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LEGISLATIVE COUNCIL

Wednesday 14 May 2014

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

The President read the Prayers.

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

DEATH OF REGINALD WILLIAM "REG" GASNIER, AM

Motion by the Hon. JOHN AJAKA agreed to:

- (1) That this House confers condolences to the family of the late Australian rugby league footballer and coach Reginald William "Reg" Gasnier.
- (2) That this House notes that Reg Gasnier:
 - (a) was born in 1939 and died on 11 May 2014;
 - (b) played for the St George Dragons from 1959 to 1967;
 - (c) played for the Dragons team which won six successive grand finals between 1960-1965;
 - (d) represented Australia in a record 36 tests and three World Cup games; and
 - (e) was the captain of the national side on eight occasions between 1962 and 1967.
- (3) That this House further notes that Reg Gasnier was:
 - (a) included on the National Rugby League's list of 100 greatest players and the honorary Team of the Century;
 - (b) a member of the Sport Australia Hall of Fame;
 - (c) a member of the Australian Rugby League Hall of Fame;
 - (d) awarded the Order of Australia Medal; and
 - (e) one of four original "Immortals" selected in a Rugby League Week promotion during the 1980s along with Clive Churchill, John Raper and Robert "Bob" Fulton.
- (4) That this House further notes that Reg Gasnier had a long and distinguished career as a rugby league commentator with the ABC.
- (5) That this House notes Reg Gasnier is survived by his wife, Maureen; son, Peter, and daughter-in-law, Angelique; daughter, Kellie, and son-in-law, Peter; and grandchildren Sheri, Jack, Bryce, Erin and Mitchell.

LITERACY FOR LIFE FOUNDATION

Motion by the Hon. CATHERINE CUSACK agreed to:

- (1) That this House notes that:
 - (a) the Literacy for Life Foundation was formed in 2013 by three prominent Aboriginal leaders, namely Pat Anderson, Donna Ah Chee and Jack Beetson, in partnership with Brookfield Multiplex, to drive the National Aboriginal Adult Literacy Campaign across Australia and conduct the National Aboriginal Adult Literacy Campaign;
 - (b) the Literacy for Life Foundation is a sustainable campaign that helps communities help themselves—the impact will be far-reaching and felt beyond just literacy itself; and
 - (c) on 14 March 2014, in the presence of Rugby League Legend, Phil Gould, the following graduated from the National Aboriginal Adult Literacy Campaign:
 - (i) from Bourke: Denis Edwards, Steven Johnson, Craig McKellar, Grant Monaghan, Hogan Shillingsworth, Keisha Shillingsworth, Andrew Smith, June Smith, Kelvin Smith, Sharnie Thurston, Wade Thurston, Edward Barker, Chelsea Dennis, Dell Edwards, Gail Edwards, Janelle Edwards, Lori-lyn Edwards, Maria Edwards, Patricia Edwards, Victoria Harris, Blaine Knight, Rebecca McKellar, Beryl Powell, Gerald Smith, Mona Smith and Melissa West;

- (ii) from Wilcannia: Ann Currie, Alfred Harris, Steven Harris, Genevieve Johnson, Edna Sloana, Vera Thomas and Johnathon Whyman;
 - (iii) from Enngonia: Raymond Barker, William Cubby, Brooke Edwards, Bettyanne Edwards, Justin Edwards, Stephanie Gillion, Zorica Johnson, Jarrod Kelly, Kara Kelly, Taryn Kelly, Tammy Parka, Samuel Shillingsworth, Garren Smith, Gordon Sullivan and Maxwell Sullivan.
- (2) That this House congratulates and commends all those who graduated from the Literacy for Life Foundation's Nationals Aboriginal Adult Literacy Campaign.
 - (3) That this House acknowledges and commends staff and facilitators in the campaign that have assisted the graduates with their successful learning: Lillian Lucas, Ursulla Carmelia, Fiona Smith, Rick Elwood, Mary Edwards, Judy Shillingsworth, Valda Bates, Owen Whyman and Ronnie Whyman.
 - (4) That this House acknowledges and commends for their outstanding contribution to the Literacy for Life Foundation's Nationals Aboriginal Adult Literacy Campaign and the community: Jack Beetsom—Executive Director Literacy for Life; Donna Ah Chee—Chairperson Literacy for Life; Pat Anderson—Chair of the Lowitja Institute; Ben Bartlett—Planhealth; Bob Boughton—University of New England; Deborah Duman—Campaign Technical Adviser; Dhanyi Carroll—Adviser; Jenelle Whitehead—MPREC; Bourke Community Working party, chaired by Alastair Ferguson; Wilcannia Community Working Party, chaired by William Bates; Bourke Aboriginal Health Service; Murrawari Local Aboriginal Land Council, chaired by Judy Shillingsworth; Wilcannia Local Aboriginal Land Council, chaired by William Murray; Wilcannia Central School; Institute of Pedagogy for Latin America and the Caribbean [IPLAC]; Manuella Taboada—Queensland University of Technology; Joan Richards—Rotary Club of Sydney; and Don Aroney—Brookfield/Multiplex.
 - (5) That this House acknowledges and commends Mr Phil Gould for his continued outstanding service to youth, and welfare and education needs of the Aboriginal community.

AUSTRALIAN MEN'S AND MIXED THIRTIETH NATIONAL NETBALL CHAMPIONSHIPS

Motion by the Hon. CATHERINE CUSACK Agreed to:

- (1) That this House notes that:
 - (a) between 20 April 2014 and 26 April 2014 representative teams from New South Wales, Queensland, Victoria, Malaysia, Australian Defence Netball Association, and Aboriginal and Torres Strait Islander Netball associations competed in the Australian Men's and Mixed Thirtieth National Netball Championships in Queensland;
 - (b) winner Open Men's Championships—Queensland, consisting of coach David Mills, manager Tracey Bloffwich, co-captains Steven Curr and Gary Pashen, and Junior Levi, Simon Lam, Caleb Meredith, Fraser Lowrie, Joshua Lawson, David Kitchin, Michael Schulz and Sean Toovey, and runners-up Victoria, consisting of coach Christina Puopolo, manager Chantelle Longhurst, captain Guy Keane, co-vice-captains Andrew Simons, Daniel Cooke, and Adam Boldiston, Ashley Chapman, Ely Harrison, Mathew Longhurst, Mathew Armstrong, Merrow Clough and Tim Walker;
 - (c) winner Open Mixed Championship—New South Wales, consisting of coach Mark Kerr, manager Lauren Rose, co-captains Nadja Kundrus-Little, Matt Porter, and Lauren Gardiner, and Chris Goris, Joanna Fasbro, Steve Smith, Anthony Tucker, Hayley Codrington, Laura Carter, Eloise Carter, David McKibbins and Dianna Haggerty, and runners-up Victoria, consisting of coach James McCallum, manager Elisa Caldwell, captain Renee Garing, vice-captain Brydon Allan, and Allison Durling, Dave Chealuck, Devon Coe, Elizabeth Nicol, Liz Edwards, Paul Chealuck, Renee Pilkington, Ricky Papara and Rita White-Kay;
 - (d) winner 23 and under Championship—Victoria, consisting of coach Matthew Blomeley, manager Esther Latimour, co-captains James Robertson and Raymond Keighley, vice-captain Riley Richardson, and Allan Bateman, Ben Hudson, Brandon D'Monte, Brodie Roberts, Cameron Allum, Leigh Redding, Mitchell Gray and Tim Malmo, and runners-up Queensland, consisting of coach Mohnte Namock, manager Cherie Neho, captain Matt Atkins, co-vice-captains Josh Gibson and Deepak Patu, and Dean Hurst, Billy Mayer, Chris Newman, Ben Gibbs, Daniel Cohen, Andru Sanele, Patrick Griffin and Tom Dow;
 - (e) winner 19 and under Championship—Victoria, consisting of coach Grant Crocker, manager Tammy Karkanakis, captain Cameron Martin, and Brayden Pastore, David Fromberg, Jake Dambrauskas, Jaden Cowling, Luke Markorawlings, Michael Davis, Nathan Begley, Shane Topping and William Mahoney, and Runners-up Victoria Development, consisting of coach Craig Moore, manager Rhi Lockwood, captain Jackson Mynott, vice-captain Joshua McFarland, and Andrew Dike, Brodie Fitzpatrick, Harry Mynott, Hiki De Freitas, Jake McSwain, Joshua Schultz and Tyrone Fitzpatrick;
 - (f) winner of the 17 and under Championship was Victoria consisting of coach Geoff Taylor, manager Craig Rooney, captain Joshua Burns, vice-captain Alastair Punshon, and Adam Payne, Brad Winder, Cameron Neale, Daniel Evans, Daniel Loats, Daniel Rooney, Nick Jamison, Sean Green and Shaun Pallini, and the runners-up were New South Wales consisting of coach Sue Barnett, manager Gary Toft, co-captains Sam Glazebrook and Josh O'Riordan, and Josh Byron, Thomas Carroll, Jack Edwards, Taylor Fraser, Kade Kelly, Steven Ribaroski, Ty Simpson, Josiah Toft and Thomas Turner;

- (g) winner—Open Reserves Championship—Victoria, consisting of coach Marianne McKay, manager Karen Wild, captain Clint Allwood, co-vice-captains Corey Jackson and John Ioane, and Ben Bruitzman, Brent Pace, Chris Cameron, Jesse Boyd, Josh Clavarino, Rowen May, Stephen Chambers and Trent Morison, and runners-up New South Wales consisting of coach Kelli Douglas, assistant coach Tim Wotherspoon, captain Andrew Rayner, vice-captain Brent Ferguson, and George Hirst, Reg Maynard, Andrew Iezzi, James Morrison, Richard Bracken, Tom Portelli, Isaiah Samau and Hayden Jensen;
- (h) umpires that officiated at the Championships: Clare McCabe, Joel Owen, Chris Hall, Elle Bonasia, Cheryl VanDreumel, Stewart Ting, Andrew Stewart, Rachael Wootton, Amy Winchcombe, Ian Thomas, Kylie Pearce, Sean Steele, Sue Holden, Lisa Harm, Lesley Musch, Natalie Tomkins, Jane Baring, Travis Eccles, Yvette McKay, Peta Ingall, Mark Cockerel, Brian Cooper, Zac Dawes, Tracey Luck, Deborah Tapper, Jessica-Lea Hurley, Cherelle Shirlaw, Jess Robinson, Vicki Hardin, Denise Dawson, Debra Walsh, Josephine Maher, Seryse Lewis, Geoff Taylor, Peter Kenway, Carolyn Sweet and Hayden Lenz;
- (i) those selected to represent Australia at the trans-Tasman against New Zealand in Sydney in October:
 - (i) Australian Sonix Open Team: coach David Mills, manager Tracey Bloffwich, and Junior Levi, Daniel Cooke, Valance Horne, Colin Gray, Caleb Meredith, Merrow Clough, Roger Quayle, Steven Philpott, Aidan Kelly, and Simon Lam;
 - (ii) Australian Open Mixed Team: coach Hilary Collins, manager Margie Nicks, and Nadja Kundrus-Little, Emma Elliott, Renee Pilkington, Shannon Taylor, Ricky Papara, Chris Goris, Laura Carter, Michael Solomon, Lauren Gardiner, David McKibbons and Elizabeth Nicol;
 - (iii) Australian 23 and under Team: coach Heath Brown, manager Tristah Thompson, and Chris Newman, Riley Richardson, Brodie Roberts, Jerome Gillbard, Adam Slattery, Cameron Allum, Mat Atkins, Tim Malmo, Deepak Patu and James Robertson;
 - (iv) Australian 19 and under Team: coach Matthew Blomeley, manager Karen Wild, and Nathan Begley, Cameron Martin, Jayden Cowling, Alastair Punshon, Jake Dambrouskis, Dave Fromberg, Shane Topping, Hiki De Freitas, Jackson Mynott and Billy Mahoney;
 - (v) Australian 17 and under to compete in the New Zealand National Championships: coach Geoff Taylor, manager Sue Barnett, and Manawa-Zane Aranui, Joshua Burns, Danny Loats, Daniel Rooney, Brad Winder, Josiah Toft, Josh Byron, Jack Edwards, Mytchell McIntyre and Daniel Beddison;
 - (vi) Australian Open Reserves (Non-Touring): coach Marianne McKay, manager Karen Wild, and George Hirst, Corey Jackson, Clint Allwood, Trent Morrison, Andrew Iezzi, Ben Bruitzmann, John Ioane, Andrew Rayner, Jesse Boyd and Richard Bracken;
 - (vii) umpires selected to represent Australia: Clare McCabe, Joel Owen, Chris Hall, Elle Bonasia and Amy Winchcombe.
- (2) That this House:
 - (a) congratulates the Australian Men's and Mixed Netball Association Inc. on its Thirtieth National Championship and the work of its committee in ensuring the success of the organisation: President Mr Grant Crocker, Vice-President Ms Tahli Shields, International Director Ms Kelli Douglas, Director of Umpiring Mrs Maureen Stephenson OAM, and Assistant Director of Umpiring Mrs Juleen Maxfield;
 - (b) congratulates the Sunshine State Netball Association Inc. and President Ms Carolyn Sweet, Vice-President Mr Steven Curr, Tournament Director Ms Tammy Holcroft, Hospitality Mrs Alison Atkins, and Karen Newman, Ms Joyce Cosgrove, Mr Caleb Meredith and Mr David Kitchin on their excellent organisation of the Championship; and
 - (c) congratulates and commends the champions, runners up and players and umpires that participated at the Thirtieth National Men's and Mixed Netball Championship.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1818 outside the Order of Precedence objected to as being taken as formal business.

COMMONWEALTH GAMES 2014 AUSTRALIAN NETBALL TEAM

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
 - (a) on 7 May 2014 in the Federal Parliament in the presence of the Prime Minister, the Hon. Tony Abbott, MP, Federal Minister for Sport, Peter Dutton, and Australian Commonwealth Games Association Chief Executive Officer, Perry Crosswhite, New South Wales Swifts captain Kimberlee Green, New South Wales junior Kimberley Ravallion, and fellow Swifts players Sharni Layton and Caitlin Thwaites were named in the 12-player Australian team to compete at the Commonwealth Games;

- (b) this will be Kimberley Ravaillion, Sharni Layton and Caitlin Thwaites' Commonwealth Games debut, with Kimberlee Green having been an integral member of the Australian silver medallist team that dramatically went down to New Zealand in double extra-time in the 2010 Commonwealth Games Grand Final;
- (c) Australia opens its 2014 Glasgow Commonwealth Games campaign against Wales on Thursday 24 July 2014 before the remaining pool matches against England on 26 July, Barbados on 27 July, Trinidad and Tobago on 28 July and South Africa on 30 July; and
- (d) the 2014 Australian Commonwealth Games Netball Team consists of:
 - (i) Lisa Alexander—coach;
 - (ii) Laura Geitz, Queensland—captain;
 - (iii) Bianca Chatfield, Victoria—vice-captain;
 - (iv) Caitlin Bassett, Western Australia;
 - (v) Tegan Caldwell, Victoria;
 - (vi) Julie Corletto, Victoria;
 - (vii) Kimberlee Green, New South Wales;
 - (viii) Renae Hallinan, Victoria;
 - (ix) Sharni Layton, Victoria;
 - (x) Natalie Medhurst, South Australia;
 - (xi) Kimberley Ravaillion, New South Wales;
 - (xii) Madison Robinson, Victoria;
 - (xiii) Caitlin Thwaites, Victoria.
- (2) That this House congratulates and commends those selected into the Australian Netball Team to compete at the 2014 Commonwealth Games and wishes the team great success.

TRIBUTE TO MR TOM HAFEY

Motion by the Hon. JEREMY BUCKINGHAM agreed to:

That this House notes:

- (a) the passing of Thomas Stanley Raymond Hafey on 12 May 2014;
- (b) that as an Australian Rules footballer Tom Hafey was a nifty back pocket who played 67 games with the Richmond Tigers football club between 1953-1958;
- (c) that Mr Hafey was an extraordinary Australian rules football coach and inspirational leader, coaching 522 senior games of Victorian Football League football with Richmond, Collingwood, Geelong and Sydney;
- (d) that Mr Hafey's coaching record of 336 wins and four premierships in 1967, 1969, 1973 and 1974 with the Richmond football club is one of the best in the game's history;
- (e) that Mr Hafey was a pioneer of the professionalism, training and fitness that underpins the modern game of Australian Football League [AFL];
- (f) that Mr Hafey was an inaugural inductee into the Australian Rules Hall of Fame in 1996, the Richmond Hall of Fame in 2002, was conferred the title of Richmond 'Immortal' in 2003, and was an Australian Football League Life Member;
- (g) in 2011 Mr Hafey was awarded the Coaching Legend award by the Australian Football League Coaches Association; and
- (h) that Mr Hafey will be sadly missed and well-remembered by all Australians, but especially so by supporters of Australia's great game, Australian Rules Football.

PETITIONS

Dutton Lane Car Park

Petition requesting an investigation into Fairfield City Council's handling of the reclassification of the Dutton Lane car park in 2003, received from the **Hon. Charlie Lynn**.

Battery Cage Egg Production

Petition requesting the House to support a moratorium on the construction of new battery cages for egg production, phase out battery cages and demand that the Government lobby the national regulator, Food Standards Australia and New Zealand, to ban the sale of battery cage eggs in Australia, received from **Dr Mehreen Faruqi**.

IRREGULAR PETITION

Dr MEHREEN FARUQI: I seek leave for the suspension of standing orders to allow the presentation of an irregular petition from 1,543 citizens of New South Wales concerning sow stalls.

Leave not granted.

BUSINESS OF THE HOUSE**Postponement of Business**

Government Business Orders of the Day Nos 1 to 11 postponed on motion by the Hon. Duncan Gay and set down as orders of the day for a later hour.

PARLIAMENTARY COMMITTEES**Membership**

The PRESIDENT: I inform the House that the Clerk has received from the Leader of the Government the following changes in membership of committees:

Standing Committee on State Development

Mr MacDonald to replace Mr Lynn.

General Purpose Standing Committee No. 1

Mr Pearce to replace Mr Mason-Cox.

General Purpose Standing Committee No. 2

Ms Pavey to replace Ms Ficarra.

Select Committee on Greyhound Racing in New South Wales

Ms Pavey to replace Ms Ficarra.

Select Committee on Social Public and Affordable Housing

Mr Clarke to replace Mr Mason-Cox.

Select Committee on the Impact of Gambling

Mr Pearce to replace Mr Mason-Cox.

PARENTS AND CITIZENS ASSOCIATIONS INCORPORATION AMENDMENT BILL 2014**Second Reading**

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [11.20 a.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

This Government is proud of its commitment to public education, and to the parents and carers and community members who do so much to support our schools. These people play a vital role through their time, their efforts, and their understanding of the needs of their local school.

Nearly a century ago a number of local parents and citizens associations—P&Cs—from across New South Wales came together and formed a federation to provide service and advice to its affiliated members.

The arrangement worked well for a long time. But in recent years the nature of the parents and citizens associations federation, with its unwieldy governance model, has led to a situation where, despite all best intentions, the organisation has become paralysed.

The recent problems with the New South Wales Federation of Parents and Citizens Associations have been widely publicised in the media. The Minister and the Department of Education and Communities have received representations from more than 100 school parents and citizens associations, local members and members of the federation.

Their concerns have been myriad, but the message has been the same.

Namely, that while the people behind the federation may all have the interest of schools, of children, of school communities at heart, the nature of the organisation and its structures needs modernisation to keep up with what is a very complex job.

To put it bluntly, as an organisation, the New South Wales Federation of Parents and Citizens Associations is not working. Something has to be done. And, to their great credit, the federation has over the years made attempts to fix its own problems.

In 2011 the New South Wales Federation of Parents and Citizens Associations commissioned, at its own expense, an audit into its activities and functions and, specifically, ongoing internal tensions.

The federation's executive asked David Roden, a widely recognised expert in public affairs and governance, to examine the way the organisation was functioning, and make recommendations about its activities and functions and how it could improve.

The final report, handed down by Mr Roden in 2012, concluded that internal tensions had reached the point where the federation's structure required radical surgery if it were to remain viable.

The report called for a number of reforms:

- A new organisational structure with clearer, more practical and modern allocation of roles and responsibilities; and,
- A new legal framework to support the structural and organisational changes and to provide the federation and affiliated parents and citizens associations with enhanced accountability and governance and increased flexibility of operations.

This legislation will take these steps.

Over the past several months various groups within the federation have, in an effort to reform the organisation, invested a considerable amount of time and money. But because of the existing constitutional limitations, they have hit a wall, with the Supreme Court being called upon to adjudicate on a very public dispute.

Many hardworking parents are frustrated by an out-of-date structure and constitution not suited to representing their effective school parents and citizens associations.

This legislation will create a new governance structure, where parents and carers are represented by their fellow parents and carers, where all parts of the State have a voice, where politics and personality disputes are left at the door, and where all school communities are supported.

At the moment, of course, this is not happening. The federation has closed its doors while competing claims are heard in the Supreme Court. In the meantime, service delivery to school parents and citizens associations has ceased. This litigation may be a symptom of the federation's issues, but because of the way the organisation is structured, it will not be a cure.

Crucially, with the passage of this legislation, nothing will change about the way individual school parents and citizens associations go about their day-to-day business or manage their affairs. They will continue to do the important work they do on behalf of school communities. Their activities will not change, their insurance coverage will continue, their own individual governance structures will not change. Only the State body is being revitalised—not school parents and citizens associations.

I acknowledge the hardworking parents and citizens associations within my own electorate, who play such a crucial role in their communities; organising, supporting and raising money to enhance their schools.

So what will the new, reconstituted New South Wales Federation of Parents and Citizens Associations look like?

The legislation allows for the division of the State into 16 electoral areas, to ensure that parents in Albury are represented just as parents in Abbotsford are.

In the coming months, each school parents and citizens association will cast a vote for two delegates and one councillor for their electorate. These elections will be conducted by the NSW Electoral Commission, and the successful candidates will attend and vote at the new federation's annual general meeting.

The 16 councillors will also serve as members of the board, and internally they will select seven individuals—all parents or carers of children in New South Wales public schools—to serve as members of the executive committee as president, secretary, or other office holder, with responsibility for the day-to-day running of the federation.

Crucially, only parents and carers with a child currently enrolled in a New South Wales public school will be permitted, under this legislation, to hold office in the reconstituted New South Wales Federation of Parents and Citizens Associations.

There are many prominent community members, including grandparents, local retirees and former teachers, who continue to play an active role in their local parents and citizens association once their children have left school. The participation and goodwill of these citizens at a grassroots level is vital. However, it is also important that those who represent the interests of parents and carers at a higher level are parents and carers themselves.

The Minister anticipates that during term 4 of 2014, the elections will have been completed and the new executive team installed. All of this will take place under the supervision of an administrator, who will have responsibility for the federation, its seal, its assets, and its staff until such time as the new executive is appointed.

The Minister will ask the administrator to consult with the Public Education Alliance—representing principals' groups, the Teachers' Federation and the Aboriginal Education Consultative Group [AECG], to ensure that the proud history and traditions of the New South Wales Federation of Parents and Citizens Associations are not lost in the transition to the new executive.

The legislation has a sunset clause of three years from its commencement. During this time the reformed and reconstituted New South Wales Federation of Parents and Citizens Associations will return to operating as a fully independent, representative, and self-governing body working on behalf of the parents, carers and students of New South Wales public schools.

I commend this bill to the House.

The Hon. PENNY SHARPE [11.21 a.m.]: I lead for the Opposition in debate on the Parents and Citizens Associations Incorporation Amendment Bill 2014. I state at the outset that the Opposition does not oppose the bill. However, I foreshadow that we will be moving an amendment at the Committee stage. I commence by saying that I am sure that anyone who has ever had a child at school appreciates the role that parents and citizens associations play in our schools. Indeed, our schools would not work without the attention to detail and hard work of the parents and citizens associations' volunteers across this State. The Opposition notes that this bill will not have any impact on the operation of parents and citizens associations at local and individual schools.

The main purpose of the bill is to amend the Parents and Citizens Associations Incorporation Act 1976 to continue in existence the Federation of Parents and Citizens Associations of New South Wales; establish new procedures for the board of management and executive committee; establish new procedures for the election of councillors and delegates to the federation; and to provide for the appointment of an administrator of the federation in the lead-up to new elections for the first councillors and delegates of the federation. Few members in this place would be unaware of the long-term internal conflict within the federation between two separate groups. I place on record the Opposition's concern that the House is dealing with this matter today. We are sorry it has come to this. We would have preferred it to be resolved previously, but it obviously has not been.

In 2011 David Roden conducted a review outlining a way forward for the Federation of Parents and Citizens Associations of New South Wales; since then it is clear that the warring factions have been unable to achieve a solution. In late 2013 the Minister withdrew annual funding of \$358,000 as a result of widespread complaints from local parents and citizens associations about issues within the federation. Unfortunately, the federation is still at loggerheads and those significant issues have not been resolved, which is why we are dealing with the matter today. The Opposition hopes that the federation to be set up following the passage of this bill will be the activist advocate for public education that it has been for many years. In fact, the voice of parents has been one of the most important voices we have had in public education in this State.

The bill will encourage all community members to play an active role in local parents and citizens groups, but only parents and guardians of current New South Wales public school students can contest executive positions. It is important to note the role played by many community members in schools, often many years after their children have left school. These days, with so many busy working parents, community members do a lot of the heavy lifting in our schools. The Opposition understands that there is no intention to try to stop that level of involvement. Indeed, we place on record our thanks to those community members and look forward to their continuing involvement in their local parents and citizens organisations—a lot of parents and citizens associations could not do without them.

Under the new constitution the State will be divided into 16 electorates each of which will have elections supervised by the Electoral Commission. They will send one councillor and two delegates to represent their area at the annual general meeting. The 16 councillors will then elect a seven-person executive. A tenfold

increase in public liability will also be available to local parents and citizens associations, up to \$20 million. The Opposition welcomes this. I reiterate that the Opposition does have some concerns about this bill. We do not believe this matter should have been allowed to drag on for this long. My colleague the shadow Minister for Education has said on numerous occasions, both publically and directly to the Minister, that this matter has been allowed to drift for too long and that the Minister should have intervened earlier.

I have foreshadowed that the Opposition will move an amendment in the Committee stage. We will be seeking to get a specific time limit on the contract for the administrator to get the federation up and running as soon as possible. Again, the Opposition believes that the Government has sat on its hands for too long. But the bill has been rushed through in a couple of days and, unfortunately, there has been a significant lack of consultation with parents and citizens associations, and those interested in them, to have their say about it. That being said, the Opposition will support the bill and move an amendment in the Committee stage.

