-government schools will continue, over time it will be provided according to an improved needs-based funding mechanism. The certainty of funding that the flow-on provided will in future be guaranteed by new subsections (2) and (3). New subsection (2) provides, as Minister Piccoli said, a legislative guarantee that the State will meet its obligations under national agreements. This amendment to the Act will enable the Government to carry out its commitments through the National Education Reform Agreement for funding non-government schools and systems.

In providing certainty to non-government schools, a provision is included that ensures they are not disadvantaged should the overarching national agreement come to an end. New subsection (3) provides that, should the relevant national agreement cease, the State will maintain the level of financial assistance that applies at the time and may increase that amount, taking account of the costs of schooling. These amendments align the new State funding formula with the national funding model, and are supported by the Independent Schools Association and the Catholic Education Commission. This is an uncontroversial bill, but one that will have a big impact on the more than 30 per cent of students in New South Wales that attend non-government schools.

These schools are many and varied, and the vast majority are not the exclusive schools one thinks of when talking about private schools. The vast majority of non-government schools in New South Wales are small, based on a religious ethos and not vastly wealthy. Many provide subsidised schooling to children from lower socio-economic backgrounds and cater for children with special needs. It is essential that the needs of these schools are not forgotten in the education debate. I note the commitment of teachers and parents. I agree with the education Minister that at the heart of these education reforms is a commitment that every child should have access to the best possible education, regardless of where they live, their family income or the school they attend.

I am deeply passionate about this subject. One of the reasons I have always supported the Labor Party is that education has been its core policy. Education has a transformative effect—it can break cycles of poverty and disadvantage, and provide opportunities for children to change their life path. As a member of the upper House I do a lot of work with various migrant communities across Sydney. Many organisations are dedicated to providing assistance to non-government schools. In working in these communities I have noticed that the singular thread is a deep commitment to education. For parents, education is the key to giving their children a better future, and for many the reason they came to Australia. I know many parents whose happiest days are when their children gain entry into university because they could only dream of that when they were young.

Education is the top priority in almost all migrant communities, and this commitment to education should be supported by the New South Wales Government. No doubt the National Education Reform Agreement will provide this support. At the moment the New South Wales Government invests \$1 billion in independent schools. It is important that this funding go to where it is needed most, and that it is well administered. These amendments will ensure that these funds are continued once the National Education Reform Agreement is fully implemented, and the ethos of Gonski—which is to provide funds where they are needed most—will be evident in the way this Government funds independent schools. I commend this bill to the House.

Dr JOHN KAYE [5.42 p.m.]: The Greens will not oppose the Education Amendment (Non-Government School Funding) Bill 2013, but will seek to make substantial amendments at the third reading stage. We debate this bill today after a great victory by public sector teachers; their State union, being the NSW Teachers Federation; their Federal union, being the Australian Education Union; public school parents and people in the community who genuinely care about the future of public education. This victory was not won without the opposition of the wealthiest private school lobby, which funded study after study to attack the underpinnings of the Gonski inquiry. Only when the private school lobby got its way, with a guaranteed lock-in of its existing funding plus 3 per cent for the wealthiest schools and 4.5 per cent of Commonwealth funding for the remainder, did that lobby say Gonski was a good idea. The hard work behind the fundamental principle of getting resource-based funding into schooling was achieved by public school teachers, their unions, parents and a community that supports public education.

I pay particular respect to Angelo Gavrielatos, the Federal President of the Australian Education Union, who worked around the clock to try to convince the then Federal Labor Government and the State governments, most of which were Coalition governments, to sign up. In one respect I pay respect also to Barry O'Farrell and

Adrian Piccoli, who were the first to sign up. I have great criticisms about what they signed up to, but in the end it was a victory for public education. That victory was not an option without the injection of Gonski funding or the fundamental understanding that our public school teachers do the heavy lifting and, through the sweat of their brow, keep society running by maintaining an education system that has been underfunded, attacked by politicians from all sides and ridiculed by shock jocks. Because of those public school teachers, the public system continues to deliver high-quality education even though it is in desperate need of additional funding. Gonski and the money it brings is the relief on the horizon.

Too little, too slow, but at least there is some relief for public education after decades of neglect and abuse by politicians from both sides who saw public education as a nuisance and a cost centre in their budget rather than the great investment in our future. We look forward to the "sea change" in public education that Gonski funding will provide. I speak to many teachers and every one is proud of getting Gonski through. They look forward to the day when they no longer have to break their back or invest their own money in supporting their students. Having said that, this bill is not about public schools; it is about the billion dollars this State gives to non-government schools every year alongside the annual \$2.4 billion from the Federal Government. That total annual \$3.4 billion is to be perpetuated and amplified by this bill.

I do not need to tell the House because members know already how we landed here today. The Catholic Church and the private school lobby, the Association of Independent Schools—the extremely well-cashed up and powerful lobby of the elite private schools—put pressure on the Gillard Government to make sure it locked in an agreement that no school would lose money. In fact, those elite schools got a commitment better than that no school would lose money. Gonski begins at the current funding level and continues for even the wealthiest private schools. Cranbrook School in Bellevue Hill will continue to receive 3 per cent indexed funding every year from the Commonwealth and the State. That is a lot of money. In 2001, the last year for which the My School website provides figures, Cranbrook School received \$2.5 million from the Australian Government and \$1.4 million from the State Government. That represents \$1,885 per student from the Commonwealth and \$1,209 from the State—perhaps not so bad except that Cranbrook collects \$25,900 in fees each year for each student and \$5,728 in other funds.

Private funding for each student exceeds \$31,500 per student. In addition, the State gives an additional \$1,000 and the Commonwealth gives \$1,900 each year. How would it feel to front up to a teacher at an average public school to which the State and Commonwealth pony up less than \$12,000 a year, or to a teacher at a selective school, say, Sydney Boys High School, which is equivalent to Cranbrook, and gets less than \$11,000 a year? Why do students at Cranbrook have \$35,540 a year spent on them when less than one-third of that is spent on kids at Sydney Boys High School? What is the difference between those students? The difference is that the political lobby stood behind Cranbrook and all the other wealthy private schools to get us to where we are today. No-one will allow that school to be stripped of its funding. I will have more to say on that shortly.

This legislation has three problems. The first is that it locks in the politics of the massive amount of wasted funding that goes to non-government schools. If we take the 110 wealthiest private schools—that is, those in categories 1, 2 and 3, and those with SES ratings above 100, schools that are either extremely well resourced or have wealthy parents—each year they get \$132 million from the New South Wales Government and an additional \$294 million from the Commonwealth Government, which is supplemented by fees of \$1.2 billion and \$136 million in private resources. Those schools will continue on the gravy train even though, on average, those schools collect fees of \$15,700. Additional private funding takes the figure up to \$18,000. Without Government funding, wealthy schools in New South Wales can spend \$18,000 per student.

Those schools also receive an additional \$3,600 from the Commonwealth and \$1,600 from the New South Wales Government, so they can spend a total of \$22,550 per student. But that is too much money to spend so they hive off some of the money we give them: \$235 million per year, or \$2,873 per student, goes to spending on capital works. These schools are overfunded and we are wasting our money. This bill locks in the squandering of public funds. I am utterly amazed by the Liberal Party. It says that we have hard times ahead of us, that life is difficult, so we have to squeeze down on public servants and anything else that we can, but not on the extremely elite private schools. Most of its members went to those private schools so they do not want to squeeze down their alma mater. They are afraid of the Association of Independent Public Schools. It is remarkable that few people in politics are prepared to stand up and say, "We are wasting funds on private schools."

The Hon. Dr Peter Phelps: What school did you go to, John?

Dr JOHN KAYE: The harsh reality is that the politics defeated economics.

The Hon. Dr Peter Phelps: Glass houses.

Dr JOHN KAYE: I attended a category 1 private school in Victoria. In case those opposite have not noticed—some of them are not so bright—I have been a firm advocate of public education. I believe those schools are overfunded, not just to the detriment of public education or schools, or the State itself, but to the detriment of the children who attend those schools where they receive a resource standard that is beyond their expectations. I spent 22 years teaching at a public university and saw what happened to some of those kids. They were shocked when they saw the resource standards.

The first problem I have identified is private wealthy schools. That is a significant problem. They are robbing State funds of \$132 million each year. If we took money off the schools that are squandering it on luxuries such as swimming pools and rifle ranges and put it back into public education, 1,500 additional teachers could be assigned to schools that are crying out for assistance when dealing with students with special needs and those from disadvantaged backgrounds. That money is being squandered by a Government that feels it necessary to squeeze down on public sector teacher salaries, yet it can pour money into the wealthiest private schools.

The second problem is the massive growth in funding for the non-wealthy non-government school sector, the so-called low-fee private sector. The private sector is robbing public education of its enrolment base. Some of the non-government schools receive up to 80 or 90 per cent of their funding from the State and Commonwealth governments. They set up next to public schools and enrol the kids who come from successful families. Public education funding is left to deal with students who come from disadvantaged backgrounds. A class-divided society and religious-divided society is being created and we are spending \$4.2 billion of public funds each year to do it.

The third problem is discrimination in non-government schools. Two years ago, a Catholic school in Broken Hill decided it would not enrol a young girl because she had two mothers and no father. Some \$380 million of New South Wales public funds is being used to discriminate against a child because of the sexuality of the parents. Schools also discriminate against unmarried staff members who live in a relationship without the blessing of a church, live in a same-sex relationship, or live in a relationship that the school does not like. Schools that discriminate against students because of their parents' sexuality continue to receive public funds. Mr Alex Greenwich, the member for Sydney, has a bill before the lower House to end this. The Greens comprehensively support that legislation. However, that bill is unlikely to make it through the lower House. I will move amendments to ensure that schools that seek to discriminate do not get public funds. The Greens hope that all members of Parliament recognise that using public funds to discriminate is inappropriate.

Another problem with the legislation is that it locks in the failures of past funding systems by creating a base funding which is an historic funding level that was won by a political battle with the Gillard Government. The Gillard Government was weak in its refusal to stand up to the Association of Independent Schools and the Catholic Education Office to lock in historical funding. This bill perpetuates the inequalities and the unfairness of the previous funding system—the socio-economic status system, the funding maintained and funding guaranteed. Yes, it is true that the Gonski reforms do not have funding maintained. It hid funding maintained by boosting the minimum levels of funding that every non-government school receives. It ensured that non-government schools did not go backwards. It was a windfall profit for non-government schools. That level of profit will be revealed when we receive the first round of My School data or this Government can tell us what the real figures are behind the funding.

The reality remains that it is clear from the National Education Reform Agreement and those parts that have been publicised that many wealthy non-government schools will receive a windfall of funds from State and Federal governments, both of which argue that they do not have enough money. We have been told we have to cut back on essential funding. The O'Farrell Government took \$1.8 billion out of the forward estimates for public education before it locked in the Gonski scheme because it was worried about the rating agencies. The Abbott Government is talking about cutting back on a range of expenditure because it does not have enough money, yet it has locked in a system that anybody who is not on the gravy train recognises has been deeply unfair.

There is one benefit in this legislation that will address one grotesque unfairness. The original section 21 was called the 25 per cent rule, which stated that for every dollar spent on a child in a public school,

25¢ had to be given to the average child in a non-government school. It meant that every time an additional special needs teacher was employed at a school in south-western Sydney serving disadvantaged communities, more money went to Cranbrook, Ascham and SCEGGS. More money went to every non-government school across the board.

That nexus was an albatross around the neck of public education. It meant that any betterment of education by a Government cost 10 per cent more because the 25 per cent rule took money and gave it to private schools whether they needed it or not. That, at least, has come to an end. Even though the history of that deeply unfair funding model remains written in the funding that will continue under this legislation, at least that nexus is broken. Now there is an opportunity to better public education without the fiscal drag and social unfairness that the 25 per cent rule brought to school funding in New South Wales—and federally—through the socio-economic status funding system. The change also brings to an end some of the absurdities of the socio-economic status funding system, which delivered massive amounts of funds to some schools with no explanation. This bill is deeply flawed. The Gonski outcome for private schools is deeply flawed.

But The Greens will not vote against this bill because we do not want to bring down Gonski funding. We understand that the additional funding for public education is crucial. It is a great shame that an unfair and biased deal had to be made with the non-government sector to provide additional funds to public education. That is a measure of the weakness of the political process and its vulnerability to lobbying by the wealthy private school organisations and the Catholic Education Office. It is testament to politicians' weakness and their inability to say no to unfair funding, to money being squandered in wealthy non-government schools, which is damaging public education. The Government is unable to say that additional funds belong in public education. The gravy train continues and funding pours into non-government schools. The Greens will not vote against this legislation, but we will move a number of amendments that we believe will fix at least some of these problems.

Reverend the Hon. FRED NILE [6.01 p.m.]: On behalf of the Christian Democratic Party, I am very pleased to support the Education Amendment (Non-Government School Funding) Bill 2013. This bill will amend the Education Act 1990 to allow important improvements to the way in which we fund non-government schools in this State. Non-government schools are very important to the education sector in this State. The Christian Democratic Party has always put a high priority on ensuring that the non-government school sector gets the financial support it needs and the Government support that it deserves.

That does not mean that we regard government schools as being unimportant or of no interest to us. We are just as concerned about the provision of high-quality education in government schools, and the correct funding and training of teachers. Education for every State school child should be of the highest quality. I went through the State school system. My four children went to State schools. We never had any involvement with the non-government school sector, although I do appreciate its value. The main reason we had no contact with it was that we had no money. Even if we had wanted the children to go to private schools, we could not have afforded it on a pastor's low stipend. The stipend, they tell you, reflects not what you are worth but what they think you need to live. It is like a minimum wage. In the past, most ministers were forced to accept that.

The new arrangements in this legislation will be introduced progressively from 2014 so that non-government schools have funding stability. The amendments will allow for new ways for the New South Wales Government to fund non-government schools to better respond to needs. New section 21 (1) maintains the ability of the Government to fund non-government schools. The longstanding commitment by the State to fund non-government schools will continue. The State also provides assistance for recurrent needs, which is generally paid on a per student basis, and for capital works.

New section 21 (2) provides a legislative guarantee that the State will meet its obligations under national agreements. This amendment will enable the Government to carry out its commitments through the National Education Reform Agreement to fund non-government schools and systems. This is all based on what was called the Gonski scheme. The Premier showed leadership in signing up New South Wales to that scheme. I am pleased to see that independent schools support this legislation. In a letter dated 28 October, Mr Geoff Newcombe, Executive Director of the Association of Independent Schools of New South Wales, stated:

Thank you for the opportunity to provide input into the proposed amendments to the Education Act with regard to funding to independent schools. I wish to advise that the Association of Independent Schools of New South Wales supports these amendments to the Act. Please pass on my thanks to the Premier also for the opportunity to be consulted on this very important amendment.

The non-government school sector is very happy, as it should be, for the benefits that this legislation provides. In supporting the non-government school sector, we must not neglect the government school sector. We must maintain a healthy balance between both important education systems. The State has supported them for many years and will continue to do so. The Christian Democratic Party supports this bill.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [6.06 p.m.], in reply: I thank honourable members for their contributions to the debate: the Hon. Penny Sharpe, the Hon. Shaoquett Moselmane, Dr John Kaye and Reverend the Hon. Fred Nile. The Government takes seriously its responsibility to ensure that the best possible education is provided for all students in New South Wales. The Government's goal is to help all students to achieve their full potential, regardless of the school they attend. With this responsibility comes a commitment to fairness in school funding. Funding should be targeted to those students most in need—in a government or non-government school. This funding should also be sufficient to ensure that a good quality education can be provided.

The National Education Reform Agreement that the New South Wales Government signed in April ensures that our funding to non-government schools is directed according to need. Through the national agreement New South Wales is also committed to a higher and better targeted investment in schools, coupled with ongoing reform to improve educational outcomes. In particular, the New South Wales Government is committed to lifting the level of investment in those non-government schools that have a demonstrated level of need. That is why the Government is amending the Education Act 1990 to make the model for funding non-government schools more objective, more effective and fairer.

The amendments to the Education Act allow for increases in school funding as a result of the National Education Reform Agreement. The New South Wales Government acknowledges the important role that non-government schools play in the educational landscape of New South Wales. They provide parents with a choice about the type of education they want for their children. These amendments will provide further support for that choice. The bill maintains the ability of the Government to fund non-government schools. There is a longstanding commitment by the State to fund non-government schools and this will continue. This bill confirms the Government's support for the right of parents to choose the best school for their child, whether it be a government or a non-government school.

The Government has consulted the sector closely on the proposed changes. The Catholic Education Commission and the Association of Independent Schools have supported the State signing on to the National Education Reform Agreement funding reforms, and they support these changes to New South Wales legislation. The current requirement that per student funding for non-government schools be linked to the average cost of educating government school students is not consistent with an enhanced, needs-based funding model and has therefore been removed from the Act. The bill is also drafted to ensure that non-government schools are not disadvantaged should the National Agreement come to an end. This bill ensures that the State meets its commitment to the non-government sector to both increase investment and, over time, better target that investment. These reforms will strengthen and give greater certainty to the funding arrangements for non-government schools. Disadvantaged students in non-government schools will be better funded to meet their educational needs. This bill will ensure that if the proportion of students in need in a particular school rises, funding will be allocated accordingly.

It is important that this funding is well administered and there is strong accountability for it. Therefore we have ensured that the New South Wales Government's large investment in non-government schools can be properly administered and accounted for. The bill also provides that section 21 will be reviewed in 2017 to ensure it is operating as was intended. The Government will ensure that the transition to a school funding model consistent with our national funding agreement is a smooth one. In 2014 schools will continue to be funded under the existing Education Resource Index, which is a measure of the resources available to each school. The Government will also continue to provide a subsidy for schools that educate children with an intellectual disability and children with autism to help with the employment of supervisors.

Schools that are operating below the Schooling Resource Standard will receive additional State funding in 2014. Capital assistance through the Building Grants Assistance Scheme and Interest Subsidy Scheme will also continue. This bill demonstrates the New South Wales Government's commitment to improving education outcomes for students in non-government schools through increased investment and better targeting of resources. Its passage will allow us to fulfil our commitment. On behalf of the Minister, I thank the hardworking staff of the Department of Education and Communities, particularly Martin Graham for his work on this bill. I commend this bill to the House.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [6.16 p.m.]: by leave: I move The Greens amendments Nos 1, 2 and 8 on sheet 2013-162D in globo:

No. 1 Page 3, schedule 1, line 2. Omit "**Section 21**". Insert instead "**Sections 21 and 21AA**".

No. 2 Page 3, schedule 1, line 3. Omit "the section". Insert instead "section 21".

No. 8 Page 3, schedule 1. Insert after line 35:

21AA Redistribution of financial assistance from certain non-government schools to government school children with special needs

- (1) Financial assistance under section 21 may not be paid (whether by way of per capita grant or otherwise) to or for the benefit of a non-government school listed in the Table to this section.
- (2) The Minister is to ensure that any financial saving resulting from the operation of this section is provided under section 20 to or in respect of government school children with special needs.
- (3) The regulations may amend the Table to this section by inserting the name of a non-government school.
- (4) This section does not limit the operation of section 21A.

Table

Abbotsleigh, Wahroonga
 Arden Anglican School, Beecroft
 Ascham School, Edgecliff
 Australian Institute of Music, Surry Hills
 Barker College, Hornsby
 Barrenjoey Montessori School, Avalon
 Blue Mountains Grammar School, Wentworth Falls
 Cameragal Montessori School, Neutral Bay
 Castlecrag Montessori School, Castlecrag
 Central Coast Grammar School, Erina Heights
 Claremont College, Randwick
 Cranbrook School, Bellevue Hill
 Danebank Anglican School for Girls, Hurstville
 Emanuel School, Randwick
 Frensham School, Mittagong
 German International School Sydney, Terrey Hills
 Gib Gate School, Mittagong
 Glenaeon Rudolf Steiner School, Middle Cove
 Hills Montessori Pre School, West Pennant Hills
 Hunter Valley Grammar School, Ashtonfield
 International Grammar School, Ultimo
 Kambala, Rose Bay
 Kincoppal – Rose Bay School, Rose Bay
 Kinma School, Terrey Hills
 Knox Grammar Preparatory School, Wahroonga
 Knox Grammar School, Wahroonga
 Lindfield Montessori Preschool, Lindfield
 Loquat Valley Anglican Preparatory School, Bayview
 Lycée Condorcet, The International French School of Sydney,
 Maroubra
 Masada College Senior School, St Ives
 Meriden, Strathfield
 MLC School, Burwood
 Montessori Excelsior School, Pymble
 Moriah College, Queens Park
 Mosman Church of England Preparatory School, Spit Junction
 Newcastle Grammar School, Newcastle

Newington College Preparatory School, Lindfield
 Newington College, Stanmore
 Oxley College, Burradoo
 Pittwater House Girls' College, Collaroy
 Pittwater House Grammar School, Collaroy
 Presbyterian Ladies' College, Croydon
 Pymble Ladies' College, Pymble
 Queenwood School for Girls, Mosman
 Ravenswood School for Girls, Gordon
 Reddam House, Woollahra
 Roseville College, Roseville
 St Andrew's Cathedral School, Sydney
 St Catherine's School, Waverley
 St Ignatius' College, Riverview, Lane Cove
 St Luke's Grammar School, Dee Why
 SCEGGS Darlinghurst, Darlinghurst
 SCEGGS Redlands, Cremorne
 Sherwood Cliffs Christian School, Glenreagh
 Sydney Church of England Grammar School, North Sydney
 Sydney Grammar School, Darlinghurst
 Sydney Grammar Preparatory School, Edgecliff
 Sydney Grammar Preparatory School, St Ives
 Sydney Japanese International School, Terrey Hills
 Sydney Montessori School, Gymer
 Tara Anglican School for Girls, North Parramatta
 The Athena School, Newtown
 The Hills Grammar School, Kenthurst
 The Illawarra Grammar School, Wollongong
 The King's School, North Parramatta
 The Scot's College, Bellevue Hill
 The Scots School Albury, Albury
 Trinity Grammar School, Summer Hill
 Tudor House, Moss Vale
 Wenona School, North Sydney
 Yeshiva College, Bondi

These amendments go to the matter I raised in my second reading speech to do with the wealthiest non-government schools. There are various different ways of measuring wealth. The way that we have chosen here is to go to the category 1, 2 and 3 private schools. Madam Chair, as you would be aware, private school funding, until the passage of this bill, has been based on what is called the Education Resource Index. It measures the average of a basket of measures which assess the wealth of an individual private school. It allocates a category number between one and 12—one being the wealthiest non-government schools and 12 being those that are supposedly the least wealthy.

The Education Resource Index was the system used by the Commonwealth prior to the advent of the socio-economic status system, in the year 2000, which was introduced by the Howard Government. The Education Resource Index system is far from perfect, and there are ways to criticise any list that is created. But what is unequivocally true is that each of the 71 schools listed in The Greens amendment in proposed section 21AA is fabulously wealthy. The best measure of their wealth is the amount of money that they spend on school finances. Although I am a critic of the My School website for its publication of average school results, this website turns out to be a very useful source of information in relation to private school funding—in particular when we look at some of the wealthiest non-government schools.

Ascham School in Edgecliff charges average fees of \$25,000 and collects another \$3,000 in other private income per student. So without any public assistance it can spend \$27,000 per student per year. On top of that, the Commonwealth gives this school \$1,900 per student and the State another \$1,000 per student. All up Ascham School spends not quite \$30,000 per student, because it takes \$662 per student and puts it into a building fund. That school could spend more than \$30,000 per student. Across the road, Rose Bay Secondary College spends about \$12,000 per student.

I imagine it would be very difficult for anyone in this Chamber to explain how that is fair for students at Rose Bay Secondary College, which is one of the State's best schools and produces great students and great outcomes. Rose Bay Secondary College can spend only \$12,000 per student while Ascham School can spend \$30,000 per student per year, fattened up by almost \$3 million per year from the State and Commonwealth governments. This is not just about Ascham School. Kambala at Rose Bay can spend \$27,279 per student. That figure is fattened up by almost \$3,000 per student. Kincoppal at Rose Bay spends \$25,260 per student fees. That

is made up of fees and other charges of \$21,500 and contributions from the State and Commonwealth of about \$3,700 per year. The list goes on. All the schools on our list spend 50 per cent more on each student than the average public school.

I invite those members who are going to vote against this amendment to talk to the teachers, parents and students at their local public schools and to ask them what they think of the scheme that delivers to these 71 schools \$69 million from State revenue and \$163 million of Commonwealth funds. If anyone wants to engage a teacher in an interesting discussion then ask them the following question: What would you do in your State school if we were to divert that \$69 million of State funding each year to State schools? We could use it to cover the salaries of 700 new teachers in public schools. We could allocate those teachers to rural and regional schools with high levels of disadvantage. We could allocate the money to special needs education. We could allocate that money to reinstating the English as a second language [ESL] teaching program and get English as a second language teachers to communities that really need them.

We could allocate that money to creating a mentoring system in public education, particularly in the difficult-to-staff schools, so that we could create a core of experienced staff teachers. We could help early career teachers to break into some of the tough schools. These are funds currently spent on some of the State's wealthiest private schools. They go into providing swimming pools, additional teachers and small class sizes. Public school teachers weep when they hear how small the classes in these private schools are. These funds are not only being spent on excessive standards of luxury in some of these wealthy private schools; these funds are being robbed from public education. These funds belong back in public education, serving special needs education and education in schools that serve disadvantaged communities. No doubt some people will say that they would love to vote for these amendments and that they recognise the fairness of them.

Mr David Shoebridge: Hardly any.

Dr JOHN KAYE: Mr David Shoebridge says that hardly any will do that, and maybe he is right. But many people will want to vote for these amendments. Many of them understand the inherent injustice of a society that impoverishes public education while enriching wealthy private schools. However, people will say that they cannot agree to these amendments because they will break the Gonski deal. The Gonski deal for public education is an enormous step forward. It is not a luxury; it is an essential. I am not trying to unravel that agreement; I am trying to restore some fairness to it. We were always ready to negotiate this in a way that was fair. There was always room to negotiate on this, and there is still room to renegotiate it.

There is still room to stop this funding being wasted and squandered. People might say, "Well, what about these poor schools? They will go bankrupt." That is utter nonsense. MLC Burwood should get out of the business if it cannot run its school on the \$22,000 per student it collects from fees and private sources. Clearly, it should be able to operate on that budget. The additional \$5,000 per student that MLC Burwood receives from the State and Commonwealth governments is wasted money. Taking money away from private schools will not push up fees. If anything, it will push down fees. There is strong argument to support what I have been saying for a decade, which is that public funding of the wealthiest private schools creates an arms race between them.

I invite members to go and look at Waverley College. It has three gymnasiums. It continues to build more assembly halls because it is in competition with Ascham School, which is also building more assembly halls. Those schools and others like them are taking money out of recurrent funding and putting it into capital funding to build facilities that appeal to parents. We can tone down that competition by taking away the money. By removing public funding we can take some of the stress off parents by reducing school fees that in the majority of cases have increased at twice the rate of inflation. These amendments attempt to restore some fairness to private school funding. Schools that do not need public funding—

The Hon. Dr Peter Phelps: Waverley College isn't on your list.

Dr JOHN KAYE: There we go. Waverley College is not on my list. The great tragedy of the Government Whip is that he is incapable of listening. I said before that the list is an imperfect measure but it is one of the few measures we have. From my recollection, Waverley College is a category 7 non-government school but I did not mention that school. If I recall correctly, I was not talking about Waverley College.

The Hon. Penny Sharpe: Yes, you were.

Mr David Shoebridge: It is rich and it did not even make the top list.

Dr JOHN KAYE: It is rich and it is not on the list. I correct the record: When I said Waverley College I meant St Catherine's School in Waverley, which is on my list. In the past the Labor Party under Mark Latham tried to restore some fairness. As the House will know, I am not a fan of Mark Latham.

The Hon. Trevor Khan: You are.

Dr JOHN KAYE: I am not a fan of Mark Latham, and I am not alone. However, Mark Latham had the courage to stand up and say that the funding of the wealthiest non-government schools was a scandal that he was going to fix. He was hammered by the media but opinion polls show that it was a popular policy of that Government and it lost the election for other reasons. However, the myth has been created that this is unpopular. I invite all members to ask their constituents what they think about some of these schools. What do they think about Knox Grammar in Wahroonga being given \$2.2 million by the State and \$3.9 million by the Commonwealth each year when it can afford to spend \$27,000 per student? That is almost three times what is spent on the average public school student.

Mr David Shoebridge: How else can they buy up the neighbours?

Dr JOHN KAYE: Yes. As I said before, the consequence of this funding falls not only on schools but also on their surrounding communities in which neighbourhoods are being purchased. The vote on these amendments will be a test for this Chamber. Do we really believe in fairness? Do we believe in public funds being spent to do the most good? Do the Liberal Party and The Nationals seriously believe in ending waste? If they do believe in ending waste then they will vote for these amendments. They will end one of the most scandalous and destructive acts of waste from the public purse each year—the funding of the State's wealthiest non-government schools. I commend the amendments to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [6.23 p.m.]: The Government opposes The Greens amendments Nos 1, 2 and 8. They are inconsistent with the National Education Reform Agreement and the Gonski agreement. They would not allow the New South Wales Government to fulfil its commitment to funding non-government schools in the way that has been agreed with the Commonwealth. Specifically, amendment No. 8 is not consistent with our national agreement, which provides a needs-based funding system for all non-government schools. The amendment is not consistent with subclause (2), which requires the State to meet the commitments made in our agreement with the Commonwealth. The Government is committed to increasing investment in schools with needs-based funding, to supporting choice in schooling and supporting the education of all children in the State.

[The Chair (The Hon. Jennifer Gardiner) left the chair at 6.24 p.m. The Committee resumed at 8.00 p.m.]

The Hon. PENNY SHARPE [8.00 p.m.]: On behalf of the Labor Party I speak to The Greens amendments Nos 1, 2 and 8. Labor supports the Education Amendment (Non-Government School Funding) Bill 2013. It does not support these amendments. This legislation is another step in implementing the reforms that followed from the Gonski review. It aligns the State formula with a National Education Reform Agreement. This bill has the support of key stakeholders. If The Greens amendments are carried, it means that New South Wales will no longer be compliant with the national agreement, which has been years in the making.

I will not say that The Greens are not serious about this amendment, but if they were serious about it, negotiations and discussions with stakeholders would have occurred before now. We are at the end of a very exciting process, which is about delivering needs-based funding to every individual student in Australia. It is a massive once-in-a-generation change. The amendments moved by The Greens have little to do with that change and will unravel the agreements that have been made previously. The amendments are about fighting old fights, which this bill should not deal with. We do not support the amendments.

Mr DAVID SHOEBRIDGE [8.02 p.m.]: I support The Greens amendments Nos 1, 2 and 8, as circulated. This is a test for whether there is a commitment for a needs-based funding model. How can it be said that any of these schools have a need for additional State funding? These schools are the wealthiest private schools in New South Wales and not one of them should receive a single dollar in State taxes. Public schools are crying out for the \$69 million that collectively these schools take from the taxpayers of New South Wales. Prior to coming to the Legislative Council, I spent two terms on Woollahra Municipal Council. Many of the schools on this list are within that council area, such as Ascham, Cranbrook, Kambala, Kincoppal, Reddam House and Scots College at Bellevue Hill.

During the course of my 8½ years on council, time and again I saw development applications from these schools. They were seeking to build their second performing arts centre, an extended \$32 million multi-level underground car park, or a brand new \$50 million junior campus. They wanted to lodge applications to build a second large school hall or they lodged applications to build their eighth computer laboratory. These Taj Mahal-like schools were built in what Dr John Kaye referred to as an arms race between private schools in the Eastern suburbs to build bigger facilities that are funded by the State and Federal governments just so they can outshine their competitors for the private school dollar that comes from parents in the Eastern suburbs.

While Kincoppal was building its heaven-knows-what performing arts centre or Kambala was building its multi-level car park, the only public school development application I saw was from the Rose Bay Public School. It wanted to rezone part of its playground to residential so it could scrape together enough money to build a school hall so there was at least one space where its kids could gather to hold an assembly if it was raining or too sunny outside. Rose Bay Public School is not the neediest public school in New South Wales. It has the benefit of receiving additional funds from a well-heeled and generous parents and citizens' association, as does Woollahra Public School. I commend Woollahra Public School for its brilliant work in educating my kids. It has the benefit of a wealthy local community—mums, dads and carers—that is in a position to provide a much-needed safety valve for additional teaching hours and facilities when needed.

There are public schools across the State that desperately need a portion of the \$69 million. Some 700 additional teachers could be provided with the millions of dollars that is sent to these schools that not only receive \$69 million in State funding, but also another \$163 in Commonwealth funding. That is in addition to the thousands of dollars they receive from the parents of every student to educate their kids. There are State schools around New South Wales where half or more of the classrooms are demountables. How can any Parliament sign off on a bill that allocates \$69 million to these extraordinarily luxuriously appointed private schools when there are State schools that do not have one decent hall to put their kids in when it rains?

The Hon. Penny Sharpe: Building the Education Revolution.

Mr DAVID SHOEBRIDGE: I note the interjection from the Hon. Penny Sharpe. It is credit to the former Federal Government that a number of schools in New South Wales received a necessary cash injection. Some of those core facilities were the result of the Building the Education Revolution program that was pilloried by the Coalition, but it has produced terrific ongoing results in many State schools across New South Wales.

The Hon. Dr Peter Phelps: Always a Keynesian.

Mr DAVID SHOEBRIDGE: I note the interjection. That is true, always a Keynesian. In respect of providing excellent cash injection, when it is done well, I would spend additional money on public education every day. These amendments would go some small way to clawing back those billions of dollars that every year are diverted from the essential egalitarian State school system into the much over-resourced private schools, particularly this set.

The Hon. Dr Peter Phelps: Egalitarian?

Mr DAVID SHOEBRIDGE: Absolutely, egalitarian.

The Hon. Dr Peter Phelps: Remind me, which school did you go to?

Mr DAVID SHOEBRIDGE: I am proud to say that I went to James Ruse, a selective State school. It was another public school that had a cohort of wonderful teachers and motivated students, but the facilities were second rate. More than half of its classrooms were demountables, some of which had been placed there soon after World War II. The fact is that there is not an endless supply of State or Federal money for education. We must make decisions about where scarce public funding should go. A decision should be made tonight that these schools, which are already grossly over-resourced compared to State schools, should not receive another dollar of State education funding. I commend The Greens amendments to the House.

The Hon. WALT SECORD [8.10 p.m.]: I will make a brief contribution to The Greens amendments. The Opposition supports the Education Amendment (Non-Government School Funding) Bill. I formally add my voice in opposition to The Greens amendments Nos 1, 2 and 8. The Greens claim that their amendments restore fairness to the legislation, but their amendments are in conflict with the national Gonski agreement. I have looked closely at The Greens amendments and I have discovered that every New South Wales Jewish high

school is on schedule 21AA. The Emanuel School, Randwick; Moriah College, Queens Park; Masada College Senior School, Saint Ives; and Yeshiva College Bondi, are on The Greens hit list. The Greens want to defund those schools.

Dr John Kaye: You are a total grub, Secord.

The Hon. WALT SECORD: Once again, The Greens show their ugly underbelly and their attitude towards the Jewish community. During the election campaign they said one thing and now they are doing the opposite.

Dr John Kaye: Point of order: As the mover of the amendments and as someone who has a Jewish background, I take deep exception to what the Hon. Walt Secord said. I ask him to withdraw that remark.

The Hon. Dr Peter Phelps: To the point of order: I think the Hon. Walt Secord has behaved reasonably, considering that he was called a grub, in a most outrageous manner, and neither of The Greens bothered to withdraw the remark.

The Hon. Trevor Khan: To the point of order: The Hon. Walt Secord's remarks were not directed at anyone. If one of The Greens wanted to take exception, there have been other opportunities. The remark was not personal. We have seen so often from The Greens vile invective spread around this place.

The CHAIR (The Hon. Jennifer Gardiner): Order! It is true that the remarks were not directed to an individual. Therefore, there is no point of order. I suggest that members retain a degree of stability for the remainder of this debate.

The Hon. WALT SECORD: In short, The Greens want to remove funding from the Emanuel School, Randwick; Moriah College, Queens Park; Masada College Senior School, Saint Ives; and Yeshiva College Bondi. For that reason, I will oppose The Greens amendments.

Dr JOHN KAYE [8.12 p.m.]: I thank members for their contributions, however misguided. I assure the Hon. Penny Sharpe that The Greens have been talking about Gonski funding to non-government schools since before the first report was released. Since its very inception, we have been trying to have this matter addressed. There are media releases and media reports on my website warning that then Prime Minister Julia Gillard's commitment that no private school would be worse off would result in massive unfairness in the new funding system. The Greens have written submissions. We have been involved in this process from the beginning; it is not as though we have suddenly said these things in the last hour.

The Hon. Penny Sharpe refers to this as an old fight. It is a neat trick to take a longstanding issue of social justice, call it an old fight and say that, therefore, it is no longer relevant. I can tell the House that the concern of any public school teacher about funds being bled off into very wealthy private schools and the loss of resources to the public sector is as live today as it was 25, 30 or 50 years ago, when the public funding of private schools—and particularly the wealthiest schools—first became an issue. The Hon. Walt Secord's contribution was insulting and farcical. He said that, because every Jewish high school is on this list, I am a racist. Does he also claim that I am anti-Anglican?

The Hon. Walt Secord: Point of order: I take offence at that remark. I ask the member to withdraw it.

Dr JOHN KAYE: To the point of order: I heard the Hon. Walt Secord imply—

The Hon. Walt Secord: To the point of order: At no point did I say "racist".

Dr JOHN KAYE: Further to the point of order: The implication of the Hon. Walt Secord's comment was that I was acting in an anti-Semitic fashion, to which I took exception. I think it is quite reasonable for me to say that the implication of what the Hon. Walt Secord said—

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

Dr JOHN KAYE: The implication that this amendment discriminates against Jewish schools is absurd. There are Anglican schools, music schools, Catholic schools, German schools, French schools and Steiner schools on the list. There are schools representing almost every denomination. It is absurd to say that

The Greens have singled out the Jewish community in this amendment. No doubt there will be media releases to say that we have done that. No doubt there will be media releases in the *Catholic Weekly* saying that we have singled out Catholic schools.

Mr David Shoebridge: Don't forget the French schools.

Dr JOHN KAYE: As Mr David Shoebridge points out, there will no doubt be media releases written in French to go to the one French school in New South Wales, the Lycée Condorcet, that suggest that we are anti-French. The Hon. Walt Secord was not listening when I described how this list was generated. This is a list of category 1, 2 and 3 private schools. Those private schools were categorised by the O'Farrell Government and by the Carr Government. I think that at one stage the Hon. Walt Secord worked fairly closely to an education Minister who used the same categorisation. If I have discriminated against Jewish schools in this list then the Hon. Walt Secord's former employers discriminated against Jewish schools by putting them on the list. That is an absurd and insulting proposition.

Let us be absolutely clear about what we are saying: these schools receive and squander public funding. These schools use public funding to enhance their facilities, swallow up neighbourhoods and build even more luxurious resources. That public money belongs in public schools. There is no justification for taking money and giving it to the Presbyterian Ladies College in Croydon. No, I do not particularly discriminate against Presbyterians. There is no argument for giving money to the Presbyterian Ladies College in Croydon when the O'Farrell Government has just stripped Mount Druitt Public School of \$50,000; Wylie Park Girls High School of \$50,000; Auburn Public School of \$49,592; Wiley Park Public School—

The Hon. John Ajaka: Point of order: I have tried to be patient. I do not like to interrupt the honourable member, but we are speaking to specific amendments. What is being said now really should have been said in the second reading debate. It is not relevant to the amendments.

Dr JOHN KAYE: To the point of order: If the Minister had read the amendments he would recognise that new section 21AA (2) says:

The Minister is to ensure that any financial saving resulting from the operation of this section is provided under section 20 to or in respect of government school children with special needs.

If the Minister understood the Act, he would know that it includes schools—

The CHAIR (The Hon. Jennifer Gardiner): Order! There is no point of order. Dr Kaye will continue to direct his remarks to the amendments.

Dr JOHN KAYE: Thank you, Madam Chair. I am directing myself to the amendments, and I will continue to do so. These amendments specifically contrast the money that goes to the extremely wealthy schools on this list with the socioeconomic status funding the O'Farrell Government is taking away from schools such as Mount Druitt Public School, Wiley Park Girls High School, Auburn Public School and Wiley Park Public School. The Minister might not want me to read out this list. The Minister might be embarrassed by the fact that Whalan Public School is going to lose \$48,521, Sarah Redfern High School is going to lose \$48,521 and Griffith Public School—which is in the electorate of the Minister for Education—is going to lose \$48,521. The Government argues that it does not have the money to continue the socioeconomic funding for those schools, and yet under the education agreement it continues funding these excessively wealthy private schools. It is a matter of grave public policy failure—

The CHAIR (The Hon. Jennifer Gardiner): Order! It is difficult to hear the speaker. Dr Kaye has the call.

Dr JOHN KAYE: It is a matter of grave public policy failure that the State continues to fund those schools while taking funding away from some of the State schools that deal with the most disadvantaged communities. I commend the amendments to the Committee.

Question—That The Greens amendments Nos 1, 2 and 8 [C2013-162D] be agreed to—put.

The Committee divided.

Ayes, 5

Mr Buckingham
 Dr Faruqi
 Dr Kaye
Tellers,
 Ms Barham
 Mr Shoebridge

Noes, 29

Mr Ajaka	Mr Khan	Mr Secord
Mr Blair	Mr Lynn	Ms Sharpe
Mr Borsak	Mr MacDonald	Mr Veitch
Mr Brown	Mrs Maclaren-Jones	Ms Voltz
Mr Clarke	Mr Mason-Cox	Ms Westwood
Ms Cotsis	Mrs Mitchell	Mr Whan
Mr Donnelly	Reverend Nile	Mr Wong
Ms Fazio	Mr Pearce	<i>Tellers,</i>
Ms Ficarra	Mr Primrose	Mr Colless
Mr Foley	Mr Searle	Dr Phelps

Question resolved in the negative.