The Hon. PAUL GREEN [11.25 a.m.]: On behalf of the Christian Democratic Party I to speak to the Parents and Citizens Associations Incorporation Amendment Bill 2014. The bill amends the Parents and Citizens Associations Incorporation Act 1976 to reform the governance structure of the Federation of Parents and Citizens Associations of New South Wales and provide for a new constitution. The bill will end the current, public leadership deadlock and allow the federation to become a functioning body with a workable structure that is able to represent the almost 2,000 parents and citizens associations across the State. Long-term internal conflict within the federation has affected its ability to support parents and citizens associations.

In August 2011 the then president and office bearers commissioned David Roden to conduct a review into internal tensions. In January 2012 a report containing recommendations for positive change was presented to the executive of the federation. Updates provided in 2012 and 2013 demonstrated that the organisation did not have the capacity to change itself. As a result, the Minister withdrew annual aid funding of \$358,000 to the federation, citing complaints about poor service and infighting between parents and citizens affiliates. In November 2013 the Minister also referred the Federation of Parents and Citizens Associations of New South Wales to the Independent Commission Against Corruption. The federation has now shut its doors and it has ceased to provide services to affiliates whilst the New South Wales Supreme Court deliberates on contesting claims to its leadership.

The new governance structure will make for a more accountable, functional and representative parents and citizens federation. Under the new constitution the State will be divided into 16 electorates each of which will have elections supervised by the Electoral Commission. They will send one councillor and two delegates to represent their area at the annual general meeting. The 16 councillors will choose from within their number a seven-member executive, from which the president, secretary and other office bearers will be selected. Only parents or carers with a child at a New South Wales public school will be able to serve in the reconstituted federation. An administrator will be appointed upon passage of this legislation to take stewardship of the federation's assets and staff until the elections are finalised. It is anticipated that the administrator will be in place until late 2014.

The bill will also see a tenfold increase in public liability insurance available to local parents and citizens associations, up to \$20 million. The bill includes a sunset clause of three years from the date of commencement. This will allow the Minister to withdraw from ongoing involvement in the operations of the federation once the organisation is self-governing and independent. The reformed federation will return to its position as a credible, efficient and transparent voice that offers advice and support to school communities and represents their interests to the Department of Education and Communities.

I understand that the Minister made the decision to change the Parents and Citizens Associations Incorporation Act as a result of internal tensions, which have been destructive and ongoing, within the Federation of Parents and Citizens Associations of New South Wales. Although the Roden report of 2012 provided the federation with a blueprint for positive change, the organisation has not been able to act on recommended reforms and end its internal dysfunction. As a result, two people now purport to be president and two separate 2014 annual conferences have been planned. The Parents and Citizens Associations Incorporation Act 1976 does not provide the Minister with the power to intervene or change the organisation's unwieldy governance structure. Amendments to the Act will ensure that the organisation returns to being a representative body that delivers on behalf of its members.

The Minister and the Department of Education and Communities have received more than 100 representations from school parents and citizens associations, local members and federation members

since July 2013 asking for a timely intervention to break the current deadlock, which has led to the federation ceasing service delivery to affiliates. The new governance model has the support of primary and secondary school principals groups and the New South Wales Teachers Federation. I note that this bill will not affect the operation of school parents and citizens associations. School parents and citizens associations will continue business as usual—although they will be asked to participate in the election of a new statewide governing body.

If the bill is successful, and I understand it has broad bipartisan support in this House, an administrator, appointed by the Minister, will take charge of the organisation, its staff and its assets and commence the process of electing a new, representative governing body under the supervision of the New South Wales Electoral Commission. It is expected that the board of management will be in place in term four of 2014. An administrator will be appointed by the Minister to oversee all operations of the Federation of Parents and Citizens Associations of New South Wales, including staff, finances and services to school parents and citizens associations. The administrator's role will conclude when the federation has an elected board of management and executive committee in place.

I understand that the Minister withdrew the federation's 2013-14 grant of \$380,000 in aid funding because the organisation did not re-form as asked. The Minister will reinstate the funding when the organisation returns to being a well-functioning, representative body that supports school parents and citizens associations. The changes will not directly affect federation employees. The administrator will play the role of the employer until the new executive is in place. The legislation will allow the Minister to have oversight of the establishment of the new federation and then withdraw involvement after three years, once the federation has returned to being a well-functioning representative body. Once established, the new body will be self-governing and independent.

I note some comments in the media in relation to this bill. Alexandra Smith, in an article on the WAtoday news site on 13 May, stated that the current federation publicity officer Rachel Sowden said it was "disappointing" that the legislation was introduced without any consultation but also said, "We will work with the administrator." In the same news article I note comments by Ms Brownlee, who said that Supreme Court action, initiated by Mr Wilkinson to determine the rightful president, was underway and the matter was due back in court next week. She said, "It is most unfortunate that the Minister interfered in a Supreme Court case." Rachel Sowden also said that Mr Piccoli was asked to meet with the federation 11 months ago but, "He said he was too busy." She said, "We have muddled through but it is disappointing to find out about these changes through the media." Constituents who were concerned about the potential closure of Martins Creek School had a similar experience. The Christian Democratic Party regrets that the organisation was not able to resolve its apparent factional problems, but in the best interests of broader financial responsibility I commend the bill to the House.

The Hon. AMANDA FAZIO [11.34 a.m.]: I support the position outlined by my colleague the Hon. Penny Sharpe, who led for the Opposition on the Parents and Citizens Associations Incorporation Amendment Bill 2014. I will not go over the main purposes and overview of the bill, as they have already been referred to by previous speakers. I express my concern at the delay of the Minister for Education, the Hon. Adrian Piccoli, in taking action to resolve the problem that has caused the stalemate in the Federation of Parents and Citizens Associations of New South Wales. As a parent who sent my children to public schools, and who made a conscious choice to do so, I am very aware of the good work done by parents and citizens associations at the local school level. It is a shame that at the State level this organisation has found itself in its current position.

All members are aware that the organisation has been engaged in long-term internal conflict. Two groups claim to be the legitimate Federation of Parents and Citizens Associations of New South Wales. Since 2011 it has been apparent that the federation has not been able to resolve its internal conflicts and has not been able to unite as a body to represent the interests of parents, students and the school body in New South Wales as a whole. The Minister withdrew funding from the Federation of Parents and Citizens Associations of New South Wales in late 2013 but did not take any action to try to resolve this conflict until May this year.

My major concern about the reform process that the Minister has put in place by way of this bill is its timing. I am very concerned that the Federation of Parents and Citizens Associations of New South Wales, which generally is a very strong advocate for public schools in the run-up to election campaigns, is effectively being nobbled in the latter half of 2014 because the Minister has been slow in bringing these reforms before the House. That is my main concern. The way the bill is structured the new parents and citizens federation will

comprise 48 people and electorates spread on a geographic basis across New South Wales. Hopefully the new body will be in place by the end of the year. That gives the new federation only a couple of months before the next State election in March 2015 to formulate its policies and advocate on behalf of public schools in New South Wales.

Anyone who is involved in politics may be a bit cynical of the timing of the Minister's reforms. That is why it is important that the House supports the amendment foreshadowed by my colleague the Hon. Penny Sharpe, which places a time limit of 90 days on the term of the administrator. If that time limit is not in place, the term of the administrator could roll over until after Christmas and this effective lobbying and advocacy group for public schools in New South Wales will not be established before the March 2015 election.

As I said, I am a very strong supporter of the wonderful work that has been done by the Federation of Parents and Citizens Associations of New South Wales. It is unfortunate that two conflicting organisations now claim to represent the interests of parents of students in public schools in New South Wales. As I said, I wish the Minister had taken action earlier on this matter because the time frame we are now working with makes me very suspicious that this is an attempt to nobble a most effective advocacy group for public schools in New South Wales in the run-up to the next State election.

Dr JOHN KAYE [11.38 a.m.]: On behalf of The Greens, I speak to the Parents and Citizens Associations Incorporation Amendment Bill 2014 and indicate that The Greens will be supporting the legislation. The bill resolves an unfortunate impasse that has developed between two groups within the existing Federation of Parents and Citizens Associations of New South Wales. It does so by removing the existing management of the Federation of Parents and Citizens Associations of New South Wales and creating a new constitutional and electoral structure for the parents and citizens federation which will be less likely to produce outcomes of conflict.

It is a matter of public record that there are two individuals in New South Wales who claim to be the president of the parents and citizens federation, with both at times making statements to the media purporting to be in that role. This situation leaves parents in New South Wales without a single and unified voice in the debate. It also has distracted the organisation from its key functions and left those functions unfulfilled. The Greens see this legislation as a way of cutting through the problems and creating a new structure that is much less likely to reproduce those problems.

Parents play a critical role in public education and are crucial partners in the business of running public schools. The fundraising efforts of Parents and Citizens Associations are very impressive. A number of schools boast air conditioning, heating, computer facilities and covered outdoor learning areas, known as COLAs, which they would not have had if it were not for the funds raised by their associations. More than that, parents and citizens associations provide intellectual and moral services to schools. They support local schools not only in their day-to-day running but also in their longer term strategic decision-making. Schools that have well-organised parents and citizens associations benefit enormously from the voluntary contributions of parents who are generally extremely busy with the complex business of raising children and running their own lives and in many cases also have jobs.

Mr Scot MacDonald: And businesses.

Dr JOHN KAYE: And businesses. The third critical contribution made by parents who work in partnership with public education is their advocacy for public education. In the debate around the future of education the voice of parents has been loud and clear for at least half a century. Certainly for the time that I have been active in the Education portfolio the Federation of Parents and Citizens Associations has been a leading voice that has played a crucial role in shaping the future of public education. Given the three roles I have outlined, now is a critical time to have a functioning federation. The federation supports local associations and provides them with advice on legal obligations and best practices.

The associations are run by volunteers. As volunteers, the associations are not necessarily the major focus in their lives and they require the support of a group of people who provide information about their legal obligations and how they should discharge them, and how they can best serve their communities. The Federation of Parents and Citizens Associations has a long and honourable history of supplying the support members need to comply with their legal requirements, insurances and best practices. However, the distractions of an internal dispute have led to that support not being provided in a way that serves the full needs of public education and public schools.

The second reason why there is an urgent need for a newly established parents and citizens federation goes to the debate we will have at the Committee stage, which is that now more than ever in its history public education needs the voices of parents as part of the debate. Changes are happening in public education, some of which The Greens think are extremely—

The Hon. Steve Whan: Gonski is being killed off.

Dr JOHN KAYE: If the Hon. Steve Whan would wait, I was going to get to that. The Greens think some of the changes that have been made to public education are quite catastrophic. Many other changes that have been mooted have the potential to damage the future of public education. The public education component of the Gonski reforms is likely not to survive beyond the next three years.

Mr Scot MacDonald: Point of order: Although the political discourse is interesting, the bill relates to the Federation of Parents and Citizens Associations, not The Greens public education policy.

The Hon. Penny Sharpe: To the point of order: Wide latitude is always given in second reading debates. Dr John Kaye is wholly in order.

Dr JOHN KAYE: To the point of order: I thought I was right on target. I was motivating members to support the bill. Everybody has said that the bill will give the federation a voice in the debate, one of the critical components of which will be the future of school funding. Mr Scot MacDonald might not be aware of this, but the Federation of Parents and Citizens Associations has played a key role in public debates about public and private education funding for at least 50 years.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! There is no point of order. The member may continue with his speech.

Dr JOHN KAYE: It might surprise members to hear me say that the Federation of Parents and Citizens Associations has played a key role in public and private school funding debates. Indeed, the current focus of the school funding debate is the National Education Reform Agreement, known as the Gonski funding. Unless there is a change of government, that funding almost certainly will come to an end at the end of 2017. That will leave public education without the full amount of funding that it was promised based on the school resource standard. It will leave public education vulnerable to further poaching of students by non-government schools. It also will leave public education struggling to fulfil its mission, which includes some of the heavy lifting in the education sector.

The public education funding debate needs the coherent voice of parents articulating their views as to what funding is necessary in public schools. The Gonski funding not only affects public schools but also affects non-government schools. The Federation of Parents and Citizens Associations has played a key role in that debate. I have spent many hours with previous presidents of the federation debating these issues. I have joined them on forums and platforms to speak about how we should move forward. Parents with children in public education tend to have strong views about public funding of non-government schools and they have a right to articulate them

There is also a raging debate about the organisation and resourcing of education for children with disabilities and other special needs. In the past the federation has played a key role in that debate. There is also the debate about the restructuring of public education and the autonomy debate about Local Schools, Local Decisions. Parents rightfully have a view about Local Schools, Local Decisions and they should have a voice in the statewide debate about how that reform will be implemented. Other matters include issues with school counsellors and school chaplains. I note that school chaplaincy was one of the few programs to have its funding increased in the Federal budget. Parents have views on special religious education, ethics classes and other matters that affect education. It is important that they have a coherent voice through which they can express their views.

Now is a crucial time for a key player in public education to have a voice, but that has not been possible because the Federation of Parents and Citizens Associations has been distracted by its internal problems. On occasions two people have claimed in public that they are the legitimate voice of the organisation. It is urgent that this bill be passed because it will resolve the issues. It will break the impasse by dismissing the existing administration of the Federation of Parents and Citizens Associations and putting in place an administrator who will create a new structure.

The legislation specifies that the State is to be divided into 16 electorates that are more or less equal on population, although there is probably a bit of The Nationals bias towards smaller electorates in rural areas. That is not a criticism. One can understand that because schools in rural areas tend to be smaller than schools in urban areas and there is more active participation per head of population in rural areas than in city areas. Before the Hon. Catherine Cusack winds up to smack me, let me say that I am not critical of the possible bias towards rural areas.

The 16 electorates will each produce one councillor and those councillors will form the board of the federation. They will elect a seven-member executive committee, which will consist of a president and other officers. Each of the electorates will also elect two other members, who will be referred to as councillors. Those 32 delegates combined with the 16 aforementioned councillors will form the annual general meeting, which will be the policy-making body of the federation.

Of critical importance in this bill is that only parents and carers of children currently in a public school will be eligible to be a delegate or a councillor. I do not have any children in school and I am a highly inactive member of my local parents and citizens association: I wish I had more time to be involved. I am the "C" in "P and C", and citizens play an important role. I encourage people who are keen supporters of public education, as I am and my party is, to play a role. There are things at the local grassroots level that people who are not parents can do.

I do not think it is any longer appropriate for people who are not parents or carers of children in public education to occupy the senior roles. I accept the Government's argument that the senior roles should be occupied by a parent or carer who acts from the perspective of having a child in a public school. That creates a focus on the urgency of the issues being addressed. It creates a focus specifically from a parent's perspective on the needs of the school-based parents and citizens associations and on the urgency of what happens in the classroom and the playground. I accept that argument and support it.

To make the transition from where the organisation is now to where the federation will be when this bill is fully implemented, the Government will appoint an administrator for a period of up to 12 months. The administrator's functions will be to reboot the organisation, cause elections to be held for councils and delegates, and call together the board to make it a self-operating organisation by electing its own executive committee. The administrator also will sort out what are alleged to be administrative irregularities within the administration of the Federation of Parents and Citizens Associations.

I make no comment on whether or not irregularities exist. Those of us who have been around will have received a number of allegations of irregularities. I cannot vouch for or dismiss those allegations, nor should I or any other member of Parliament do so. It is appropriate for an administrator to be appointed. One has to take on faith that the Government will appoint somebody with the skills, understanding and sympathy to conduct the exercise in the best interests of parents and associations, to create administrative structures that the board, the executive and the annual general meeting can inherit, and to enable the federation to become a functioning operation.

The Government has created within the legislation a term of 12 months for the administrator to be in place. I personally think that period is very long. I understand the Government's argument and the assurances given by the Minister in his second reading speech—which no doubt will be repeated by the Minister for Ageing in his reply in this House—that it is not the intention of the Government to leave an administrator in place for 12 months. Crucially, a State election will be held within that 12-month period and it is highly desirable for the Federation of Parents and Citizens Associations to be an elected body with an elected president and elected spokespeople throughout the pre-election period.

Education will be an important issue at the next State election, particularly funding and schools organisation. The schools autonomy agenda of Local Schools, Local Decisions will be debated quite intensively, particularly given the current Federal Government's commitment to not implementing the Gonski reform in any meaningful way. As we know, the majority of the funding was applied over the last two years and those two years of Gonski have been abandoned by the Abbott Government. That means that the issue of school funding is a live issue. In the life of the next State Government, Gonski funding for schools will come to an end. In other words, the last two years of funding will not be implemented.

It is fit and proper that during the next State pre-election period the debate on education includes an active voice of parents in relation to the State's response to Federal funding. The Greens have certain views on

that, and I imagine Labor also has views on it. The Minister for Education, given the active role he played in the National Education Reform Agreement and noting that he was the first Minister to sign the agreement, has been an effective advocate for school funding. I do not often agree with the Minister for Education, Mr Piccoli, but on this occasion I do. This issue must be confronted during the next term of government and it makes sense that it is debated during the pre-election period. It is critical that a voice of parents is included in that debate. I accept that the Minister is acting in good faith when he says that it his intention to do so.

There will be a debate during the Committee stage on how to best implement The Greens and Opposition amendments. Regardless of the amendments, The Greens will support the legislation. In the few minutes that remain for my speech, I will address the timing of this legislation. Yesterday afternoon I publicly made the observation that the Minister for Education and the Baird Government were being attacked by one side because they were acting too precipitously and by the other side because they were too tardy or had not acted soon enough. The following statement is not always true, but it is often a guide: If one is being attacked by both sides for opposite reasons, one may well have hit the sweet spot and that is the best one can do. Approximately six months ago I publicly advocated for the Minister to step in. I believed at that time that there would not be a resolution of the issue.

For better or for worse, the Minister made a judgement call that there were opportunities for the organisation to resolve the problems. History suggests that that judgement call was not correct, but that statement is not a criticism of the manner in which the Minister for Education, Mr Piccoli, has handled this portfolio issue. It is a statement about different people making different judgement calls from different perspectives at different times during a debate.

The Hon. Trevor Khan: And with the benefit of hindsight.

Dr JOHN KAYE: Exactly. I acknowledge the interjection. I am making this statement from hindsight. In hindsight, my call was probably right and the Minister's call was probably wrong. But I say again that that is not a criticism of the Minister. It is simply the way these matters played out. It might have been equally possible that my call was wrong and his was right. It is one of those unknowns. I do not think it is correct to now get into a set-to against the Minister. I do not have anything against having a set-to with the Minister; I do it regularly.

The Hon. Trevor Khan: You do.

Dr JOHN KAYE: And with great relish. But I do not think in relation to this particular issue it would be appropriate to have a set-to against the Minister, as a member who preceded me in debate did by saying that the Minister delayed the matter too long.

The Hon. Trevor Khan: It would be just churlish, one might think.

The Hon. Amanda Fazio: Get up and speak instead of interjecting.

Dr JOHN KAYE: I acknowledge both interjections. The Minister's intervention is happening now; it is worthy of support and, I believe, will resolve the issue. The Greens commend the legislation to the House.

The Hon. CATHERINE CUSACK [11.57 a.m.]: I commence my contribution to this debate by congratulating the Minister for Education, Mr Piccoli, on introducing the Parents and Citizens Associations Incorporation Amendment Bill 2014, which is designed to rescue the credibility and effectiveness of the Federation of the Parents and Citizens Associations at a State level and ensure that it is able to properly lead and support the hundreds of wonderful organisations at school level that have persevered and continued to do a great job on behalf of schools and their children. They have done so in spite of the somewhat embarrassing inability of its leadership, from the point of view of the Federation of Parents and Citizens Associations, to internally resolve its issues. I congratulate Minister Piccoli on putting in place the new good governance arrangements that all who support schools as places of learning and participation by families would expect.

It is a shame, as some members who have preceded me in this debate have said, that it ever came to this and that it was necessary to take the step of introducing legislation. However, I applaud the Minister for being proactive and fair and ensuring transparency in his approach to this difficult issue. I thank Dr John Kaye for his fairness in pointing out the timing of issues in the context of the Minister's role. Some are now saying that the Minister acted too slowly and others are saying that he acted too quickly, and they are not just the warring parties within the parents and citizens association; rather, it is two different views of the Minister that

have been presented to us by the Labor Party in the context of this debate. I will deal with that in more detail at a later stage. I think, however, the important point to make is that the Minister has always said, "I intervene in the affairs of this organisation very reluctantly and very cautiously. I want to make it abundantly clear that, every step of the way, the ideal solution is for you to resolve the matter internally." That is why time has been allowed.

Dr John Kaye may be right when he says that intervention was required, and could have been made, six months ago. However, one must consider the political implications of a State Government reaching in, ripping up and redrawing the governance arrangements of an organisation such as the Federation of Parents and Citizens Associations of New South Wales, whose independence and credibility is so important. I heartily support the Minister in his decision to allow that extra time. It is not just about reaching the point where one must intervene, one needs to also have the support of a community that has obtained and absorbed a good understanding of what has gone on, and time for the community to consider whether such a major intervention should be triggered. The Government must ensure that the people whose interests it is trying to champion are completely on board before such a step is taken.

This legislation is an extraordinarily big step. If the Government had intervened a year ago, there would have been uproar across New South Wales. I think the consensus that we have achieved across the House vindicates the approach that the Minister has taken. It is important to note that the amendments in the legislation put in place recommendations that were made to the federation in a report it commissioned in 2011. As part of the new structure, schools from across the State will vote to send delegates to the federation's annual meeting and under a constitution that ensures that every electorate is represented. The new governance model will discourage factions and encourage cooperation.

Dr John Kaye: Just like the Legislative Council.

The Hon. CATHERINE CUSACK: Yes, just like the upper House. The Government not only has taken steps to correct the problem, but also has put in place safeguards that will prevent a recurrence of the situation when one has two warring factions reaching such a level of bitterness that it becomes possible to bring the entire organisation to a state of paralysis. Having 16 electorates will create the safeguards and diversity necessary to protect against a recurrence. The Government's approach is wise.

The new structure put into place by these amendments ensures that only parents or carers with children attending a New South Wales public school are eligible to vote at the federation's annual general meeting or to serve on its executive. I have served on a school parents and citizens committee. I always marvelled at why the idea was controversial that an organisation that represents parents with children at school should be led by people who are parents with children at school. I applaud the introduction of that form of representation that does not, in any way, intrude on the wonderful volunteer work we have from others in the community. That volunteer support is essential. However, at the senior leadership level, it is only fair to the parents of children at school to have the assurance that other parents are leading the organisation. I think it enhances the credibility of its spokespeople. I am sure all members applaud the work of the citizen members of the organisation and thank them for their contributions to the community.

It has been flagged by the Hon. Penny Sharpe that Labor will move an amendment to deal with the timing of the appointment of the administrator. Returning to the issue of timing, the Hon. Penny Sharpe echoed the views of the Government when she said that the Labor Party wishes it had not come to this. It was necessary for the Government to allow the parties an opportunity to resolve the matter and that is why it has taken so long. The Hon. Amanda Fazio—who is diligent in holding the Government to account—spotted what she believes to be a conspiracy theory in the bill, perhaps supported by The Greens. So The Greens spotted the conspiracy theory as well.

Dr John Kaye: But I didn't.

The Hon. CATHERINE CUSACK: I accept that Dr John Kaye stepped back from it. But when he indicated that he feared that I was going to stand up and have a slap at him, I felt that the anticipation was unfair and I wondered whether there was a guilty conscience on his part. There should not have been a guilty conscience because he made a fair fist of those points in my view, so no slap for Dr John Kaye today. The Hon. Amanda Fazio has linked the timing of this legislation and the careful steps the Government has put in place to transition to a new arrangement as a conspiracy by the Government to rob the people of New South Wales of spokespeople who could participate during the State election campaign. I thank the Labor Party for

supporting the legislation. However, when faced with meritorious Government legislation that Labor members must support, it seems to be a heroic struggle for them to get across the line. The conspiracy theory that they have inserted into the debate is a demonstration of that.

The Hon. Steve Whan: Well, support our amendment and you won't need to worry about that.

The Hon. CATHERINE CUSACK: The amendment does not deal with the conspiracy; it seeks to truncate the time that the administrator will have available to put in legislation—a deadline—regardless of whether the administrator can accomplish that deadline, given the work that clearly needs to be done to generate a transparent report. If we were to appoint an administrator and then to drop the axe on him after 90 days, irrespective of where his work was up to and whether the organisation has had time to elect a new governing council, or if we were to propel the Federation of Parents and Citizens Associations of New South Wales potentially into another abyss then, of course, that would be the Government's fault as well. It is one of those debates one cannot win.

The Government is trying to put in place timely arrangements and the Minister has got this right. I do not know who the Minister is going to appoint as administrator but, given the manner in which he has handled this—in a considered and measured way, with the heart of the organisation being placed first—I assure the House that an eminent and fair person will be put in place as administrator. This is another step along the path of restoring the credibility and best interests of this organisation. I do not believe in putting the administrator in handcuffs and trussing him up. With the right person at the wheel—and it will be—I know that he will be able to do his job in the best interests of the organisation. Obviously, everybody wants to see this matter resolved as quickly as possible but imposing deadlines is not the solution.

The Parents and Citizens Associations Incorporation Amendment Bill 2014 is about children learning and effective advocacy. It is not designed by the Government, nor do I believe it is the primary role of the Parents and Citizens associations, to be a major player in a State election campaign. The timetable we are looking at relates to what is in the best interests of the schools. It is not a political timetable; it is one that will be achieved by the Minister, and I applaud him for it.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [12.08 p.m.]: I commence by making a disclosure. In the past I was asked to provide pro bono legal advice to the organisation that is the subject of the Parents and Citizens Associations Incorporation Amendment Bill 2014.

The Hon. Trevor Khan: So it is your fault.

The Hon. ADAM SEARLE: It is not my fault, but this is a matter well known to the Minister and my other parliamentary colleagues. I wish to place that on the record. It is unfortunate that the organisation was not able to bring about its own reform and that we are where we are with this bill now before the House. It is important to place a few things on the record in order to have everything in its proper perspective. I note, for example, that the Minister in his speech in reply in the other place referred to the Roden report and the inability of the organisation to effect the changes that had been recommended in that report, notwithstanding the withholding of the grant in aid traditionally granted by the State Government to facilitate the operation of the Federation. That, of course, is part but not the entirety of the story.