The Greens amendments Nos 1, 2 and 8 [C2013-162D] negatived.

Dr JOHN KAYE [8.29 p.m.], by leave, I move The Greens amendments Nos 3 and 4 on sheet C2013-162D in globo:

No. 3 Page 3, schedule 1, line 4. Omit "**and other**".

No. 4 Page 3, schedule 1, line 5. Omit "or other assistance, or both,".

The purpose of these amendments is to remove from the bill the capacity of the Minister to provide other assistance. As we understand it, other assistance includes capital funding. The National Education Reform Agreement does not mention capital assistance. If the arguments against our amendments are that they break the reform agreement, the "and other assistance" clause within section 21 of the Act is not part of the agreement and so removing those words will not break the agreement.

Non-government schools received a massive injection of cash through Building the Education Revolution. They also have a long history of receiving money from the New South Wales public purse. That being said, even after Building the Education Revolution public schools have enormous capital needs. I compliment the Minister on pointing out the inadequate physical condition of some schools in western New South Wales. If we were serious about making improvements we would stop giving money to non-government schools and fix up the schools for which the Minister for Education is responsible under the Act. These two amendments will take away the capacity of the Minister to give capital assistance to non-government schools. I commend the amendments to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [8.32 p.m.]: The Government opposes The Greens amendments Nos 3 and 4. Section 21 of the Education Act puts beyond doubt that assistance can also be non-financial. Assistance may include professional development for teachers, access to curriculum materials and transport for students with disabilities. Non-financial assistance is not a significant source of support, but it should not be precluded. To give a good example, if a non-government school had been damaged in the recent bushfires the Government may have been in a position to assist those students by providing temporary accommodation for the school or books and curriculum materials. That could be "other assistance" under the Act.

The Hon. PENNY SHARPE [8.32 p.m.]: Like the Government the Opposition will not support removing the words "and other assistance". A lot of valuable and important work goes on across all the sectors and The Greens would support much of it. For example, information and programs are shared through the Proud

Schools program. Offering that sort of assistance to non-government schools would be welcome in many cases. In fact, it might be the only way in which some schools are able to access the assistance. The Opposition will not support the amendments.

Dr JOHN KAYE [8.33 p.m.]: I thank members for their contributions. The Greens were informed that this was about capital assistance. We must have misunderstood the information we received. I do not believe that removing "and other assistance" would stop the provision of transport for students with disabilities or the Proud Schools program. I do not think it is about that at all. Nothing in the Education Act would stop the Minister from providing that form of assistance. I commend the amendments to the Committee.

Question—That The Greens amendments Nos 3 and 4 [C2013-162D] be agreed to—put and resolved in the negative.

The Greens amendments Nos 3 and 4 [C2013-162D] negatived.

Dr JOHN KAYE [8.33 p.m.]: I move The Greens amendment No. 5 on sheet C2013-162D:

No. 5 Page 3, schedule 1. Insert after line 23:

- (5) Financial assistance under this section must not be paid in respect of children at a non-government school if the Minister is satisfied that the school's enrolment practices could result in any child failing, because of the inability of the child's parents to pay any fees, to be enrolled (or continuing to be enrolled) at the school.

The effect of the amendment is to insert a subsection into proposed section 21 that would stop the Minister from providing financial assistance to schools that discriminate against students on the basis of their parents' ability or inability to pay fees. Once non-government schools become publicly funded they should accept the public responsibility of enrolling all students regardless of their background. If schools wish to exclude students on the basis of their parents' wealth let them do so, but they must not do so at the public expense. If private schools are to be publicly funded they should behave in a way that respects the responsibility that public funds bring. They must not turn students away because their parents cannot afford the school fees. I commend the amendments to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [8.35 p.m.]: The Government opposes The Greens amendment No. 5. The purpose of the bill is not to dictate the operations of non-government schools. Non-government schools must comply with all relevant laws and be registered by the New South Wales Board of Studies. Funding to non-government schools from both the Commonwealth and the State reflects the ability of parents to pay fees. Schools with greater ability to charge fees and raise private income receive less government funding. The National Education Reform Agreement includes this principle as part of the funding model. If schools were not able to charge fees the Government would need to increase the level of funding to non-government schools.

The Hon. PENNY SHARPE [8.36 p.m.]: The Opposition will not support the amendment. I also flag that we will not support The Greens amendments Nos 6 and 7. The Greens are trying to address a number of issues that are beyond the leave of the bill. The bill is about the funding structure for non-government schools under the Gonski reforms. Everyone has signed up to those reforms, they have been a long time coming and they will inject an extra \$6 billion into education in New South Wales. Although these amendments may raise some issues that I may wish to pursue, there are other ways of doing it. Tacking them onto this bill is not the way to do it. Speaking on behalf of the Opposition, this bill is an enabling bill for the Gonski reforms; it is not an opportunity for The Greens to try to fix the woes they see in private education. The Opposition will not support the amendment.

The Hon. TREVOR KHAN [8.37 p.m.]: The effect of the amendment will be that if a parent from Kings or Riverview or the like cannot for some financial reason or simply chooses on a whim not to pay the fees the student will continue at the school. It is an interesting amendment for The Greens to move. I am not waving a flag for Kings or Riverview or similar schools, but the nature of the amendment is—

The Hon. Dr Peter Phelps: Bizarre?

The Hon. TREVOR KHAN: Bizarre.

Dr JOHN KAYE [8.38 p.m.]: I thank members for their contributions. In response to the Hon. Penny Sharpe's suggestion that the amendment is outside the leave of the bill, the bill is for an Act to amend the

Education Act 1990 with respect to the provision of funding to non-government schools. The capacity of parents to pay is one of the key issues in that funding. The Hon. Trevor Khan says it is a bizarre concept. He should talk to Mr Gonski and the other five members of the panel. This is precisely the foundation of the Gonski model. He probably does not know this and he is not listening now, but the Gonski model was all about the capacity of parental contributions. If he reads the report—and it makes good reading—he would see that the Gonski model funded private schools on the basis of parents' ability to pay. Secondly, he says that parents, on a whim, might not pay. Again that shows he has not read the amendment. He likes to talk, but he does not like to read the amendment.

The Hon. Trevor Khan: You are the most offensive man.

Dr JOHN KAYE: No, the second most. The amendment states "because of the inability of the child's parents to pay any fees"; it does not state "because of their disinclination", but their "inability" to pay fees. I reiterate my original point. This is about public funding of non-government schools. Fundamentally that is what this is about. If schools are a publicly funded institution, they should conform to the basic fundamental principles that they should not be turning children away because their parents fall upon hard times. I commend the amendment to the Committee.

Question—That The Greens amendment No. 5 [C2013-162D] be agreed to—put and resolved in the negative.

The Greens amendment No. 5 [C2013-162D] negatived.

Dr JOHN KAYE [8.40 p.m.]: I move The Greens amendment No. 6 on sheet C2013-162D:

No. 6 Page 3, schedule 1. Insert before line 24:

- (5) Financial assistance under this section must not be paid in respect of children at a non-government school if the Minister is satisfied that:
 - (a) the school's enrolment practices could result in any child being discriminated against in a way that would be unlawful under the *Anti-Discrimination Act 1977* were it not for an express exemption under that Act for private education authorities, and
 - (b) the school's employment practices could result in any person being discriminated against in a way that would be unlawful under that Act were it not for an express exemption under that Act for employment by private education authorities.

The effect of The Greens amendment No. 6 is that financial assistance should not be paid to non-government schools whose enrolment or employment practices would be unlawful under the Anti-Discrimination Act 1977, if it were not for the Act's express exemptions. The Committee is probably aware that the exemptions apply to discrimination on the basis of sex in both employment and the enrolment of students, discrimination on the basis of transgender, marital and domestic status, disability and homosexuality, and age with respect to employees only. Lest somebody jump up and down and say, "What about single-sex schools? Let's get that over and done with first", I direct them to section 31A (3) of the Anti-Discrimination Act 1977. Section 31A (1) states:

- (1) It is unlawful for an educational authority to discriminate against a person on the ground of sex:
 - (a) by refusing or failing to accept the person's application for admission as a student, or
 - (b) in the terms on which it is prepared to admit the person as a student.

Section 31A (3) states:

- (3) Nothing in this section applies to or in respect of:
 - (a) a private educational authority, or
 - (b) a refusal or failure to accept a person's application for admission as a student by an educational authority where the educational authority administers a school, college, university or other institution which is conducted solely for students of the opposite sex to the sex of the applicant.

In other words, even if The Greens amendment No. 6 is passed, section 31A (3) (b) would remain. Private and public schools whose enrolment is single sex can rely on section 31A (3) (b), which does not result in schools with single-sex enrolments being stripped of funding. However, what it does say is that a school or a school

system that seeks to discriminate against students or employees on the grounds of their sexuality, or on the grounds of their gender, or on the grounds of their marital or domestic status, or on the grounds of their being transgendered, or on the grounds of their having a disability, would lose their public funding. This is very different from the debate that we will have tomorrow about same-sex marriage in that this issue is about the use of public funds. This is about money that all of us pay in taxes, which are used by the State for a public purpose.

There is a common acceptance of anti-discrimination. No political party that is represented in this Chamber wishes to bring down the Anti-Discrimination Act. No movement in our society wants to destroy the Anti-Discrimination Act. It is a consensus Act. It works because everybody believes in it. It is part of the fundamental fabric of our society for everybody but non-government schools. Why is it that in State law only non-government schools can get away with behaving in this manner when they continue to use public funds? I am not seeking to remove that exemption, although I understand that the member for Sydney, Alex Greenwich, has legislation—as I said earlier, I strongly support it—that will remove that. I hope that legislation finds its way to this Chamber. I look forward to the debate in this Chamber on that matter. But what this amendment says, in effect, is that if public money goes to these schools, they should not be allowed to use that public money in a manner that is profoundly offensive to the overwhelming majority of taxpayers and the overwhelming majority of people who contribute to those funds.

Schools that use the exemptions in the Anti-Discrimination Act are offensive to the majority of people. When a Catholic systemic school in Broken Hill attempted to deny enrolment to a student on the grounds that that student's mothers were in a same-sex relationship, there was an outcry. In the end the archbishop and the archdiocese were forced to back down, not because The Greens or a bunch of lawyers were on the case but because they knew they were on a hiding to nothing. They knew that the people of New South Wales were appalled at the idea that a school would discriminate against a child because of the sexuality or sexual orientation of the child's parents. It is equally appalling that a school can kick out a child because that child comes out as being gay or lesbian, bisexual, inter-sex or transgender. That child can be expelled from that school, yet that school continues to receive my taxpayer dollars and everybody else's taxpayer dollars when the overwhelming majority of people profoundly disagree with that action.

The Greens amendment No. 6 is to protect public funds from being spent on schools that brutally and ruthlessly discriminate. Under The Greens amendment No. 6, it is open to every school to make a choice: Either the school accepts the commonly held standards of non-discrimination and continues to accept public funds, or the school rejects public funds and continues to discriminate. But I cannot see any argument that the school should be allowed to do both. I commend The Greens amendment No. 6 to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [8.46 p.m.]: The Government opposes The Greens amendment No. 6. With all due respect to Dr John Kaye, the thought of in effect punishing a non-government school, denying its right and entitlement to funding because he believes that that school should be treated as doing something unlawful when in fact under the Act what the school is doing is lawful is, I am sorry to say, drawing a long bow. Non-government schools must comply with the law and they must be registered. This bill clearly is not the appropriate avenue for dealing with other issues. If this amendment were passed, schools that are complying with all laws and regulations may not be eligible for funding because of what he is asserting.

The Hon. PENNY SHARPE [8.46 p.m.]: The Opposition opposes this amendment for reasons I outlined earlier. However, I make the point that there is a live discussion around exemptions within anti-discrimination law. That is a much bigger discussion than what we are dealing with tonight. I point to the fact that the member for Sydney, Alex Greenwich, has a bill before the lower House that we will be discussing. I would argue that he has gone about that in a much more appropriate way in opening up the debate by putting up a bill, by circulating the bill, and by trying to engage stakeholders. It is one thing for The Greens to say that we should just not allow this level of discrimination. This is a much more complicated issue than that. It is also a much more live debate than that. I reiterate the point that this bill, which is really an enabling bill to put in national reform around education funding, will put billions of dollars into New South Wales schools for every student, no matter which school they attend. I would strongly argue that this is not the place to have the argument about how narrow or wide religious and other exemptions within the Anti-Discrimination Act should be.

Reverend the Hon. FRED NILE [8.48 p.m.]: I state for the record strong opposition to The Greens amendments and the Christian Democratic Party strongly opposes them. We are disappointed that The Greens show no respect for freedom of conscience and freedom of religion and have moved amendments that in my view are fascist-based amendments.

Dr John Kaye: Fascist?

Reverend the Hon. FRED NILE: Yes—dictatorial, totalitarian.

The Hon. TREVOR KHAN [8.48 p.m.]: I too oppose The Greens amendment No. 6. This is an extraordinarily serious issue that should be debated in a proper manner, not the opportunistic way in which this amendment has been moved. The Minister was made aware of this amendment yesterday, unlike the approach adopted by the member for Sydney, Alex Greenwich, who has spent many weeks, if not months, circulating draft bills, talking with the Minister's officers, talking with just about anyone he can, in what is clearly an attempt to try to achieve a positive outcome as he sees it, and a positive outcome for kids in our schools.

That is what the member for Sydney attempted to do. Time will tell whether or not he succeeds. But what that member attempted to do is profoundly different from the divisive politics that The Greens play on this sort of issue. They have demonstrated why it is that groups are so misled by The Greens on these types of issues. Groups believe their issues are being looked after; instead, The Greens absolutely trash the opportunities that exist for advancement of the causes of those groups so that they can advance their own political agenda. This is a disgusting and grubby attempt by The Greens. It is appalling that they would bring on this matter this week when they know what we will be debating tomorrow. It is pathetic and a true travesty for the gay and lesbian people of New South Wales. I hope that is clear.

Dr JOHN KAYE [8.50 p.m.]: I take it that the Hon. Trevor Khan will be voting against this amendment. I take exception to Reverend the Hon. Fred Nile referring to this amendment as fascist. Fascism, as Reverend the Hon. Fred Nile would know, was a very serious issue. Many people take it seriously. Bandyng that expression around is either an act of immaturity or an act of stupidity. I find the remark offensive. But that is okay. Let us address some of the substance. First, the Hon. Trevor Khan said that it was opportunistic of The Greens to move this amendment. The Hon. Trevor Khan would probably know how long I have been talking about these issues. In fact he could go back to a column written by Marilyn Parker in 2001 in which she quotes me talking about these issues, making clear my concerns and those of The Greens about schools that take public funds and discriminate. If my recollection serves me correctly, I provided the *Daily Telegraph* with the total amount of funds that go to schools that practice discriminatory behaviours. I have been on the record for a long time; I am not by any means a Johnny-come-lately to this debate. Nor am I seeking to be opportunistic in this debate.

The Hon. Penny Sharpe says that it is only about implementing Gonski, nothing else, so I should sit down and be quiet. Let me be absolutely clear: this is not about that; it is about setting in place the framework by which the State Government will deliver funds to non-government schools probably for the next two or three decades. This is an opportunity we have to see whether we are getting the right framework. The Hon. Trevor Khan suggests that The Greens mislead groups and that we are pathetic for doing so—his words, not mine. There is no misleading. Nobody should be surprised that we would do this. This has been a core principle: it is anathema that non-government schools that discriminate, that treat parents, students and teachers, and other employees in a way that no other institution would be allowed to do, continue to receive public funds to do so. It is anathema to us, and I am sure it is anathema to many in this Chamber. I think it is probably anathema to the Hon. Trevor Khan.

The Hon. Trevor Khan: Be very careful, John, and be wary.

Dr JOHN KAYE: I am always careful. Also, I do not take threats. That non-government schools discriminate yet receive public funds is probably anathema to many people here. I accept that the member finds it difficult that I am moving this amendment. But let us be absolutely clear: our motives are on the table on this matter; our motives have been on the table for a decade and a half. We think it is inappropriate that non-government schools should continue to take taxpayers' funds and violate a fundamental consensus principle of non-discrimination. The Minister said that The Greens are trying to make something unlawful. We are not seeking to make it unlawful. As the Hon. Trevor Khan said, that is another debate, and it is one which will take place later. It is a debate which I have already mentioned, I think three times now, I firmly support. I recognise the work of the member for Sydney, Alex Greenwich, in doing so. That is a good thing. But I make it absolutely clear what The Greens and I think about this aspect of non-government school funding. This is very different from the debate that we will have tomorrow; this is about how public funds are spent. It is about whether it is appropriate for public funds to be spent on a purpose where there is discriminatory behaviour that violates the consensus principles of non-discrimination.

The amendments are not opportunistic. The amendments are about where we think public funding should go in respect of non-government schools. I do not think it should go to the wealthiest of non-government schools; I do not think it should go to non-government schools that discriminate against children because their parents fall on hard times. I do not think it should go to non-government schools that discriminate against students on the basis of their sexuality, their disability or ability, or their gender; or, in the case of teachers, on the basis of their marital or domestic status. It is simply wrong to do so. It is even more wrong that public funds should be spent in that way.

Despite the vigour and personal nature of the attack, and the hyperbolic language that was used, I understand some people do not think moving this amendment is the right thing to do. But I challenge them to answer this question for themselves: When is the right time to do this? Here we are redesigning the funding of non-government schools, just as Terry Metherell did when he introduced the Education Reform Act. When he first introduced section 21 he redesigned the funding. That was 25 years ago. It will be a quarter of a century before we get to consider this again. I think it is important that we give consideration to where those funds go and how those funds are used. I think non-discrimination is a very important principle in the deployment of public funds. I commend the amendment to the Committee.

Question—That The Greens amendment No. 6 [C2013-162D] be agreed to—put and resolved in the negative.

The Greens amendment No. 6 [C2013-162D] negatived.

Dr JOHN KAYE [8.56 p.m.]: This is the last amendment that I will move. I move The Greens amendment No. 7 on sheet C2013-162D:

No. 7 Page 3, schedule 1. Insert after line 25:

- (6) Financial assistance under this section in any year in respect of children at a non-government school that is not, because of an exemption under section 10 (1)(d) or (e) of the *Land Tax Management Act 1956*, required to pay land tax is to be reduced by an amount equal to the amount of land tax that the school would be required to pay in that year were it not for the exemption.

This amendment seeks to rectify a major unfairness in the private school sector. That unfairness is that most private schools do not pay land tax, and as a result are being delivered an additional subsidy—an additional subsidy that any other non-government organisation would end up paying. But because of the status of many of these schools, they are exempted from land tax. It is an unfair advantage, which yet again leaves government schools disadvantaged. I commend the amendment to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [8.57 p.m.]: I state for the record that public schools do not pay land tax. Charitable schools, schools registered for charities—as an example non-government schools—do not pay land tax, because they are not-for-profit organisations. In fact some schools may run at a loss. With all due respect to Dr John Kaye, it is absurd for him to suggest that a figure should be calculated as to what the land tax may have been, and then to deduct that from a school's funding. The Government does not agree with the amendment.

The Hon. PENNY SHARPE [8.59 p.m.]: The Opposition opposes the amendment. There are a range of issues relating to the way in which the State interacts between government and non-government schools. This is another of those issues that could be open to a range of debates. However, the Opposition will not support it through this bill.

Question—That The Greens amendment No. 7 [C2013-162D] be agreed to—put and resolved in the negative.

The Greens amendment No. 7 [C2013-162D] negatived.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without 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 without amendment.**ASSENT TO BILL**

Assent to the following bill was reported:

Mining Amendment (Development Consent) Bill 2013

MOTOR DEALERS AND REPAIRERS BILL 2013**MENTAL HEALTH (FORENSIC PROVISIONS) AMENDMENT BILL 2013****RURAL FIRES AMENDMENT BILL 2013****CEMETERIES AND CREMATORIA 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.****CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2013****CIVIL AND ADMINISTRATIVE LEGISLATION (REPEAL AND AMENDMENT) BILL 2013****Second Reading**

The Hon. DAVID CLARKE (Parliamentary Secretary) [9.03 p.m.], on behalf of the Hon. Michael Gallacher: I move:

That these bills be now read a second time.

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

Leave granted.

The Government is pleased to introduce the Civil and Administrative Tribunal Amendment Bill 2013 and the Civil and Administrative Legislation (Repeal and Amendment) Bill 2013 as cognate bills.

When the NSW Civil and Administrative Tribunal—which will be known more affectionately as NCAT—commences on 1 January 2014, it will exercise the functions of more than 20 existing tribunals. The Consumer, Trader and Tenancy Tribunal, Administrative Decisions Tribunal and Guardianship Tribunal, as well as a number of other smaller tribunals, will fall within its jurisdiction.

This is a consolidation project of considerable size. To ensure that stakeholders could be properly consulted, legislation to establish the new tribunal has been introduced into Parliament in stages. The first stage—the Civil and Administrative Tribunal Act 2013—received bipartisan support when it was enacted earlier this year. That Act set up NCAT's divisional and membership structure. It also included some transitional provisions to transfer existing tribunals and tribunal members to NCAT.