Clearly, the organisation has competing groups and presently is dysfunctional. Taking up the point raised by Dr John Kaye, I understand that in the light of that situation, Mr Lyall Wilkinson, who is one of those claiming to be the president of the Federation of Parents and Citizens Associations of New South Wales, wrote to the Minister on or about the end of last August not only pointing out the state of the organisation and its dysfunctionality, but inviting the Minister to take action through Parliament to remedy the situation and foreshadowed the action now being debated. Part of the rationale, as I understand, was that under the unsatisfactory present constitution of the parents and citizens federation, constitutional change could be effected only through its internal processes every few years. At least at that point, the next available opportunity would have been its annual conference scheduled for the end of July this year. The Minister did not act at that time, but I understand, as the Government has flagged, that not one but two purported annual conferences are scheduled for July.

The Hon. John Ajaka: One for each president.

The Hon. ADAM SEARLE: I acknowledge that interjection. Whether that is factual, I understand that is the Government's information. Obviously, in that circumstance further disputation would not be in the

interests of the children of this State or the education system. As other speakers have noted, the dysfunctionality and disputation has resulted in Supreme Court action. The Minister in his reply speech in the other place said that this legislation will not affect that court action. I cannot dispute that, but I ask the Government to consider in that matter, at least in part, the issue of who are the correct office bearers. I believe this legislation puts beyond doubt that neither competing group will be office bearers.

The Hon. Dr Peter Phelps: Very Solomonian, you could say.

The Hon. ADAM SEARLE: I acknowledge that interjection. I do not know what can be done about that issue or how that affects the competing rights and liabilities in the case, but it may be messy. I will not delve in detail the provisions of the bill, as previous speakers have done so. However, I draw attention to a few points. On page 16 of the bill the administrator will be able to be appointed for a period of not more than 12 months. Intriguingly, at the bottom of the same page is the provision entitled "Directions of Minister". Under this legislation the Minister will be given the power to direct the administrator. I do not subscribe to any conspiracy theory, but that is a very unusual and strong provision. It states:

- (1) The Minister may give the administrator a written direction about the exercise of the administrator's functions or the carrying out of the administrator's responsibilities.
- (2) The administrator must comply with a direction given under subclause (1).

While I do not suggest the Minister would wish to micromanage the organisation's administration, certainly that facility is available. For that reason, it is more important that the timing of any administration be circumscribed. I understand the Government's position and I have read the Minister's reply speech in the other place in which he set out the various logistical issues that caused the Government to form the view that the legislation should not set a time limitation because things may slip. I note and thank the agencies supporting the Minister for the advice provided. The Minister received advice from the Department of Education and Communities and indirectly from the electoral authorities about those logistics. This morning I received an email from NSW Elections indicating that while the Electoral Commission would make every effort to ensure the election for the new Federation of Parents and Citizens Associations of New South Wales is conducted within the suggested time frame, that organisation's view is that it would be unwise to lock the date in legislation. Obviously, that is the usual and cautious advice of any agency given the responsibility of delivering services, and we understand that.

The shadow Minister indicated that notwithstanding the Opposition's intention to move for a circumscribed time limit, the rationale is to instil a sense of discipline in the process to ensure no unintended slippages. However, I understand that the shadow Minister indicated the Opposition's continued willingness to extending the period of time if there were unintended slippages. Of course, it would have to come back to Parliament, especially given the public interest issues arising from this matter. We think that is the appropriate course, particularly in light of last night's Federal budget where, among other areas, public education funding has been substantially attacked by the Commonwealth Government. That must have an effect on the upcoming State budget and the capacity of New South Wales to deliver education services through the school system. In that context, it is vitally important that a proper functioning Federation of Parents and Citizens Associations of New South Wales as the voice of the parents of students in the State school system be as functional as quickly as possible to participate in our robust democracy and in the exchange of thoughts and ideas around such an important issue as the public policy of public education.

While the Opposition does not subscribe to a conspiracy theory and is not trying to be difficult, it is important to circumscribe the time period of the administration. However, in conclusion I note that this is not an easy issue and has had some longevity. I acknowledge also the regular interactions between the Minister and his office and the Opposition both with the former education shadow Minister, Carmel Tebbutt, and me, and now the current shadow Minister for Education, Mr Ryan Park, and me. There has been continued engagement around issues involving this difficult situation with the Federation of Parents and Citizens Associations of New South Wales. I acknowledge the efforts of the Minister, his staff and the agency for that willingness to engage in this difficult and important issue. The mere fact that we do not agree on every single detail should not give rise to name calling and things of that nature. These are inherently difficult issues and we all are attempting in good faith to resolve them as best we can in the circumstances for the benefit of the school system and the students, who, of course, must and can be our first and only priority in this situation.

The Hon. STEVE WHAN [12.18 p.m.]: I support the position outlined by my colleagues to move an amendment to the Parents and Citizens Association Incorporation Amendment Bill 2014 but support it overall

on the final vote. I shall briefly add a couple of matters to the debate. I shall not recount all the territory covered previously, but it is critical to note the timing of this matter to try to fix the problems of the Federation of Parents and Citizens Associations of New South Wales in association with the upcoming State election.

The Federal budget raises huge challenges for public education funding in New South Wales. The Gonski funding, which Labor committed to and which the Federal Government promised would be exactly the same under the Abbott Government, will fall back to previous levels after a few years. That will raise serious questions from people who support public education and who recognise its vital importance. They will want to ensure our State has the capacity to achieve the targets outlined in Gonski such as being one of the top five education systems in the world. We do not want to experience lower standards of living in the future because of a poorly educated population. This critical issue will need to be dealt with in the coming election. A strong and effective parents and citizens federation will be the voice addressing those issues on public education.

It is distressing to see the battle that is taking place within the Federation of Parents and Citizens Associations, which has stripped it of its reputation and its validity to be the voice in debates on public education. I have received information from Dave Lavers, the President of the Karabar High School Parents and Citizens Association, who took over from my wife. He attended a conference in Sydney and found himself immediately on the State body, which he might be regretting. I admire his enthusiasm for taking on that role so quickly after being on the Karabar High School Parents and Citizens Association. He runs a consultancy business and was asked to write a report on the operation of the parents and citizens association. I have not seen that report because it has not been made public. As a reward, he was threatened with a defamation action by another person who was involved. Unfortunately, that shows the level of—

The Hon. John Ajaka: Dysfunction.

The Hon. STEVE WHAN: —dysfunctionality that exists in this organisation—I appreciate the Minister's assistance. To threaten someone—who offered in good faith to help—with legal action is not a healthy way to run an organisation. It highlights the need for the situation to be resolved quickly. The information I have received is from one side of the debate but through that information I was informed about lock-outs, break-ins to premises, attempts to change locks and involvement by police, who would have been taken away from their business of protecting our community. It is a disgraceful situation and needs to be addressed. I share concerns that this issue should have been addressed earlier, but we cannot change the situation. It is critical, however, that it be resolved quickly so that the Federation of Parents and Citizens Associations continues to speak on behalf of parents of New South Wales on issues relating to public education at the election debates. Labor is putting forward this well-considered amendment to ensure that happens.

Parents and citizens associations do a fabulous job at a local level and are important in all local communities. It is important to emphasise that the Government is not proposing to take away the citizens' voice. A number of people continue as citizens' representatives on parents and citizens associations well after their children leave school and continue to do voluntary work to support their schools. My wife is still a member of the parents and citizens' association and continued as president and vice-president for some time after our children left school. It is a desirable situation that is replicated all over the State. It is reasonable to change the State body so that only people who are carers or parents of children who are currently at school are involved. As previous speakers have said, it gives them day-to-day involvement and also ensures that there is, over a period of time, a turnover of members on the executive, which I suspect might be healthy as we go through this process. I welcome that change. A reasonable structure is being proposed by the Government, which will enable equal representation from around the State. I am from Queanbeyan and represent country Labor in this place, so I welcome the fact that there will be strong representation from country New South Wales. The voice of country New South Wales will not be overwhelmed by the vast majority of schools, which are in Sydney.

I welcome the fact that it will be at a small conference that decisions for the election of office bearers will be made. There is a need for a larger conference to be held every couple of years so that representatives of parents and citizens associations from every school in the State can attend to discuss public education policy for the longer term. It might not be the body that elects the office bearers, but I suggest that the Government consider the concept of larger conferences that enables representatives from every public school to participate. The Minister made negative comments about the big conference that has existed previously. I heard him say in one interview that it was an excuse for people to come to Sydney. People do not need an excuse to come to Sydney. It is a beautiful city, despite the negative comments I sometimes make about having to leave my home. It would be useful for there to be a big conference for future parents and citizens associations. The role of electing office bearers at those conferences is different to the opportunity for people to discuss public education policy on a broader scale. I support the position put forward by my colleagues.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.26 p.m.], in reply: The fundamental point is that the Parents and Citizens Association Incorporation Amendment Bill 2014 will end the current public leadership deadlock and will allow the Federation of Parents and Citizens Associations to become a functioning body with a workable structure that is able to represent the almost 2,000 school parents and citizens associations across the State. I thank all honourable members for their contribution to this debate. It has been a worthwhile debate in which important matters have been raised. I note the Hon. Penny Sharpe's comment that she wished it did not come to this. The Government agrees with her. Sadly, the Minister and the Government had no other choice, and I will come to that later.

Internal tensions within the Federation of Parents and Citizens Associations have been ongoing and destructive. In 2011 the then Federation of Parents and Citizens Associations president and office bearers commissioned Mr David Roden to conduct an independent review into the organisation's internal conflict. In January 2012 his report and recommendations for positive change were made available to the federation's executive. Since that time the Minister has asked the federation president to provide him with regular updates to show the progress towards the implementation of Mr Roden's blueprint for positive change. The president's progress reports demonstrated to the Minister that the Federation of Parents and Citizens Associations did not have the capacity to change itself and end the internal tensions. A number of members have indicated that the Minister should have acted quicker, while other members have said that the Minister acted too quickly and should have allowed more time for the parties to resolve their own issues. I believe Dr John Kaye said it best when he stated, "It is urgent that this bill goes through."

The issue of timing has been raised in relation to the argument of the matters to be dealt with. I refer to the comments made by the Hon. Adam Searle. I am informed that Mr Wilkinson did not invite the Minister to take action through Parliament but purportedly asked the Minister to take action under its existing Act. As all members would know, there was no entitlement or jurisdiction for the Minister to take action under the Act and that is why we are debating this bill today.

The Hon. Adam Searle: As opposed to last August.

The Hon. JOHN AJAKA: I note the interjection of the Hon. Adam Searle: "As opposed to last August". The Hon. Amanda Fazio mentioned that the Minister should have acted earlier. I am saddened and surprised that the Hon. Amanda Fazio would suggest a possible conspiracy on the part of the Minister. Perhaps the Hon. Amanda Fazio sees conspiracy in everything the Government does. Clearly that is not the case. We all acknowledge the wonderful work of local parents and citizens associations. The volunteers invest invaluable time and energy in the best interests of schoolchildren. But the Minister was placed in a situation where he had to act because the best interests of schoolchildren are paramount.

The question was asked: Why did the Minister act now? It is important to remember—and different speakers have raised this—that we had two warring parties and two people claiming to be president. One of those parties alleged that the other had broken into the federation's headquarters without authority and had committed a criminal act. The police were called to remove that party from the office and the locks were changed. Finally, we now have the proceedings being heard in the Supreme Court. The Minister was right in allowing them time to resolve their issues and for the federation to continue its work, but clearly the Minister saw that they were not going to be resolved and that they were in fact getting worse. The ultimate, as the Hon. Adam Searle commented, was when two presidents called two completely separate conferences in July. Nothing could have been more ludicrous. Mr Wilkinson's group called for a conference to be held online and Ms Brownlee's group wanted a face-to-face conference. This could not be allowed to continue. The Minister for Education decided it was time to act.

I turn to Mr Roden's report, which indicated that the president had failed to demonstrate that appropriate action was being taken to report back. The issue became which president. The Minister then decided to withhold the federation's 2013-14 grant-in-aid funding of \$358,000. He had reached the view that the organisation was not providing quality service to the 2,000 parents and citizens associations across the State. The situation further deteriorated in November 2013, when a meeting of some of the members of the federation was held. At that meeting the existing president and office bearers were purportedly displaced and a new president and office bearers were elected. The person who was president until at least that meeting is contesting the validity of that meeting.

That matter is now before the Supreme Court and has led to a situation where the office of the Federation of Parents and Citizens Associations of New South Wales has been ordered to cease business

pending the outcome of the Supreme Court action. The Department of Education and Communities and the Minister for Education have now received more than 100 requests from school parents and citizens associations, local members and federation members asking for an intervention to stop this public, ongoing dispute. It is also evident that school parents and citizens associations are increasingly and inadvertently being drawn into this dispute and are being impacted by it. That is clearly not acceptable.

Unfortunately, the existing Parents and Citizens Incorporation Act 1976 does not give the Minister the power to intervene in this dispute or to change the unwieldy and outdated governance structure of the Federation of Parents and Citizens Associations of New South Wales. Parents deserve better representation than they are currently experiencing. They need a modern organisation with streamlined leadership that is focused on delivering what parents and citizens associations want—knowledgeable advice and support with insurance, regulations and reporting requirements. Once the legislation is proclaimed, the Minister for Education will appoint an administrator who will temporarily take charge of the organisation and its staff and assets, and arrange for the election of a new representative governing body.

Elections for the new federation, which will be supervised by the New South Wales Electoral Commission, will be held in the coming months. It is expected that a new federation governing body will be in place in term four of 2014. Importantly, school parents and citizens associations will continue with business as usual. They will be asked to participate in the election of a new statewide governing body. The Minister, the Government and all members of this House acknowledge the valuable role that parents and citizens associations fulfil in schools across this State. I look forward to a revitalised federation with a restored reputation for providing a positive representative voice for parents. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [12.37 p.m.]: I seek leave to move The Greens amendments Nos 1 to 3 on sheet C2014-040A in globo.

Leave not granted.

I move The Greens amendment No. 1 on sheet C2014-040A:

No. 1 Page 10, schedule 1 [7], proposed section 23F, lines 14–17. Omit all words on those lines. Insert instead:

23F When elections to be held

- (1) The first election is to be held before 20 November 2014.
- (2) Subsequent elections are to be held:
 - (a) within the period prescribed by the regulations, or
 - (b) if a period is not prescribed under paragraph (a)—at least every 2 years.

My original intent was to move The Greens amendments Nos 1 to 3 in globo because they set up specific constraints on the administrator, with the end objective of having a parents and citizens associations executive in place by 19 December 2014. I appreciate that Labor also has amendments, which I had hoped would be moved before The Greens amendments. Those amendments have a much tighter time scale—namely, to have an executive in place by 15 September 2014. I also appreciate that it is the Government's intent to probably meet Labor's timetable, but definitely that of The Greens, and a best-efforts approach will be taken to doing that.

I do not subscribe at any stage to any conspiracy theory here. I have made that clear and put it on the parliamentary record. However, I do think it is really important that we have a timetable in place that locks in a unified public voice for parents. With the permission of the Chair, I will address this amendment in the context

of how it would work with the subsequent two amendments from The Greens which are yet to be moved. I will prevail upon the indulgence of the House to do that, because the amendments work together. The intent of the first amendment is to cause elections to be held before 30 November 2014. That is the first election and then other elections would be held as ought to be held.

This amendment says that the first election has to be held by 20 November 2014. That is within what we understand the advice given by the department suggests—that is, it is very likely that that event will occur. Of course if it does not occur then there is still another week of sitting of the Parliament to change that. So if it turns out on 19 November that it just has not been possible to hold those elections then we can come back to Parliament to amend our proposed section 23F. The way it would work from there is that the administrator would call a meeting of the board as soon as practicable after those elections had been held, but not less than a month later. The board would then be able to hold elections for the executive committee.

Amendment No. 3 says that, if all three amendments go through, the executive committee would be up and running at that stage. It would act as a voice for the organisation, but the administrator could continue to operate. The amendment makes it clear that the executive committee and the administrator can operate at the same time. The executive committee may give advice to the administrator. It can also, crucially, make public statements about matters that are relevant to the operation of the Federation of Parents and Citizens Associations of New South Wales. So it is in a position where it can talk about issues to do with the election.

Our proposed section 20 would give the Federation of Parents and Citizens Associations of New South Wales a voice. Even if it is not actually running its own internal affairs, it could have an outward-focusing voice. The point of this particular structure is that, broadly speaking, there are two functions that the administrator will undertake. The first is to cause elections to occur and the second is to sort out the administrative functions of the Federation of Parents and Citizens Associations of New South Wales. In these amendments we are trying to decouple the time lines for those two functions. So the amendments will create a time line for the creation of a voice for the Federation of Parents and Citizens Associations of New South Wales and a timetable, which may be slower, for resolving the issues around the administration.

The three amendments together would create a pattern in which the elections were held before 20 November; and a meeting of the board—and the board is made up of 16 councillors—would occur before 19 December at which they could elect the executive committee. The executive committee, via changes in amendment No. 3, would have the capacity to make public comment. So the idea was to create a pattern in which there was security around there being a voice for the Federation of Parents and Citizens Associations of New South Wales at the time of the election. I commend The Greens amendment No. 1 to the House.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.43 p.m.]: The Government opposes The Greens amendment No. 1 to the Parents and Citizens Association Incorporation Amendment Bill 2014. I will discuss a number of matters, which I will then refer to later in regard to the other amendments. We have received the following advice from the Department of Education and Communities following its consultations with the New South Wales Electoral Commission. It would be impossible to hold an election within 90 calendar days without disenfranchising many local parents and citizens associations. Just holding the election once nominations are known will require 75 calendar days—that is, two calendar months and school holidays—to ensure every parents and citizens association has a normal meeting in which to conduct its vote after nominations are known.

The tasks of the administrator will include the following: Firstly, agreeing with the Electoral Commission on the conduct of the election, which will take 15 calendar days. Secondly, establishing an electoral roll of member parents and citizens associations and their presidents, which will start concurrently but take a further 10 calendar days. Thirdly, calling for nominees for the positions of councillor and delegate in each federation electoral area. This requires at least one month during the school term and will take up to 45 calendar days. Fourthly, the closure of nominations and checking that nominees meet eligibility requirements, which will take seven calendar days. Fifthly, sending out ballot papers to parents and citizens associations in each electorate, which will require at least two months during the school term to ensure that every parents and citizens association is able to hold a normal meeting in which they can conduct an election. This will take up to 75 calendar days, including school holidays. Sixthly, counting and declaring the election, which will take five calendar days. In total it will require 157 calendar days, on optimistic assumptions, to conduct the elections.

If cost is a concern, and I note that it was not raised, the agreement with the administrator will be that he will be paid for only 60 calendar days work—with a possible extension if an unforeseen event occurs, such as

illness, but not beyond a 12-month period. The administrator also has the tasks of reopening the closed federation, regularising the employment of its staff, ensuring its accounts are in good order, advising on the new constitution and, in general, to ensure it is an effective organisation ready to hand over when the election is declared. We want to avoid the problems that have plagued the federation in the past. That will not be achieved by holding the first election in a way that some would consider half-baked or rushed or that, more importantly, disenfranchises some local parents and citizens associations if they do not have a meeting scheduled during the period of the election. The Government has received advice from the New South Wales Electoral Commission. That advice states:

I have consulted with the Electoral Commissioner on this amendment, and the New South Wales Electoral Commission is of the view that it would be preferable not to put an election date into the legislation. This view is driven by the fact that there are still a number of unresolved issues to work through in terms of how the election will be conducted. Whilst the NSWEC will make every effort to ensure that the first election is conducted within the suggested timeframe, we consider it would be unwise to lock this date into the legislation.

That quote comes from Ms Linda Franklin, Director Elections, New South Wales Electoral Commission. It is clearly the intention of the Government to do everything that is reasonably and appropriately possible to ensure that these elections are conducted before the end of 2014. As has been mentioned earlier and acknowledged by the Hon. Adam Searle, if a specific date were to be put in—notwithstanding that all parties would be happy to revisit the date and possibly amend the date—that would require legislation to be brought back before this Parliament and passed. We are talking about November or December 2014. It is impractical and, with all due respect, unnecessary.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [12.48 p.m.]: As Dr John Kaye foreshadowed, we had expected that our amendments would be dealt with first. Notwithstanding that, we will support The Greens amendment No. 1 on the basis that it certainly improves the legislation—although we think that a tighter time frame, as proposed in our amendments, is preferable. The Minister read from an email from Ms Linda Franklin from the New South Wales Electoral Commission. I note that it would be preferable if dates were not locked into the legislation. I acknowledged that in my contribution to the second reading debate.

What is very interesting is that the Minister also read verbatim from the in-reply speech of the Minister for Education and Communities in the other place. He gave chapter and verse about all the logistical challenges that might be involved in the election. Interestingly, none of that material is replicated in Ms Franklin's email nor in any material provided to the Opposition from the New South Wales Electoral Commission. So we understand that the election authority itself would prefer to have the flexibility of not having dates locked into the legislation. We do not understand the necessity of the chapter and verse given by the Minister. We understand that is the view of the Department of Education and Communities, and we understand that is certainly the advice the department has given the Minister. It may well have arisen from conversations with the Electoral Commission, but it certainly sets a higher bar than the information provided to us from the commission. While we understand the Government is being cautious about this, we believe that more discipline should be installed in the process by setting time frames in the legislation.

This is extraordinary legislation. As the Minister had to acknowledge, it is a highly unusual and potentially controversial step to legislate to intervene in the internal workings of this stakeholder body. None of the parties in this Chamber embarked upon this lightly. By their nature these things have the potential for slippage, and we do not blame anyone for that. The Opposition thinks that building time frames into the legislation will increase the pressure and the discipline needed to see the process through in a timely fashion. If there were to be slippages the Parliament would have to legislate again. That is not necessarily a bad thing. It is not always wise to give governments of any persuasion a blank cheque. The Opposition will support The Greens amendment and put forward Opposition amendments to install discipline in the process.

Dr JOHN KAYE [12.50 p.m.]: I thank Opposition and Government members for their responses. I am not sure whether the Minister was speaking to The Greens amendment. I suspect he was speaking to the Opposition amendment.

The Hon. John Ajaka: I indicated that I was addressing yours and making points in relation to other amendments. I was doing it all in one.

Dr JOHN KAYE: I guess that is part of the efficiency measures the Baird Government is implementing. However, the Minister did not really address my amendments. The Minister said it would take 157 days, which is more than 90 days. His arithmetic is right, but the amendment schedule laid out in The

Greens amendment No. 1 is 180 days, which is substantially greater than 157 days. In fact, it leaves leeway of 23 days. If the legislation is passed and in operation next week there will be just more than 180 days between then and when the election is to be held on 20 November 2014.

We drafted the amendments in this way specifically because we were aware of the constraints that the 90 days might create and there was a risk that the 90 days might bring us back into Parliament if the 157 day prediction comes true. The 157 days contains a fair amount of slippage. There are periods of two months that blow out to 75 days, which is 15 days extra. I have no difficulty leaving a reasonable amount of slippage in place. In fact, we have added an additional 23 days slippage. The reason for choosing 20 November is that if all of the slippage in the 157 days and the additional 23 days that we have built into the system is used up there will be an opportunity for the Government to come back and change the 23 November date to a date in 2015. That is the lowest probability scenario. It is very unlikely because there are more than 180 days between now and 20 November. There is definitely space in there for that date to go ahead.

I have some sympathy with the concerns of the Minister and the department about installing dates in legislation. It sets a fairly hard deadline, but it is not as if the Electoral Commission has never run an organisational election of this nature before. It is not beyond the wit of the Department of Education and Communities and the State electoral office to ensure that they work towards the deadline of 20 November 2014. The State electoral office is expert at running fixed-date elections. After all, it runs a fixed-date State election every four years. It has never to my knowledge said it cannot meet the March deadline. The office runs to tight deadlines; it knows how to do that.

Reverend the Hon. Fred Nile: They have four years to get ready for it.

Dr JOHN KAYE: The State electoral office runs elections for unions, industrial organisations and other organisations on tight deadlines. It is very good at planning ahead to do that. Reverend the Hon. Fred Nile makes the observation that the office has a four-year warning of a State election. He is correct. In this situation it was asked how much time it would take and it came back with 157 days. We will push it out to 180 days, so we are giving the Electoral Commission more time than it requested.

My amendment does not seek to extend the deadline in order to insult the Electoral Commission. I understand its position and its concerns but, given the countervailing concerns that relate to the parents and citizens associations having a voice in the election, it is important that there is a deadline in the legislation. It will give everybody the security of knowing that there will be an outcome. There will be an election at which councillors are elected. The councillors will vote for a board that will vote for an executive committee. The executive committee will elect a president who can talk at the election. I commend the amendment to the Committee.

Progress reported from Committee and consideration set down as an order of the day for a later hour.

CRIMES AMENDMENT (PROVOCATION) BILL 2014

Message received from the Legislative Assembly returning the bill without amendment.

[The Assistant-President (Reverend the Hon. Fred Nile) left the chair at 12.58 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

FEDERAL BUDGET AND AGED AND COMMUNITY SERVICES

The Hon. LUKE FOLEY: My question is directed to the Minister for Ageing, and Minister for Disability Services. In the light of the Combined Pensioners and Superannuants Association's comment on last night's Federal budget—"If you get old, you'll pay ..."—what advice has he received from his department about the impact of the Federal budget on the State's older citizens who are affected by cuts to the age pension, reductions in public hospital funding, new up-front, out-of-pocket medical fees and charges, and the removal of services, such as the \$173 million Housing Help for Seniors program?

The Hon. JOHN AJAKA: I thank the Leader of the Opposition for his question. It is important to remember this: The Federal Coalition Government has a tough job before it—Opposition members know that—but it is a job that the Liberals and Nationals have great experience in: clearing up Labor's mess.

The PRESIDENT: Order! If Opposition members continue to behave in the manner in which they have behaved during the past two sitting days a number of them will be leaving the Chamber for the remainder of question time. I encourage Ministers, in view of the way in which question time works and the purpose of question time, to ensure that the information they give in their answers is generally relevant to the questions they are asked. The Minister has the call.

The Hon. JOHN AJAKA: What is clear and what is relevant is that the Federal Coalition Government had a duty to fix the mess that Labor left and a duty to balance the budget in a responsible manner to ensure that those in need will continue to have the necessary resources they require, and not just for today. That is something that Labor continually fails to understand. It is not an issue of simply preparing and delivering a budget that is good news for one day and then a disaster for the future. The Federal Treasurer had an obligation to ensure that the Federal budget was appropriate for the future and to ensure that all of those in need obtain the best resources available to them. Look at what the Federal budget delivered from my perspective as the Minister for Disability Services.