The bills now being introduced by the Government represent the next and final stage of the legislation needed to support NCAT. The Civil and Administrative Tribunal Amendment Bill—which I will refer to as the amending bill—sets out the jurisdiction, powers and functions the tribunal will need to hear and determine matters.

It also contains further transitional provisions to make sure that matters currently being heard by existing tribunals can be seamlessly transferred to the new tribunal environment.

The amending bill confers four different types of jurisdiction on the tribunal. In its general jurisdiction, NCAT will hear a wide variety of matters, ranging from consumer disputes to guardianship proceedings. In its administrative review jurisdiction, the tribunal will provide citizens with the ability to challenge decisions made by a number of government agencies and other bodies.

NCAT will also have an appeal jurisdiction, which will enable the tribunal's appeal panel to quickly and efficiently hear appeals against most decisions made within the tribunal. NCAT will also hear appeals from certain external bodies, including certain appeals from the Mental Health Review Tribunal under the Drug and Alcohol Treatment Act.

Finally, the bill gives NCAT enforcement jurisdiction, which will enable it to issue civil penalties and hear proceedings for contempt. Almost all decisions made by NCAT will be appealable to the Supreme Court or, in some cases, other courts.

The Government is establishing NCAT to provide the citizens of this State with a cost-effective, informal and efficient forum for resolving disputes and other matters. While the legislation gives the President of NCAT flexibility to run the tribunal's day-to-day business, the legislation also gives clear guidance to the tribunal regarding the need to deliver fast and effective services to its users.

For example, section 36 of the amending bill contains a guiding principle which will inform the exercise of any power under the Act or regulations. The guiding principle requires the tribunal, and any person appearing before it, to facilitate the just, quick and cheap resolution of the real issues in proceedings.

The guiding principle also requires the tribunal to ensure that the cost of proceedings remains proportionate to the importance and complexity of the matter that is in dispute. In addition, section 37 of the amending bill requires the tribunal to promote the use of early dispute resolution processes wherever appropriate.

The amending bill also sets out the general or "default" requirements regarding the tribunal's practice and procedure. For example, the bill includes provisions that set out how the tribunal is to be constituted. To ensure that tribunal proceedings remain as informal as possible, the bill also provides that parties are to represent themselves in proceedings and limits the circumstances in which costs can be awarded.

However, NCAT will exercise a diverse jurisdiction. The Government understands that a "one-size-fits-all" approach will not work for all matters. For example, procedures that deliver good outcomes in complex guardianship proceedings might not work for low-value consumer disputes—and vice versa.

The schedules of the amending bill therefore contain special procedures in relation to some proceedings, including professional discipline and guardianship. The amending bill has been drafted to ensure that the schedules override the general provisions of the bill to the extent of any inconsistency.

For example, while section 27 of the amending bill permits the tribunal to be constituted by a single member, the Guardianship Schedule specifies that a panel of three members must hear substantive matters in the Guardianship Division.

The members allocated to hear these matters will need to have special expertise in the guardianship jurisdiction. This preserves the existing requirements of the Guardianship Act.

Special requirements will also be preserved in relation to professional discipline applications. For example, professionals facing disciplinary action will be entitled to be represented by a lawyer. These matters will also be heard by a multi-member panel, which will continue to include professional and community members. A number of other special requirements have been preserved.

The Civil and Administrative Legislation (Repeal and Amendment Bill) is also being introduced as a cognate bill. The repeal and amendment bill makes changes to all New South Wales legislation that makes reference to the tribunals that are being consolidated into NCAT. As honourable members can see from the size of the bill, this has been no easy task.

A large proportion of the repeal and amendment bill simply updates references to the existing tribunals with references to NCAT. However, the Government has also taken this opportunity to reduce unnecessary duplication by removing provisions that will not be needed once NCAT's legislation commences. In particular, the Consumer, Trader and Tenancy Act will be repealed entirely.

While the repeal and amendment bill is largely machinery in nature, it is extremely important. This bill will ensure that NCAT is authorised to exercise the jurisdiction of the existing tribunals when it commences on 1 January 2014. This will ensure that tribunal users do not experience a break in service when NCAT commences.

The establishment of NCAT affects a wide range of stakeholders. The Government has therefore consulted widely on these bills during the past 12 months to ensure that the tribunal's legislation meets the needs of all tribunal users. A number of professional associations, advocacy groups, tribunal user groups and tribunal representatives have contributed to the final form of this legislation.

I would like to take this opportunity to thank each of the individuals and organisations that have contributed their time to making sure that NCAT's legislation is appropriate and effective. The Government is confident that these bills will support the tribunal to increase the consistency, quality and efficiency of tribunal services.

NCAT represents a new era of accessible justice in this State. It is part of the Government's broader commitment to improving public services for the people of New South Wales. NCAT will simplify the complexity of the existing tribunal system, providing the citizens of this State with a "one-stop shop" for almost all tribunal services for the first time.

NCAT is a unique opportunity to improve the way that tribunal services are delivered in this State. It is an opportunity to identify centres of excellence within our tribunal network and expand them. And it is an opportunity to raise community awareness and confidence in our tribunal system.

Most of all, NCAT is an opportunity to make sure that the people of New South Wales receive the benefit of a consistent and coordinated approach to the delivery of tribunal services.

I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [9.04 p.m.]: I lead for the Opposition on the Civil and Administrative Tribunal Amendment Bill 2013 that is being debated cognately with the Civil and Administrative Legislation (Repeal and Amendment) Bill 2013. The Opposition does not oppose the bills. The objects of the first bill are:

- (a) to amend the *Civil and Administrative Tribunal Act 2013*:
 - (i) to provide for the constitution and the practice and procedure of, and appeals from, the Civil and Administrative Tribunal (*NCAT*), and
 - (ii) to provide for the abolition of the Vocational Training Appeal Panel and the transfer of its functions to NCAT, and
 - (iii) to make further provision with respect to savings and transitional matters, and
- (b) to rename the *Administrative Decisions Tribunal Act 1997* as the *Administrative Decisions Review Act 1997* and confine its operation to the process for the administrative review by NCAT of certain decisions of administrators and to repeal and amend certain other legislation consequent on the amendments made to that Act.

The Civil and Administrative Tribunal of New South Wales will be known as NCAT. The Civil and Administrative Tribunal of New South Wales will commence on 1 January next year, exercising the current functions of the Consumer, Tenancy and Trader Tribunal, the Administrative Decisions Tribunal and the Guardianship Tribunal as well as about a dozen and a half other tribunals. Earlier this year legislation established the Civil and Administrative Tribunal of New South Wales' divisional and membership structure. The amendment bill sets out the powers, jurisdictions and functions of the Civil and Administrative Tribunal of New South Wales, and also provisions to ensure that matters currently before tribunals, which may soon no longer exist, can be efficiently transferred to the Civil and Administrative Tribunal of New South Wales. Cognate with the Civil and Administrative Tribunal Amendment Bill 2013 is the Civil and Administrative Legislation (Repeal and Amendment) Bill 2013. The objects of this bill are:

- (a) to repeal the *Consumer, Trader and Tenancy Tribunal Act 2001* and the *Consumer, Trader and Tenancy Tribunal Regulation 2009* consequent on the abolition of that Tribunal and the establishment of the Civil and Administrative Tribunal (*NCAT*), and
- (b) to transfer the functions of the Vocational Training Appeal Panel in relation to appeals against decisions of the Vocational Training Tribunal to NCAT and to rename the Vocational Training Tribunal as the Vocational Training Review Panel and enable it to review certain decisions of the Commissioner for Vocational Training before an appeal can be made to NCAT, and
- (c) to make amendments to certain Acts and other legislation consequent on the abolition of various existing tribunals by the *Civil and Administrative Tribunal Act 2013* and the establishment of NCAT.

Mr David Shoebridge: Point of order: I simply cannot hear the member's contribution.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I remind all members in the Chamber to keep their conversations to a minimum.

The Hon. ADAM SEARLE: The second bill substantially is a machinery bill with a large proportion of it updating legislation with reference to the Civil and Administrative Tribunal of New South Wales. The Opposition does not oppose either bill. As I said, the bill establishes the Civil and Administrative Tribunal of New South Wales, which follows in the wake of past developments in Victoria, which has the Victorian Civil

and Administrative Tribunal, and in Queensland, which has the Queensland Civil and Administrative Tribunal [QCAT]. However, the legislation before us, along with its predecessor enacted earlier this year, arises more immediately from the report of the Standing Committee on Law and Justice entitled "Opportunities to consolidate tribunals in NSW".

I note that the Legislative Council Standing Committee on Law and Justice visited the Victorian Civil and Administrative Tribunal and was able to see firsthand some of that tribunal's workings. More fundamentally, this reform essentially emerges from the work commenced by the late Hon. Jeff Shaw, QC, who was the former Attorney General who pioneered the introduction of the Administrative Decisions Tribunal through this House many years ago. Briefly stated, the Civil and Administrative Tribunal of New South Wales will incorporate a range of existing tribunals.

As outlined by the Parliamentary Secretary, the Attorney General and members in the other place who participated in the debate, the bill consolidates a number of existing tribunals, chiefly the Administrative Decisions Tribunal and the Consumer, Trader and Tenancy Tribunal, which were created by earlier tribunal mergers. This bill proposes a range of 14 existing tribunals to regulate in the main medical and related occupations that operate pursuant to section 165 of the Health Practitioner Regulation National Law (NSW). I note that the Medical Tribunal is to be included in this consolidation. I note also that that profession fought tooth and nail in the mid to late 1990s to retain a separate tribunal when it was proposed to include it in what became the Administrative Decisions Tribunal. I congratulate the Government on the deafening silence from the medical profession about this proposed merger.

The Hon. Dr Peter Phelps: Sounds like there is a bit of history there.

The Hon. ADAM SEARLE: There is a lot of history.

The Hon. Dr Peter Phelps: One or two phone calls to staffers?

The Hon. ADAM SEARLE: Nothing like that. It is interesting that on the surface it would seem that this reform is being brought about relatively painlessly. I note that the profession appears to have changed its views. I note that under section 165B (10) (a) of the Health Practitioner Regulation National Law, the current chair of the Medical Tribunal must be a serving judge of either the Supreme Court, the District Court or an equivalent. Given the very significant public interest in maintaining the highest standards applicable to those who practice in the State, it is hoped that these matters will continue to be handled by persons with the same qualifications, skills and standing.

I raise this point because the previous bill—now Act—contained a handy table that showed how members of existing tribunals would be transitioned into the new body. Chairs of medical tribunals were proposed originally to be absorbed into the Civil and Administrative Tribunal of New South Wales as principal members, whereas other tribunal heads would become divisional deputy presidents. Clause 13 of the original legislation contained the definition of tribunal members, including requirements of a principal member. Although it is by no means insignificant, it is considerably less than that required of a presidential member or judge. The apprehension that I raised in the debate on the earlier bill was that it appeared to be a downgrading of the status of people dealing with these matters relating to the medical profession. On my reading of the bill now before the House, this may have been attended to, and this framework legislation picks up and implements the national law, which mandates that judges or their equivalent hear those matters. I hope I am right about that.

The bill will also include in the new body the Guardianship Tribunal, the Labor Government Pecuniary Interest and Disciplinary Tribunal, the Aboriginal Land Council, the Pecuniary Interest and Disciplinary Tribunal, Charity Referees Dealing with Dormant Funds Tribunal, and landlords under the Crown Lands Act. The legislation abolishes these tribunals and transfers their functions to the Civil and Administrative Tribunal, which will become the tribunal equivalent of the Supreme Court. It is a broad jurisdiction that—hopefully by economies of scale and efficiencies and, as it were, by the cross-pollination of the expertise of its members—is intended at a policy level to yield improved justice and services to the people of New South Wales.

The tribunal will consist of a president, deputy president, principal members, senior members and general members. There is a distinction between these different classes of members. The president must be a judge of the Supreme Court. In fact the person appointed as the inaugural president of this body has been appointed to the Supreme Court. A deputy president must be an Australian lawyer of seven years standing or a judicial office holder. Principal and senior members must be lawyers of seven years standing or have special

knowledge, skill or expertise. General members have to have special knowledge, skills or expertise, or have representative functions to maintain what the Attorney General in the other place and the Parliamentary Secretary have referred to as the specialist focus of existing tribunals to ensure that knowledge, understanding and insight into particular areas of jurisdiction are not lost.

The original legislation established the Civil and Administrative Tribunal with five distinct divisions, which are maintained in this legislation: the Administrative and Equal Opportunity Division; the Consumer and Commercial Division; the Occupational and Regulatory Division; the Guardianship Division; and the Victims Support Division. As I understand it, these bills do not change the Victims Support Division, which was created by the previous legislation. The divisions follow largely from the existing identity of tribunals whose functions will be transferred to the new body. The bill also provides for a registrar, deputy registrar and other staff in a rules committee and practice notes and so forth, and includes regulation-making powers to flesh matters out as they are needed. The rules committee will be the engine room for integrating the new body as each component tribunal will have its existing processes, practice forms and rules and the like. It will be no small feat to effectively integrate these bodies together under one umbrella rather than simply to allow the new body to be a patchwork quilt—

The Hon. Dr Peter Phelps: You will be a big happy family like the Brady Bunch.

The Hon. ADAM SEARLE: I acknowledge that interjection. It remains to be seen. It will be a formidable challenge for the inaugural president and the members of this new body. To get to this stage, the drafting of these bills alone has been an enormous undertaking. The Parliamentary Secretary will correct me if I am wrong. I think a steering committee or a working group that has existed for some time has overseen the integration of these bodies. I acknowledge the hard work that was done by all those persons. As has been noted, the consolidation of tribunals has a lengthy history. The first steps in this area were contained in the Administrative Decisions Tribunal Act 1997, which established that body. This in turn had a significant history. The 1973 New South Wales Law Reform Commission report entitled "Rights of Appeal from Decisions of Administrative Tribunals and Officers" was one inspiration. This was supported by various reports by Dr Peter Wilenski.

A discussion paper was released in 1989 by the department of the then Attorney General. However, the real genesis arose from the decision of the New South Wales Court of Appeal and then the High Court of Australia in *Osmond v Public Service Board of NSW*, which ultimately established that, at common law, there was no entitlement for a disappointed applicant to be provided with the reasons of an administrative decision-maker. In the Court of Appeal, the majority said there was such a common law right, at least in that context. The majority comprised the then president Justice Michael Kirby and Justice Priestley. However, the High Court under the stewardship of Chief Justice Gibbs took a contrary view and established authoritatively the common law position in this country. I think this outcome inspired Jeff Shaw, the former Attorney General, to undertake administrative law reform in this State.

The bill, auspiced by the Hon. Jeff Shaw, was introduced in May 1997, and the tribunal commenced operation on 6 October 1998. Of course a separate review was then undertaken by Gabriel Fleming, which led to the amalgamation of the Commercial Tribunal, Consumer Plans Tribunal, Building Disputes Tribunal and the Motor Vehicle Repair Disputes Committee into the then Fair Trading Tribunal with the Residential Tenancies Tribunal being kept separate but overhauled, and in 2001 there was a further consolidation of these bodies into what is now the Consumer, Trader and Tenancy Tribunal which, in turn, will be folded into this body. In addition, the Community Services Division of the Administrative Decisions Tribunal commenced operation on 1 January 1999, adding to the jurisdiction of that tribunal followed by the retail leases division on 1 March 1999 and the revenue division on 1 July 2001.

The approach of the Administrative Decisions Judicial Review Legislation at the Federal level was not taken in this State. Rather, once the framework legislation established in the Administrative Decisions Tribunal was in place, it had an original jurisdiction comprising the jurisdiction of its component parts, but additional review functions were conferred on it in relation to the then Freedom of Information Act and various forms of licensing, such as reviewing the decisions of the Police Commissioner to grant firearms and/or security industry licences. Gradually, the review jurisdiction of the Administrative Decisions Tribunal has been significantly enhanced over the years, albeit at a slower and more stately pace than was envisaged by Jeff Shaw. Since that time, a review of the tribunal has been carried out by the committee on which I now serve, the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission. That committee was chaired by the member for Liverpool, now the shadow Attorney General in the other place. It delivered its report in November

2002, which essentially suggested that legislation should be forwarded to merge separate tribunals with the Administrative Decisions Tribunal unless there were clear reasons why such an inclusion would be impractical or inappropriate.

Other recommendations also made an attempt to provide a structure to allow further areas to be included within the Administrative Decisions Tribunal structure. This bill, as with its predecessor, follows a different strategy from that proposed by the committee. Ultimately, it arrives at the same point, to not include in the jurisdiction of this new body the Industrial Relations Commission of New South Wales, with which we concur wholeheartedly. This bill should be part of a suite of measures to standardise procedures and make justice more accessible, which is the policy intent. We hope that the overhauling of rules, practices and procedures in all the different tribunals does not make things more complex but ultimately makes things simpler and justice more accessible for citizens.

One thing missing from this legislation, as in previous legislation, is a general provision for judicial review and administrative decisions. Earlier I referred to the 1977 Commonwealth legislation developments and every other Australian jurisdiction. So far we have not embarked upon this in New South Wales. This matter was raised on 27 June 1997 in this place by Jeff Shaw, who said that one matter not included in the Administrative Decisions Tribunal Bill, but which would be introduced by future amendment, would be to give the Administrative Decisions Tribunal concurrent jurisdiction with the common law forms of judicial review. As history shows, this has not occurred.

I note that page 13 of the primary bill before us, embodying clause 30, and pages 81 and following, show that, to the extent that general administrative review jurisdiction is given to this new tribunal, it merely replicates existing law, which is that over time specific review functions have been conferred by legislation upon the tribunal. There is no general judicial review of administrative decisions, which may be something that someone will approach eventually.

The Hon. Dr Peter Phelps: In the fullness of time.

The Hon. ADAM SEARLE: Yes. Heaven forbid that we should rush into such a reform. I may be missing it, but I do not think that mechanisms for alternative dispute resolution of a kind seen in the Consumer, Trader and Tenancy Tribunal or the Industrial Relations Commission, such as compulsory mediation or conciliation before litigation, are mandated. That should be looked at. The State or Commonwealth court systems, to a greater or lesser degree, have embraced alternative dispute resolution. The Opposition thinks that, particularly in the case of tribunals, which are less formal and legalistic than courts, mediation should be embraced to reduce the incidence of litigation. Generally, conciliation or mediation has promoted a high rate of settlement of matters. It would be good to include as an option before people incur the significant costs that arise from litigation.

The Hon. Dr Peter Phelps: Did you want that to be mandatory or optional?

The Hon. ADAM SEARLE: It would be best if there were mandatory conciliation or mediation prior to litigation. I believe that is the case in the Consumer, Trader and Tenancy Tribunal. It is certainly the case in the industrial jurisdiction. It promotes very high levels of settlement of litigation. I note that the Small Business Commissioner—although not a tribunal setting—has a compulsory mediation function now for parties in a dispute, which might well head off litigation. Compulsory mediation should be considered and discussed. It is a fruitful thing to embrace.

A number of bodies considered for consolidation were omitted. They were listed at page 2 of the New South Wales Government Response to the Standing Committee on Law and Justice Inquiry into Opportunities to Consolidate Tribunals in New South Wales. Those bodies include the independent Liquor and Gaming Authority, the Workers Compensation Commission, the Mental Health Review Tribunal and the Industrial Relations Commission of New South Wales. The Industrial Relations Commission, with its statutory predecessors, has for over 100 years regulated wages and working conditions and resolved industrial disputes in this State for the benefit of the wider public, employers and employees. The Opposition welcomes the retention of that commission as a separate institution and believes that that is the most appropriate outcome.

I have noted on previous occasions that there has been a significant contraction in the jurisdiction of the Industrial Relations Commission over time. In debate on the predecessor legislation, on 27 February 2013, I said that most of what will comprise the Occupational and Regulatory Division of the tribunal created by this

legislation would more comfortably sit with the Industrial Relations Commission. The same may be said about matters arising under the antidiscrimination legislation now in the Equal Opportunity Division of the Administrative Decisions Tribunal to be included in the new Administrative and Equal Opportunity Division of the New South Wales Civil and Administrative Tribunal.

Most of these matters have arisen and always will arise in the employment context and would be more suitably reposed in the Industrial Relations Commission. The Opposition will put forward amendments designed to move some way towards this longer-term goal, for the consideration of this House and its members, in an effort to improve the legislation now before us. This should come as no surprise to members of this House. I have outlined such a direction on a number of occasions—for example, in debate on the predecessor Act on 27 February 2013 and in an adjournment speech on 20 March 2013. Considerations of this nature were also disclosed by members of the Law and Justice Committee during deliberations on what became that committee's report and, in particular, in the dissenting report. Such a direction was also outlined by my colleague the shadow Attorney General during debate on the bill in the other place. While the Opposition does not expect the Government suddenly to embrace that direction, nevertheless it offers it for the consideration of the House.