The Hon. Penny Sharpe: Point of order: The Minister is not being relevant. He has not been asked a dixer on what has been provided. We asked specifically about what advice he received from his department about the impact in New South Wales of the cuts to the Federal budget. It is not an opportunity for him to list what he thinks is good about the Federal budget. He can get a dixer to do that.

The PRESIDENT: Order! While it is important for the Minister to place his answer in its context, I remind him that it is always necessary for him to be generally relevant in his answers.

The Hon. JOHN AJAKA: Let us look at some of the relevant aspects of a Federal budget that needs to be delivered for all of the people of Australia, which of course includes the citizens of New South Wales.

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

The Hon. JOHN AJAKA: Let us look at what this Federal Coalition Government needed to deal with. I encourage members to visit the website *labormess.com.au*, which shows the six years of chaos in which Labor left Australia with its broken budget.

The Hon. Luke Foley: Point of order: I have waited until now, the fourth minute of the Minister's answer. He has made no attempt to be relevant. My question asked about departmental advice concerning the impact of the Federal budget on older citizens of New South Wales.

The PRESIDENT: Order! I thank the Leader of the Opposition for his point of order. The Minister has been interrupted three times and has had barely four minutes in which to answer the question. However, I see that the Minister's time has expired.

The Hon. LUKE FOLEY: I ask a supplementary question: Will the Minister elucidate on his answer with particular reference to the impact of the Federal budget on the older citizens of New South Wales?

The Hon. JOHN AJAKA: Again I say that to understand what needs to be done in advice I am obtaining and information I am seeking, one needs to know the starting point. One cannot simply go to the end without understanding the starting point when seeking and obtaining advice in relation to all of the relevant issues. Let us look at the starting point that the information I have obtained tells me.

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

The Hon. JOHN AJAKA: What people are saying and what people understand is this: Between 2008-09 and 2012-13 Labor delivered deficits totalling \$191 billion. That is the starting point in seeking advice in relation to moving to the future. Labor left an additional projected deficit of \$123 billion over the next four years, 2013-14, 2014-15, 2015-16 and 2016-17. Let us take a look at what this year alone means in relation to the cost to taxpayers of interest payments—\$12 billion.

The Hon. Luke Foley: Point of order: The Minister is treating my question and your guidance with contempt. He is making no attempt to be generally relevant. We now are in the sixth minute of his answer. He has not begun to address the question of advice about the impact of the budget on older citizens in this State.

The PRESIDENT: Order! I uphold the point of order. If the Minister has anything generally relevant to add, he should do so; otherwise, he should resume his seat.

The Hon. JOHN AJAKA: One of the things I am ensuring, as both the Minister for Ageing in relation to seniors and the Minister for Disability Services, is that the good news for the people of New South Wales concerns, firstly, the National Disability Insurance Scheme.

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

The Hon. JOHN AJAKA: The Federal Government has maintained its commitment in relation to the National Disability Insurance Scheme. [*Time expired.*]

FEDERAL BUDGET AND INFRASTRUCTURE

The Hon. CATHERINE CUSACK: My question is addressed to the Minister for Roads and Freight. Will he inform the House of how New South Wales has benefited from the Commonwealth Government's massive investment in infrastructure?

The Hon. DUNCAN GAY: I thank the Hon. Catherine Cusack for her question. I also thank the Opposition for its support. It is a good result. The Federal budget recognises that the Baird-Stoner Government is delivering the infrastructure which our State needs and which our citizens deserve. It is because we did the required planning work early in government to get the projects ready to go, and now we have funding from the Commonwealth Government to help us to transform New South Wales. That work was not done in times past. That is why, when there was a Federal government of the Opposition's political colour, the then Federal Government rejected New South Wales Labor's five-page submission because of spelling mistakes and grammatical errors. Frankly, Labor was simply lazy and incompetent. In contrast to that, this Government has done the hard work.

Because this Government is not using a back-of-the-envelope, Rozelle-Metro-style, let's-waste-a-lazy-\$500 million Labor model that Tony Abbott and Warren Truss have backed us. They have come forward with a record \$14.9 billion in Commonwealth investment which, combined with the New South Wales Government's record investments, will transform New South Wales infrastructure and fix the damage that Labor did to our State. Contrast this Government's record with New South Wales Labor, which managed to secure only 2 per cent of funding for Sydney from their then Federal Labor colleagues. The Labor's own people did not trust the former Government to deliver.

In partnership with the Abbott-Truss Government, the New South Wales Coalition is delivering the Western Sydney Infrastructure Plan, which includes Northern Road and Bringelly Road, a new motorway from the M7 to the Northern Road and a \$200 million local roads package. We are delivering the roads our members have called for—Tanya Davies in Mulgoa, Jai Rowell in Wollondilly, Bryan Doyle in Campbelltown and Stuart Ayres, that great Assistant Minister for Western Sydney.

The Hon. Peter Primrose: What about Tim Owen?

The Hon. DUNCAN GAY: Well, last time I looked, Tim Owen was not in Western Sydney. The member opposite should go back to Geography I. The Government has agreed to an 80:20 split on the Pacific Highway so that it can be finished by the end of the decade. Gone are the blues, the denials, and the political fights—now we have a responsible government in Canberra that is sticking to its commitments. When the Hon. Walt Secord jets up each weekend to his holiday destinations—if he actually hits a road off the beach—he will find that we are building the roads of the twenty-first century. The 80:20 split will allow the Pacific Highway to be finished by the end of the decade—putting back the money that Labor disgracefully ripped out of regional Australia.

The building of the WestConnex has been accelerated. In addition to the \$1.5 million it promised in Opposition, the Federal Government has delivered a \$2 million concessional loan facility so that the project can

be fast-tracked. This morning people who use the M5 woke up to hear confirmation that their road, together with the M4, will be started next year. They are ecstatic about that. The only person in the State that does not like it is the former member for Monaro—he is sitting over there on the losers lounge.

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

The Hon. DUNCAN GAY: WestConnex is linking Western Sydney and south-western Sydney with their international gateways. The Federal Government backed us, even when its members were in opposition, so that we could put the NorthConnex in place. [*Time expired.*]

FEDERAL BUDGET AND DISABILITY SERVICES

The Hon. ADAM SEARLE: My question is directed to the Minister for Ageing, and Disability Services. What advice has the Minister received from his department about the impact of the Federal budget on people with disabilities, including younger people with a disability who, according to the Australian Council of Social Services, will be \$166 a week worse off?

The Hon. JOHN AJAKA: I thank the honourable member for his question. I will tell the House the best aspect of the advice I receive: The best thing that can happen to people—whether seniors, people with a disability, the elderly, or whoever they are—is that they live in a country with a decent government that knows how to run the economy. That is what people need, but it is something about which those opposite have no concept. It took Labor six years to completely destroy the economy of Australia. At the time Labor entered government Australia had the strongest economy the world had seen. It took Labor just six years to destroy it.

The most important thing for young people with disabilities was the National Disability Insurance Scheme. Look at all the scaremongering that has gone on. It was said that the Federal Government was going to tear down the National Disability Insurance Scheme, the Federal Government was going to extend the National Disability Insurance Scheme and the Federal Government was going to reduce the moneys available for the National Disability Insurance Scheme. That is what they all said. The unions were shamefully imposing work bans in relation to the National Disability Insurance Scheme, but nothing was said by those opposite.

The Hon. Steve Whan: Point of order: My point of order is relevance. The Minister was asked a specific question about whether he had been given advice by his department about the impacts of the Federal budget. He has now gone off on a tangent and is talking about the Opposition's position on the National Disability Insurance Scheme. Mr President, I ask you to bring him back to the question.

The PRESIDENT: Order! The Minister has been generally relevant throughout most of his answer. I encourage him to continue to be generally relevant in his answer.

The Hon. JOHN AJAKA: I consider myself to be a responsible Minister and to be part of a responsible Government. I seek all of the relevant information from the relevant stakeholders and from the department. Based on the facts and the reasons behind the Federal budget, I will ensure that appropriate action is taken in relation to each of the relevant groups. However, the fundamental point is this: The budget, whether it is Federal or State, needs to be responsible and balanced. That is the best way I can help seniors and the best way I can look after the interests of people with a disability. That is what I will be doing.

The Hon. ADAM SEARLE: I ask a supplementary question. Will the Minister elucidate his answer with respect to the impact of the Federal budget on people with disabilities?

The Hon. Luke Foley: We want more, John.

The Hon. JOHN AJAKA: I note the interjection from the Leader of the Opposition. I know he wants more but the problem is that the previous Federal Government continued to give more and more and more, irresponsibly, without taking into account the effect that would have on future budgets. I will not do that; I will be responsible. I ask members to look at the effect of the budget. I have already spoken about the great aspects of the National Disability Insurance Scheme. Let us look at how other areas will help seniors and people with disabilities. Look at all the additional employment that will be created under the Federal budget. I ask members to look at the current employment rates.

The PRESIDENT: Order! I call the Hon. Mick Veitch to order for the second time.

The Hon. JOHN AJAKA: Of course we need a balanced budget, to ensure that continued employment is available. I refer to all the infrastructure that the Minister for Roads and Freight spoke about, which will create employment. It will have a flow-on effect for everyone in New South Wales. That is what the Federal budget will do, and I am pleased about that aspect of it.

POLITICAL DONATIONS AND DEVELOPMENT APPROVALS

Mr DAVID SHOEBRIDGE: My question is directed to the Minister for Fair Trading, representing the Minister for Planning. What, if any, consideration has the Government given to the use of powers under section 124A of the Environmental Planning and Assessment Act to suspend and then seek an order revoking development approvals tainted by corrupt developer donations to the Liberal Party from Gazcorp and Builddev?

The Hon. MATTHEW MASON-COX: I thank the member for his detailed and serious question. I will refer it to the Minister for a comprehensive answer and report that back to the House in due course.

NATIONAL DISABILITY INSURANCE SCHEME

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 progress of the National Disability Insurance Scheme in New South Wales?

The Hon. JOHN AJAKA: This Government is about transforming services in New South Wales and services to the vulnerable are our priority. The New South Wales Government is committed to a disability service system that increases choice and control for people with disability. Let the House be in no doubt that, despite speculation to the contrary, last night's Federal budget has reaffirmed the Commonwealth Government's commitment to the National Disability Insurance Scheme.

People with disability, their families and carers, can now take comfort that the National Disability Insurance Scheme will be fully funded and delivered on the time line agreed with New South Wales. For too long governments have provided support with limited options to people with disabilities. Until now people with disability have had to live their lives under a ration system and in accordance with a government-orchestrated timetable. I am proud to be a Minister in a government that was the first to sign up to the National Disability Insurance Scheme to deliver people with disability choice and control in how they live their lives.

We remain fully committed to implementing the National Disability Insurance Scheme in accordance with the agreement we signed with the Commonwealth Government in December 2012. The National Disability Insurance Scheme is as much essential and economic reform as it is social. The Productivity Commission concluded that the economic benefits of the scheme far outweigh the costs: It will generate a 1 per cent boost to gross domestic product through greater workforce participation by people with disability and their carers. Modelling by PricewaterhouseCoopers showed that in the absence of a National Disability Insurance Scheme government spending on disability will exceed the projected cost of the scheme within a decade.

However, more remarkably will be how the scheme will transform the lives of people with disabilities. The National Disability Insurance Scheme will provide all participants with an individual funding package based on an assessment of what is reasonable and necessary support to meet their needs, goals and aspirations. Each person with disability will have full choice and control over their funding and the supports they choose to access. I can inform the House that the figures that show the National Disability Insurance Scheme is running on time and within budget are correct. Across the national trial sites, to date 54 per cent of expected participants have entered the scheme. The national average package cost is \$34,000, in line with the Productivity Commission's prediction of \$34,969. In New South Wales, to date more than 1,500 people have entered the scheme, which means 1,500 are receiving individualised support and care for their needs. I look forward to seeing this great scheme unfold and participant numbers increasing until the full rollout in 2018.

FEDERAL BUDGET AND DISABILITY SERVICES

Ms JAN BARHAM: My question is directed to the Minister for Ageing, and Minister for Disability Services. Yesterday's Federal Government budget includes changes to income support for people with disabilities aged under 35 years that will increase the number of people with disabilities facing the withdrawal of their Disability Support Pension eligibility or new employment participation requirements. What is the New

South Wales Government doing to create additional employment opportunities to assist the many young people with disabilities in New South Wales affected by these cuts to develop work-related skills and find secure employment?

The Hon. JOHN AJAKA: I thank the member for her question. As I indicated earlier, one of the greatest ways to increase employment opportunities for people with disabilities in addition to each and every one of the current State programs—

The Hon. Walt Secord: John, there was a Federal budget yesterday. John, something happened yesterday: It was the budget.

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

The Hon. JOHN AJAKA: As I was saying, in addition to the various State programs, the National Disability Insurance Scheme is running on time and providing individualised options for people with disabilities so they can choose how they live their lives and will have a great impact on increasing their employment opportunities. They will be able to choose how to utilise their funding in how they live their lives, and what supports and training they receive.

The PRESIDENT: Order! I call the Hon. Peter Primrose to order for the first time.

The Hon. JOHN AJAKA: It will have a huge impact. The Commonwealth and State governments administer programs with the goal of increasing employment participation of people with disability. New South Wales programs are focussed on providing the supports that prepare people with disability to enter employment or further education. This Government is working to improve employment outcomes for people with disability through a number of initiatives. I have said previously that the Transition to Work is a two-year program designed to support young people with moderate to high needs to develop skills necessary for employment or further education when they leave high school.

The program supports people to overcome some of the barriers they are likely to face in the work place. At present, approximately \$20,000 per year is invested in each program participant, and in 2012-13 more than 2,000 young people in New South Wales benefitted from such funding. This resulted in total annual expenditure of nearly \$30 million. Since the program's inception in 2005, more than 2,200 young people from a total of 3,990—57 per cent—obtained an employment outcome. The latest data shows that of 681 people who began their Transition to Work program in 2011, 467 individuals, or 69 per cent of the group, moved into employment or further education. That is a great result.

In addition, the Department of Ageing, Disability and Home Care [ADHC] recently funded a partnership between Choice Solutions and Boys Town to establish an employment-readiness program to assist marginalised and vulnerable people who, due to circumstances, have not accessed disability support services previously. The Department of Ageing, Disability and Home Care has provided \$627,000 over four years to national disability services to enable the establishment of a program-managing position to harness the purchasing power of New South Wales government agencies and to support employment for people with disability. To date, work to the value of more than \$8.27 million has been purchased by the State's government agencies from disability employment agencies.

ORANGE GROVE SHOPPING CENTRE

The Hon. LYNDIA VOLTZ: My question is directed to the Minister for Ageing, and Minister for Disability Services. Has the Minister made representations or provided any other support, assistance or advice about the proposed Orange Grove Shopping Centre? Has the Minister discussed that proposal with any Liverpool City councillor?

The Hon. JOHN AJAKA: The member is the last person I would have thought would ask me that question. No.

NSW FAIR TRADING CONSUMER PROTECTION

The Hon. GREG PEARCE: My question is addressed to the Minister for Fair Trading. What funding programs does Fair Trading provide to support vulnerable members of our community in exercising their rights under Fair Trading laws?

The Hon. MATTHEW MASON-COX: I thank the member for that question; I know he has a longstanding interest in these issues as, indeed, we all do. Fair Trading supports the vulnerable in our community. It is pleasing to again educate members opposite on some of the wonderful programs in the Office of Fair Trading. NSW Fair Trading provides community grants to not-for-profit organisations for the delivery of education, advice and advocacy services for tenants, retirement village residents, residential park residents and consumers who need assistance for personal financial difficulties. In line with the New South Wales Government's social justice role, these grants promote the principles of access, equity and diversity. During the previous financial year, Fair Trading provided close to \$18.5 million in funding across a range of programs providing advice, advocacy and services to the most vulnerable members of our community.

Fair Trading provides funding to support the delivery of the No Interest Loan Scheme [NILS] in New South Wales. This scheme is a nationally operated community-based program to help low-income earners purchase essential household items and services, such as washing machines and refrigerators, and dental services. This important scheme is well received by low-income households. Fair Trading provides funding towards salaries and salary-related on-costs associated with operating the scheme in New South Wales. Fair Trading also funds the salary and operational costs of a 1800 number and a New South Wales coordinator to assist in setting up, supporting and expanding new and existing No Interest Loan Scheme services. Fair Trading also funds the Tenants' Advice and Advocacy Program for delivery of advocacy information and education services for tenants. This includes funding for 15 regional services, four Aboriginal and Torres Strait Islander services and two resource services.

In addition to the assistance provided to tenants through this program, NSW Fair Trading recently introduced a complaint-handling program to enable early intervention for tenancy disputes. Under the Financial Counselling Services Program, Fair Trading provides free-of-charge financial counselling by accredited counsellors. In December 2012 a revised funding model was implemented to provide greater equity in access to financial counselling services across New South Wales.

NSW Fair Trading funds the Macquarie Legal Centre to provide advice and assistance to residential home building consumers on their rights and responsibilities. The program provides funding for the provision of advocacy on behalf of residential home building consumers, negotiation of disputes between consumers and builders, assistance in the preparation of cases for tribunal hearings and representation at hearings where appropriate. Since 1996, under the Aged Care Supported Accommodation Service, NSW Fair Trading has provided advocacy, information and education services for older residents in supported accommodation, such as retirement villages, nursing homes, hostels and boarding houses. The Aged Care Rights Service was selected to deliver this program from 1 July 2013.

NSW Fair Trading handles close to one million telephone inquiries and requests for assistance per year. However, through its funded programs the agency is able to extend its reach through targeted services and assistance to the most vulnerable in our society. NSW Fair Trading's partnership with funded not-for-profit groups ensures the provision of complementary services such as information and assistance, marketplace regulation and remedies while the community sector specialises in the provision of advocacy and assistance for vulnerable consumers. NSW Fair Trading will continue to be respected for the services that it provides to the community.

RENEWABLE ENERGY SUBSIDIES

The Hon. ROBERT BORSAK: My question is directed to the Minister for Fair Trading, representing the Minister for the Environment. Has the Minister been correctly quoted in the media supporting the greater use of solar energy yet faces opposition within Cabinet to wind farms? Given that in the same article the Premier is quoted as having qualified his support for solar and wind power, saying spending would need to be sustainable and not unduly imposed on families and business, will he rule out paying subsidies to wind and solar energy projects to the detriment of cheaper coal-fired power?

The Hon. Duncan Gay: I'm against wind farms.

The Hon. MATTHEW MASON-COX: We all know the Hon. Duncan Gay is against wind farms. I thank the member for his question. I am not a strong advocate of wind farms. There are many Government members who are quizzical about wind farms and whether we should be making large investments in that area. I understand the environment Minister is keen on photovoltaic cells and he has been proactive in that area, as

has the Parliamentary Secretary for Renewable Energy. I know that a number of members in this Chamber have taken advantage of the various government schemes and have photovoltaic cells on their roofs. They have benefited from those programs by reducing their electricity costs.

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

The Hon. MATTHEW MASON-COX: Cabinet discussions, of course, are confidential, but there is a range of views and any discussion on these issues will no doubt be vigorous and well informed. I will take the other aspects of the member's question on notice and provide a more detailed answer in due course.

NATIONAL PARTNERSHIP AGREEMENT ON HOMELESSNESS

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Ageing, and Minister for Disability Services, representing the Minister for Family and Community Services. Has the Government received any advice about the impact of the Abbott Government's decision to cut \$44 million from homelessness funding under the National Partnership Agreement on Homelessness?

The Hon. JOHN AJAKA: I thank the honourable for her question. I will refer it to the Minister for Family and Community Services for a reply.

PRINCES HIGHWAY UPGRADE

The Hon. NIALL BLAIR: My question is directed to the Minister for Roads and Freight. Will the Minister please update the House on the upgrades to the Princes Highway near Quarantine Bay Road at Eden?

The Hon. DUNCAN GAY: I thank the member for his question. I am proud to inform the House that the Government is delivering vital safety upgrades on the Princes Highway at Quarantine Bay Road, Eden, with work starting this Monday. The great member for Bega, and Treasurer—

The Hon. Steve Whan: Did he give you the money?

The Hon. DUNCAN GAY: Well, I am not silly. This is an important road and an important part of the State.

The Hon. Mick Veitch: Always look after the Treasurer.

The Hon. DUNCAN GAY: Always look after good members. The great member for Bega and Treasurer, Andrew Constance, has worked tirelessly to deliver these safety upgrades to his community. The Government will fund the \$500,000 upgrades as part of the New South Wales black spot program—did I say how good a local member he is? I will say it again, just in case.

The Hon. Walt Secord: He is not as good as Russell Smith.

The Hon. DUNCAN GAY: Mr Smith is not there, but he was a good local member. The upgrades will be completed in conjunction with routine maintenance on this stretch of road. The black spot program is designed to reduce crashes on New South Wales roads by funding initiatives such as these upgrades on the Princes Highway that will deliver safer roads. The New South Wales black spot program will make vital changes to targeted key locations with a history of crashes such as the Princes Highway at Quarantine Bay Road at Eden. As part of the safety upgrades the road's shoulders will be widened to provide motorists with a safer corridor. Later in the year, further safety work will be done to install clearer signs for motorists and to reseal the road with a more skid-resistant surface. In the past five years, 22 of the 24 crashes in this area have occurred in wet weather. These improvements are expected to reduce wet weather crashes and improve safety for all road users on this important corridor along the Princes Highway. In 2013-14, more than \$23 million is being invested under the State's black spot program. This includes projects at 80 different sites with a crash history.

The road improvements are part of the New South Wales Government's commitment to deliver safe, efficient and high-quality services and infrastructure to the community and businesses of New South Wales that were, for too long, forgotten by Labor, as was the Princes Highway. In fact, the former roads Minister in this place did not know the proper pronunciation of the Princes Highway. He called it the Princess Highway, and what a princess he was.

The Hon. Walt Secord: Are you afraid that he's not here?

The Hon. DUNCAN GAY: No-one will ever call the Hon. Walt Secord a princess. He has not been down there because there is no air service for the holiday location. He is missing one of the best holiday locations in the State.

The PRESIDENT: Order! I remind the Minister that he needs to be generally relevant in his answer.

The Hon. DUNCAN GAY: The Liberal-Nationals Government understands the importance of delivering safer roads and that is why this Government is working hard to deliver these upgrades along the Princes Highway. The people of Bega were neglected by Labor for 16 years, but now the Government is delivering road maintenance and upgrades that really matter to the communities and businesses in Bega. It has listened to the concerns of the local community and it is ensuring that it builds infrastructure for the future of this region to provide safer roads for all road users.

RAIL FREIGHT LINES

The Hon. ROBERT BROWN: My question is directed to the Minister for Ports and Freight, representing the Minister for Transport. What is the Government doing to address a warning from GrainCorp Chairman Don Taylor, who stated, "The disgraceful state of rural railways means grain growers could become uncompetitive and miss out on big profits from the Asian food boom"? Given the very healthy balance in the "Rebuild New South Wales" fund, what particular lines have been given priority by this Government for immediate upgrades and when will work start?

The Hon. DUNCAN GAY: I thank the member for his question. I will not refer the question to my colleague the Minister for Transport because this is a question for me. Grain lines and rail freight are my responsibility. There is some good news because there has been record funding in this particular area. The improvement to the State's grain lines is important. Since coming to government in 2011 we have invested \$139 million in maintenance and upgrade works to the State's grain lines in order to attract more bulk freight to rail and help ease pressure on regional roads. I am not pretending that it has all been fixed; I am indicating some of the work we have done.

I was recently at Forbes for the announcement of a government grant to Forbes council to give the higher productivity roads west of Forbes direct access to the Red Bend silos. That is an example of the common sense sorts of things that this Government is doing. The New South Wales Government has replaced 226,000 old timber sleepers—like some of those on the other side of the Chamber—with modern long-life steel sleepers, resurfaced 972 kilometres of track, constructed 50 new low-maintenance bridges and culverts—the Hon. Steve Whan will have to die his hair before he can use those—

The PRESIDENT: Order! The Minister will be generally relevant in his answer.

The Hon. DUNCAN GAY: We have upgraded 41 level crossings, laid 87,000 tonnes of ballast and completed the re-railing of 57 kilometres of track from Armatree to Coonamble with heavy rail. We have also provided annual funding for the upkeep and operation of the country rail network. In 2012-13 the New South Wales Government provided \$192 million for the operation and maintenance of the Country Regional Network. Of that total, more than \$53 million has been invested in work on grain lines within the Country Regional Network—the rationale being for not only passenger services to use the main line but freight services as well.

Over the next four years the New South Wales Government plans to allocate in excess of \$224 million to maintenance and upgrade works for the State's 996 kilometres of grain rail lines. This work will include the replacement of more than 500,000 timber sleepers and more than 30 timber bridges and culverts. Since March 2011 work on our grain lines has included the completion and re-railing of the Coonamble line to allow mainline locomotives to operate all the way from the grain terminals to port; line speeds have been increased on the Nevertire to Nyngan line; and a modern train-control system has been rolled out. It is not perfect but we are getting better. The Government understands and does not disagree historically with the criticism the member has placed on record, but it is working hard to turn it around. [*Time expired.*]

FEDERAL BUDGET AND ROADS

The Hon. WALT SECORD: I direct my question without notice to the Minister for Roads and Freight. What advice has the Minister received from his department about the decision by the Abbott-Truss Government to slash \$1 billion in funding to local councils? How will this impact on the ability of local councils to maintain and improve local roads?

The Hon. DUNCAN GAY: Each time I come into this Chamber I hope against hope that Walt Secord gets it right. Frankly, it is embarrassing for the Opposition—

The PRESIDENT: Order! The Minister will refer to the member by his correct title.

The Hon. DUNCAN GAY: I apologise. It was remiss of me. I should have referred to the member as the Hon. Walt Secord—it was the Hon. Walt Secord who replaced the Hon. Eddie Obeid. I thank the member for his question, which is in response to someone having made a comment in a newspaper article. It may be the case that the Federal Government has made a decision; I do not know. But I hope the member has noted that the Federal Government has also provided additional support for regional communities, including projects in which councils are involved. An amount of \$95 million has been allocated as part of the Federal Government's Bridges to Renewal Program, \$64 million has been allocated for the black spot program and \$97.5 million has been allocated for Roads to Recovery. However, one cannot just look at one project and forget about the rest. Indeed, that is the sort of myopic interaction one would expect from the Hon. Walt Secord. He has completely ignored the fact that in the budget some \$5.64 billion has been allocated for the Pacific Highway.

The Hon. Walt Secord: Point of order: My point of order relates to relevance. My question was about country roads; the Minister is talking about Sydney roads.

The PRESIDENT: Order! There is no point of order. The Minister has the call.

The Hon. DUNCAN GAY: Each day I come into this Chamber—

The PRESIDENT: Order! I caution the Minister not to make reflections on members when he is answering questions.

The Hon. DUNCAN GAY: I can inform the House that the Pacific Highway is firmly in regional New South Wales. It is not part of greater Sydney.

The Hon. Amanda Fazio: Point of order—

The PRESIDENT: Order! I call the Hon. Rick Colless to order for the first time.

The Hon. Amanda Fazio: My point of order is that the Pacific Highway starts at the Sydney Harbour Bridge and the Minister owns property on the Pacific Highway at Artarmon.

The PRESIDENT: Order! The member is making a debating point; not taking a point of order. I call the Hon. Amanda Fazio to order for the first time. The Minister has the call.

The Hon. DUNCAN GAY: There is funding of \$5.64 billion for the Pacific Highway. For the first time politics have been removed from the debate and there is a huge sigh of relief across regional New South Wales. We have not got the toing and froing that went on when the Labor Party kept changing the debate. Now we have a grown-up government lives will be saved.

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

The Hon. DUNCAN GAY: A government that actually represents regional New South Wales. [*Time expired.*]

ILLAWARRA INITIATIVES

Mr SCOT MacDONALD: I address my question to the Minister for the Illawarra. Will the Minister update the House on what the New South Wales Government is doing to promote and advance the Illawarra region?

The Hon. JOHN AJAKA: As members may be aware, on 9 April I had the great pleasure of launching the New South Wales Government's new Illawarra webpage at Nowra.

[*Interruption*]

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

The Hon. JOHN AJAKA: The webpage is another way of transforming the way in which people interact with government, making information more accessible, contemporaneous and relevant. As Minister for the Illawarra I am particularly proud of the Illawarra webpage, which is a one-stop shop for information on the region. It provides visitors with a snapshot of the Illawarra's many attributes and advantages. Visitors to the webpage can find the latest information about what the Government is doing in the region, including the roll-out of the Opal card to train stations in the Illawarra, the upgrade of the Princes Highway at Gerringong and the delivery of a new train station at Shell Cove. The Illawarra is one of the most beautiful regions of New South Wales and the webpage contains details on must-do activities—

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

The Hon. JOHN AJAKA: The webpage contains details on must-do activities for tourists, such as visiting the Grand Pacific Drive, the Kiama Blowhole, and the beautiful Jervis Bay National Park. The webpage lists facts for potential investors and highlights key growth industries in the region, including health, tourism, disability services and aged care. I am sure that all members will be rushing to the webpage, which can be accessed at www.nsw.gov.au/region/illawarra. It is a great example of how the New South Wales Government is working to promote the Illawarra as a great place to live, work and do business. As Minister for the Illawarra I am committed to working with the community to ensure the strategic development and social advancement of the region.

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

The Hon. JOHN AJAKA: I am a proud advocate of the Illawarra and want to make sure that residents have the opportunity to contribute to decision-making processes for the region. That is why I recently called for applications from residents to join the Illawarra Community Advisory Panel. As Minister for the Illawarra, I chair the panel, which was established to provide its members with an opportunity to directly advise the New South Wales Government on ways we can work together to develop and advance the region. I congratulate the former Minister for the Illawarra on his foresight in first establishing the panel.

I want the people of the Illawarra to help continue to transform the region and I encourage interested applicants to apply to join the panel. Potential applicants should apply if they have expertise and experience in, but not limited to, the following areas: business and economic development; aged care, community and disability services; education and health; arts, culture and heritage; and environment, planning and infrastructure. Applicants must reside in the Illawarra region, which includes the Kiama, Shellharbour, Shoalhaven and Wollongong local government areas. Members on this side of the House are working tirelessly to transform New South Wales and will continue to do so—to empower the people of the Illawarra to be part of the team that transforms the region.

MINISTER FOR ROADS AND FREIGHT AND MR MARK VAILE

Mr JEREMY BUCKINGHAM: My question without notice is directed to the Minister for Roads and Freight. In the spirit of Premier Baird's new policy of releasing ministerial diary information, will the Minister provide the House with information relating to the time, place and substance of his meetings with Mr Mark Vaile, Chairman of Whitehaven Coal, and if not, why not?

The Hon. DUNCAN GAY: First of all, I have to indicate that the legislation is not in place. Disappointingly, there has been no indication from The Greens, who have a certain amount of power in this place, or from the Opposition, in terms of its shadow ministry, whether they are going to be part of this as well. Over the last few days there have been quite a few questions about shadow ministerial diaries. I would have thought that if they believe that diaries should be scrutinised then in good faith they need to come forward with theirs. We could have a look at Adam Searle's diary. We would see that at 9.00 a.m. the Hon. Adam Searle had a meeting with Mr David Shoebridge to make sure that their amendments were the same. At 10 o'clock there would be a meeting with Dr John Kaye—

Mr Jeremy Buckingham: Point of order: My point of order goes to relevance. The Minister is 1½ minutes into his answer and still has not gone to the substantive matter. He is not even being generally relevant.

The PRESIDENT: Order! The last part of the member's question was "if not, why not". I think the Minister was being generally relevant to the issue of "why not", although he was perhaps starting to stray. I encourage him to be generally relevant in the balance of his answer.

The Hon. DUNCAN GAY: To cut to the chase, if I have done anything inappropriate in a meeting with these people then tell me. But those opposite have meetings all over the State—all of us have meetings all over the State. The key to it is how members behave in their roles.

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

The Hon. DUNCAN GAY: Under the new rules, as a Minister I will put my diary out on the appropriate meetings. We are talking about a former member of the National Party and a former Deputy Prime Minister. He is a revered member—unlike you.

The Hon. Greg Donnelly: Point of order: The Minister reached over and pointed to a member on this side and then reflected upon him. It is a reflection and I ask him to withdraw.

The PRESIDENT: Order! The Hon. Greg Donnelly will resume his seat. I am not going to regard a hand signal as a reflection on another member. However, I encourage all members to remember that the standing orders state that interjections are disorderly at all times. I call the Hon. Helen Westwood to order for the first time. I call the Hon. Shaoquett Moselmane to order for the first time. I encourage all Ministers not to respond to interjections.

The Hon. DUNCAN GAY: If, as soon as these new rules are brought in, I was to meet the Hon. Mark Vaile in a situation that the rules dictate should go into my diary, then it will. In the past I have met with hundreds of people across the State. For this individual to ask me a question out of the blue, with an inference that I did something wrong when I met with a respected former trade Minister and former Deputy Prime Minister of this country is disgraceful.

PACIFIC HIGHWAY UPGRADE

The Hon. SHAOQUETT MOSELMANE: My question without notice is directed to the Minister for Roads and Freight. In light of last night's Federal budget, has the Minister received advice from his department confirming that there are no new projects among the Pacific Highway works that have not been announced or funded previously by Federal Labor in the 2013 budget? Will the Minister now confirm that the Pacific Highway duplication time frame has blown out beyond 2020?

The Hon. DUNCAN GAY: I can confirm that the so-called facts the question is based on are entirely fictional. The member opposite would love that to be the case. The shadow Minister in this House does not even know where the Pacific Highway is.

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

The Hon. DUNCAN GAY: The basis of the question is fictional therefore it does not deserve an answer. But I will give an answer, because the fact is that the Federal Government has been honourable with regard to the Pacific Highway—unlike Labor governments in the past.

NSW FAIR TRADING CONSUMER PROTECTION

The Hon. SARAH MITCHELL: My question is addressed to the Minister for Fair Trading. What is NSW Fair Trading doing to protect consumers from counterfeit goods in the marketplace?

The Hon. MATTHEW MASON-COX: I thank the member for that question. It is terrific to celebrate the great job that NSW Fair Trading is doing. Christmas in July is coming up and anything is possible. People might be bringing out their Christmas trees this July. We will have to see what happens. I can assure the House that Fair Trading will be on the job, no matter what is happening. I will relate a couple of specific examples so that members opposite can hear about the great job that Fair Trading is doing.

I can inform the House that on 2 May this year a Paddy's Markets trader was prosecuted by NSW Fair Trading for selling counterfeit goods and ordered to pay more than \$17,000 in fines and costs in Parramatta Local Court. The Strathfield trader was convicted for possession of goods bearing false Manchester United and Nike trademarks. Fair Trading had previously issued the trader with three warnings to cease selling the clothing with the false Manchester United and Nike logos. If they had been for Manchester City then they would obviously have been worth more. This followed earlier inspections by Fair Trading investigators during 2012

and 2013 in which the trader was found to be offering the false goods for sale. In July last year a representative from Nike Australia accompanied Fair Trading investigators to the trader's stall where a further inspection was conducted and sample garments depicting the Nike and Manchester United logos were purchased.

The goods were examined by Nike brand experts, who deemed the goods to be counterfeit and noted their poor quality and labelling. New South Wales police, in the company of Fair Trading investigators and Manchester United and Nike fraud control representatives, then executed a search warrant at the defendant's store, seizing a large number of counterfeit goods. Goods seized under the search warrant included a range of jackets, rugby league and rugby union jerseys, baseball caps, soccer jerseys, polo shirts and soccer shorts all depicting false logos.

Fair Trading's successful prosecution in this case sends a clear message to rogue traders who seek to flout the law in the name of making a quick buck. In this case the trader was given three clear warnings to clean up their act but chose to ignore them. Fair Trading's successful prosecution of this Paddy's Markets seller is a further example of the good work the agency is doing to remove counterfeit goods and protect the integrity of the marketplace. Counterfeit goods mean big business for rogue traders but heartache for consumers who are left with no redress when the inferior products fall apart. Fair Trading is serious about this issue and is working closely with other government agencies and manufacturers of genuine goods to bring the suppliers of false goods to the courts.

The Hon. DUNCAN GAY: The time for questions has expired. If members have further questions they are welcome to place them on notice.

Questions without notice concluded.

PARLIAMENTARY COMMITTEES

Membership

The PRESIDENT: I report the receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

That:

- (1)
 - (a) Gregory John Aplin and Anthony John Sidoti be appointed to the Joint Standing Committee on Electoral Matters in place of Daryl William Maguire and Jai Travers Rowell, discharged.
 - (b) Melanie Rhonda Gibbons and Christopher Gulaptis be appointed to the Joint Standing Committee on the Office of the Valuer-General in place of Matthew John Kean and Leslie Gladys Williams, discharged.
 - (c) Pursuant to section 66 of the Independent Commission Against Corruption Act 1998, Gregory Eugene Smith be appointed to serve on the Committee on the Independent Commission Against Corruption in place of Dominic Francis Perrottet.
 - (d) Pursuant to section 68 of the Health Care Complaints Act 1993, Donald Loftus Page be appointed to serve on the Committee on the Health Care Complaints Commission in place of Leslie Gladys Williams.
- (2) A message be sent informing the Legislative Council.

Legislative Assembly
14 May 2014

SHELLEY HANCOCK
Speaker

PARENTS AND CITIZENS ASSOCIATIONS INCORPORATION AMENDMENT BILL 2014

In Committee

Consideration resumed from an earlier hour.

Question—That The Greens amendment No. 1 [C2014-040A] be agreed to—put.

The Committee divided.

Ayes, 18

Ms Barham
Ms Cotsis
Mr Donnelly
Ms Fazio
Dr Kaye
Mr Moselmane
Mr Primrose

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

Mr Whan
Mr Wong

Tellers,
Mr Buckingham
Dr Faruqi

Noes, 21

Mr Ajaka
Mr Blair
Mr Borsak
Mr Brown
Mr Clarke
Ms Cusack
Ms Ficarra
Mr Gay

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

Reverend Nile
Mrs Pavey
Mr Pearce

Tellers,
Mr Colless
Dr Phelps

Pair

Mr Foley

Mr Gallacher

Question resolved in the negative.**The Greens amendment No. 1 [C2014-040A] negatived.**

Dr JOHN KAYE [3.41 p.m.]: In the absence of the Committee agreeing to The Greens amendment No. 1, The Greens amendment No. 2 will not work. Therefore I do not move The Greens amendment No. 2.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.42 p.m.], by leave: I move Opposition amendments Nos 1 and 2 on sheet C2014-036 in globo:

No. 1 Page 15, schedule 1 [9], proposed definition of administration period in clause 2 of schedule 2, line 40. Omit all words on that line. Insert instead:

"administration period" means the period during which the administrator holds office under clause 3.

No. 2 Page 16, schedule 1 [9], proposed clause 3 of schedule 2, lines 8–11. Omit all words on those lines. Insert instead:

(2) Subject to this Act, the administrator holds office for the period of 90 days.

(3) The Minister may, before the period referred to in subclause (2) expires, extend that period by not more than 30 days.

I will not belabour the point but simply state the Opposition's belief that this process needs to be driven, needs discipline and needs to happen expeditiously. That is why we propose a period of 90 days for the administration with the possibility that the Minister may extend that by not more than 30 days, making a total period of 120 days from the commencement of administration. The period should provide more than adequate time to conduct the process. If that should prove not to be so, we would have an open mind about the Parliament renewing the franchise of the administrator simply to ensure that what may be a possibility of drift does not become the absolute certainty. The result could be that this important body is not in a position to play a robust and meaningful role in public discourse around public education issues in the lead-up to the next State election.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [3.44 p.m.]: The Government opposes Opposition amendments Nos 1 and 2 on sheet C2014-036. Firstly, to save the time of the Committee, I repeat the matters I stated in relation to debate on The Greens amendment No. 1 on sheet C2014-040A. Further to that, as I indicated, advice from the Electoral Commissioner shows that a date should not be included in the legislation. Members will recall that I quoted the specific words of the Electoral Commissioner in that regard. Also, as the Minister outlined in his second reading speech, the clear intention is for the election to be completed by term four, with the new executive fully operational and autonomous well before the end of 2014. It is just that the risk, as indicated earlier, of having a concrete and rock-solid date is just not workable. With all due respect to the Deputy Leader of the Opposition, the Hon. Adam Searle, the contention that Labor will have an open mind while in Opposition about bringing the bill back before Parliament is also not workable.

Dr JOHN KAYE [3.45 p.m.]: The Greens have given the amendments a lot of thought and I must say that it is a tricky proposition. I hear what the Opposition is saying in relation to this and I understand its concerns. I also understand the Government's concerns. Effectively, it is a maximum period of 120 days, if my arithmetic serves me correctly.

The Hon. Adam Searle: It does.

Dr JOHN KAYE: It will be 120 days from the passing of this bill to the time at which the administration period ends. I have two criticisms of the amendments. The first criticism I have is that it is 120, which is smaller than 157. The Greens have received advice that 157 is the anticipated likely maximum period. The period of 120 days is inside the anticipated likely maximum period and there is a risk that we will have to come back and legislate. The second concern I have is that it ends the administration period at that point whereas the amendments structure created by The Greens allowed the administrator to continue to function. I suspect that the Deputy Leader of the Opposition, the Hon. Adam Searle, would consider it to be a better outcome, without putting words into his mouth, to allow the administrator to continue to function while the parents and citizens association had an independent voice.

Given the Committee has rejected The Greens amendments, we have to weigh up whether the bill is better with or without the Opposition's amendments. While my criticisms of these amendments are that they pose some risk that we will have to come back and legislate, I think that risk is relatively small and of low consequence. I do not think anybody will lose too much sleep if the administrator comes to us in 111 days time and says, "This didn't work and here are the reasons why." I suspect that the shadow Minister, the Minister, members of the Christian Democratic Party and members of the Shooters and Fishers Party and I will respond rationally to those opinions. I do not think anybody will seek to create a crisis.

We can probably obtain an assurance from the Opposition that it will not seek to create a crisis, and I assure the Committee that The Greens would not seek to create a crisis. Given the relatively low consequences of having to come back to legislate and the moderately low probability that we will have to do so—a higher probability would relate to the 180 days which The Greens envisaged—on the balance of all those factors, The Greens will support the amendments. However, The Greens do so while understanding that there are some concerns and some risks associated with them.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.48 p.m.]: I thank members for their observations. Certainly the Opposition would not seek to create a crisis. This is about resolving the situation that currently exists. The worst thing that has been said about these amendments is that we might have to legislate again, which is hardly a fundamental criticism. All members already have noted that this legislation represents an extraordinary step of intervening in the internal workings of this body. Therefore the Opposition says it is not an outrageous proposition that this intervention should be circumscribed by a time limitation.

I am able to give the undertaking that we would cooperate with the Government in terms of extending the administration, if that were necessary, but I do not believe it will be. I have faith that these matters can be attended to in the time frames that we have proposed. As I have indicated before, discipline is required to drive this process so that what becomes a risk of drift does not become a certainty. We want this organisation back, up and running under its own steam and in independent hands, as soon as possible.

Question—That Opposition amendments Nos 1 and 2 [C2014-036] be agreed to—put.

The Committee divided.

Ayes, 18

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

Noes, 21

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

Pair

Mr Foley

Mr Gallacher

Question resolved in the negative.**Opposition amendments Nos 1 and 2 [C2014-036] negatived.****Dr JOHN KAYE** [3.58 p.m.]: I move The Greens amendment No. 3 on sheet C2014-040A:

No. 3 Page 18, schedule 1 [9]. Insert after line 30:

20 Role of executive committee

During the administration period, the executive committee may give advice to the administrator and make public statements about matters that are relevant to the operation of the federation.

For the convenience of the House, I will not be calling a division on this amendment. The Minister says he will not support the amendment, but he has not heard the argument. I suspect that when he hears the argument he will indeed support it.

The Hon. Dr Peter Phelps: A Damascus moment.

Dr JOHN KAYE: He will have a Damascus moment. The amendment inserts new clause 20, which specifies that during the administration period—that is, the period under which there is an administrator, which will last up to one year—the executive committee may give advice to the administrator and make public statements. This will make clear that the administrator may choose to call elections and convene the board, and the board may choose to elect an executive committee, including a president, during the period while the administrator remains. That would give the administrator the capacity to continue to fix the financial and administrative affairs of the federation while at the same time give voice to parents through their federation and its executive committee. It allows the best of both worlds—that is, it allows a restoration of democracy in making public statements, it gives voice to parents' aspiration about public education, and it allows the administrator to undertake the difficult task of reorganising the federation's affairs and putting them back into good order. I commend the amendment to the Committee.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [4.01 p.m.]: For the reasons we have stated previously, the Opposition will support the amendment.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.01 p.m.]: The Government does not support the amendment. I understand the good intentions of Dr John Kaye, but the reality is that the administrator has a specific and well-defined purpose. A president will be elected once the executive committee is formed. Clearly, the administrator will communicate with the president. The administrator must ensure that all aspects are appropriate. It really should be a matter for the administrator to determine when and how communications are issued regarding public statements. We must not forget that the reason for this legislation is that two purported presidents are making statements, which has created some confusion and havoc. It really would not be an appropriate way to proceed.

Dr JOHN KAYE [4.02 p.m.]: By not supporting this amendment, the Minister, through his statements, removes the flexibility of the administrator to believe it to be appropriate to hold elections and establish a board, which then would establish an executive committee from which the board receives advice and is allowed to

make public statements, but enable the administrator to continue doing his or her work. This amendment creates flexibility for the administrator to recognise further administrative matters requiring repair but that the state of play had been reached for a representatively elected executive committee to be established. This amendment does not do what the Minister thinks it does. He is incorrect in implying that the work of the administrator would be undermined. On the contrary, under the terms of the legislation the administrator would choose a time when this course of events occurred and give the parents a voice while still managing the administrative affairs of the federation. Again, I commend the amendment to the Committee.

Question—That The Greens amendment No. 3 [C2014-040A] be agreed to—put and resolved in the negative.

The Greens amendment No. 3 [C2014-040A] 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.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the Day No. 13 postponed by the Hon. John Ajaka and set down as an order of the day for a later hour.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (FAMILY MEMBER VICTIM IMPACT STATEMENT) BILL 2014

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [4.06 p.m.], on behalf of the Hon. John Ajaka:
I move:

That this bill be now read a second time.

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

Leave granted.

The Crimes (Sentencing Procedure) Amendment (Family Victim Impact Statement) Bill 2014 (the bill) amends the Crimes (Sentencing Procedure) Act 1999 to enable a court to take a family victim impact statement into account when sentencing an offender, in appropriate circumstances.

The Crimes (Sentencing Procedure) Act 1999 already provides for the making of victim impact statements by family members. Currently, if a primary victim has died as a direct result of the offence a court must receive, and acknowledge receipt of, a victim impact statement given by an immediate family member; and the court may make any comment on it that the court considers appropriate.

However, the Act also provides that a court must not consider such a victim impact statement in connection with the determination of the punishment for an offence unless it considers that it is appropriate to do so.

In the Supreme Court decision of *R v Previtera* (1997) 94 A Crim R 76, the Court commented that it would never be appropriate to take a victim impact statement into account in sentencing where it deals only with the effect of the victim's death on the family.

As a result of the *Previtera* decision, a family member of a homicide victim can give a victim impact statement to the court about the impact of the offence on members of the family. However, this information will not be used in determining the offender's sentence.

The Government considers that it is time to change this law.

We consider that there will be circumstances in which a family victim impact statement that deals only with the impact of the offence on the immediate family members of the deceased victim should be taken into account in determining an offender's sentence. Where this is the case, the courts should be able to do so.

Therefore, this bill will enable a court, on the application of a prosecutor, to take a family victim impact statement into account for sentencing purposes where the court considers it appropriate to do so.

The bill also makes clear the basis upon which a victim impact statement given by a family victim can be considered relevant to sentencing.

The *Crimes (Sentencing Procedure) Act* 1999 currently lists a number of purposes for which a court may sentence an offender. This includes "to recognise the harm done to the victim of the crime and the community".

The bill makes clear that a victim impact statement given by a family victim may be taken into consideration in sentencing on the basis that the impact of an offence on the immediate family of a victim who has died as a result of the offence is an aspect of the "harm done to the community".

The *Previtera* decision that prevents family victim impact statements being considered in sentence proceedings has long been an issue.

We made a commitment before the last election that we would change this, so that courts could take family victim impact statements into account in determining sentence, where they consider it appropriate. But although we took steps immediately after we were elected, to honour that commitment, there was very little support for change from stakeholders at that time.

Late last year, however, the issue came to a head when Kieran Loveridge was sentenced for the manslaughter of Thomas Kelly. The sentence imposed by the court sparked community outrage and the fact that family victim impact statements appeared not to count for anything was roundly condemned in some quarters. The Government decided that the issue needed to be looked at again. We engaged in a fresh round of consultation which, this time, showed clear support for the change by homicide victim support groups.

So I am pleased to say the Government is now finally able, via this bill, to fulfil its election commitment and to ensure that family victim impact statements can be taken into account on sentence. The Government extends thanks to the Kelly family and other victims' families and homicide victims support groups for their support and for enabling the Government to bring the bill before the House today.

I will turn now to the provisions of the bill.

Item [1] of schedule 1 replaces the existing section 28 (4) of the *Crimes (Sentencing Procedure) Act* 1999 with a new clause dealing with victim impact statements given by family victims.

The new clause 28 (4) provides that a victim impact statement given by a family victim may be considered and taken into account in determining a sentence for an offence on the basis that the harmful impact of the primary victim's death on the members of the primary victim's immediate family is an aspect of harm done to the community.

In this way, the bill addresses a concern raised by the Supreme Court in the *Previtera* decision, that a victim impact statement that deals only with the impact of the offence on the victim's family will not be relevant to sentencing. The bill makes clear that a victim impact statement dealing with these matters can be relevant to one of the existing purposes of sentencing under section 3A (g) of the Act, which is to recognise the harm done to the community.

The bill has been drafted in this way to ensure that courts will not be impeded from taking these victim impact statements into account in determining a sentence in appropriate circumstances.

The reference to the "harm done to the community" reflects the comments made by the former Chief Justice of NSW in *R v Berg* [2004] NSWCCA 300. In that case, Chief Justice Spigelman commented that:

It appears to me strongly arguable that the recognition of this purpose of sentencing [ie, to recognise the harm done to the community] would encompass the kind of matters which are incorporated in a victim impact statement. It may in some cases, be appropriate to consider the contents of such statements in the sentencing exercise.

Clause 28 (4A) makes clear that this section does not affect the application of the law of evidence in sentencing proceedings. Accordingly, if the prosecution seeks to have the contents of a victim impact statement taken into consideration on sentencing, it may be subject to the rules of evidence and the family member may be subject to cross examination on its contents.

The Government recognises that this is necessary, given that the contents of the statement could impact on the sentence given. It is also consistent with sentencing law more generally.

At the same time, the Government recognises that there may be circumstances in which it will not be appropriate for a victim impact statement given by a family victim to be taken into account in determining an offender's sentence. Alternatively, there may be families who wish to make a victim impact statement for therapeutic reasons, but do not wish that the court take its contents into account in this way.

Under the new framework, a family victim will be able to make a victim impact statement to the court and the court will be required to receive and acknowledge it. However, the victim impact statement would only be taken into account in determining sentence if the prosecutor supports this approach, and the court considers it appropriate to do so.

Family victims and other victims of crime are provided with an information package by the Director of Public Prosecutions [DPP], to help them prepare a victim impact statement for the court. This information package will be updated to inform family victims about the different ways in which their statements may now be used by the court.

Item [2] of schedule 1 moves an existing provision into a new section 28 (6) of the Act.

Item [3] of schedule 1 makes clear that the absence of a victim impact statement given by a family victim does not give rise to an inference that an offence had little or no impact on the victim's family. This provision mirrors an existing provision that applies to the absence of victim impact statements in matters other than homicides.

Item [4] of schedule 1 inserts a provision requiring these amendments to be reviewed as soon as possible after the period of three years from their commencement to determine their effect. The report on the outcome of the review is required to be tabled in each House of Parliament within 12 months after the end of the period of three years.

Item [5] of schedule 1 inserts a transitional provision that makes clear that these amendments will apply to existing offences and proceedings, except where the court has already convicted the offender, or the offender has already entered a plea of guilty, at the time these amendments commence operation.

I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [4.07 p.m.]: I lead for the Opposition in debate on the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014. The Opposition does not oppose the legislation. Of course, that will not surprise anyone because this bill is almost identical to an Opposition bill the Leader of the Opposition in the other place introduced on 20 March. This bill is an example of this Government playing catch-up in this space. The Government decided to pretend to honour its election pledge on this topic only because it was shamed into it by the Labor Opposition. The bill states that its object is:

... to enable a court on the application of the prosecutor to take a family victim impact statement into account for sentencing purposes on the basis that the impact of an offence on the immediate family of a deceased victim is an aspect of harm done to the community.