So that members are not unduly alarmed, I indicate that, while they appear to be lengthy and detailed, there are only four amendments. They are sufficiently interrelated that I will seek to move them in globo. It would be nonsense if, for example, one was agreed to and others were not. If a strange combination of the amendments were to be passed, it would make the schema completely unworkable, which is not the Opposition's intention. As members will also note, the amendments are draft F. Parliamentary Counsel took some time to wrestle with my drafting instructions. They may well have proved challenging, given the complexity of the legislation. No discourtesy was intended to any member of this House.

An interesting feature of the legislation to be amended by the bill we are debating is the facility for judges of other courts to be appointed to this body or for the president of the new body to access expertise found in other tribunals. Those provisions are found in section 15 of the Act. This will enable the president to identify persons in other courts or tribunals and, with the concurrence of the head of that tribunal, co-opt them, as it were, into the Civil and Administrative Tribunal. This may be a way of bringing other tribunals effectively under its umbrella without formal amalgamation but accessing the knowledge, skills and expertise of those bodies. This provision is innovative and it will be interesting to see how it works in practice.

The Hon. Dr Peter Phelps: It is a good idea.

The Hon. ADAM SEARLE: Yes. The president may appoint any New South Wales judicial officer to act as a member of the tribunal in relation to a particular matter. The possibilities are intriguing. One area has been the subject of criticism at different times, and I raised it in connection with the predecessor legislation. Tribunal members will be subject to term appointments of up to five years. This is not a partisan criticism, but when reviewing government decisions there may be a tension for members in deciding matters that adversely affect the interests of government when the Government may be deciding whether or not to reappoint them at the end of their term. In some tribunals, such as the Industrial Relations Commission, there is a more generalised term of office until retirement age. Over time, it may be necessary to review this legislation to see whether or not that approach is more appropriate.

Another example is remuneration, which is to be determined by the Minister, having carriage of the Act, rather than being the subject of independent remuneration setting. These are not partisan criticisms. These matters have been a feature of these sorts of bodies under all governments. Inertia has resulted in them not being looked at. Members of the different tribunals are paid very differently: different hourly rates and different daily rates depending on the work they do. That may or may not reflect the different skills. As the tribunals are being brought together under the one umbrella, this will be a significant administrative task to review and overhaul. These questions of detail will fall to those having carriage of the administration of the Act, including the president.

I note that the intention is to enhance people's access to the work and services offered by the body. One of the reasons governments like consolidation is that it is said to make better use of resources or to simply reduce the duplication that exists within a number of tribunals. The consolidated body will need only one registry. This may lead to fewer people being employed than are currently employed in the registries of the different bodies. There is an opportunity for cost savings. The question is whether those resources will be redeployed to enhance the services offered by the tribunal or whether there will simply be an efficiency dividend trousered by Treasury. This is a challenge for all governments.

These are the perils against which Parliament will have to guard and be vigilant to ensure that the resources currently deployed in the several tribunals are brought to bear to enhance and increase service levels through this consolidated body. The earlier Administrative Decisions Tribunal legislation was the framework that provided the umbrella for the current bills. The legislation before us fleshes out the earlier legislation to a significant degree. A lot of procedural and other work will need to be done to make the tribunal's operation a reality from 1 January. This legislation is a continuation of the work commenced by the Hon. Jeff Shaw, QC. It is good to see the process continuing on a nonpartisan basis. I commend the legislation to the House.

Mr DAVID SHOEBRIDGE [9.29 p.m.]: On behalf of The Greens I support the Civil and Administrative Tribunal Amendment Bill 2013 and the cognate Civil and Administrative Legislation (Repeal and Amendment) Bill 2013. This legislation follows the inquiry that was held by the Legislative Council Standing Committee on Law and Justice into opportunities to consolidate tribunals in New South Wales. That inquiry was established in October 2011 and reported in March 2012. It had three public hearings and received a good many written submissions. I note the observations of the Hon. Adam Searle that the work of that committee built on some initial consolidation done by the former Attorney General the Hon. Jeff Shaw when he created the Administrative Decisions Tribunal in a prior Parliament.

The recommendation of the Legislative Council Standing Committee on Law and Justice was for a broad consolidation—not a complete or wholesale consolidation but a broad consolidation—of administrative tribunals in New South Wales. I think the Government's response in February this year, driven by the Attorney General, when the Government presented and this Parliament passed the Civil and Administrative Tribunal Bill, was a really good case of considered law reform. It brought all the stakeholders on board; acted in what I think was a completely non-partisan fashion; and produced really good, solid law reform that has been almost universally welcomed across New South Wales.

The task force that was established after the passing of that framework bill in February this year continued to work with all stakeholders. It worked with professions that are currently regulated by State tribunals, worked with organisations like the Law Society of New South Wales and the New South Wales Bar Association, and worked with other tribunals that were potentially the subject of consolidation—from the Guardianship Tribunal New South Wales all the way through to the Consumer, Trader and Tenancy Tribunal. It has produced with this legislation a really solid framework that hopefully will allow for the Civil and Administrative Tribunal of New South Wales to commence operation from 1 January next year.

I commend the Government for the work it has done on this. I commend the Attorney General and his department for the work they have done in getting the legislation to this point. The new Civil and Administrative Tribunal will have four broad types of jurisdiction. The first is the general jurisdiction, which is created under new section 29 of the Civil and Administrative Tribunal Amendment Bill 2013. That general jurisdiction will hear a pretty wide variety of matters. They include guardianship matters and the thousands and thousands of consumer disputes that are currently heard in the Consumer, Trader and Tenancy Tribunal.

Mr Scot MacDonald: There are 60,000 to 70,000 of them.

Mr DAVID SHOEBRIDGE: Yes, there are 60,000 to 70,000 of them. On any view of it, that will be the busiest part of the jurisdiction of this new tribunal—just as it was, when the Consumer, Trader and Tenancy Tribunal had it, the single busiest part of administrative law in New South Wales prior to the commencement of this bill. There will also be an administrative review jurisdiction created under new section 30 of the bill. The administrative review jurisdiction will effectively give citizens and residents the ability to challenge an array of government decisions and the decisions of other bodies. That also will be a busy jurisdiction dealing with a really wide variety of subject matter.

Then there is the overall appeal jurisdiction of the tribunal. That jurisdiction is really divided into two quite distinct and separate parts. The first is the external appeal jurisdiction of the tribunal. The external appeal jurisdiction will allow the tribunal to have an appellate jurisdiction over decisions made by external decision-makers. Again, that is an important part of the functions of any civil and administrative tribunal. It allows citizens to have some kind of fair merits review of decisions that can often be fundamentally important to their livelihood, their homes or their occupation. Then there is the internal appeals jurisdiction established under new section 32. That internal appeal jurisdiction was a core recommendation of the report of the Legislative Council Standing Committee on Law and Justice.

It said that any administrative tribunal that was established should have an internal appeals process to allow for, amongst other things, an avenue of decision-making that can create precedent for the general

division—that is, create precedent for the first instance decisions that are made by any tribunal. One very strong and consistent criticism of the Consumer, Trader and Tenancy Tribunal was that the absence of an internal appeal mechanism in the Consumer, Trader and Tenancy Tribunal meant that there were often a number of strands of opinion within the tribunal about the same issue, depending upon which member was hearing it, and there was no ready avenue to allow for one particular strand of opinion to gain dominance, if you like, and become the ratio in a particular line of decisions unless the matter was appealed on a question of law outside the Consumer, Trader and Tenancy Tribunal.

The ability to have a hopefully quick and efficient internal review jurisdiction in the tribunal is important. I note here that division 2 new section 80 of schedule 1 to the Civil and Administrative Tribunal Amendment Bill 2013 puts the flesh on the bones of the internal appeals process. I think it does that in a way that adopts the essence of the submissions made to the Legislative Council Standing Committee on Law and Justice. It provides that an appeal may be against any internally appealable decision—and an internally appealable decision is basically any decision of the tribunal or registrar over which the tribunal has internal appeal decisions.

But any internal appeal may only be made with the leave of the appeal panel, in the case of an interlocutory decision of the tribunal at first instance. If it is just a procedural matter or the like then there is no appeal as of right; the appeal is only by way of leave. In the case of any other decision the appeal is as of right but only when it is a question of law, and it is with leave of the appeal panel when the decision is on another ground. Of course it gives the internal appeal panel all the jurisdiction of the initial decision-maker and allows for the determination of that appeal under new section 81 by allowing:

- (a) the appeal to be allowed or dismissed,
- (b) the decision under appeal to be confirmed, affirmed or varied,
- (c) the decision under appeal to be quashed or set aside,
- (d) the decision under appeal to be quashed or set aside and for another decision to be substituted for it,
- (e) the whole or any part of the case to be reconsidered by the Tribunal, either with or without further evidence, in accordance with the directions of the Appeal Panel.

The last part of the jurisdiction of the tribunal is the enforcement jurisdiction. That enforcement jurisdiction will enable the tribunal to issue certain civil penalties and to hear proceedings for contempt. The procedure in that enforcement tribunal is more rigorous, subject to rules of evidence and will have more the appearance of a court than the balance of the tribunal. That is the essential structure of the tribunal. As I said before, it is a structure that I think holds faith with the thrust of the recommendations of the Legislative Council Standing Committee on Law and Justice. It is a structure that has received widespread support from all the stakeholders that my office has consulted, and indeed I think from the stakeholders across New South Wales who will be engaging with this new tribunal come 1 January next year.

Not all tribunals will be consolidated. Importantly, the Industrial Relations Commission has not been consolidated, which is a sensible decision. Many submissions were sent to the Standing Committee on Law and Justice saying that the Industrial Relations Commission is a unique jurisdiction that has more than a century of experience in dealing with industrial and employment matters, and it should be retained as an independent body. This legislation does that. The same can be said for other jurisdictions that are ticking along quite nicely such as the Workers Compensation Commission. There was little genuine merit to consolidate those tribunals into the Civil and Administrative Tribunal.

Tribunals that have been consolidated include the Aboriginal Lands Council Pecuniary Interest and Disciplinary Tribunal, the Administrative Decisions Tribunal, the functions of charity referees under the Dormant Funds Act, the Consumer, Trader and Tenancy Tribunal, the Guardianship Tribunal, a variety of health practitioner tribunals established under the Health Practitioner Regulation National Law (NSW), the functions of the Local Government Pecuniary Interest and Disciplinary Tribunal and the appeal functions previously exercised by the Vocational Training Appeal Panel.

Whoever accepts the role of president of the tribunal on 1 January next year will face an enormous challenge due to the breadth of its jurisdiction and the sheer size of the administrative task to bring together all the various tribunals and give many of them separate procedures. I understand the tribunal will bring together

from day one what will be a pretty disparate group of members from various previous tribunals. With that enormous challenge before them, somehow or other the president will have to forge a new culture for this administrative tribunal, which will be focused on just, quick and—

The Hon. Dr Peter Phelps: Cheap.

Mr DAVID SHOEBRIDGE: I think he is not far off it.

The Hon. Dr Peter Phelps: It is the ideal. Normally, you only get two out of the three. Cheapness, quickness or justness—pick two of the three.

Mr DAVID SHOEBRIDGE: Indeed, the challenge of the tribunal will be to facilitate the just, quick and cheap resolution of the real issues in the proceedings. As the Hon. Dr Peter Phelps effectively noted in his interjection, at times those three guiding principles find themselves in conflict. The challenge for the tribunal will be to ensure that it is quick and cheap, but also that it continues to be just. The basic rule is that it will be a no-cost jurisdiction. If it is not quick and cheap it will not be just because in a no-cost jurisdiction people with deep pockets can run their matters forever. The tribunal must produce quicker turnarounds than we have seen to date in the Administrative Decisions Tribunal, particularly for administrative matters, because justice delayed can often be justice denied.

That is as important on appeal as it is at first instance. I wish the president, the members and the litigants before the tribunal the best of luck come 2014. Before making my contribution I raised with the Government a fairly obvious typographical error on page 46 of the Civil and Administrative Tribunal Amendment Bill. At proposed section 18 relating to amendments concerning divisions of the tribunal the word "not" should be inserted on the second line after the word "does". I intend to move an amendment in Committee unless the Government will do so.

The Hon. David Clarke: We can put it through in the next Statute Law (Miscellaneous Provisions) Bill.

Mr DAVID SHOEBRIDGE: I think it is wrong to pass a law containing an obvious typographical error. It is not the job of this House to pass laws that we know are wrong. Subject to further discussion with the Government, I will seek to fix that error in Committee.

Mr SCOT MacDONALD [9.44 p.m.]: I support the cognate Civil and Administrative Tribunal Amendment Bill 2013 and the Civil and Administrative Legislation (Repeal and Amendment) Bill 2013.

The Hon. Trevor Khan: Because it is close to your heart, isn't it, Scott?

Mr SCOT MacDONALD: It is close to my heart. That is what I wanted to mention. Members have made reference to the origin of these bills, which is of course the Standing Committee on Law and Justice. A point that has been slightly underdone by the speakers is that the committee and these bills are really the fruit of the loins of the Hon. David Clarke as chairman.

Mr David Shoebridge: I do not adopt that description.

Mr SCOT MacDONALD: I will say it again: The committee's report and the recommendations that were adopted almost universally were the fruit of the loins of our chair. He should be congratulated. The other members of the committee were the Hon. Peter Primrose, the Hon. Sarah Mitchell, the Hon. Shaoquett Moselmane and Mr David Shoebridge. The other comment I make is—

The Hon. Trevor Khan: I don't think you need to make any further comment after that.

Mr SCOT MacDONALD: I could leave members with that visual, but I will also make a comment about the Victorian experience. As the previous speaker mentioned, commencing the tribunal will be like herding cats as it attempts to bring together different cultures. When we visited Melbourne it was about 10 years after the Victorian tribunal consolidation. The president acknowledged that the first years were difficult but then things came together. As I said at the outset, such was the good work done by the Hon. David Clarke that I have no doubt the tribunal will move smoothly from babyhood to childhood to adulthood. It has fine origins under his chairmanship.

Reverend the Hon. FRED NILE [9.46 p.m.]: On behalf of the Christian Democratic Party I support the Civil and Administrative Tribunal Amendment Bill 2013 and the Civil and Administrative Legislation (Repeal and Amendment) Bill 2013. As Mr Scot MacDonald reminded us, in March 2012 the Legislative Council Standing Committee on Law and Justice in its inquiry into opportunities to consolidate tribunals determined that some stakeholders found the current tribunal system in New South Wales complex and bewildering. The committee recommended that the Government consolidate existing tribunals where appropriate and promote access to justice in response.

As a result the Government announced the establishment of the Civil and Administrative Tribunal of New South Wales, known as NCAT. Something quite dramatic is occurring in this State with the consolidation of more than 20 tribunals including the Consumer, Trader and Tenancy Tribunal, the Administrative Decisions Tribunal, the Guardianship Tribunal and a number of smaller tribunals. As other speakers have said, it will be interesting to see how the tribunal functions with the variety of matters that will come before it and how it will combine staff of the various tribunals into one cohesive unit.

The Civil and Administrative Tribunal Amendment Bill sets default provisions regarding how the tribunal will be constituted to hear matters, and the practice and procedure that is to be followed. The tribunal will be a low-cost, efficient and accessible public forum. The bill has been drafted to achieve those aims. The bill provides that all parties appearing before the tribunal are to cooperate with the tribunal to facilitate the just, quick and cheap resolution of proceedings. Some members have been critical of the word "cheap". Cheap sometimes means cheap and nasty but if it means low-cost to consumers, as I assume it does, it is to be commended.

The bill also states that the tribunal will promote dispute resolution whenever that is appropriate and that, unless otherwise provided, all parties will represent themselves, which also will take expensive lawyers out of the frame. All hearings will be open to the public unless the tribunal determines otherwise. I believe it should be a principle of justice in this State that justice must be transparent. That is why I strongly believe that the Family Law Court should become an open court. Let us see what occurs and whether there is justice in the Family Law Court. I do not think there is and that would become obvious if the course is open to the public. Under the new regime, parties generally will bear their own costs.

The House is also debating the cognate bill, the Civil and Administrative Legislation (Repeal and Amendment) Bill 2013, which is largely machinery in nature. This bill will make amendments to Acts and other instruments that confer jurisdiction on the tribunals that will be abolished on 1 January 2014. A substantial proportion of the amendments remove references to abolished tribunals and replaces them with references to the Civil and Administrative Tribunal of New South Wales [NCAT]. A number of existing provisions have been omitted entirely because they will no longer be needed when the Civil and Administrative Tribunal legislation commences; for example, provisions that describe the membership and functions of abolished tribunals. The bill will tidy up provisions that deal with tribunals that will be abolished. The Christian Democratic Party supports the bills and congratulates the Hon. David Clarke on his role in bringing about this progressive move in the State's administration.

The Hon. DAVID CLARKE (Parliamentary Secretary) [9.51 p.m.], in reply: I thank all members who contributed to debate on the Civil and Administrative Legislation (Repeal and Amendment) Bill 2013 and the Civil and Administrative Tribunal Amendment Bill 2013. I thank Mr Scot MacDonald and Reverend the Hon. Fred Nile for their reference to the Standing Committee on Law and Justice and to me as chairman of that committee. The truth is that our report is the result of the adoption of a collaborative approach. Mr Scot MacDonald was a member of that committee and Mr David Shoebridge, who is present in the Chamber, also was a member of that committee. I assure the House that their contributions were equal to those of the committee's other members. The report shows the outcome when members from different sides of the political debate and from different political parties work together, and what that can do for the people of New South Wales. I think we achieved something with that report.

Reverend the Hon. Fred Nile: It shows the value of our committee system.

The Hon. DAVID CLARKE: Absolutely. The bills represent the final stage of legislation that is needed to support the Civil and Administrative Tribunal of New South Wales [NCAT]. The bills confer jurisdiction on the Civil and Administrative Tribunal and give the tribunal the powers and functions it needs to begin hearing and determining matters on 1 January 2014. As the Attorney General stated, the establishment of

the Civil and Administrative Tribunal is a significant reform for the State. The transformation of 23 tribunals into a single organisation in less than 18 months is an incredible feat. A number of people have dedicated a great deal of time and effort to ensuring that the tribunal will be open for business in January.

Mr David Shoebridge: It will not get a kind mention in the *Daily Telegraph*.

The Hon. DAVID CLARKE: I acknowledge that interjection. The Government has consulted widely on the development of this legislation. A wide variety of stakeholders were invited to review drafts of the bills and provide advice, including members of professional associations, industry groups, advocacy groups and tribunal members. Those groups have participated in the consolidation process in a manner that has been both constructive and helpful. The Government thanks them for their support and good will. Over the years the State's tribunal system has built up a great deal of expertise and knowledge. Bringing together all of those people to share their expertise and knowledge has created flexible and workable legislation that will cater to the needs of many different tribunal users. The Civil and Administrative Tribunal will improve access to justice for the citizens of New South Wales, and it will enhance public confidence in our tribunal system. These are landmark bills. I commend the bills to the House.

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

Motion agreed to.

Bills read a second time.

In Committee

The CHAIR (The Hon. Jennifer Gardiner): The Committee will deal with the Civil and Administrative Tribunal Amendment Bill 2013.

Clause 1 agreed to.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [9.55 p.m.], by leave: I move Opposition amendment Nos 1, 2, 3 and 4 on sheet C2013-163F in globo:

No. 1 Page 2, clause 2 (2), line 7. Omit "schedule 2 commences". Insert instead "schedules 2 and 3 commence".

No. 2 Page 13, schedule 1 [25], proposed section 28. Insert after line 3:

- (3) The jurisdiction of the Tribunal for the purposes of the *Anti-Discrimination Act 1977* (other than in connection with its administrative review jurisdiction) is concurrent with that of the Industrial Relations Commission and is exercisable subject to the provisions of Part 1A of Chapter 4 of the *Industrial Relations Act 1996*.

No. 3 Page 88. Insert after line 10:

Schedule 3 Amendment of Industrial Relations Act 1996 No 17

Chapter 4 Industrial Relations Commission

Insert after Part 1:

Part 1A Special occupational and equal opportunity functions of Commission

146E Definitions

In this Part:

administrative review jurisdiction of the Civil and Administrative Tribunal has the same meaning as in the *Civil and Administrative Tribunal Act 2013*.

equal opportunity functions means such functions as are conferred or imposed on the Civil and Administrative Tribunal (other than in connection with its administrative review jurisdiction) by or under the *Anti-Discrimination Act 1977* that, but for this Part, would have been exercisable only by the Tribunal.

transferred occupational functions means such functions that, but for this Part, would have been conferred or imposed on the Civil and Administrative Tribunal (other than in connection with its administrative review jurisdiction) by or under any of the following legislation:

Health Practitioner Regulation National Law (NSW) (but only in its application to health practitioners other than medical practitioners, nurses and midwives)

Occupational Licensing National Law (NSW) Veterinary Practice Act 2003

146F Commission has jurisdiction to exercise transferred occupational functions instead of NCAT

- (1) The Commission is taken to have the jurisdiction to exercise the transferred occupational functions instead of the Civil and Administrative Tribunal.
- (2) Subject to this Part and the regulations, the following provisions apply to references in transferred occupational function provisions:
 - (a) a reference to the Civil and Administrative Tribunal is to be read as reference to the Commission,
 - (b) a reference to the President of the Civil and Administrative Tribunal, a Division Head of a Division of the Tribunal or a List Manager for a Division List for a Division of the Tribunal is to be read as a reference to the President of the Commission,
 - (c) a reference to any other member of the Civil and Administrative Tribunal is to be read as a reference to a member of the Commission,
 - (d) a reference to a registrar of the Civil and Administrative Tribunal is to be read as a reference to the Industrial Registrar,
 - (e) a reference to the Occupational Division of the Civil and Administrative Tribunal in connection with the transferred occupational functions is to be read as a reference to the Commission,
 - (f) subject to paragraph (g), a reference to the *Civil and Administrative Tribunal Act 2013* is to be read as a reference to this Act,
 - (g) a reference to any other provision of the *Civil and Administrative Tribunal Act 2013* is to be read as reference to a corresponding or substantially corresponding provision of this Act (if any).
- (3) The provisions of Division 3 of Part 2 of the *Civil and Administrative Tribunal Act 2013* are taken to apply (with such modifications as are necessary or as may be prescribed by the regulations) in relation to the transferred occupational functions as if the transferred occupational functions were being transferred from an existing tribunal (within the meaning of that Part) to the Commission instead of to the Civil and Administrative Tribunal.
- (4) The regulations may make provision for or with respect to:
 - (a) the updating of references in transferred occupational function provisions to the Civil and Administrative Tribunal, its members, its registrars or other members of staff and its functions, and
 - (b) matters of a savings or transitional nature consequent on the transfer of the transferred occupational functions from the Civil and Administrative Tribunal to the Commission.
- (5) In this section:

transferred occupational function provision means:

 - (a) a provision of an Act or statutory rule that confers or imposes a function that is one of the transferred occupational functions, and
 - (b) a provision of Division 3 of Part 2 of the *Civil and Administrative Tribunal Act 2013* (as applied by subsection (3)).

146G Commission has concurrent jurisdiction to exercise equal opportunity functions

- (1) Both the Commission and the Civil and Administrative Tribunal are taken to have concurrent jurisdiction with respect to the equal opportunity functions.
- (2) Subject to this Part and the regulations, the following provisions apply to references in provisions of the *Anti-Discrimination Act 1977* that confer or impose any of the equal opportunity functions when those functions are exercised by the Commission:
 - (a) a reference to the Civil and Administrative Tribunal is to be read as reference to the Commission,
 - (b) a reference to the President of the Civil and Administrative Tribunal, a Division Head of a Division of the Tribunal or a List Manager for a Division List for a Division of the Tribunal is to be read as a reference to the President of the Commission,

- (c) a reference to any other member of the Civil and Administrative Tribunal is to be read as a reference to a member of the Commission,
 - (d) a reference to a registrar of the Civil and Administrative Tribunal is to be read as a reference to the Industrial Registrar,
 - (e) subject to paragraph (f), a reference to the *Civil and Administrative Tribunal Act 2013* is to be read as a reference to this Act,
 - (f) a reference to any other provision of the *Civil and Administrative Tribunal Act 2013* is to be read as reference to a corresponding or substantially corresponding provision of this Act (if any).
- (3) A person cannot make an application:
- (a) to the Commission for the exercise of any of the equal opportunity functions if the person has already applied to the Civil and Administrative Tribunal for the exercise of the same function in respect of the same (or substantially the same) matter, or
 - (b) to the Civil and Administrative Tribunal for the exercise of any of the equal opportunity functions if the person has already applied to the Commission for the exercise of the same function in respect of the same (or substantially the same) matter.
- (4) However, subsection (3) does not prevent a person from making an application to the Commission or Civil and Administrative Tribunal for the exercise of any of the equal opportunity functions if the earlier application for the exercise of the same function has been withdrawn with the approval of the body in which the application was made.

146H Constitution of Commission

- (1) The Commission, when exercising any of the equal opportunity functions or transferred occupational functions, is to be constituted by 1 member who is a judicial member or an Australian lawyer of at least 7 years' standing.
- (2) The President is to enter into arrangements with such professional associations and regulatory bodies having functions under legislation referred to in the definition of ***transferred occupational functions*** in section 146E as the President considers appropriate for the purpose of obtaining assistance from suitably qualified professionals and community members when the Commission is exercising any of the transferred occupational functions in disciplinary proceedings against a person.
- (3) The President is to ensure that the Commission, when exercising any of the transferred occupational functions in disciplinary proceedings against a person, is assisted by 2 persons selected in accordance with arrangements entered into for the purposes of subsection (2).
- (4) If the Commission is being assisted in proceedings by persons selected as provided by subsection (2):
 - (a) the Commission cannot make a decision in the proceedings unless at least one of the persons concurs in the decision, and
 - (b) the persons assisting have the same protection and immunities as a member of the Commission with respect to their assistance.

146I Appeals against decisions of Commission

- (1) Each of the following decisions made by the Commission in exercise of any of the transferred occupational functions (a ***profession decision***) is appealable under this section:
 - (a) a decision for the purposes of the *Health Practitioner Regulation National Law (NSW)*,
 - (b) a decision for the purposes of the *Veterinary Practice Act 2003*.
- (2) A party to proceedings in which a profession decision is made may appeal against the decision in accordance with this section to the Supreme Court.
- (3) An appeal to the Supreme Court under this section may be made as of right on any question of law, or with the leave of the Court, on any other grounds.
- (4) Despite subsections (2) and (3), an appeal does not lie to the Supreme Court under this section against any of the following decisions except by leave of the Court:
 - (a) an interlocutory decision of the Commission,
 - (b) a decision made with the consent of the parties,
 - (c) a decision as to costs.

- (5) The Supreme Court may:
 - (a) decide to deal with the appeal by way of a new hearing if it considers that the grounds for the appeal warrant a new hearing, and
 - (b) permit such fresh evidence, or evidence in addition to or in substitution for the evidence received by the Commission, to be given in the new hearing as it considers appropriate in the circumstances.
- (6) In determining an appeal under this section, the Supreme Court may make such orders as it considers appropriate in light of its decision on the appeal, including (but not limited to) orders that provide for any one or more of the following:
 - (a) the decision under appeal to be confirmed, affirmed or varied,
 - (b) the decision under appeal to be quashed or set aside,
 - (c) the decision under appeal to be quashed or set aside and for another decision to be substituted for it,
 - (d) the whole or any part of the case to be reconsidered by the Tribunal at first instance, either with or without further evidence, in accordance with the directions of the Court.
- (7) Subject to any interlocutory order made by the Supreme Court, an appeal under this section does not affect the operation of the decision under appeal or prevent the taking of action to implement the decision.
- (8) This section does not limit the application of Part 7 or Chapter 7A in relation to appeals against any decisions of the Commission other than profession decisions.

146J Effect of Part

Except as provided by section 146I (8), this Part has effect despite anything to the contrary in:

- (a) any other provisions of this Act (including Part 7 and Chapter 7A), or
- (b) any other Act or law (including provisions relating to practice and procedure or constitution requirements).

No. 4 Long title. Insert "to amend the *Industrial Relations Act 1996* to confer certain jurisdiction on the Commission concerning certain occupational and equal opportunity matters;" after "*Administrative Decisions Tribunal Act 1997*";.

As I indicated during my contribution to debate on the second reading of this bill, these interrelated and somewhat complex amendments go essentially to two simple points. The Opposition believes that over time the regulation and oversight, including the professional discipline, of various occupations will sit comfortably with a tribunal that is dedicated to regulating the world of work rather than a more generalist body. In addition, the Opposition considers that matters under antidiscrimination laws that arise from employment, which of course is most claims, should also go to the specialist Industrial Relations Commission, which has the expertise in workplace matters and already is mandated to incorporate the principles of antidiscrimination law into its decisions.

In relation to the first point, the Opposition is not so ambitious as to seek essentially to transfer what is to be the Occupational and Regulatory Division from one tribunal to another. The Opposition does not seek to disturb the settlement reached, for example, in relation to the legal profession, doctors, nurses, midwives or to the regulation of local government or indeed Aboriginal land councils. Opposition members will leave those as is, but we do seek to move others across to the Industrial Relations Commission. Secondly, in relation to antidiscrimination matters, I did consider simply dividing between matters that arose from employment and otherwise. That may have led to difficult jurisdiction on matters. In the alternative, what the amendments seek to do is to give antidiscrimination jurisdiction concurrently to both tribunals.

For example, if the matter is essentially a non-employment matter, a claimant would go to the NSW Civil and Administrative Tribunal, but presumably in relation to an anti-discrimination matter an employee would prefer to go to the Industrial Relations Commission and would be able to do so, if the amendments are passed. As I indicated, these are not new matters. The Opposition flagged them in debate on the previous legislation and otherwise, but also during debate in the other place. On this very bill we signalled that that was the direction in which the Opposition would go. Although I accept that the precise amendments were late in seeing the light of day, the two areas I have discussed are those to which the amendments clearly go. The Opposition urges the Committee to give the amendments earnest consideration.

Mr DAVID SHOEBRIDGE [9.59 p.m.]: As the Hon. Adam Searle indicated, this is not the first draft of these amendments. It has been difficult getting to this position which, having arrived at it, The Greens are happy to support. There clearly is a deep capacity in the Industrial Relations Commission to deal with employment-related disputes. Indeed, the ultimate goal, as I understand it, of this amendment is to bring the Industrial Relations Commission closer to being a one-stop-shop for employment matters. Often when there is a question of discrimination in employment, issues arise. In that case The Greens believe that the appropriate jurisdiction under State legislation to determine matters that deal with discrimination in employment is the Industrial Relations Commission. Proposed section 146F would give the commission exactly that jurisdiction.

An earlier draft of these amendments presented by the Labor Opposition proposed to divide that equal opportunity jurisdiction so that, to the extent that it related to employment matters, it went to the Industrial Relations Commission, and to the extent that it did not relate to employment matters, in other words all other discrimination matters, it went to the New South Wales Civil and Administrative Tribunal. We saw that as potentially creating unpalatable and wasteful jurisdictional determinations and that a far better solution was to give the tribunals concurrent jurisdiction and effectively allow the litigants themselves to choose. But if the matter relates generally to employment, then one would expect them to go to the Industrial Relations Commission, but of course that would not be limited to matters relating to employment. Matters of a more general nature would be taken to the New South Wales Civil and Administrative Tribunal.

I do not in any way see these amendments as unravelling the broad thrust of the establishment of the New South Wales Civil and Administrative Tribunal. I do not in any way see them as being contrary to the strong consensus position that has been established among stakeholders, as reflected in the bills that are now before this Parliament. I see them as showing respect for the Industrial Relations Commission—a tribunal with a very fine tradition of dealing with employment-related matters with integrity, with fairness and with a history of getting to the substantial merits of matters in a cost-effective way—and ensuring that the tribunal continues to have an important role to play in regulating employment-related matters in New South Wales.

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.02 p.m.]: The establishment of the New South Wales Civil and Administrative Tribunal is a substantial achievement. I do not think that tribunal would have come about without the full involvement of the Attorney General, the Hon. Greg Smith, the Minister for Fair Trading, the Hon. Anthony Roberts, and the former Minister for Finance and Services, the Hon. Greg Pearce, who was in the Chamber a few minutes ago. I thank them for their part in the establishment of that tribunal. These amendments will be opposed. They are substantial amendments and they affect a number of stakeholders.

Those stakeholders include the Australian Health Practitioner Regulation Agency, the Health Professional Councils Authority, the Health Councils Medical, Pharmacy, Chiropractic, Nurses and Midwives, the NSW Nurses and Midwives Association, the Australian Medical Association (NSW), Avant Insurance, Guild Insurance, the Veterinary Practitioners Board and other disciplinary boards, the Anti-Discrimination Board. All will be affected by the substantial amendments proposed by the Opposition. I would be surprised—I could be wrong—if the Opposition has consulted any of those bodies regarding these amendments. I would be surprised if any of them have been approached and consulted about these substantial amendments that will affect them. The truth is that all those stakeholders that I just mentioned are, as I am instructed, in full support of the legislation as it is.

Amendment No. 2 would provide the Industrial Relations Commission with concurrent jurisdiction over equal opportunity matters. These are antidiscrimination matters, not always employment related. The Administrative Decisions Tribunal has developed a great deal of expertise over these matters. It is the best jurisdiction to hear these matters. Administrative Decisions Tribunal members will automatically transfer to the New South Wales Civil and Administrative Tribunal on 1 January 2014, preserving that existing expertise. As I said, we would be surprised if any of those bodies that I have mentioned have been consulted. I do not believe the Anti-Discrimination Board has been consulted but I could be wrong. The board supports the establishment of the New South Wales Civil and Administrative Tribunal and the inclusion of equal opportunity matters within its jurisdiction.

Amendment No. 3 would transfer professional discipline matters to the Industrial Relations Commission in relation to various professional bodies, including chiropractors, psychiatrists, surveyors, architects and others. The health professional discipline is part of a national scheme. It would not make sense to separate some professions from others and allow different case law to develop. All professions should be subject to the same procedural framework. They should be treated consistently. As I have said, and I say once again,

I would be surprised if the health professional councils have been consulted, or the other disciplinary bodies. I say again that those bodies have been consulted by the Government in relation to the establishment of the New South Wales Civil and Administrative Tribunal, and support it and this legislation before us today. The Government opposes these amendments.

I was asked by the Hon. Adam Searle whether there was a steering committee in relation to this legislation. Indeed there was. It involved the Director General of the Attorney General's Department, the Commissioner for Fair Trading, the Deputy Director General of Health and representatives from the Department of Premier and Cabinet and Treasury. So a number of other stakeholders too numerous to mention—there were probably 30 of them—were consulted regarding the New South Wales Civil and Administrative Tribunal legislation as it is. The Government does not support these amendments.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.07 p.m.]: I thank members for their contributions. In response to some of the observations made by the Parliamentary Secretary, I point out that most of the bodies that he has identified as being affected by these amendments are in fact not affected. Given how many bills we have to deal with tonight, I will not enumerate them all but, for example, the functions, role, powers and perquisites of the Anti-Discrimination Board are wholly unaffected by the Opposition's amendments. We do not remove or seek to remove any of the functions relating to antidiscrimination laws from the New South Wales Civil and Administrative Tribunal. We simply propose or suggest that a concurrent jurisdiction over the tribunal functions and the hearing of discrimination matters be conferred also upon the specialist Industrial Relations Commission, such that employment matters involving discrimination can be heard by that specialist body. We do not seek to take away any of the functions or roles to be had by the New South Wales Civil and Administrative Tribunal in this regard.

The Hon. David Clarke: Did you consult with any of the stakeholders?

The Hon. ADAM SEARLE: There were a number of stakeholders with whom I managed to consult in the time that I had available. It can be seen, for example, that the fact that not the whole of the occupational division is being proposed for transfer is the result of consultations that I have had with a number—I concede not all—of the bodies. But, as I said, the position that we reached relating to the transfer of some of the matters proposed to be reposed in the Occupational Division is in fact the result of such consultations as we have managed to carry out. Again, time prevents a full recitation, but it is not the case that there has been no consultation with those bodies, or at least some of them.

I reiterate that, as with the consolidation of tribunals generally, it is important to ensure there is an appropriate alignment of functions to appropriate bodies. While we broadly do not cavil with the settlement proposed by the Government relating to the New South Wales Civil and Administrative Tribunal, we think that over time there should be, to use the words of Mr David Shoebridge, a one-stop shop regulating the world of work. Our amendments are a small but not comprehensive step in that direction. We recognise that to propose that entirely in one hit would be somewhat dramatic.

Mr David Shoebridge: It might have been outside the leave of the bill.

The Hon. ADAM SEARLE: It may well have been outside the leave of the bill but in any case we suggest a small but definite step in that direction, starting with anti-discrimination matters concurrently, be enjoyed by the New South Wales Civil and Administrative Tribunal and the commission, with no diminution in the role of the Anti-Discrimination Board, and the transfer of some of the matters proposed to be put in the Occupational Division, but not doctors, midwives, lawyers, local government, Aboriginal land councils and other matters that would not sit comfortably with the specialist Industrial Relations Commission. We say this is a small step in the right direction. We press these amendments and hope that reasonable minds will reach the same view—that it is preferable to have workplace matters as much as possible in the specialist workplace tribunal.

Question—That Opposition amendments Nos 1 to 4 [C2013-163F] be agreed to—put and resolved in the negative.

Opposition amendments Nos 1 to 4 [C2013-163F] negatived.

Clause 2 agreed to.

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.53 p.m.]: I move:

That the word "not" be inserted after the word "does" in line 39 on page 46.

This is to rectify a typographical error in the bill.

Mr DAVID SHOEBRIDGE [10.13 p.m.]: When I was looking at the bill earlier it did not make sense that one would actively want to make sure that the validity of an earlier appointment was affected as a result of changing the schedule. It seemed an odd provision. When I raised it with Government members they thought it was odd. They have fixed it up, it makes sense and we support it.

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

Government amendment agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Title agreed to.

The CHAIR (The Hon. Jennifer Gardiner): Order! Is leave granted to deal with the Civil and Administrative Legislation (Repeal and Amendment) Bill by putting one question in respect of each of the bills?

Leave not granted.

The CHAIR (The Hon. Jennifer Gardiner): Order! Is leave granted to deal with the Civil and Administrative Legislation (Repeal and Amendment) Bill by schedules?

Leave not granted.

Mr DAVID SHOEBRIDGE [10.16 p.m.]: I move:

That the bill be dealt with as one question.

The CHAIR (The Hon. Jennifer Gardiner): Order! That is not a procedural motion. However, I will ask the question again. Is leave granted to deal with the bill—?

Leave not granted.

Clauses 1 to 3 agreed to.

Schedules 1 to 10 agreed to.

Title agreed to.

Civil and Administrative Tribunal Amendment Bill reported from Committee with an amendment.

Civil and Administrative Legislation (Repeal and Amendment) Bill reported without amendment.

Adoption of Report

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.20 p.m.]: I move:

That the report be now adopted.

Question put.

The House divided.

Ayes, 25

Mr Ajaka	Ms Ficarra	Mrs Mitchell
Ms Barham	Mr Gallacher	Reverend Nile
Mr Blair	Miss Gardiner	Mr Pearce
Mr Borsak	Mr Gay	Mr Shoebridge
Mr Brown	Dr Kaye	
Mr Buckingham	Mr Lynn	
Mr Clarke	Mr MacDonald	<i>Tellers,</i>
Ms Cusack	Mrs Maclaren-Jones	Mr Colless
Dr Faruqi	Mr Mason-Cox	Dr Phelps

Noes, 13

Ms Cotsis	Mr Secord	Mr Wong
Mr Donnelly	Ms Sharpe	
Mr Foley	Mr Veitch	<i>Tellers,</i>
Mr Primrose	Ms Westwood	Ms Fazio
Mr Searle	Mr Whan	Ms Voltz

Pair

Mrs Pavey

Mr Moselmane

Question resolved in the affirmative.

Motion agreed to.

Report adopted.

Third Reading

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

That these bills be now read a third time.

Civil and Administrative Tribunal Amendment Bill 2013 read a third time and returned to the Legislative Assembly with a message seeking its concurrence in the amendment.

Civil and Administrative Legislation (Repeal and Amendment) Bill 2013 read a third time and returned to the Legislative Assembly without amendment.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2013

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.30 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 not granted.

The Statute Law (Miscellaneous Provisions) Bill (No. 2) 2013 continues the longstanding statute law revision program. Bills of this kind have featured in most sessions of Parliament since 1984 and are recognised as an effective tool for making minor policy changes, repealing redundant legislation and maintaining the quality of

the New South Wales statute book. Schedules 1 and 2 to the bill contain policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. Those schedules contain amendments to 26 Acts and two regulations. I will mention some of the amendments to give honourable members an indication of the kind of amendments that are included in the schedules.

Amendments made by schedule 1 to the Environment Planning and Assessment Act 1979 will provide that certain persons appointed as authorised officers for enforcement purposes need not be provided with identification cards. This will apply to classes of authorised persons such as police officers who possess adequate identification as members of that class. Schedule 1 amends the Food Act 2003 to remove an unnecessary requirement for the proprietors of certain food businesses to give notice of the appointment of food safety supervisors. The requirement has been removed because the information required to be notified is verified on the inspection of the food premises.

Debate adjourned on motion by the Hon. David Clarke and set down as an order of the day for a later hour.

CRIMES LEGISLATION AMENDMENT BILL 2013

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.34 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 the Crimes Legislation Amendment Bill 2013. The purpose of the bill is to make miscellaneous amendments to criminal 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 criminal laws.

I will now outline each of the amendments in turn. Item 1.1 of schedule 1 amends the Bail Act 1978 to clarify in section 44 of that Act that a magistrate may review a bail decision of the President of the Children's Court made in the Children's Court jurisdiction. Section 44 of the Bail Act provides powers for particular judicial officers to review the bail decisions of other judicial officers. Currently, section 44 (2) provides that a magistrate may review a bail decision of an authorised officer, magistrate — including the reviewing magistrate — or authorised justice.

Under the Children's Court Act 1987, the President of the children's court must be a district court judge, and continues to sit and determine matters — including bail matters — in the children's court as a district court judge, not as a magistrate. On that basis, under section 44 (2), a magistrate sitting in the children's court does not have the power to review a bail decision of the president. The amendment will clarify that bail decisions made by the president in the children's court are reviewable by magistrates. This amendment was requested by the president of the Children's Court to ensure that his bail decisions can be reviewed by magistrates of that court without the matter having to go to a higher court.