The overview notes that the bill overrules the 1997 Court of Criminal Appeal decision in *Regina v Previtera*, which held that the impact of the death of a victim on the victim's family is not relevant to determining the offender's sentence. The law of evidence is said to not be affected in so far as it relates to the use of family victim impact statements on sentencing. The bill seeks also to clarify that the absence of a family victim impact statement does not mean that the offence had little or no impact on the victim's family. The subject of debate for some time has been whether victim impact statements can be taken into account when sentencing an offender for wrongful death. At present, those statements must be tendered but are not taken into account on sentencing. That is perceived to have had some benefit to the victim's family on a therapeutic level, but many advocates have argued for more.

The current position prohibiting the consideration of victim impact statements in sentencing is established by the New South Wales Court of Criminal Appeal in *Regina v Previtera*, as I indicated. That decision has been summarised as follows. It is offensive to fundamental concepts of equality and justice for criminal courts to value one life as being worth more than another. It is inappropriate to impose a harsher sentence upon an offender because the value of the life lost is perceived to be greater in one case than in another. A sentence must be proportionate to the objective seriousness of an offence. The sentence will already have taken into account the value of a human life. Of course, the Court of Criminal Appeal argument about the equality of each human life is very powerful not only in law but also on the basis of social equality.

However, granted that some homicidal or manslaughter victims will die without family available or willing to make an impact statement, there is potential for inconsistent sentencing—that is, a court could impose a harsher sentence in a case where the victim has a grieving and loving family than where a victim does not, thus leading to a situation where one victim's life is valued more highly than another. Other jurisdictions have

not adopted the course in *Previtera*. Victoria, South Australia, Western Australia and the Northern Territory, for example, allow sentencing courts to consider family statements in homicide cases. I believe the case is the same in Canada and in the United Kingdom.

In 1996 in this jurisdiction, however, the NSW Law Reform Commission recommended that an impact statement should be inadmissible in death cases. It argued that the use of such statements could only be "An attempt to persuade the courts to impose a harsher sentence on the accused on the basis that, in some way, the death of a person was, say, young and surrounded by a loving family and friends is more serious than, say, the death of a person who was alone, unhappy or elderly." This is congruent with the reasoning of the Court of Criminal Appeal, which has been followed in other cases, such as *R v Dang*, 1999, NSW Court of Criminal Appeal, 42. Interestingly, in *R v Berg*, 2004, NSW Court of Criminal Appeal decision, then Chief Justice Spigelman said in comment that *Previtera* might need to be reconsidered in light of section 3A (g) of the Crimes (Sentencing Procedure) Act 1999, which came into effect in 2002. That provision requires the court when sentencing to "recognise the harm done to the community". The then Chief Justice said:

It appears to me strongly arguable that the recognition of this purpose of sentencing would encompass the kind of matters which are incorporated in a victim impact statement. It may in some cases be appropriate to consider the contents of such statements in the sentencing exercise. This was not a purpose of sentencing recognised in *Previtera*.

Because the deceased was part of the community, consideration of a family impact statement is part of the consideration of the harm done to the community by the death of the deceased. Put this way, the principle at the core of *Previtera* can be retained while an impact statement is still able to be considered in sentencing in cases involving death. This is a limited and constrained consideration of statements. Of course it is precisely the model in this bill and indeed the Opposition's own bill. Of course, that is not what the Government said it would do while it was in opposition.

On 23 February 2011 the then shadow Attorney General and member for Epping said that, if elected, the Coalition would legislate "to specifically provide that courts in New South Wales may consider victim impact statements by family members in homicide cases when determining an offender's sentence". There were no qualification or restrictions then and no reference to section 3A (g)—just a bald promise, which is not honoured by this more restricted but entirely sensible and supportable bill. Having come to power, the new Government released a document in May described as a background policy paper entitled "Family victim impact statements and sentencing in homicide cases", which provoked a flurry of submissions and considerations—but not much else. There was certainly no legislation.

At an estimates hearing on 26 October 2011 the then Attorney General flagged the possibility that the Government would not attempt to implement its policy. That seems to have been the last public comment until the Government's unseemly scramble this year to introduce a bill to catch up with this side of the House. This proposal can be seen as giving statutory reform to what Chief Justice Spigelman said was one possible interpretation of section 3A (g). The death of a homicide victim does not occur in a vacuum. That legislative provision was introduced in 2002 after *Previtera*. This interpretation of the significance of section 3A (g) is not without dissent. For example, I refer to an article by Tracey Booth in the *Law Society Journal* in November 2007. On the other hand, the possible questioning of *Previtera* suggested in *Berg* was also referred to but not decided by the Court of Criminal Appeal in *R v Tzanis* in 2005.

The bill subjects the authors of impact statements to potential cross-examination. Such a step may undo much of the therapeutic effect otherwise expected from the giving of such a statement. At present, impact statements are unsworn and untested documents. In practice, at the moment in New South Wales there is no cross-examination of the content of a statement. It is possible, and members on this side of the House think it is concerning that that may change if the bill becomes law. As I indicated, the Opposition does not oppose the bill and it congratulates the Government on eventually catching up. In its implementation, we have to keep a watchful brief for any unintended consequences such as the one to which I have adverted.

Mr DAVID SHOEBRIDGE [4.14 p.m.]: On behalf of The Greens I oppose the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014. The bill seeks to amend the Crimes (Sentencing Procedure) Act 1999 to allow a sentencing court to take a family victim impact statement into account when sentencing an offender. Section 28 (4) provides that a victim impact statement cannot be taken into consideration unless the court considers that it is appropriate to do so. However, that provision has been read by the courts to not allow victim impact statements to be taken into account for the purpose of sentencing. The New South Wales Judicial Commission Bench Book summarises the existing law as such:

A victim impact statement of the relatives of the victim is irrelevant to the quantum of the sentence on the basis that the loss of one human life cannot be considered more serious than the loss of another.

Justice Howie described the position in *R v Barbetta* [2008]. His Honour stated:

... the Court can have no regard to the loss occasioned by the death of the deceased. The Court cannot try to put a value on individual human lives or what the loss of that life means to loved ones of the deceased or the community in general. That is not the purpose of victim impact statements. Nor is it the purpose of punishment. Under the law all lives are precious and the death of any person is a harm inflicted on the community in general.

Contrary to that long established and indeed deeply ethical position that has for centuries been adopted under common law and the criminal courts in this State since their inception, this Government is proposing to replace section 28 (4) with a proposed subsection (4) and subsection (4A), which provides that victim impact statements may be taken into account by a court in connection with the determination of the punishment for the offence on the basis that the harmful impact of the primary victim's death on the members of the primary victim's immediate family is an aspect of harm done to the community. A clarification is inserted in section 29 (4) that the absence of a victim impact statement given by a family member does not give rise to an inference that an offence had little or no impact on the members of the primary victim's immediate family, which flags the deep philosophical issue in the legislation. The proposed section 207 requires a review of these provisions three years after their commencement with a report required to be tabled in the Parliament within 12 months from that date.

The Greens strongly oppose the bill. It is our concern that schemes such as this create a real risk of unfair and unequal treatment of victims before the courts. Murder is the worst of crimes. I rarely say in this Chamber that murder is an absolute evil, regardless of how loved the victim is. Everybody should be equal in the eyes of the law, including every victim. It should not become a process in the criminal courts of identifying the victim with the most voices in support of them to adjust the punishment accordingly. That is the direction in which the bill will take criminal law in New South Wales. Indeed, it is condemnation of the Opposition and the Leader of the Opposition in the other place for reigniting this divisive and unprincipled debate by the reading of his bill, which forces the hand of this Government to match it in an unprincipled race where it will deliver a criminal justice system that judges and grades the victims every bit as much as it judges and grades the criminals that come before it.

The lives of all of our citizens must be valued equally under our law. That is, perhaps, one of the most fundamental principles in a system based upon the rule of law. For centuries it has been the underlying principle in common law and statute, not only in Australia and New South Wales but also in the common law world. There are lonely, single, isolated people and if their life is taken, then their lives should be valued as equal to the life of someone who has a dynamic circle of friends and family to be brought before the court. There are also serious concerns that allowing these statements to be taken into consideration will expose family members who have made these statements to cross-examination by potentially an unrepresented litigant or his or her counsel in the course of the sentencing procedures.

It is an important part of procedural fairness—and it is included in the bill for this reason—that defence counsel should be able to test evidence that is considered in the sentencing of their clients. In his contribution to the debate the Hon. Adam Searle noted his concerns about this inclusion but he did not foreshadow an amendment to remove the right of the defence to cross-examination. He no doubt recognises that once Pandora's box is opened victims will be exposed to cross-examination about the extent of the pain, suffering, hurt and distress they have suffered as a result of losing their loved one. This is an appalling direction in which to be taking our criminal courts.

One of the likely consequences of these changes is that grieving family members will feel compelled to provide victim impact statements for the purposes of sentencing. They will be given a choice: Do you want to say nothing? Do you want to put in a victim impact statement that will not be taken into account in sentencing? Or did you really love your loved one and want your victim impact statement to be used so your voice can be heard in sentencing? One can feel the moral pressure they will be under in potentially putting themselves under cross-examination to support their deceased loved ones. It is already a deeply distressing situation for the families to be watching the trial and sentencing procedure and then the added burden of asking if they want to put themselves in the witness box and face the fire of cross-examination if they truly loved the deceased and want their thoughts taken into account in sentencing will be placed on them.

I note that victim groups such as VOCAL and others have said they want victim impact statements to be taken into account in sentencing procedures, but as lawmakers we have an obligation to test what that means in reality. We need to think about the appalling pressure that will be placed on family members in those situations. Such a situation can only exacerbate the trauma of an already difficult trial and sentencing process. The Greens have always supported the meaningful involvement of victims of crime in the criminal justice

system, and to that extent the current role of victim impact statements gets the balance right. They allow for some involvement by victims to have their thoughts at least heard by a judge. But it does not take the criminal law down the path of judging and valuing victims and exposing those families to cross-examination, as this bill will do.

Victim impact statements are one of the legacies of the English common law system. Around the thirteenth century victim impact statements allowed victims to speak in support of the "King's peace". This change was brought about at the time that punishment of offenders became the primary objective of the legal system rather than restitution to the victim. In our modern system the victim's role in proceedings does not have to be a choice of having a say in sentencing or not being involved at all. And while the criminal justice system has come a long way towards making the court process more accessible to victims from those early days, there is still a long way to go.

The bill seeks to overturn the ruling in *Regina v Previtiera*, which prohibits the use of family impact statements in sentencing on the basis that their use challenges the courts' objectivity and gives greater value to the lives of some victims. A series of decisions followed that decision, including *Regina v FD* and *Regina v JD* in which Justice Sully made the following points:

That offenders ought not be sentenced under a 'lynch mentality'; that the offender should not be sentenced in a manner that is dictated by the victim; that victims still deserve a forum through which they can make a public statement to allow for the 'emotional catharsis' of including their grief and loss on record; and that impact statements provide a means of implementing a political imperative originating from the perceived lack of trust voters have in the sentencing process.

In the United States of America consideration of victim impact statements has been subject to a number of constitutional challenges, at the core of which is the proportionality argument in sentencing. While this Government purports this legislation as standing up and supporting victims, members well-know that cuts to victims' compensation, which were supported by the conservative crossbenchers, shows that support for victims' rights is only done when it suits financially to do so. The perversely titled Victims' Rights and Support Bill, which passed this House last year, cut to the bone of many victims' entitlements to fair compensation payments.

The Hon. Trevor Khan: Point of order: The matters to which Mr David Shoebridge is referring fall outside the leave of the bill. Mr David Shoebridge should return to the long title of the bill.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! I uphold the point of order. The member will return to the leave of the bill.

Mr DAVID SHOEBRIDGE: The rights of victims must not be seen as being satisfied solely by being given a marginally greater voice in sentencing. Victims' rights go far deeper than this bill proposes. For this Parliament to suggest that passing this bill will in any way satisfy the genuine needs of victims of crime ignores reality. It also ignores the history of what has happened to victims in the last 12 months through legislative intervention by this Parliament. Much has been said about the obiter comment of Chief Justice Spigelman in the case of *Regina v Berg* in 2004 in which His Honour said:

It appears to me strongly arguable that the recognition of this purpose of sentencing—

to recognise the harm to the community—

would encompass the kind of matters which are incorporated in a victim impact statement. It may in some cases, be appropriate to consider the contents of such statements in the sentencing exercise. This was not a purpose of sentence recognised by Hunt CJ at CL in *Previtera*.

Both the Government and the Opposition have given much weight to the comment by the then Chief Justice, but that must be tempered by the fact that there was no argument about victim impact statements in that case. No victim impact statements were tendered at trial. The throwaway obiter line by the then Chief Justice was not well-informed by counsel argument and was not directly considered in that case. Indeed, in relation to those comments—and this has not been quoted to date—the Chief Justice at Common Law, His Hon. Justice Wood, said:

I agree with the orders proposed by Howie J and with the reasons therefore stated by His Honour, I also agree with the additional observations of Spigelman CJ.

However, I would sound a note of caution in relation to the proper approach to fact-finding concerning the impact of a crime upon other members of the community or, upon the victim. If that is to be achieved by way of victim impact statements, then an injustice may occur in relation to a person standing for sentence, in so far as the maker of the statement would not normally be available for cross-examination.

I add that caution in support of the general proposition that extreme care needs to be taken by those who prosecute and defend these cases, and also by trial Judges in always ensuring that there is a proper evidentiary basis for any findings of fact which go towards aggravating or mitigating a sentence.

The Chief Justice of Common Law is acknowledging that by allowing victim statements to be tendered and used for the purpose of sentencing, the makers of those statements are being exposed to cross-examination. Perhaps the single most troubling contribution to debate was that of former Attorney General Greg Smith in support of this legislation in the other place when he said:

The extent of harm sustained by family victims will be determined by the impact of the deceased's death on them and the impact of the deceased's death will be a function of his or her value and worthiness. Thus, the more valuable and worthy the deceased, the greater the impact on the deceased's family, the greater the harm caused by the offence, and the greater the penalty imposed. For example, if a father of five young children is murdered in cold blood, the mother must then endure hardship in bringing up those children and the community suffers more. Surely that murder deserves a greater penalty. Victor Chang, who is mentioned from time to time, did great service for the community as a skilled surgeon, saving many lives. Surely he was worth more than someone who makes no contribution to the community.

That is perhaps one of the most deeply offensive statements that have been read onto the record by any person who has held the office of Attorney General in this State. Indeed it shows the exact direction that this bill will take the criminal law in this State. Victims will be graded. Victims will be judged, to quote the former Attorney General—and I am glad to say "former" in this context—on their worthiness and on their value. The trial will become a judgement on the worthiness of the victim. For example, if a homeless person is murdered then we will have the offensive submission being made by the defence counsel that, "This is a victim with no friends. This is a victim with no family. This is a victim with no-one here to present and show the personal loss and grieving that you have in a case such as the appalling murder of Victor Chang." Those submissions—the valuing, the classing and the categorising of the victim—will become a part of our criminal justice system, and a deeply offensive part of our criminal justice system.

Whether the murder victim is a homeless person with no friends or the most valuable surgeon who has ever performed their life-saving treatment in this State, the criminal justice system and criminal law must treat all victims and all murder victims equally. A life is a life is a life, and all should be equal before the law. That long-established, principled position has perhaps been best put by His Honour Justice Adams in the case of *R v Sutcliffe*, *R v McGoldrick* and *R v McGoldrick*. The proceedings before him were of an appalling case where the defendant was being sentenced for having thrown rocks through the windscreen of a truck on a freeway and killed the driver. All the evidence given was that the driver was a wonderful person and a wonderful father. It was a truly senseless and brutal killing. His Honour Justice Adams said:

29 The purpose of these proceedings is, fundamentally, to apply the criminal law to the measurement of punishment to offenders. So far as is possible that process must be objective and dispassionate. But it is nonetheless appropriate that I should acknowledge in these proceedings the dreadful loss that Mark Evans' death has caused to his family and, indeed, to the wider community.

30 As I have said in other cases, however, by permitting Victim Impact Statements to be received in a hearing such as this, the law does not thereby place them to be weighed in the scales of justice. I respectfully agree with and adopt the careful reasoning of the Chief Judge at Common Law in *R v Previtera* (1997) A Crim R 76 at 85 ff as to why this must be so. The loss of a life is the gravest injury known to the criminal law. Accordingly, it is not made any more serious because the victim's death is the cause of pain or grief to others, however, intensely felt. It would significantly undermine the moral standards essential to the rule of law if justice were to regard the life of one person as more or less valuable than the life of another or, to put it in another way, the killing of one person as more grievous than the killing of another, because of their personal or social circumstances. All right-thinking people would accept that it would be completely wrong to take one day from an otherwise appropriate sentence for an offence which resulted in death because the deceased was obnoxious, stupid and without friends or family to grieve for him or her. By exact parity of reasoning, it cannot be right to add a day to an otherwise appropriate sentence because the deceased was loved and loving and surrounded by friends and family. If this were not so, counsel for an offender whose actions caused the death might rationally submit that, as the deceased was of the former character, the sentence should be more lenient and the Crown prosecutor, by referring to a grieving family, submit the contrary. The virtues or vices of the deceased, the extent of his or her social connections and whether the death caused grief or was simply unnoticed by the indifference of the uninvolved, would then become the subject of evidence and argument. The law will neither value a life nor punish a death by such a demeaning process.

That is the state of the law today. It should remain the state of the law. The Greens oppose the bill.

The Hon. ERNEST WONG [4.34 p.m.]: I join my colleagues and support the views expressed regarding the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014. Indeed, why would we not when the bill is identical to a bill that the Leader of the Opposition introduced two months ago in the other House—the Crimes (Sentencing Procedure) Amendment (Victim Impact Statements—Mandatory Consideration) Bill 2014. It sounds familiar. The Government is merely responding to that Opposition bill but trying to paint this as an original initiative by the Coalition team. Accordingly, they are

rushing this through today before the Leader of the Opposition, John Robertson, can address his bill in the other place on Thursday. It is a pity that we have seen such silly antics by a Government caught on the back foot, because the content of the bill itself is sound.

The object of the bill is to enable courts to take a family victim impact statement into account for sentencing purposes where the victim is deceased. Victim impact statements have long been argued for as a vital tool in sentencing, particularly by victim advocates; and Labor supports this position. However, a legislative response is required in order to overrule the decision in *R v Previtera* which held that the impact of the death of a victim on the victim's family is not relevant to determining the sentence of the offender. That decision has subsequently been approved in a number of cases. The legal rationale for that decision is one that is, in my view, a reasonable one—that is, it is offensive to fundamental concepts of equality and justice for criminal courts to value one life more than another.

It is unjust to impose a harsher sentence upon an offender because the value of the life lost is perceived to be greater in the one case than in the other. A sentence must be proportionate to the objective seriousness of an offence. Proponents of this argument note that some homicide or manslaughter victims will die without family available or willing to make an impact statement, which of course does not diminish the value of that life. Therefore, any legislative response must be a cautious one and a balance between the need to recognise the impact of offences versus ensuring that lives are never arbitrarily valued as greater or lesser than others.

The Opposition believes this bill takes the right approach. The law of evidence is not to be affected insofar as it relates to the use of family victim impact statements in sentencing. The bill also seeks to clarify that the absence of a family victim impact statement does not mean that an offence had little or no impact on the victim's family. Rather, the bill clarifies that, because the deceased was part of the community, consideration of a family impact statement is part of the consideration of the harm done to the community. With this in mind, the principle of *R v Previtera* can be respected while an impact statement is still able to be considered in sentencing in cases involving death.

This is a limited and constrained consideration of victim impact statements. It is a fair and appropriately cautious balance between respecting the rights of families and other victims to express impact to our courts while also preserving a long and universally held view that the lives of all citizens are of value under the law. It is of course precisely the model that the Opposition proposed. Accordingly the Opposition does not oppose the bill. Rather, we congratulate the Government on catching up, several months later, with the Opposition, which exposed the Government's lack of action on its pre-election commitment to victims' rights groups.

The Hon. Niall Blair: You did not write this; you are nicer than this.

The Hon. ERNEST WONG: Thank you. This bill is a sensible and reasonable response to their calls for the consideration of victims' impact statements during sentencing in cases of wrongful death. The Opposition is glad that our action in this matter has finally spurred the Government into responding.

The Hon. PAUL GREEN [4.39 p.m.]: The purpose of the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014 is to enable a court to take a family victim impact statement into account for sentencing purposes in homicide matters. The bill is intended to overrule a 1997 Supreme Court decision that the impact of the death of a victim on the victim's family is not relevant to the determination of the offender's sentence.

Section 3A (g) of the Crimes (Sentencing Procedure) Act 1999 provides that the purposes for which a court may impose a sentence on an offender include recognising the harm done to the victim of the crime and the community. The bill makes it clear that the impact of an offence on the immediate family of a deceased victim is an aspect of harm done to the community. In this way the bill ensures that the contents of a family victim impact statement can be relevant to the determination of an offender's sentence. The bill does not affect the application of the law of evidence in connection with the use of family victim impact statements in sentencing. The bill makes it clear that the absence of a family victim impact statement does not give rise to an inference that an offence had little or no impact on the victim's family.

The bill amends the Crimes (Sentencing Procedure) Act 1999 to enable a court on the application of the prosecutor to take a family victim impact statement into account for sentencing purposes on the basis that the impact of an offence on the immediate family of a deceased victim is an aspect of harm done to the community.

The bill makes it clear that the absence of a family victim impact statement does not give rise to an inference that an offence had little or no impact on the victim's family. The bill requires the Minister to review the amendments within three years of commencement and report to Parliament on the results of the review. The bill also provides that the bill will apply to existing offences and proceedings except where the court has already convicted the offender or the offender has already entered a plea of guilty. I will share some thoughts with members from a 1991 article by the Australian Institute of Criminology. While the article is a little dated, some of the points it makes are relevant today. It states:

... victims of crime have been considered the "forgotten persons" of the criminal justice system. The historical evolution of the penal system, from private vengeance to state administered justice has resulted in a criminal justice process in which the victims play only a secondary role. They report crimes to officials who decide whether to prosecute the case, how to proceed, and what type of punishment to recommend (where applicable).

In adversary legal systems, such as Australia, England or the USA, the role of the victim in court proceedings is a passive one—that of an observer or, at best, a witness. As a witness, the victim has to remain outside the court until summoned to testify. During the brief time in court, the victim/witness is limited to answering questions from the prosecutor or the defence attorney. Victims have no formally recognised role in the trial of their offender, and no mechanism to voice their concerns and feelings regarding the crime and its impact on them. The prosecutor presumably represents the victims and their interests.

Private prosecution has been virtually abandoned and the public prosecutor has monopoly over the criminal justice process. Victims have no power to compel prosecutions, nor "standing" to contest decisions to dismiss or reduce charges, to plea bargain (reduce charges or sentence in return for a plea of guilt by the offender), or challenge the sentence imposed on their offender.

This concept of crime as an offence against the state, and its attendant administration of justice, have resulted in a host of economic and psychological problems for crime victims, and most importantly in perceptions of injustice.

From a psychological viewpoint, a criminal justice system that provides no opportunity for victims to participate in proceedings would foster greater feelings of helplessness and lack of control than one that offers victims such rights ... Victim involvement and the opportunity to voice concerns is necessary for satisfaction with justice, psychological healing and restoration ...

The Christian Democratic Party supports the traditional understanding of the threefold purposes of criminal punishment in our Judeo-Christian inspired legal system. They are: to act as a deterrent; to rehabilitate; and, finally, to act as retribution. Dealing with the deterrent effect, the role of a victim impact statement is unclear. In terms of rehabilitation of the offender, one would hope that at least in a number of cases a victim impact statement might strike a perpetrator's hardened conscience and improve his or her chances of rehabilitation while serving the sentence. Retribution is the most likely area where a victim impact statement would provide the greatest contribution. However, it is clear that victim impact statements have limited input on sentence outcomes. An article by Aldo S. Raineri entitled "Re-integrating the Victim into the Sentencing Process" states:

Research on the impact of victims' input on sentence outcome suggests that it has only a limited effect. A study of victims' requests in Victim Impact Statements submitted in sexual assault cases found that the court was most likely to recognise the desires of the victim when they were consistent with the court's own view of an appropriate sentence. Further, the court was also likely to ignore the victim's desire for a probation sentence over imprisonment (Walsh 1986).

Another study which examined all types of felony offences (Erez & Tontodonato 1990) found that victim retributiveness or requests for incarceration do not influence the court's choice of sentence when all relevant factors are taken into consideration. The decision whether to grant probation or impose a prison sentence is explained primarily by legal consideration such as severity of the offence or prior convictions of the defendant. This study, however, found that the presence of the VIS in the court file does increase the likelihood of a prison sentence. Thus, the availability of the details of the crime and its impact on the victim, rather than the victim's specific retributive requests, influence the likelihood of a probation sentence.

Once a prison sentence is imposed, the VIS does not significantly affect the length of prison sentence. A recent survey of judges concerning the effects of the VIS confirms that judges designate "objective" information (for example the physical and financial impact of the crime) to be more useful in sentencing decisions than "subjective" types of information (for example social effects), particularly the victim statement of opinion (Hillenbrand & Smith 1989).

Lastly, the victim's presence in the court rather than the use of the allocution right has some effect on the length of sentence. Typically, the victims who come to the sentencing tend to be involved in many phases of the trial process, thus providing a constant reminder to the judge that the victim is a person who has suffered substantially.

While the majority of victims indicate that filing a victim impact statement is associated with increased satisfaction with the outcome, we must be mindful with legislation of this kind that we do not heighten victims' expectations that a victim impact statement could significantly influence a sentencing outcome. This could cause the opposite effect. Good counsel and representation should provide a realistic set of expectations as to the efficacy of a victim impact statement. The Christian Democratic Party believes in providing victims with a voice. We are proud to support the bill and commend it to the House.

The Hon. SHAOQUETT MOSELMANE [4.48 p.m.]: The content of the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014 has been Labor policy for some

time. On 20 March this year the Leader of the Opposition introduced a private member's bill to make it compulsory for courts to take victim impact statements into account in sentencing, including in homicide matters. This issue has put New South Wales out of the step with other jurisdictions across Australia. The Liberal Government has been in power for more than three years. I am pleased to see that it is finally getting around to acting on this.

The Crimes (Sentencing Procedure) Act 1999 already provides for family members of victims to present victim impact statements to the court, but the court is not required to take it into account in sentencing. At the moment, the court must simply acknowledge receipt of the statement, and that is as far as the obligation on the court extends. Courts have a discretion as to whether or not to hear the statement made by families. If statements are heard, I believe they should have value and should be taken into account; otherwise, why would families make statements that will not be considered? This amending bill makes clear that a victim impact statement given by a family member of the victim may be taken into consideration in sentencing on the basis that the impact of an offence on the immediate family of a victim who died as a result of the offence is an aspect of the harm done to the community.

The Office of the Director of Public Prosecutions will work with victims' families and provide them with an information package to inform family members of victims about the different ways in which their statements may be used by the court as a result of this bill. This is a topical issue, given community discontent over recent sentencing decisions. An example of that was the sentence given to Kieran Loveridge, who was convicted of the Kings Cross killing of Thomas Kelly. During sentencing, the sentencing judge, Justice Stephen Campbell, stated:

I could not help noticing that when the statements were read in court, many of the large number present were moved to tears by the accounts given. It also needs to be understood that I am constrained by law in the use that I may make of the victim impact statements ... I am not entitled to take their attitude as to the proper sentence into account.

Clearly by making that statement Justice Campbell wanted to convey a message that, in sentencing, the statements made by the victim's family are important and should have a value. That was the purpose of Justice Campbell making that statement and I believe that is the message he wished to convey. Such a statement would have been devastating for the Kelly family, though I can feel sympathy for the constraints of the judge in that case. It is obvious that the law in this area needs to be changed or at least addressed. This amending bill has widespread community support—in fact, one would say it is overdue—but its positive impact will be felt beyond just the tools available to a judge in sentencing.

Thankfully, I have never had to go through anything similar to what the parents of Thomas Kelly have had to go through. No-one could fathom the devastating experience that the family of Thomas Kelly went through. Their pain is immeasurable and there is nothing that can take it away, but for the families left behind in homicide cases, the sentencing of the guilty party can provide some measure of closure. I hope that the measure of closure is all the greater for families knowing that their victim impact statements will be taken into account in sentencing. The role of government is to look after the most vulnerable people in our community. For the families of victims of crime, these amendments are one small but significant step we can take to acknowledge their pain and loss. I commend this amending bill to the House.

Reverend the Hon. FRED NILE [4.53 p.m.]: My comments on the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014 will be brief. The Christian Democratic Party has persistently campaigned for the introduction of family member victim impact statements. We strongly supported the concept and we support the change of emphasis being taken away from the offender and towards consideration of the impact of the offence on the victim and the victim's family. The acknowledgement of family member victim impact statements has been described in some publications as being victim orientated. I believe that is what we should have in our justice system. The Christian Democratic Party is very pleased that the Government has persisted with this legislation.

The Christian Democratic Party considers that there will be circumstances in which a family impact statement, which deals only with the impact of the offence on the immediate family members of the deceased victim, should be taken into account in determining an offender's sentence and that the courts should be able to do so. This bill will enable a court, on the application of a prosecutor, to take a family member victim impact statement into account for sentencing purposes when the court considers it appropriate to do so. The bill has a measure of sensibility about it in the way in which this legislation will operate. The wholly important aspect of this legislation is to recognise the harm done to the victim of the crime and the community. For those reasons, the Christian Democratic Party supports the bill.

The Hon. AMANDA FAZIO [4.55 p.m.]: I join in debate on the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014. Like other Opposition members, I regard imitation as a form of flattery and it is good that the Government has finally got on board with the bill introduced by the Leader of the Opposition in relation to victim impact statements. This bill makes a very important statement about how we deal with the consequences of crime as it impacts on the family of victims. Before Mr David Shoebridge faints, I indicate that I agree with him: I believe that all people should be treated equally before the law. I believe that all lives lost should be treated equally, which is why I have never supported the concept of selecting individuals in society and saying that their lives are worth more than others. I have never supported the idea that we should have special laws that relate to the homicide of police officers. I believe that what those officers do is wonderful for the community, but I do not believe that we should be singling out particular groups in society and saying that their lives are worth more than others. I do not think that will be the result of this bill.

Reverend the Hon. Fred Nile: That is not the point of the legislation.

The Hon. AMANDA FAZIO: The whole point of this legislation is that this was a commitment that was made by the then Opposition to a variety of victims organisations prior to the 2011 State election. Victim impact statements are important and have a role to play. They have a very important function in enabling the families of victims to express their grief and loss and to confront in the legal system the person who has killed their family member. That will let the offender know what the impact of that death has been on the family. I think the Hon. Paul Green said he thought that victim impact statements may have some impact on the perpetrators by making them understand better what they had done and the grief they caused by their actions.

I strongly believe that we must have a greater role for families of victims in homicides. I do not believe that the statements of the victims' families should be judged on the basis of the eloquence of the people who make the statements. That is not the point. The point is that this bill will allow people to have their say about what that heinous crime did to their families, to explain the way in which they have lost a family member and the impact it has had on them. We must remember that for people whose family member is involved in a homicide, the prosecution is run by agencies of the government, there is the defence, and then the family of the victim is sitting in a courtroom. It is not as though the family of the victim is taking a civil action and is in control of what is happening in the courts. They are not in control and they do not have a say. They are provided with a liaison officer to help them through the process, but they do not have a chance in the court to put forward their point of view about what happened.

Family member victim impact statements are a good way to allow families of the victims to make statements and participate in the process. It will actually be something of a slap in the face for the perpetrator to hear exactly what they have done as well as the pain, anguish and suffering they have caused. New South Wales sentencing guidelines and procedures will still be taken into account at the time of sentencing. However, family member victim impact statements must be included in New South Wales law. I know people who lost a family member to homicide who were very grateful for the work of the police and the prosecutors in preparing the evidence and presenting it in court. But at the end of the process they felt that they were standing on the sideline on a matter that was of vital importance to their families.

The ability to present a family impact statement will give families who have lost a family member to homicide a greater say and help their healing process. Not all perpetrators of crime will be affected by listening to a statement. However, the fact they have to sit and listen to the long-term impacts upon their victim's family may have an impact on them and may give them a better understanding of and insight into the gravity of their crime. I support the comments of the Deputy Leader of the Government in supporting the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014. It is an appropriate course of action for the Government to take, even if it is poaching policies from the Opposition.

The Hon. CATHERINE CUSACK [5.01 p.m.]: I speak briefly in support of the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014. I thank and congratulate all those who have contributed to bringing the bill before the Parliament. My family experienced the loss of one of my cousins, Mary, through a horrific murder about 24 years ago. I shared a birthday with Mary and we were of a similar age. She was baking a cake for her son's first birthday party and the family were coming over. Her husband had gone off to get a lawn mower. Mary was six months pregnant with her second child when a lunatic came in and, in a horrific way, attacked her with a pickaxe. He had apparently fallen in love with her from afar. The family arrived for the birthday party and, needless to say, suffered a horrific experience.

Mary was a beautiful person and her funeral was attended by the many people whose lives she had affected. I recall thinking that this does not happen to a family like ours. But it does, it happens to ordinary people and completely derails them. The police had identified the perpetrator of the crime but had insufficient evidence. He subsequently murdered another mother and her baby before being arrested. He then hanged himself in Goulburn jail, sparing the family the trauma of a trial, something that had been very much dreaded. I therefore cannot speak from the experience of a trial.

The point Mr David Shoebridge makes that a life is a life is well made. As a Liberal I support that with all my heart and principle. The issue is not that one life is more valuable than another but that there are more victims of a crime than just the person who has lost their life. In the case of Mary, her one-year-old son never got to know his mother and is very much a victim of that crime. Obviously, her parents and brothers and sisters are also victims. The crime has had an impact on the wider family.

It is fair to give a family the opportunity to voice the impact of such an horrific crime as homicide as part of the process of the justice system. It is a fair thing to do and a good way to recognise not that one life is more valuable than another but that horrific crimes have multiple victims whose lives are irrevocably changed when people they love and who form a big part of the family identity are stolen from them. They are very much victims of the crime and to be given a voice at that stage of the process is a good thing. I again, in a bipartisan way, thank everybody who has contributed to this bill. I believe it will bring a greater sense of justice to our legal system.

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.04 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank members for their contributions to this debate. I note the concerns raised by Mr David Shoebridge and his consideration of the cases of Previtera and Berg. However, the Government supports the comments made by former Chief Justice Spigelman in the 2004 Court of Criminal Appeal case of Berg in which he suggested a reconsideration of the Previtera decision. The Government's bill makes clear that a victim impact statement made by a victim's family can be taken into account for sentencing purposes on the basis that the impact of an offence on the immediate family of a deceased victim is an aspect of harm done to the community.

The Government considers that where a family victim impact statement expresses harm done to the community, it is entirely appropriate and consistent with the purpose of sentencing for a court to take this into account when sentencing an offender. This bill amends the Crimes (Sentencing Procedure) Act 1999 to enable a court to take a family victim impact statement into account when sentencing an offender in appropriate circumstances. The bill overrules the Supreme Court's decision in Previtera that the impact of a death on the victim's family is not relevant to the determination of the offender's sentence. I commend the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Bill 2014 to the House.

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

The House divided.

Ayes, 31

Mr Blair	Mr Khan	Mr Secord
Mr Borsak	Mr Lynn	Ms Sharpe
Mr Brown	Mr MacDonald	Mr Veitch
Mr Clarke	Mrs Maclaren-Jones	Ms Voltz
Ms Cotsis	Mr Mason-Cox	Ms Westwood
Ms Cusack	Mr Moselmane	Mr Whan
Mr Donnelly	Reverend Nile	Mr Wong
Ms Fazio	Mrs Pavey	
Ms Ficarra	Mr Pearce	<i>Tellers,</i>
Miss Gardiner	Mr Primrose	Mr Colless
Mr Green	Mr Searle	Dr Phelps

Noes, 5

Ms Barham
Mr Buckingham
Dr Kaye
Tellers,
Dr Faruqi
Mr Shoebridge

Question 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. 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.

STATE REVENUE LEGISLATION AMENDMENT BILL 2014

Second Reading

The Hon. MATTHEW MASON-COX (Minister for Fair Trading) [5.14 p.m.]: I move:

That this bill be now read a second time.

The State Revenue Legislation Amendment Bill 2014 is simply one of a series of several pieces of legislation to clarify administrative and implementation issues in tax legislation. The bill is not designed to effect major change in order to raise revenue. I say that at the outset because a number of members opposite became a little excited regarding some aspects that will be addressed in due course. In that regard, it is appropriate that I seek leave to incorporate the remainder of my second reading speech into *Hansard*.

Leave granted

The State Revenue Legislation Amendment Bill 2014 is part of the Government's ongoing program of maintaining legislation governing taxes administered by the Office of State Revenue.

The bill clarifies the liability to and exemption from duties and land tax, and includes measures to protect the State's tax revenue.

The bill amends three taxation Acts, and I will deal first with the amendments to the Land Tax Management Act 1956, ("the principal Act").

Under the principal Act, land is exempt if it is owned by or in trust for a charitable institution or used solely as a site for a charitable institution.

A recent Administrative Decisions Tribunal decision has highlighted an inconsistency in the legislation compared to the Duties Act and the Payroll Tax Act. At present, a charitable trust which does not constitute an "institution" is not entitled to the land tax exemption even when all of its assets and income are applied only for charitable purposes.

The bill extends these exemptions to corporate bodies, societies and other charitable bodies which are carried on solely for charitable purposes and not for the pecuniary profit of the members.

The bill contains amendments to Schedule 1A of the principal Act which exempts an owner's principal place of residence [PPR].

The exemption applies if the owner, or at least one of the joint owners, uses and occupies the land as the person's principal residence.

An owner may be absent from his or her exempt principal place of residence for a period of up to six years but still retain the principal place of residence exemption provided the residence is not rented out for more than six months in the preceding calendar year, and provided also that the owner is not entitled to the principal place of residence exemption for another residence.

However, if the absent owner does not occupy any other residence as his or her principal place of residence on the taxing date, the unoccupied residence is not exempt. These circumstances may arise when an absent owner is travelling or is living in a caravan, boat or hotel.

The bill removes this anomaly by omitting the requirement that an absent owner must live in another principal place of residence during absences from their normal residence.

Under the principal Act, a landowner may claim the principal place of residence exemption for two residences for one tax year if a new residence is purchased during the six months prior to the commencement of the tax year. This exemption is intended to cater for people who buy a new residence before they sell their existing residence, and therefore own two properties on the taxing date.

The bill removes the requirement to sell the former residence, provided the new residence is occupied before commencement of the next tax year.

Trustees who own land are liable for land tax, but their tax liability is payable out of trust funds. For land tax purposes, trusts are classified as either "fixed trusts" or "special trusts".

Unit trusts are generally taxed as special trusts. This means the trust is ineligible to claim the tax-free threshold but unit holders do not pay a secondary tax liability.

However, a unit trust can be classified as a fixed trust if its trust deed contains provisions, called "relevant criteria", which have the effect of making the unit holders liable for land tax on a share of the trust's land, as secondary taxpayers.

The bill includes changes to the relevant criteria applying to unit trusts to make it clear that a unit trust can only be classified as a fixed trust if only one class of units has been issued with identical rights to income and capital of the trust.

The changes are consistent with the current interpretation of the Act applied by the Office of State Revenue.

Under the principal Act, a person who holds a life estate in land is deemed to be the owner for land tax purposes, and any person who holds the remainder or reversionary interest is excluded from liability for land tax.

A life tenant's interest in the land continues for the life of a specified person, who is usually the life tenant. On the death of that person, the land reverts to someone else, who is usually registered on title.

There has recently been a significant increase in the creation of life estates in land owned by companies and special trusts to obtain the benefit of the tax-free threshold or to avoid land tax altogether by qualifying for the principal place of residence exemption.

The bill makes both the owner of the life estate and the owner of the reversionary or remainder interest liable for land tax. This ensures companies and special trusts cannot reduce their land tax liability by creating life interests.

However, an exception is allowed for life estates created under the express provisions of a will, which has been the traditional means by which life estates were created, and which by its nature does not lend itself to tax planning.

As a result of the amendments, where a company holds the remainder interest in land which is subject to a life estate, the land will not qualify for the principal place of residence exemption.

In addition, if a company owns land as trustee of a special trust, the special trust will not be entitled to the benefit of the tax free threshold.

However, if the land is owned by a trustee who is a natural person, and the land is the principal place of residence of a life tenant, the land will continue to be exempt.

The bill also includes statute law amendments for the purposes of the exemption for primary production land and land used for childcare services. These amendments reflect changes to the zoning of land under the Environmental Planning and Assessment Act, and the application in New South Wales of the National Law dealing with child care services.

The second taxation Act amended by the bill is the Taxation Administration Act 1996. The bill amends that Act to clarify and strengthen the Chief Commissioner's power to recover an unpaid corporate tax liability from directors and former directors.

The current legislation requires a compliance notice to be issued to a director before recovery action commences against a director. The amendments will require a notice of assessment to be issued to the director if the failure to pay the corporate tax liability is not "rectified" within the time specified in the compliance notice.

In addition, the director's joint and several liability will be extended to include not only the company's unpaid primary tax, but also any late payment interest and penalty tax accruing after the compliance notice is issued.

Finally, the bill includes amendments to the Duties Act 1997 to extend the duties exemption for transfer of relationship property upon the breakdown of a marriage or de facto relationship by updating definitions of matrimonial property and relationship property to reflect the power of the Family Court to make orders relating to that property.

The bill also includes other minor amendments to the Duties Act, including changes to definitions, and amendments in the nature of statute law revision.

The amendments contained in the State Revenue Legislation Amendment Bill 2013 were the subject of consultation with industry and professional bodies.

The amendments will provide greater certainty for taxpayers in complying with state revenue legislation, including in relation to the application of various tax exemptions.

I commend the bill to the House.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! There is too much audible conversation.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [5.15 p.m.]: I lead for the Opposition on the State Revenue Legislation Amendment Bill 2014. The Opposition does not oppose the bill. I thank the

former Minister for Finance and Services as well as the present Minister for arranging briefings with relevant officials and staff members to clarify questions. This legislation was second read in the other place on 29 May 2013 but sat idle and did not proceed until 26 March this year.

The Hon. Dr Peter Phelps: Waiting.

The Hon. ADAM SEARLE: Waiting for what, we ask? As the shadow Treasurer in the other place indicated, correspondence was received about the matter, resulting in his raising with the then Treasurer, Mr Mike Baird, the proposition that the legislation, which was supposed to be the usual omnibus tidying up kind of legislation, in fact introduced a new tax on mining options that apparently had not existed previously. This seemed to take the then Treasurer by surprise. As a result, a briefing was held, but I will not go into its details. Subsequently, the then Minister for Finance and Services, Mr Andrew Constance, who is now the Treasurer, moved a series of government amendments to remove from the legislation matters that the mining industry had raised with the Government.

The amendments related to the landholder duty provisions concerning primary production, land mining interests and a general discretion in the Chief Commissioner for State Revenue. Amendments concerning transfers of options also were to be removed pending further consultation with industry. At the time, the Labor Opposition did not oppose that course, and still does not because, given the nature of this legislation, which is meant to be similar to statute law revision, that is, to be technical tidying up and not controversial, and certainly not substantive—

The Hon. Dr Peter Phelps: Not a tax Act.

The Hon. ADAM SEARLE: Not a tax Act, in fact. We did not and still do not oppose the bill. However, interestingly, in further discussions today with officials, these provisions removed in the other place clearly were thought necessary at least at some point to be included in the legislation. We on this side of the House are interested to know the impact of removing those provisions? I understand there has been further consultation with industry and at least one meeting with those who raised issues about the legislation in its original form. I also understand that the Government had indicated that the provisions that were taken out would be brought forward in separate legislation, although there is no specific timetable to do so. I know that at least one other member in this Chamber will raise his concerns. The question I pose is: What impact will removing those provisions from the bill have on the Office of State Revenue? I have posed that question before and government officials have said it is not possible to give an answer because it cannot be quantified. I struggle with that response.

For the provisions to have been inserted in the legislation in the first place the Government must have been cognisant of the impact of the bill, as well as its constituent parts. It must be possible to make a rough guesstimate of the impact of removing the provisions from the bill on the Office of State Revenue. I will leave that question with the Government, given that New South Wales, along with other States, copped an almighty pounding in last night's Federal budget. One estimate is that the States will collectively cop a shellacking of \$80 billion. New South Wales must be sharing the burden of \$25 billion to \$30 billion over a 10-year period.

The Hon. Matthew Mason-Cox: Over a 10-year period.

The Hon. ADAM SEARLE: I said over a 10-year period. I understand that the New South Wales Treasurer has indicated it is at least a \$1.5 billion hit in one year. I note that the Premier and the Treasurer have called for dialogue with the Commonwealth Government about the impact on the State budget. It is a little after the fact, given the budget has been delivered in Canberra and there is no realistic prospect of remedying that concern. The question that looms large is: What impact do the amendments to this legislation, which were made in the other place, have on the Office of State Revenue?

Further questions I have are: How many transactions a year would those provisions have affected? On whom would the charges or levies have fallen? Who would be affected and to what extent? As I said, the crucial concern is what revenue, or otherwise, would those provisions have raised. I could pose a range of other detailed questions, but I will not do that now. A response to those matters would be instructive and useful. I will leave those matters to one side and deal with the balance of the legislation.

The bill makes amendments to the Duties Act 1997, the Land Tax Management Act 1956 and the Taxation Administration Act 1996. It makes several amendments to the Duties Act, the most significant being

the extension of the exemption for transfer of relationship property upon the breakdown of a marriage or de facto relationship to provide consistency with Family Law legislation. Other provisions in the Duties Act that are amended relate to self-managed superannuation funds and the extension of the meaning of "related persons" to trustees and beneficiaries of a discretionary trust, which is a concessional and anti-avoidance provision, as most of the provisions in the bill are designed to be.

I note that the bill contains not only anti-avoidance provisions that tighten the meanings of certain provisions and their application in relation to duties and the like but also some concessional provisions. However, the information the Opposition has received from the Government and its officials is that the bill in total is revenue neutral. That is, it tidies up some loopholes and liberalises other aspects but on the whole it is intended to be revenue neutral. The bill makes several amendments to the Land Tax Management Act 1956. It makes a minor amendment to extend an existing exemption for charitable institutions to include other wholly charitable bodies, including companies, incorporated associations and societies.

Secondly, the principal place of residence exemption is to be extended during an owner's temporary absence in order to remove an anomaly. Thirdly, the bill simplifies the exemption for two principal places of residence when an owner buys a new residence by removing the requirement to sell the current residence within 12 months. Fourthly, the bill updates the definition of "rural land" for the purposes of the primary production exemption, to reflect changes and terminology used in environmental planning instruments. Next, the bill clarifies the circumstances in which a unit trust is eligible to obtain the benefit of the tax-free threshold. We certainly welcome that provision.

The bill limits the concessional treatment of life estates, other than those created by a will, to create land tax minimisation arrangements. Finally, the bill makes statute law revision amendments to the exemption for land used for childcare services. We welcome those amendments as well. In relation to the Taxation Administration Act 1996, the bill strengthens provisions requiring directors and former directors of companies to pay unpaid tax. I will not go into those provisions in detail. I will reflect that the former finance Minister, now Treasurer, in his reply in the other place made the point that the intention of the bill is to close a number of loopholes that involved the use of unit trusts and life estates to avoid or reduce land tax contrary to the policy intent of the legislation.

The Government's concern was to "protect the sanctity of the revenue base—to keep it intact—given the importance of providing much-needed funding to essential services and infrastructure across the State". The Opposition joins with the Government in securing the integrity of the taxation base. Of course, the pressing issues of revenue and financing for the State, now occasioned by last night's budget, give a sharper focus to the questions I have posed about those provisions that were taken out of the bill in the other place and the impact that the budget has had. With those observations, the Opposition does not oppose the legislation. We look forward with deep interest to this debate and the Minister's reply.

Mr JEREMY BUCKINGHAM [5.27 p.m.]: On behalf of The Greens I support the State Revenue Legislation Amendment Bill 2014, with some grave reservations as to how we have reached this position. For the benefit of members who may not have taken as keen an interest in the bill as I have, I will walk them through its time line. On 29 May 2013 the bill was introduced in the Legislative Assembly by Mr Troy Grant on behalf of the then Treasurer, Mr Mike Baird. The bill has sat in limbo in the Legislative Assembly for 10 months.

The Hon. Dr Peter Phelps: Limbo?

Mr JEREMY BUCKINGHAM: Yes, in limbo. The question has to be asked: Why has it sat in limbo? The bill excited the attention and significant interest of the NSW Minerals Council and the Property Council of Australia. Clearly it excited their attention for one reason. The bill, in its original form, would have applied a duty to mining tenements and to options on property, which is a duty that would have conferred significant amounts of money to the Office of State Revenue. The Greens estimate that tens, if not hundreds of millions, of dollars would have been delivered to the Office of State Revenue from the abolition of these loopholes.

As the Minister said, this bill makes some minor amendments to the taxation legislation of this State, including the Duties Act 1997, the Land Tax Management Act 1956 and the Taxation Administration Act 1996. The Greens do not oppose that and we support the changes in both the earlier and current version of the bill. The Minister's second reading speech was incorporated into *Hansard*. Neither the Minister nor Government

members in the other place have explained why this Government has shamefully gutted its own legislation. I am not saying that this is a conspiracy, but when it comes to mining and property developers in this State the people of New South Wales, with good reason, are very suspicious. The Government said it needs further time to consult, but it has not said how it will do that or what it wants to consult about. Today we learnt from the Hon. Adam Searle that there has already been consultation.

The Hon. Adam Searle: I told you that this afternoon.

Mr JEREMY BUCKINGHAM: That is correct; I learnt that this afternoon. Despite the now Premier saying in today's *Sydney Morning Herald* that he has had no representations on this issue, we have learnt that representations were made to the former Deputy Treasurer and subsequently to the then Treasurer and now Premier Mike Baird. That is of grave concern. If that is the case then for whatever reason the Government has decided to forgo significant revenue that underpins the taxation base of this State. The New South Wales Government is scrambling to find money—it is cutting and gutting services—and the bottom line of this State was savagely attacked in the budget handed down by the Federal Government yesterday. This Government should be looking at ways in which to find significant revenue. It is clear that by hastily burying these provisions the Government has delivered to its lobbyists, donors, big miners and big property developers.

In amending its own legislation the Government has not put forward a case as to why it has suddenly decided to forgo millions of dollars. The original bill clarified that all mining tenements are liable for stamp duty once sold. That is reasonable. Mr Troy Grant said in the other place that that provision had been included in response to a case that had recently been heard and after consultation. Currently, this applies only to mining leases and mineral claims, but mining tenement amendments will extend that to apply to assessment leases, exploration licences and opal prospecting licences. This will be achieved by making it clear in the definitions that all mining tenements under the Mining Act are to be considered as interests in land for duties purposes. I think most people in this State would expect that.

The bill provides that the value of information obtained in relation to mining tenements, such as the results of investigations under an exploration licence, will be included in the value of the interest in land. Again, that is very sensible and reasonable. However, for some unexplained reason the Government has removed that from the bill. Mr Troy Grant said in his second reading speech:

[this] will provide consistent duty treatment of direct and indirect acquisitions of mining tenements, and will increase harmonisation with the duties legislation of other States and Territories.

That is consistent with how we treat tenements in other places. These mining tenements are incredibly valuable—for example, the notorious Cascade Coal exploration licence in the Bylong Valley was valued at \$500 million. If it had been sold, the State Government would have received \$27,485,490 in stamp duty. That is an incredibly significant amount of money. The Hon. Adam Searle said that we do not know in how many of these transactions these provisions would apply—

The Hon. Adam Searle: I do not know.

Mr JEREMY BUCKINGHAM: And I do not know, but it would not take many of those types of transactions to deliver significant amounts of revenue to this State. Clearly, the Minerals Council and the Property Council are disturbed by this. They are furiously working behind the scenes to successfully crunch the Government to bury these provisions and we are forgoing millions of dollars in revenue. Members well know that up until recently some mineral and coal titles have been tightly held by companies and other entities for long periods of time, but as we have seen the structural decline of coal and space open up to other players these tenements are being traded more freely. If we had stuck to the original intent of the bill, they would have attracted significant duty and revenue to the State, which could have been funnelled into TAFE colleges, employed teachers, built roads, et cetera. Instead, we are going to keep that money in the pockets of the big multinational miners and billionaire property developers at the big end of town. That is a disgrace.

I ask that the Minister respond in his speech in reply as to why the Government needs further consultation and with whom that consultation will take place. I want the Minister to tell us what the concerns are of those interests—I bet my last dollar they do not want to pay the tax. It would be a matter of grave concern to the people of this State if behind the scenes the Government is being lobbied and forgoing revenue because the big multinational miners and billionaire property developers at the big end of town have got its ear. I turn now to what some members in the other place said about these amendments. The new Treasurer, Andrew Constance, who was then Minister for Finance and Services, said:

The amendments will remove four provisions from the bill to allow for further consultation with industry and professional bodies.