This issue will not arise under the new Bail Act 2013, which does not incorporate a scheme of review for bail decisions. Instead, that Act generally provides powers to hear further bail applications — following an initial bail decision — to particular courts rather than to particular judicial officers, subject to limited exceptions. Whilst it is anticipated that the new Bail Act will commence in May 2014, it is important that this issue be resolved urgently so that magistrates in the children's court can review a bail decision made by the President of the Children's Court whilst sitting in that jurisdiction.

Item 1.2 of schedule 1 amends the requirement specified in part 29 of schedule 11 of the Crimes Act 1900 for the Ombudsman to prepare a report on the amended consorting provisions contained in that Act. Currently, part 29 requires the report to be prepared as soon as practicable after the end of the period of two years from their commencement, which was in April 2012. This bill amends the reporting period to three years. The amended consorting provisions in section 93X of the Crimes Act were introduced to modernise the old consorting offence in that Act. They are aimed at deterring people from associating within a criminal environment.

A person is guilty of an offence under section 93X if they consort with others as described in that section. However, before a person can be charged, the section requires that they be warned about their conduct on at least two occasions. Due to limitations with the NSW Police Force's Computerised Operational Policing System [COPS] the police have thus far been unable to collate data on the number of warnings that have been issued. This means that there is currently insufficient data available for the Ombudsman to conduct a proper review of the provisions.

The police are implementing enhancements to the Computerised Operational Policing System to rectify these data issues. The ombudsman has requested that the prescribed review period be increased to three years. This will provide sufficient time to resolve the data issues so that the Ombudsman can prepare an informed report. The proposed amendment extending the reporting period to three years will require the Ombudsman to report as soon as practicable after April 2015.

Schedule 1.3 [1] amends the Crimes (Forensic Procedures) Act 2000 to change the reference to "the police officer" in section 21 (2) of that Act to "the senior police officer". Section 21 provides that a senior police officer may make a non-intimate forensic procedure order by telephone, radio and other means of transmission. When an order is made in this way section 21 (2) requires the senior police officer to ensure that the suspect, or their legal representative or interview friend, be given an opportunity to speak to "the police officer". The intention of the provisions is that the suspect, their legal representative or interview friend, be given an opportunity to speak to the senior police officer making the order, not some other officer. The amendment will clarify this intention.

Schedule 1.3 [2] and [3] amend section 26 of the Crimes (Forensic Procedures) Act to make clear that applications to a court for an order to carry out a forensic procedure can be heard in the absence of the suspect. Item [4] amends section 30 of the Crimes (Forensic Procedures) Act to make this intent clear by providing that an order for a forensic procedure may be made in the presence of the suspect or ex parte, that is without the suspect, at the discretion of the magistrate hearing the application. Currently, sections 26 and 30 of the Crimes (Forensic Procedures) Act provide that the application and any order are to be made in the presence of the suspect, subject to any contrary order made by the magistrate. Allowing the magistrate to make a "contrary order" may already provide for ex parte applications and orders. However, the proposed amendments are intended to make this clear.

The clarification is required as difficulties arise when the suspect being investigated is in another State or Territory at the time an order is sought by the police. This can create difficulties if the police are required to bring the suspect to a New South Wales court to make an application for an order. Clarifying that an ex parte application can be heard and determined will overcome these difficulties and minimise unnecessary travel or extradition procedures for suspects.

Items [5] and [6] make amendments that are consequential to providing for ex parte hearings. Item [5] amends section 30 to maintain the current requirement for an interview friend to be present for certain vulnerable suspects if the suspect appears in person for an application hearing. Vulnerable suspects include a child, incapable person, or anyone who identifies as an Aboriginal person or Torres Strait Islander. Item [6] provides that a suspect is required to be asked whether they identify as an Aboriginal person or Torres Strait Islander at the beginning of an application hearing only if they are physically present at the hearing. None of the proposed amendments remove a suspect's right to be represented by a legal practitioner at a hearing, whether they are present or not.

Schedule 1 clause 1.4 [1] amends section 25 of the Crimes (High Risk Offenders) Act 2006 to provide an additional means for the Attorney General to obtain documents, reports, or any other information relating to an offender from a court. The section currently requires that the Attorney General obtain such material by order in writing. The proposed amendment will provide the Attorney General with a power to obtain such material from a court by request rather than by order in writing. Clause 1.4 [2] amends section 25 (3) to provide that material obtained in this way is admissible in proceedings under the Crimes (High Risk Offenders) Act, as it currently is when obtained by order.

Schedule 1 clause 1.5 amends section 2940 of the Criminal Procedure Act 1986 to clarify that the protections of part 5 division 1 of that Act apply to sexual offence witnesses when they give any type of evidence in proceedings in respect of a prescribed sexual offence. These protections are currently available to all complainants who give evidence in trials for prescribed sexual offences. For example, unless the court orders otherwise, their evidence is to be given in a closed court, or remotely via closed-circuit television facilities. Section 2940 (2A) now extends these protections to sexual offence witnesses. Sexual offence witnesses are witnesses in proceedings other than the complainant who give evidence in relation to prescribed sexual offences alleged to have been committed against them by the accused, for example, as tendency evidence.

The Sexual Assault Review Committee has advised the Government that section 2940 (2A) is being applied to sexual offence witnesses only when they give evidence about certain offences or acts, as set out in sections 2940 (2) (a) and (b), committed against them by the accused. On this interpretation, the protections are not available when sexual offence witnesses give other types of evidence, for example, context evidence. This creates an anomaly whereby a sexual assault witness may not be afforded the same protections that were available to them when they gave the same evidence against the same accused in an earlier trial as a complainant. The proposed amendment to section 2940 of the Criminal Procedure Act will clarify the intended application of the protections to both complainants and sexual offence witnesses, irrespective of the nature of the evidence they give in proceedings.

Schedule 1 clause 1.6 amends the Interpretation Act 1987 to clarify that a reference in any New South Wales Act to an offence punishable by imprisonment for a specified term or more includes a reference to common law offences and those punishable by life imprisonment. Currently, there are a number of provisions in various New South Wales acts that refer to "serious indictable offences", "serious criminal offence" or "serious crime related activity", which are defined by the period of imprisonment available for the offence or activity.

For example, section 21 (1) of the Interpretation Act defines "serious indictable offence" as, "An indictable offence punishable by imprisonment for life or for a term of five years or more". The definition of "serious criminal offence" in section 6 (d) of the Criminal Assets Recovery Act 1990 includes, "an offence that is punishable by five years or more". However, these definitions do not specifically refer to common law offences such as conspiring to commit an offence. For these offences, the penalty is considered at large, that is, there is no limit on the maximum term of imprisonment that can be imposed. Given the maximum penalty available, common law offences should be captured by any provision that refers to an offence punishable by imprisonment for a specified term or more. The proposed amendment to the Interpretation Act will make this clear.

There is also inconsistency between the definitions as to whether they include offences punishable by life imprisonment. For example, the definition of "serious indictable offence" in the Interpretation Act includes life imprisonment, whereas the definition of "serious criminal offence" in the Criminal Assets Recovery Act does not. The amendment will clarify that offences carrying life imprisonment are captured by these definitions. These reforms do not represent a change to the types of offences captured by terms such as "serious indictable offence". Rather, they simply make clear that these definitions apply to common law offences and offences carrying life imprisonment. I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.35 p.m.]: I lead for the Opposition on the Crimes Legislation Amendment Bill 2013. The Opposition does not oppose the bill. This bill makes miscellaneous and comparatively minor amendments to various pieces of legislation relating to criminal justice. It is part of a monitoring and review program adopted by governments of all persuasions in this State. The bill will clarify that under the 1978 bail legislation a magistrate of the Children's Court may review a bail decision of the president of the Children's Court. At the moment they cannot do that because the president must be a District Court judge.

The bill will extend the period in which the Ombudsman must prepare a report on the operation of the recently amended consorting offences from two years to three years—from 9 April 2014 to 9 April 2015. This is necessary because the police have not been able to gather sufficient information on warnings to allow the Ombudsman to conduct a proper report. Granted that the consorting laws do not seem to have had anything like the effect intended—the major casualty to date was an intellectually disabled teenager—it is critical that the report is done with all available information. The bill will clarify procedural aspects of non-intimate forensic procedures and allow sensible procedures for orders where someone is interstate.

The bill will make it easier for the Attorney General to request a court to provide material relating to an offender before the court. It will extend protections available to sexual offence complainants to sexual offence witnesses under the Criminal Procedure Act. The Attorney General has advised that this amendment flows from advice received from the Sexual Assault Review Committee. The bill will clarify references to offences punishable by imprisonment for a specified term or more. The Opposition does not oppose the bill.

Mr DAVID SHOEBRIDGE [10.37 p.m.]: The Greens support the Crimes Legislation Amendment Bill 2013. This is another miscellaneous amendment bill intended to make minor amendments and corrections to a variety of crimes legislation. Clause 1.1 of schedule 1 amends the Bail Act to specify that bail decisions made by the president of the Children's Court can be reviewed by a magistrate of the Children's Court. In other words, it does not need to be escalated to a higher court. The amendment was requested by the president of the Children's Court.

Clause 1.2 of schedule 1 amends the provision in the Crimes Act regarding the date by which the Ombudsman has to report to Parliament on the recent consorting provisions inserted into that Act. The extended time is due to limitations in the Computerised Operational Policing System [COPS], which means that the police have been unable to collate data on the number of warnings issued. Clause 1.3 of schedule 1 clarifies that when a senior police officer makes a non-intimate forensic procedure order by telephone, radio or similar, the suspect, or their representative, can speak to the senior officer making the order. It is currently unclear if it is the senior officer or just another officer they can speak to.

Clause 1.3 of schedule 1 amends the Crimes (Forensic Procedures) Act to specify that an order for a forensic procedure can be made in the presence of the subject, or ex parte, at the discretion of the magistrate. Clause 1.4 amends the Crimes (High Risk Offenders) Act 2006 to provide that the Attorney General can obtain documents, report or other information relating to an offender from a court by request, rather than by a written order as is the current practice—that is a question of changing the form but not the substance of that power.

Clause 1.5 amends section 294D of the Criminal Procedure Act 1986 to provide that witnesses of sexual offences can access the protections under part 5 division 1 when giving evidence, and that includes that their evidence is given either in a closed court or remotely via closed circuit television. Of all the amending provisions in this bill that is the most important. Clause 1.6 amends the Interpretation Act 1987 to provide that a reference in any Act to an offence punishable by a specified term of imprisonment includes common law offences and those punishable by life imprisonment.

The intention of this amendment is to assist for the purpose of conspiracy offences by ensuring that those found guilty of common law offences are still covered by these laws. Of course, there has recently been an example of what I can only describe as the abuse of conspiracy laws in a prosecution that was brought by police in relation to coal seam gas protesters on the North Coast. As I read the terms of this particular amendment, it will not have any implication in relation to that particularly bizarre charge—alleged common law conspiracy to hinder traffic—that was brought by police on the North Coast. The Greens generally support these bills that seek to remedy faults or inconsistencies in existing laws with what are, on the whole, reasonable and responsive amendments. However, we note that many of these flaws are the result of increasingly rushed law-making. Many of the holes in the legislation should have been spotted well before the legislation required amendment by one of these compendium bills.

The extension in reporting time on the consorting provisions, which is for reporting purposes of the Ombudsman, shows once more how rushed and ill-conceived laws have been. The police are unable to access the collated data about the warnings given under their computerised operational policing system, which shows that they and the New South Wales Government had no idea how they would implement the scheme at the time that this Parliament legislated for it. We suspect that when the Ombudsman report is eventually produced, it will show that these consorting laws are having no identifiable impact on criminal activity, but are an unreasonable hindrance on people's rights to free association in this State. Many recent changes to the law have been made in these rushed circumstances, normally in response to a particularly angry editorial page of a tabloid newspaper or a particularly angry talkback radio host who is on a mission.

Those laws include: the Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013, that is in this Parliament as we speak; the Crimes Amendment (Zoe's Law) Bill 2013; the so-called one-punch laws that have been produced by an increasingly punch-drunk Attorney General; the Tattoo Parlours Legislation Bill 2013 that was rushed through; the drunk-tanks trials, which are working their way through, no doubt, to a prompt report and fast consignment to the dustbin of history; the Evidence Amendment (Evidence of Silence) Bill 2013 that has produced truly foreseeable failings in respect of lawyers effectively running from police stations to avoid their clients being caught up in those onerous and totally inappropriate provisions that were rushed through this Parliament. We see problems in this bill with the consorting laws and the move-on amendment laws in 2012.

The Hon. Michael Gallacher: What about the mandatory life sentence for cop killers?

Mr DAVID SHOEBRIDGE: The Leader of the House indicates one law that worked its way through without procedural failings.

The Hon. Michael Gallacher: You guys have opposed every one of them.

Mr DAVID SHOEBRIDGE: Indeed, a great majority on the list from which I have just read have been opposed by The Greens because of the very fact that they were rushed and ill-considered. Again, we see the effects of rushed and ill-considered laws with this amendment. They need to be patched up down the track by the Parliament. In almost all cases, it has emerged some time later that the laws were not having their intended effect. In many cases, critics of the laws included the Council for Civil Liberties, the Bar Association and the Law Society. They have all pointed out flaws in the proposed laws. In almost every case those flaws emerged once the laws were put into operation.

Governing by press release is not consistent with evidence-based policymaking and it invariably results in poor outcomes. There are existing law reform bodies and processes in New South Wales that should be the first port of call for any proposed changes. Earlier tonight we adopted the New South Wales Civil and Administrative Tribunal Bill. It is an example of this Government using existing processes to get a consensus position to achieve the right law and put legislation on the statute books that will have a positive impact on the people of New South Wales. I interjected in that debate that that law, which went through the proper processes, will have a broad, longstanding and positive impact on thousands and thousands of people across New South Wales but it will not get one column inch in publications such as the *Daily Telegraph*. That kind of good evidence-based, rational consensus lawmaking does not sell newspapers and does not interest State political reporters. That is to the detriment of good lawmaking in New South Wales. It is to the detriment of the millions of citizens in this State who deserve better from their Parliament and the media who watch this Parliament. For the reasons I outlined earlier, The Greens support the Crimes Legislation Amendment Bill 2013.

Reverend the Hon. FRED NILE [10.45 p.m.]: On behalf of the Christian Democratic Party I support the Crimes Legislation Amendment Bill 2013. This bill makes miscellaneous amendments to a number of criminal laws to save the time of Parliament in having individual bills brought before the Parliament when they deal only with minor administrative changes. This bill includes amendments to a number of bills, including the Bail Act 1978 to clarify that a magistrate may review a bail decision of the President of the Children's Court made in the Children's Court jurisdiction. It provides for a change to the Crimes Act 1900 to extend the requirement for the Ombudsman to prepare a report on the Act's consorting provisions from two to three years after their commencement. This bill also makes some changes to the Crimes (Forensic Procedures) Act 2000 to change a reference to the police officer in section 21 (2) of the Act to the senior police officer to clarify that the section is referring to the same officer throughout. It also provides for application to a court for an order to carry out a forensic procedure that may be heard at the court's discretion either *ex parte* or in the presence of the suspect.

The bill also will clarify the Crimes (High Risk Offenders) Act 2006 so that the Attorney General may request from a court any material in the court's possession or under the court's control that relates to the behaviour or physical or mental condition of an offender. The bill also will provide changes to the Criminal Procedure Act 1986 so that protections under part 5, division 1 will apply to sexual offence witnesses when they give evidence in proceedings. Finally, the Interpretation Act 1987 is changed to clarify that a reference in any Act to an offence punishable by a specified term of imprisonment includes common law offences and those punishable by life imprisonment. We are pleased to support this miscellaneous bill.

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.47 p.m.], on behalf of the Hon. Michael Gallacher, in reply: I thank honourable members for their contributions to the debate. 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 also will support the effective administration of justice in New South Wales. 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.

POLICE AMENDMENT (POLICE PROMOTIONS) BILL 2013

Second Reading

Debate resumed from 30 October 2013.

The Hon. STEVE WHAN [10.50 p.m.]: The Opposition supports the Police Amendment (Police Promotions) Bill 2013. The shadow Minister for Police, the member for Toongabbie, obviously will have more to say about the bill in the other place. As the Minister indicated in the second reading speech, this legislation is the result of a review of the police promotions system undertaken by the Hon. Lance Wright, QC. The Wright review found that the promotions system was generally working well, but it made a number of recommendations, and this bill implements those recommendations.

My understanding of the Minister's second reading speech is that this is about modernising the NSW Police Force promotions system. Promotions are now made to a rank as distinct from a specific position. This has resulted in about 1,000 officers being on the senior sergeant promotion list but only about 30 positions becoming available each year. This bill removes senior sergeants from the promotion system. It also provides that promotion to certain specialist positions may be made from outside the relevant promotions list. These positions include undercover officers, forensic officers, child protection officers and counter-terrorism officers. The bill makes specific provision for the Commissioner of Police to require appointees to undergo psychological assessment to be appointed to specialist positions. It also makes it explicit that the commissioner may appoint superintendents on the basis of the commissioner's opinion as to who has the most merit after a selection process.

The Opposition understands that the Police Association has not indicated significant objection to these amendments. The Opposition also understands that the move to give greater weight to the merit component of selection as distinct from time served accords with what happens in other public sector agencies. As the Minister indicated, this will bring the police promotions system more in line with the merit selection processes that are in place in most public sector agencies in New South Wales and, indeed, in Australia. The Opposition does not oppose the bill.

Mr DAVID SHOEBRIDGE [10.51 p.m.]: I note that the Police Amendment (Police Promotions) Bill 2013 adopts the recommendations made by the Hon. Lance Wright, QC, the former president of the Industrial Relations Commission. I understand that the Wright report has been generally accepted by both the Police Association and the Government. The member for Balmain will make a contribution to debate on this bill in the other place and I look forward to hearing it and his explanation of The Greens' position.

Reverend the Hon. FRED NILE [10.52 p.m.]: The Christian Democratic Party supports the Police Amendment (Police Promotions) Bill 2013. This bill amends the Police Act 1990 to create exceptions to the general requirement that appointments by way of promotion to vacant non-executive police officer positions of a particular rank are to be made from the promotion list for that rank and according to rankings on that list. As a result of this bill, promotion appointments to certain specialist positions—being a position which requires specialist qualifications or unique knowledge, skills or experience and which is specially designated by the Commissioner of Police—may, if the position has not been able to be filled after being advertised to persons on the promotion list for the rank concerned, be made from outside the relevant promotion list. This will give the Commissioner of Police greater flexibility in filling those positions.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [10.53 p.m.], in reply: I thank honourable members for their brief yet concise contributions about this very important piece of legislation. To say it is long overdue is an understatement, particularly in the minds of many police officers. It is good to see Troy Grant, the member for Dubbo, in the gallery. He was a commissioned officer in the NSW Police Force.

Mr David Shoebridge: You're still on the senior sergeant list, aren't you?

The Hon. MICHAEL GALLACHER: I am just waiting for the call. The jodhpurs still fit and I am ready.

The Hon. Dr Peter Phelps: He is undercover.

The Hon. MICHAEL GALLACHER: Deep undercover. This bill is a reflection of the fine work undertaken by Lance Wright in consultation with the NSW Police Force, the Police Association of NSW and other interested parties. I acknowledge that the review was initiated by the Labor Government, which was also looking for a way to address the concerns that had been raised about the promotions system, particularly by the Police Association. As the Hon. Steve Whan said, this bill will modernise the Police Force promotions system. These changes are necessary because of the specialisation that has developed in certain areas. I look forward to the contributions from the shadow Minister for Police and the member for Balmain in the other place after they have had the opportunity to digest the contributions their colleagues have made this evening.

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. Michael Gallacher agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

ADJOURNMENT

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [10.55 p.m.]: I move:

That this House do now adjourn.

CHILD DEVELOPMENT AND EARLY INTERVENTION STRATEGIES

The Hon. PETER PRIMROSE [10.55 p.m.]: Labor's National President Jenny McAllister told the recent Progressive Australia Conference:

...the core values which define Labor's agenda, remain at the heart of Australian values...

The ethic of shared responsibility for our community's wellbeing is at the heart of both modern Labor and modern Australia.

I share Ms McAllister's belief that the most important starting point for Labor's rebuilding is a much clearer statement of our commitment to tackle inequality—not only inequality of opportunity, but inequality itself. A recent report by the Benevolent Society makes a clear case for why this is so important. The report, entitled "Acting Early, Changing Lives: How prevention and early action saves money and improves wellbeing", details the research that confirms, for instance, that one in seven Australian children aged from four to 17 years is affected by a behavioural or emotional problem, but less than half of the Australian children who require professional help for a mental health issue receive the professional help they need. These problems will not improve, and could get worse, unless we are able to intervene effectively to prevent them from occurring in the first place or to address the problems early before they become entrenched.

The Benevolent Society report details the extensive evidence regarding the economic benefits of early intervention for children and families experiencing disadvantage. It also examines the financial costs of doing nothing. For example, a 2012 study undertaken by Baldry and others found that in Australia the institutional costs of homelessness for 11 individuals ranged from \$900,000 to \$4.5 million. The report provides clear research-based evidence of the potential of early intervention to improve the outcomes of Australian children, and identified 10 priorities. The first is to provide free or low-cost preschool education to three-year-old children experiencing significant disadvantage. The second is to provide support to families experiencing disadvantage during the prenatal period to promote the optimal development of children. The third is to deliver programs of sufficient duration and intensity to families experiencing significant disadvantage because it appears that programs of less than 12 months are generally ineffective at shifting outcomes for disadvantaged children and families.

The fourth is to provide direct services for children and families that promote the quality of the environments in which young children spend their time to ensure that parents and other caregivers relate to children in ways that protect, nourish and promote their development and wellbeing. The fifth is to build a tiered system of services based on universal provision to ensure that all families receive a core set of services with additional services being provided to those with greater needs. The sixth is to build whole-of-community, place-based, collective impact alliances to develop and deliver a comprehensive suite of interventions that target whole communities and address both the presenting and the background needs of vulnerable families. The seventh is to design and run services in partnership with those who use them to ensure that vulnerable families have access to and make better use of supportive child and family services.

The eighth is to utilise outreach workers to engage those families most in need of support. The ninth is to address the conditions under which families are raising young children, as the evidence indicates that many of the poor outcomes experienced by vulnerable families are either caused or exacerbated by the social and economic conditions under which parents are raising their children. The tenth is to raise public awareness about the nature and importance of the early years and the need for greater investment in the early years, as the importance of this life stage is not widely understood by the general public. The full report is available on the Benevolent Society website. I commend the report to all members of the House.

INDUSTRY EXCELLENCE AWARDS

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.00 p.m.]: Over the past couple of weeks it has been my honour and pleasure to represent the New South Wales Government at industry awards nights held to both recognise and celebrate industry excellence, with a special focus on occupational health and safety. On 31 October I attended the 2013 WorkCover New South Wales SafeWork Awards. These awards were established in 2004 to encourage public and private workplaces to develop and implement safety initiatives, to share knowledge and innovation in workplace safety, and to publicly showcase significant achievements in workplace health and safety across our State. This year 141 entries were received across six categories, with 21 finalists and eight winners.

Some of the innovative initiatives acknowledged on the night included the development of cut-resistant gloves, web-based solutions to hazard management and industry alliance projects. I recognise and congratulate the winners—Veolia Environmental Services, the State Water Corporation, Bridge Solutions Alliance, Zetco Valves Pty Ltd, Rod Cook from North Coast TAFE, Sean Redmond from TOT Transport and Adam Forsythe from AH Beard Bedding Pty Ltd.

During the awards ceremony, volunteers Geoff and Karen Wicks were honoured for their commitment to helping the community understand the potential dangers of asbestos through their travelling educational road show, "Betty—the Asbestos Diseases Research Institute House". The climax of the night was the announcement of the winner of the Leadership in Safety Award. This award recognises excellence in leadership in work health and safety, workers compensation and injury management. The judging panel sought to recognise organisations that inspired, shared and developed a vision for future work health and safety. It was an impressive field of contenders and it was my great pleasure to announce the Cerebral Palsy Alliance as the worthy winner. Indeed, in the year that marks the launch of the National Disability Insurance Scheme in New South Wales, it is most appropriate to recognise leadership in the disability sector, as this quality will be critical in unlocking the full potential of disabled people and their carers under the proposed scheme.

I also congratulate the board and staff of WorkCover on hosting a very successful awards night. Let us not forget that the board, under the leadership of Michael Carapiet, has overseen a massive turnaround in the financial management of the New South Wales workers compensation scheme since comprehensive reforms were implemented last year. This has resulted in the first surplus since 2008 of \$309 million as at 30 June 2013—a far cry from the projected deficit of \$4.1 billion last year. This turnaround means that New South Wales businesses will receive an average 12.5 per cent rate reduction in the 2013 premium cycle, returning \$330 million to New South Wales economy. This in turn will help New South Wales employers grow their businesses, create new jobs and make New South Wales a much more competitive place in which to do business. That is one of this Government's key objectives and I trust we will see further dividends from this important reform process over the coming years.

On 8 November I, along with the Hon. Trevor Khan and Mr Mark Speakman, the member for Cronulla, attended the 2013 New South Wales Civil Contractors Federation President's Gala Ball and Awards Dinner at the Sydney Town Hall. The Civil Contractors Federation is the member-based representative body of civil engineering contractors in Australia, representing approximately 435 contractor members and 130 associate or supplier members. The civil construction industry is critical to the New South Wales Government's infrastructure plans, which will see about \$60 billion invested over the next four years.

Congratulations to all the finalists and winners on the night. I note in particular the Civil Contractors Federation President's Award was won by Gleeson Civil Engineering in appreciation of Paul Gleeson. This award was made posthumously and it was collected by his very gracious wife and son. This was a very moving part of the awards ceremony. Congratulations also to the President, John Wade, and the Chief Executive Officer, David Castledine, on hosting such a wonderful awards night. Whilst times have recently been challenging in their industry, the future looks particularly bright as both the New South Wales and Federal governments are determined to invest heavily in much-needed infrastructure. We look forward to partnering with them in this herculean task over the coming years. If the prospects are as bright as the dancing shoes of the Hon. Trevor Khan on the night, then the future looks very rosy indeed.

BUSHFIRE HAZARD REDUCTION

The Hon. ROBERT BORSAK [11.05 p.m.]: Tonight I want to discuss the bushfire situation facing New South Wales. The rain that has been falling in and around Sydney for the past couple of days will do little to avert what potentially is a catastrophic situation. The problem has developed over the past 15 to 20 years. Not surprisingly, it coincides with the period in which The Greens have held sway over successive Labor governments and would not let them undertake the required amount of hazard reduction burns on public lands to prevent the current situation.

Most people would be aware of the comments made last month by the Volunteer Fire Fighters Association where it blamed green extremists and their opposition to hazard reduction burning and rejected The Greens claims that climate change is the cause of the bushfires that have ravaged the State in the past few weeks. Sensible people will agree with their stance. It is no good for The Greens to stand up now and say they support hazard reduction burns so long as it does not damage the environment. It has gone beyond that and people, particularly those who have been impacted by the fires, are now fully aware of the reason for such massive fires in recent weeks. They cannot understand why the fuel has been allowed to build up over the years.

Last week the Rural Fire Services Commissioner, Mr Shane Fitzsimmons, admitted that most New South Wales bushland is burned off for hazard reduction every five years "if you are lucky," although he also conceded, "It is more likely to be up to eight years between burns." I hope the Government listens to the commissioner, particularly his push for the creation of an interactive hazard reduction map so that residents will know how much time has elapsed since a hazard reduction burn in their area. His statement that there is no searchable database of back-burning and hazard reduction burning in New South Wales is a matter of concern. The recent Blue Mountains chaos shows that change is needed.

However, for some reason the commissioner disagrees with the volunteer firefighters, of which there are 70,000 in New South Wales, who are the backbone of the annual firefighting operations. They want the State Government to slash the green tape it claims the Rural Fire Service brigades must navigate before any hazard reduction burning can take place in a bushfire-prone area. They want the Government to increase prescribed burning on bushfire-prone lands from the current level of less than 1 per cent to a minimum of 5 per cent, a level that was recommended by the Victorian royal commission into that State's Black Saturday bushfires. In fact, the Victorian royal commission recommended an annual rolling minimum target of 5 per cent of public land for prescribed burning.

The volunteers claim it can take up to 18 months to get permission to start hazard reduction burns. It is hard to argue with claims by the volunteers that in the last decade or so "green groups have infiltrated local, State and Federal governments and their bureaucracies and have enormous influence on their bushfire agendas." The recent Blue Mountains fires are tangible proof of what has happened. Somewhat surprisingly, the commissioner said it is not due to green tape or environmental groups. He said the principal reason for insufficient hazard reduction is fundamentally the weather. With respect, I beg to differ. I think the volunteers are nearer the mark; but perhaps the commissioner was being diplomatic.

In closing, I take issue with the Minister for the Environment who has extolled the "increasing amount of hazard reduction burning in the State's national parks this year". I think she was referring to the fact that in 2012-13 prescribed burns on lands managed by the National Parks and Wildlife Service reached 208,000 hectares. That is all well and good. But the Minister does not say that the department is not meeting its five-year rolling average target of 135,000 hectares per year. Indeed, the rolling average in the last four years was 50,000 hectares, 56,000 hectares, 60,000 hectares and 92,000 hectares. That is nowhere near the rolling average required of 135,000 hectares. To put it into perspective, if we were to meet the Victorian recommendation of 5 per cent of public land, we would need to be burning 353,000 hectares per year.

I hope the Government is listening to the volunteers and does something to help them. I hope the Government also is looking at our public lands and the amount that needs to be burnt each year to keep the State safe from the kind of bushfires experienced in the Black Saturday bushfires in Victoria. There are worrying predictions for the summer ahead. I hope that we get favourable weather and the Government does everything in its power to limit the possibility of catastrophe. As this may be my last adjournment speech for the year, I seek to clarify one point for Government members. No matter what they are being told by their colleagues, it is not true that the Shooters and Fishers Party nominated Steve Dunn to review the Game Council. We understand he was a strong recommendation to the Premier by a senior Minister. With friends like that, perhaps the Shooters and Fishers Party does not need enemies. No doubt we will all learn who the senior Minister was in due course.

WORLD KINDNESS MOVEMENT

The Hon. ERNEST WONG [11.10 p.m.]: I ask my distinguished colleagues: When was the last time they attended a meeting and saw the word "kindness" on the agenda? I draw the attention of members to a global campaign in which Australia is playing a lead role. It is shaping up to be a game changer and is gaining the attention of the United Nations. The World Kindness Movement is the peak global body of a coalition of nations that was conceptualised in Japan in 1997 and officially launched in Singapore on 18 November 2000. It has no political or religious affiliations and comprises international representatives from Australia, Brazil, Canada, China, France, India, Italy, Japan, Nepal, the Netherlands, New Zealand, Nigeria, Oman, Thailand, Romania, Scotland, Switzerland, South Korea, the United Arab Emirates, the United Kingdom and the United States of America. The mission of the World Kindness Movement is to inspire individuals towards greater kindness and to connect nations to create a kinder world by encouraging Government and non-government agencies to engage in the global campaign.

World Kindness Australia is the official secretariat to the World Kindness Movement. The kindness campaign in Australia was initially motivated by Mr Michael Lloyd-White, a father who was concerned about

the increasing levels of bullying being reported in the media. Inspired by his daughter's school motto, "Kindness and Courtesy" he suggested to the school that it hold an event on 13 November to coincide with World Kindness Day 2009. The campaign launched at Double Bay Public School was attended by 3,000 local residents. He then went on to found World Kindness Australia in 2011. The campaign promotes the values of kindness, which include the courage of kindness, that is, encouraging others to stand up for those who cannot stand up for themselves. That in itself is a valuable message.

The aim of World Kindness Australia is to place kindness on the national agenda, from our classrooms to our staffrooms and from our boardrooms to our corridors of government. The campaign to date has seen over 400 events and has World Kindness Day listed on State and Federal school calendars. This year the University of Sydney launched an unprecedented world-first elite sports scholarship for world kindness. This is significant, as students come to realise the value of a sports career inspired by kindness whilst remaining competitive. It ensures the Australian tradition of fairness will always be present in our future role models and sporting legends.

In September 2012 Australia was elected as the secretariat and the kindness torch was passed from Singapore to Australia for the first time in 16 years. This was acknowledged by Her Excellency Professor Marie Bashir, Governor of New South Wales, hosting a Goodwill Ambassador event at Government House. The Governor presented councils, schools and non-government organisations from across Australia with their certificates of membership to World Kindness Australia. In August this year the Prime Minister entrusted World Kindness Australia, in its role as secretariat, with delivering his message of welcome to China on joining the global campaign. I am proud to have been a facilitator of this important milestone.

There is a growing belief worldwide that kindness is the common thread that can bridge the divides of race, religion, politics and even postcodes. It is a game changer, and Australia has been recognised as the key driver to see these outcomes realised. During the first 12 months of appointment as the secretariat, Australia has invited and assisted China, Thailand and Switzerland to become new members. It is in the process of assisting Malaysia, the Philippines, Argentina, South Africa, Kenya, Israel, Vietnam and Palestine to join the campaign. Executives from the Department of Foreign Affairs and Trade have predicted that the World Kindness Day campaign could be bigger than Clean Up The World Day. Cities now have an opportunity to be officially listed by the peak global body as World Kindness Cities. With this, local government will be provided with the opportunity to influence positive global change.

To support the campaign World Kindness Australia launched an interactive World Kindness Card, which tracks acts of kindness using Google Maps. The plastic card is presented to individuals to acknowledge someone for their kindness. It records a journal of stories online, collecting miles and smiles as it is passed on from one person to another. Every time it is used, the individual is advised that the card has been used, its location, how many miles it has travelled and the act of kindness it captured.

AFFORDABLE AND SOCIAL HOUSING

The Hon. JAN BARHAM [11.15 p.m.]: Today the House supported the establishment of a Select Committee on Social, Public and Affordable Housing. I sincerely thank members for their strong interest in and enthusiasm for tackling the challenges that may arise in the inquiry. The Hon. Sophie Cotsis and the Hon. Paul Green made excellent additions and contributions to the terms of reference, and I thank them for their contribution. I also acknowledge the support of the Shooters and Fishers Party.

On 7 October the Minister for Family and Community Services was quoted in the *Australian* as saying that New South Wales public housing is "broke and financially unsustainable". This frank assessment of social housing in New South Wales is appreciated. The Minister for Family and Community Services lamented our approach to social housing in New South Wales, saying that, "We should be saying we have a multibillion dollar asset, not a dump for people". Unfortunately we have not heard what the Minister for Housing makes of this parlous situation because for the first time since 1919 a New South Wales Government has chosen not to appoint a housing Minister. For this reason, I was surprised that the office of the Minister for Family and Community Services was not supportive of a public inquiry and the corresponding sense of urgency. I believe there is enthusiasm from others to engage with communities across New South Wales and to be partners in exploring options and solutions.

Rather than leaving Housing NSW and the Land and Housing Corporation with the disproportionate burden of addressing these broad social cross-departmental challenges, this inquiry will leverage significant and widespread community input and explore new policy initiatives and approaches to affordable and social housing

that is adopted in other jurisdictions. It is an urgent whole-of-government, whole-of-society policy evaluation endeavour. We urgently need innovative ideas on how to address social housing challenges from all sectors—non-government, business, community, developers, policy specialists and social housing residents.

Housing affordability more generally, and not just the looming crisis in social housing, is gaining greater public attention. At State and Federal levels, housing policy could be described, at best, as inconsistent, poorly implemented and short-sighted. Economist Saul Eslake in his recent address to the 122nd Annual Henry George Commemorative Dinner, titled "50 years of Housing Failure", suggested that our current suite of housing-related policies have achieved nothing other than increased market prices and poor housing affordability, with generational and equity impacts that will reverberate for decades.

The recent Grattan Institute report, "Renovating Housing Policy", showed in very real dollar terms the widening disparity in housing subsidisation paid by government to different groups within society. The end game is real social division and ever-growing social service budgets necessary to manage the social fallout of homelessness and the lack of housing. Last week I attended the Grattan Institute "Renovating Housing Policy" Sydney launch. The event was very well attended and sparked some lively discussion about housing policy. I would strongly recommend that all members have a look at the Grattan Institute website and the many reports the institute has done on housing. There are two very important graphs in the "Renovating Housing Policy" report which illustrate a powerful story about changes to home ownership in Australia.

Figures 2.2 and 2.3 on pages 10 and 11 of the report show the changing levels of home ownership across age brackets and income percentile bands over the last 30 or more years. The graphs show a noticeable decline in home ownership in the 25-to-34 age bracket and the 35-to-44 age bracket comparative to the average and older age brackets. While home ownership has always been lower for the younger age brackets, the gap between younger home owners and older home owners is widening. This is a demographic shift that will affect employment, social and family outcomes for future generations; it deserves consideration and review. The graphs also show that Australian home ownership rates are starting to see a greater divergence based on household income. The report states:

In the mid 1970s, rates across income groups were fairly similar. But there are now 25 per cent more home owners in the highest income quintile compared to the lowest income quintile.

At the other end of the spectrum we have those who cannot find a place to put a roof over their head. Approximately 28,191 people in New South Wales are experiencing homelessness, with children under 12 years of age making up 12.9 per cent of the total number. Australia-wide, homelessness rates have risen approximately 17 per cent and in New South Wales they have risen 22 per cent since the 2006 census. We need a housing policy that is visionary in its pursuit of community wellbeing and resilient and cohesive communities.

WOMEN'S RIGHTS

The Hon. CATHERINE CUSACK [11.20 p.m.]: The battle for women's political rights in parliamentary democracies dates back to the 1792 publication of Mary Wollstonecraft's book *A Vindication of the Rights of Woman*. In 1869 John Stuart Mill published his seminal essay, *The Subjection of Women*, arguing for equality. Female political agitation began to grow around that time; for example, in 1881 the Rational Dress Society was formed to openly fight against "any fashion in dress that either deforms the figure, impedes the movement of the body or in any way tends to injure health". Beyond repressive social conventions, English laws concerning inheritance, parenting and wages were sexist.

The courts were no better. The Chief Justice of the Divorce Court was upbraided by the suffragette Emmaline Pankhurst for saying, "The wise wife was the woman who closed her eyes to the moral failings of her husband". Thus, a man could sue for divorce on the grounds of infidelity, but a woman could not. Pankhurst described these laws as an open invitation to male immorality, saying there was a "close relationship between the appalling state of social health and the political degradation of women." By the start of the twentieth century suffragists around the world began marching in ever-increasing numbers demanding women be given the vote. In 1908 an enormous rally of 250,000 gathered in Hyde Park while police repelled attempts by organised suffragettes to enter Parliament.

During the 1910 election campaign Prime Minister Asquith promised that if his Liberal Government were re-elected, women with property would get the vote. But in November 1911 he announced he had changed his mind. The women were furious and retaliated with a massive window-breaking campaign. It escalated from there. Suffragettes targeted communications, shutting off telephonic contact between London and Edinburgh for

a full day, creating stock market chaos. Paraffin-soaked cloths were set alight and dropped in letterboxes, incinerating thousands of letters. Women asked questions and protested outside political meetings, chained themselves to the gates of Parliament, and were arrested in the hundreds. In court they refused to accept the legitimacy of the proceedings—many had to be carried into the court, often barefoot after one woman had thrown a boot at the judge. They refused to enter pleas or seek the mercy of the court, resulting in lengthy jail terms. In prison they refused food and were subjected to force-feeding—a horrific response by the authorities.

Public outrage peaked when one suffragette smuggled herself into a Royal reception and threw herself at the feet of the King shrieking, "Your Majesty, please stop torturing the women!" In June 1913 a suffragette who had been jailed nine times and force-fed 49 times, Emily Davison, rushed into the field of gallopers at the Epsom Derby and was killed by the King's horse. It was captured on newsreel, and those iconic images stunned the world. Against this backdrop, Mrs Emmaline Pankhurst visited the United State of America to fundraise for the suffragettes. Today is the 100-year anniversary of her 13 November 1913 address to the women of Hartford, regarded by many as the finest speech ever delivered by a woman. At 14,600 words it is a very long speech and perhaps that is why it does not receive the attention it deserves.

The old newsreel of Emily Davison's fatal dash at the Epsom Derby dominates our understanding of the suffragettes because in multi-media twenty-first century we expect pictures to tell the whole story, but they do not. Ms Pankhurst's speech explains how suffragettes in England had come to withdraw their "consent" to be governed by the laws of men—the escalation of their tactics from mass protests of up to 250,000 people to a clandestine "civil war" against their government. The icons of oppression were targeted with a massive window-breaking campaign including public buildings, men's clubs, golf courses—which was particularly effective—and even privately owned shops that sold dresses and hats, and whose owners claimed to be "sympathetic" to advancing the rights of their customers but who, in practice, were doing nothing. Significantly, Ms Pankhurst does not refer to Emily Davison. Although she was regarded as a martyr for the cause, it was the action of a lone woman who probably did not intend suicide and, as Pankhurst explained, loss of life is how men pursue war. She said:

...in our civil war people have suffered but you cannot make omelettes without breaking eggs; you cannot have civil war without damage to something. The great thing is to see that no more damage is done than is absolutely necessary, that you do just enough to arouse enough feeling to bring about peace, to bring about an honourable peace for the combatants, and that is what we have been doing.

As Ms Pankhurst put it:

The wrongs and grievances of those people who have no power at all are apt to be absolutely ignored. That is the history of humanity, right from the beginning.

Winning the vote was groundbreaking but it has far from settled the women's issue. We must do more to value the activism and passion of the past and recognise that in so many ways the cause is as meaningful today as it was on 13 November 1913.

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

Motion agreed to.

The House adjourned at 11.25 p.m. until Thursday 14 November 2013 at 9.30 a.m.