Who are the professional bodies? Are they lobbyists? I ask the Minister to clarify that in his speech in reply. He said further:

I acknowledge that the shadow Treasurer has indicated the Opposition will support the amendments. It will give us more time to consult on those elements of the bill.

Today we have learnt that consultation has been undertaken with representatives of the mining industry. I repeat: I learnt that only from listening to the Hon. Adam Searle's contribution earlier. Mr Michael Daley said:

... I received some very strong representations in respect of the legislation from the Property Council of Australia, which was concerned about certain new sections that will amend the Duties Act—principally, new section 8 (1) (d) and new section 9B, which relate mostly to the treatment of duty on the transfer of options.

Surprise, surprise—the property developers do not want to pay stamp duty. The people of New South Wales are not exempt from paying stamp duty when they sell their houses, nor should property developers or mining interests be exempt when they transfer mining titles from one to another. In effect, they are assets of the State and a duty should be attracted when they are transferred. In the last budget, stamp duty delivered nearly \$5 billion in revenue to the State. Stamp duty is a significant contributor to State revenue. If the Government truly wanted to underpin the bottom line of this State it would be looking to ensure that those duties are being attracted and delivered into State coffers.

What are we missing out on? I have some further examples of what we are missing out on. In the case that actually sparked the Government's decision to make these changes the option on a shopping centre development was sold for \$60 million. That is a significant transaction. I believe that in New South Wales we would see hundreds of these types of transactions every year and in the years ahead. According to the judgement, the stamp duty that would have been payable on that one transaction was \$3 million. Let us think about that for a moment. That is \$3 million that has stayed in the pocket of the property developer. It has avoided paying stamp duty. The Government has not put forward a case as to why it thinks that is an appropriate outcome.

The Greens have grave concerns at this time as to what influence the lobbyists have had over the Government, what meetings have occurred between the Property Council of Australia, the Minerals Council of Australia, their lobbyists and the various Ministers and members of Opposition. The Greens have had no representations. We would slam the door in their face. We are not interested in putting the interests of the Minerals Council of Australia, the big miners or the property developers before those of the people and the revenue of New South Wales.

We want to know why the Government has pulled these amendments, when this consultation will be finalised and when the Government will—if it is committed to these amendments—bring these amendments forward. What is the time line for this consultation to begin and conclude? What is the outcome for this? The Minister is shaking his head in disbelief. The people of New South Wales are shaking their heads in disbelief, because the Government has not put forward a case as to why it is forgoing hundreds of millions of dollars of revenue. The Government is scratching around, cutting services, cutting the public service and capping wage rises. And yet the Government is forgoing a significant revenue stream without giving a coherent reason for this.

The people of New South Wales are very suspicious. They saw how the former Labor Government operated. Whose interests did it put first? Those of the big end of town. The people of New South Wales are looking with increasing concern at the state of their democratic institutions. They can see from the Independent Commission Against Corruption the interests that were put front and centre by politicians. We want to be reassured by the Government that it is committed to these provisions. We will be moving amendments that reinstate those provisions. If the Government votes against them then we want to know what the time line is for these consultations to occur, who they will be with and what they will be about. When will the Government put the interests of New South Wales first and reinstate these provisions that deliver hundreds of millions of dollars of revenue from the big miners and the big property developers to the people of New South Wales?

The Hon. PAUL GREEN [5.43 p.m.]: I shall speak briefly on the State Revenue Legislation Amendment Bill 2014. I note that the Opposition does not oppose this bill. This bill seeks to make various minor amendments to the Duties Act 1997, among other Acts. As I understand it, this bill initially proposed amendments to options over land, landholder duty provisions relating to primary production land and mining interests, and a general discretion to the New South Wales Chief Commissioner of State Revenue. These

amendments were removed pending further consultation. If the bill is passed, amendments to the New South Wales Duties Act 1997 will be backdated to commence from 1 July 2013. Other amendments are to commence from the day the bill receives royal assent.

The bill also amends three taxation acts. First, it amends the Duties Act 1997. It clarifies the duties liability of interests in mining tenements under the Mining Act 1992, being a mining lease, mineral claim, assessment lease, exploration licence and opal prospecting licence. For stamp duties purposes, mining tenements have long been regarded as interests in the land over which they are granted. However, recent changes in the law have concluded that mining tenements are not interests in land but statutory licences. The bill, therefore, provides that the rights under all mining tenements are interests in land for duties purposes. I note that in the other place Mr Grant said:

The second landholder duty change is in relation to a landholding company or trust that is a primary purchaser. At present, an acquisition of a primary producer landholder is exempted from duty in certain limited circumstances. This exemption is capable of being used by an investor who does not need to be directly engaged in primary production. The exemption is therefore removed by the bill to ensure that the same duty result applies to a direct or indirect acquisition of land used for primary production. The transfer of a primary producer company within a corporate group would still be eligible for exemption as a corporate reconstruction, and the transfer of a family farm between family members would still be eligible for exemption in most cases.

Under section 20 of the principal Act a person who holds a life estate in land is deemed to be the owner for land tax purposes. Any person who holds the remainder or reversionary interest is excluded from liability for land tax. A life tenant's interest in the land continues for the life of a specified person who is usually the life tenant. On the death of that person the land reverts to someone else who is usually registered on the title.

Recently there has been a significant increase in the creation of life estates in land owned by companies and special trusts to obtain the benefit of the tax-free threshold or to avoid land tax altogether by qualifying for the principal place of residence exemption. The bill makes both the owner of the life estate and the owner of the reversionary or remainder interest liable for land tax. This ensures companies and special trusts cannot reduce their land tax liability by creating a life interest. However, an exception is allowed for life estates created under the express provisions of a will, which has been the traditional means by which life estates were created and which by its nature does not lend itself to tax planning.

As a result of amendments where a company holds the remainder interest in land, which is subject to a life estate, the land will not qualify for the principal place of residence exemption. In addition, if a company owns land as a trustee of a special trust, the special trust will not be entitled to the benefit of the tax-free threshold. The bill includes statutory law amendments for the purposes of the exemption for primary production land and land used for childcare services. These amendments reflect changes to the zoning of land under the Environmental Planning and Assessment Act and the application in New South Wales of the national law dealing with childcare services.

The Christian Democratic Party commends the bill to the House.

The Hon. MATTHEW MASON-COX (Minister for Fair Trading) [5.48 p.m.], in reply: I thank honourable members for their contributions, constructive ones from the Opposition and the Christian Democratic Party, and a swathe of conspiracy theories from The Greens. I will deal with that now, because it is important that people understand precisely what is going on here. I am very happy to give a full explanation to put the fears of Mr Jeremy Buckingham to rest. I encourage the member to settle down, relax and take a few deep breaths. The bill is one of a series of regular pieces of legislation to clarify administrative and implementation issues in tax legislation. It is not designed to effect major change in order to raise revenue.

I will go back to the first step referred to by a couple of speakers, which is the speech in reply by the Hon. Andrew Constance in the other place. It was quoted by the member opposite in relation to the need to protect the sanctity of the revenue base and the importance of providing much-needed funding to essential services and infrastructure across the State. The Minister acknowledged that in his speech in reply. To make it more evident to members opposite I will quote what Minister Andrew Constance said during the consideration in detail stage in the other place. He stated:

The amendments will remove four provisions from the bill to allow for further consultation with industry and professional bodies. These are amendments to the landholder duty provisions relating to primary production land, mining interests and a general discretion of the Chief Commissioner of State Revenue. Amendments concerning transfers of options are also to be removed pending further consultation.

I make it clear that the Office of State Revenue regularly consults with liaison groups about this type of draft legislation. It does so on a confidential basis to ensure that the legislation has the effect of clarifying administration and does not have unintended consequences. Liaison groups include the Law Society, accountants, the Tax Institute and the Property Council. The Minerals Council was not included in the list of regular liaison groups. As members have acknowledged, this bill was introduced in May 2013 and included a

number of amendments that would affect the mining industry such as clarifying the taxation treatment of mining tenements and the treatment of information attached to the sale of a mining tenement. Mr Jeremy Buckingham has been waxing lyrical about licences and other matters that do not relate to the transfer of a mining tenement. They simply come into effect when a mine is sold, which is a different issue. Perhaps he needs to go back to Mining 101 to clarify his concepts.

The Minerals Council became aware of the amendments and that it had not been included in the consultation process. Quite naturally, it requested to be included in the process. As a result, the legislation that was before the Parliament was amended to remove those clauses to allow that consultation to occur. One would have thought it was eminently sensible of the Government to ensure that proper consultation took place with industry. In other all circumstances Mr Jeremy Buckingham would agree with that but in this case, no, there must be a conspiracy. It was simply an oversight. The consultation is now proceeding in good faith.

I will now give Mr Jeremy Buckingham a little bit more information about consultation with the Property Council. I have been advised it has been consulted on the amendments concerning the transfer of options and that agreement has been reached. The amendments will be introduced during this session of Parliament in a bill that should be introduced in the other place sometime in June. There is nothing controversial about this. The issues have been resolved in consultation with the Property Council, which is the way these things are done in the ordinary course of business. Discussions about mining tenements are continuing and the matter should be resolved in the near future. In response to comments about hundreds of millions of dollars being at risk and the revenue base being under attack, I am advised by officials from the Office of State Revenue that minimal amounts of tax revenue are involved.

Mr Jeremy Buckingham: How much?

The Hon. MATTHEW MASON-COX: I do not have a figure to hand. It is difficult to estimate because it depends on a range of factors and circumstances that may or may not occur. The reality is that Mr Jeremy Buckingham is barking up the wrong tree. He has elected to develop a conspiracy theory when in reality we are dealing with a small oversight by the Office of State Revenue that it quickly corrected through the normal consultative way in which it operates. I ask Mr Jeremy Buckingham to relax a little and put his conspiracy theories to the side. The other amendments in the bill are also of a simple and administrative nature. They concern administrative issues that do not have any significant impact on the revenue base in New South Wales. The member should think twice before he again draws the sorts of conclusions he has drawn on this occasion. With those comments, I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Mr JEREMY BUCKINGHAM [5.56 p.m.], by leave: I move The Greens amendments Nos 1 to 6 on sheet C2014-037 in globo:

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

[1] Section 8 Imposition of duty on certain transactions concerning dutiable property

Insert at the end of section 8 (1) (c), before the notes:

, and

- (d) a transfer of an option to purchase land in New South Wales that is taken to occur under section 9B.

[2] **Section 9B**

Insert after section 9A:

9B Transfer of option occurring on nomination or other change

- (1) A transfer of an option to purchase land in New South Wales is taken to occur if, for valuable consideration:
 - (a) the option holder nominates another person to exercise the option, or
 - (b) the option holder nominates another person as purchaser or transferee of the land the subject of the option on or before the exercise of the option, or
 - (c) the option holder agrees to a novation of the option, or otherwise relinquishes his or her rights under the option, so that another person obtains a right to purchase the land.
- (2) For the purpose of charging duty under this Chapter on a transfer referred to in subsection (1) (a) or (b):
 - (a) the option is taken to be transferred when the nomination is made, and
 - (b) the person nominated is taken to be the transferee of the option (and a reference in this Act to a transferee includes a reference to such a person).
- (3) For the purpose of charging duty under this Chapter on a transfer referred to in subsection (1) (c):
 - (a) the option is taken to be transferred when the option holder agrees to the novation or otherwise relinquishes his or her rights under the option, and
 - (b) the person who obtains a right to exercise the option is taken to be the transferee of the option (and a reference in this Act to a transferee includes a reference to such a person).
- (4) This section applies regardless of when the option is exercisable.
- (5) For the purposes of this section, anything done by a person under a power of appointment or other authority granted by an option holder is taken to have been done by the option holder.
- (6) Subsection (1) (b) does not apply to a nomination made by an option holder acting as purchaser of the land.
- (7) In this section:

option holder, in relation to an option to purchase land in New South Wales, means a person who has a right to purchase the land under the option (whether or not that right has crystallised).

[3] **Section 22 What is the consideration for the transfer of dutiable property?**

Insert after section 22 (3):

- (4) The consideration for a transfer of land in New South Wales that occurs on the exercise of an option to purchase the land is taken to include the amount or value of the consideration provided by the transferee for the option (whether for its grant, transfer, exercise or otherwise).

Note. This section extends to an agreement for sale or transfer of dutiable property. Under sections 8 and 9 such agreements are treated as transfers of dutiable property.

[4] **Section 23 What is the "unencumbered value" of dutiable property?**

Insert after section 23 (2):

- (2A) The ***unencumbered value*** of an interest in land arising because of a mining tenement or petroleum tenement is to be determined having regard to any information about the land, as if the information were an attribute of the land.

No. 2 Page 3, schedule 1. Insert after line 5:

[2] **Section 64D**

Insert after section 64C:

64D Transfers made on exercise of option to purchase land

The duty chargeable in respect of a transfer of land in New South Wales that occurs on the exercise of an option to purchase the land is to be reduced by the amount of duty (if any) paid by the transferee on the transfer of the option to the transferee.

No. 3 Page 4, schedule 1 [6]. Insert after line 33:

109 Amendments relating to options

- (1) Section 9B, as inserted by the amending Act, extends to an option granted before the commencement of that section.
- (2) Section 22 (4), as inserted by the amending Act, extends to consideration provided for an option before the commencement of that subsection.
- (3) Section 64D, as inserted by the amending Act, extends to options granted or transferred before the commencement of that section.

No. 4 Page 5, schedule 1 [6], line 10. Insert "or to clause 4 of the Dictionary" after "Chapter 4".

No. 5 Page 5, schedule 1. Insert after line 10:

[7] **Dictionary**

Insert in alphabetical order in clause 1:

mining tenement means a mining lease, mineral claim, assessment lease, exploration licence or opal prospecting licence under the *Mining Act 1992*.

petroleum tenement means:

- (a) a petroleum title within the meaning of the *Petroleum (Onshore) Act 1991*,
or
- (b) a licence, permit, lease, access authority or special prospecting authority under the *Petroleum (Offshore) Act 1982*.

No. 6 Page 5, schedule 1. Insert after line 30:

[9] **Dictionary, clause 4**

Omit the clause. Insert instead:

4 Interests in land

- (1) For the purposes of this Act, a mining tenement or petroleum tenement is taken to give the holder of the mining tenement or petroleum tenement an interest in the land to which it relates.
- (2) To avoid doubt, the land includes anything that, under the authority of the mining tenement or petroleum tenement (whether direct or indirect), is fixed to the land the subject of the mining tenement or petroleum tenement and that would be a part of the land (as a fixture) if the mining tenement or petroleum tenement were an estate in fee simple in the land.
- (3) A carbon sequestration right within the meaning of Division 4 of Part 6 of the *Conveyancing Act 1919* does not give rise to an interest in land.

As I was elucidating in my contribution to the second reading debate, there is concern about the removal of provisions relating to tenements and the options on property from the bill. I am not soothed by the words of the Minister. His contribution contained no soothing balm. He did not give a single reason why the provisions had been removed or what the Property Council was concerned about. In his speech in reply he did not give a single example of the concerns of the Minerals Council.

It was interesting to hear the member say that the amendments were moved so that consultation could occur. That leads me to assume that the consultation occurred after the amendments, yet we know that a number

of meetings were held and representations were made before the bill was introduced in 2013 and finally passed by the other place in March this year. The consultation is ongoing but we do not know what it is about. The Greens have no idea what concerns the Minerals Council has. Maybe Labor members do; maybe they have seen the letters. I was interested to hear the Hon. Adam Searle say he understood that representations had been made to the Deputy Premier, which had been forwarded to the Premier.

The Hon. Adam Searle: That is not right. I did not say that.

Mr JEREMY BUCKINGHAM: That was my understanding.

The Hon. Matthew Mason-Cox: It is just another one of your conspiracies, I think.

Mr JEREMY BUCKINGHAM: It is interesting to hear that because the Premier said that he has had, and I quote, "... no representations regarding the bill". We know that the Government had some representations both prior to the introduction of the bill last year and now that the representations are ongoing. That is not a conspiracy theory.

The Hon. Matthew Mason-Cox: Is that a known unknown, or a known known?

Mr JEREMY BUCKINGHAM: That is a known unknown and there certainly are a number of unknown unknowns in this space. What we do know is that we cannot trust this Government as far as we can throw it.

The Hon. Matthew Mason-Cox: Oh!

Mr JEREMY BUCKINGHAM: Go to the Independent Commission Against Corruption and see how confident the Minister is in the administration of the State.

The Hon. Trevor Khan: Point of order: My point of order is that member's comments are not relevant to the amendments he moved. He should be brought to order and speak to the amendments he is seeking agreement on. He should not extend the leave of the motion to embark on some bizarre rant, as he has a tendency to do.

The CHAIR (The Hon. Jennifer Gardiner): Order! I remind Mr Jeremy Buckingham to confine his remarks to the amendments before the Committee.

Mr JEREMY BUCKINGHAM: This is not a bizarre rant. The amendments will ensure that the interests of the people of New South Wales and the sanctity, as some have described it, of the revenue base are upheld. The State Government says it has to scratch around and go cap in hand to the Federal Government and it must introduce a host of austerity measures because the revenue base is being diminished, costs are increasing, and public sector wages have to be capped. Yet the amendments present an opportunity for the Government to implement two provisions that will deliver significant revenue to the State. The amendments provide for duty to be paid on the transfer of options on property. The Minister is wrong—and I remind him this is Mining 101. When an exploration licence is transferred, currently it does not attract a duty. That is the issue. That is what I was saying and that is the key issue.

The Hon. Matthew Mason-Cox: That was not what I was saying.

Mr JEREMY BUCKINGHAM: But that is the case, and I have been clear on that from day one. When an exploration licence changes hands, it does not attract a duty, which is ridiculous when those assets are worth in some instances more than \$1 billion. Currently there is no stamp duty payable on what is clearly an interest in land and should be recognised as such in the statute. The amendments put in place the original provisions that the Government just a year ago thought were so reasonable. The Government has not put a case forward to justify its position. Why? I would be interested to hear from the Labor Opposition and the State Government the reasons that the amendments now are so unreasonable and what it is that the Property Council was so concerned about.

The Minister did not state in his reply when the issue around mining tenements would be resolved. He said that the Government would have consultation and that in due course we may see some movement in that space. The Greens want to know now because the State is missing out on revenue right now. Exploration

licences change hands routinely. When they do, we miss out on millions and millions of dollars. The Greens amendments put the interests of New South Wales and New South Wales taxpayers first. The good people of New South Wales pay stamp duty each time they sell their homes. The good people of New South Wales pay tax and business people pay payroll tax, and they would expect that the big end of town would not be exploiting a loophole and would not be knowingly supported in doing so by the Government. I commend The Greens amendments to the Committee. I will be very interested to hear from the Minister when we can expect to see the Government move on those provisions around mining tenements.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.04 p.m.]: The Opposition will not be supporting The Greens amendments simply because we do not know what impact they will have. I do not think it is satisfactory that the Government is not able to answer that question either, but certainly this is the Government's legislation. It tidies up and makes consequential amendments to a number of revenue Acts, and we support those amendments. However, the Opposition will not embark upon provisions whose consequences we do not understand.

I will clarify some of the more excited aspects of the contribution made by the member who preceded me in this debate. On 26 March 2014, the shadow Treasurer stated in his contribution to the second reading debate that he had received representations from the Property Council about proposed sections 8 (1) (d) and 9B, in the legislation as it then was, relating to the duty on the transfer of options. That took the form of a letter to the shadow Treasurer. There was no meeting and there were no phone calls. It was a letter. I have not seen the letter but my understanding is that the letter raised the issue that what was in the bill constituted a tax that had not previously existed on those options. I believe that the shadow Treasurer raised that issue with the then Treasurer, which led to the Opposition being briefed by Treasury and the Office of State Revenue.

Mr Jeremy Buckingham: Oh!

The Hon. ADAM SEARLE: There is no dispute about this. I do not know about other deliberations but obviously as a consequence of something, the Government then decided to take those provisions out of the bill and to engage in consultations. The Minister with carriage of the legislation was Mr Constance, who was then the Minister for Finance and Services. I understand from a briefing I received today from Office of State Revenue and Treasury officials, for which I express my appreciation, that those consultations include consultation with the Minerals Council and that there has been a meeting. I do not have any other details. I do not know what other meetings may be scheduled, but I do note the Minister has confirmed that June is the options part of the bill.

The Hon. Matthew Mason-Cox: That is the hope.

The Hon. ADAM SEARLE: I understand it is the hope—that it would come back—although in what form we do not know. That is the sum total of my knowledge of these matters. I have a great deal of concern and interest in maintaining the integrity of the revenue. It is vitally important for the State to be able to deliver quality services in areas such as health, education and all the other areas that have been so cruelly hit by the Federal budget, but I cannot commit the Opposition to supporting amendments whose consequences I do not understand or know and which even the Government does not understand or know. As I said, that is not satisfactory but it is not a reason to charge ahead.

Furthermore, although I do not raise this as an objection, if what was in the original bill constituted a new tax, and I do not know whether it did, it ought to have been in the form of a tax bill, not as part of a miscellaneous omnibus bill such as revenue legislation revision. It should have been a substantive bill dealing with those matters. I do not say that critically because, if what was in the bill constituted a new tax, it obviously took the Government by surprise.

Mr Jeremy Buckingham: Oh!

The Hon. ADAM SEARLE: It either did or it did not. If it did not take the Government by surprise, trying to hide a new tax in overhaul revenue legislation without disclosing it would be a very serious breach of the traditions of those types of Acts. I do not make such an allegation against the Government without more evidence than a horrified gasp. I am an empiricist. I like to see some evidence before passing judgement. Obviously the Opposition is concerned about the state of the Government's revenue in the light of the budget. We are interested to learn more around what I would describe as the curiosity of those provisions being taken out of this legislation.

I renew my calls on the Government to advise us that on the basis of the history of transactions of the type that would have been affected by those provisions, it cannot be beyond the Government's wit or wisdom to work out what the revenue impacts would be. I renew my call for the Government to disclose that information to Parliament. It is a matter for the Government whether it chooses to do so. It is a curiosity. No doubt issues of revenue will be hotly discussed in the days and weeks to come, particularly as the Prime Minister has now effectively accused the State governments of being sooks and told them to just get on with the job. He does not want to convene the Council of Australian Governments [COAG] to discuss the hit to State revenue to the tune of \$80 billion occasioned by last night's budget.

In conclusion, on this occasion the Opposition will not be supporting these amendments. I am sympathetic to the need to maintain the integrity of State revenue but I cannot commit the Opposition to supporting measures that, on its version of events, even the Government and its officials do not understand the consequences of. That is more than a curiosity.

The Hon. MATTHEW MASON-COX (Minister for Fair Trading) [6.10 p.m.]: I reiterate the comments I made in my reply to the second reading debate. That is, the Government has seen fit to continue consultation with those interested groups and the amendments were called for in the first instance for that reason. That consultation has been productive in relation to the transfer of options. As I said earlier, the Government hopes to introduce an amendment in that regard in the June sitting. Consultation is ongoing in relation to the mining tenements. I cannot tell members when that will conclude. It is just the ordinary course of those consultations and there is nothing extraordinary about that. It is simply the way the Government does business, by ensuring that it consults well and understands what the implications of its changes will be so as to avoid any unintended consequences.

I have been advised by the Office of State Revenue that the impact of these amendments on the State revenue base is minimal. I stress that—minimal. Members need to understand that I cannot give an exact figure because it depends upon a range of circumstances that may or may not happen. But the reality is that, based on the normal course of events that one would expect, the revenue impacts are minimal and the Government will be addressing the consultation aspects to ensure that appropriate provisions are introduced in due course, so far as mining tenements are concerned. I again commend the State Revenue Legislation Amendment Bill 2014, in its existing form. We will be opposing the amendments put forward by The Greens.

Question—That The Greens amendments Nos 1 to 6 [C2014-037] be agreed to—put.

The Committee divided.

Ayes, 5

Mr Buckingham
Dr Faruqi
Dr Kaye
Tellers,
Ms Barham
Mr Shoebridge

Noes, 31

Mr Blair	Mr Khan	Mr Secord
Mr Borsak	Mr Lynn	Ms Sharpe
Mr Brown	Mr MacDonald	Mr Veitch
Mr Clarke	Mrs Maclaren-Jones	Ms Voltz
Ms Cotsis	Mr Mason-Cox	Ms Westwood
Ms Cusack	Mr Moselmane	Mr Whan
Mr Donnelly	Reverend Nile	Mr Wong
Ms Fazio	Mrs Pavey	
Ms Ficarra	Mr Pearce	<i>Tellers,</i>
Mr Gay	Mr Primrose	Mrs Mitchell
Mr Green	Mr Searle	Dr Phelps

Question resolved in the negative.

The Greens amendments Nos 1 to 6 [C2014-037] negatived.

Schedule 1 agreed to.

Schedules 2 and 3 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Matthew Mason-Cox agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Matthew Mason-Cox agreed to:

That this bill be now read a third time.

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

HOME BUILDING AMENDMENT BILL 2014

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

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

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

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

ASSENT TO BILLS

Assent to the following bills reported:

Criminal Assets Recovery Amendment Bill 2014
Mining and Petroleum Legislation Amendment Bill 2014
Graffiti Control Amendment Bill 2013

MARITIME AND TRANSPORT LICENSING LEGISLATION AMENDMENT BILL 2014

Second Reading

Debate resumed from 7 May 2014.

The Hon. WALT SECORD [6.26 p.m.]: As shadow Minister for Roads, I lead for the Opposition in debate on the Maritime and Transport Licensing Legislation Amendment Bill 2014. This bill amends existing maritime and transport legislation to provide for the harmonisation of boat and vehicle licensing and registration, and to improve the management of dangerous goods in ports. Labor will not be opposing the bill. If implemented correctly and appropriately, the bill should remove unnecessary red tape and reduce duplication, which we support. I thank my colleague in the Legislative Assembly, Ron Hoenig, who has shadow ministerial responsibility for ports and who conducted a thorough and comprehensive examination of this bill. The bill was introduced on 7 May by the Minister for Roads and Freight, the Hon. Duncan Gay, and the Opposition appreciated the impromptu briefing provided by his office.

The Maritime and Transport Licensing Legislation Amendment Bill seeks to undertake a number of measures. First, it will allow for the granting of a combined driver and boat licence, similar to a motorcycle or truck licence and regular driver's licence. Secondly, it will transfer boat driving licensing and vessel registration functions to Roads and Maritime Services. This will mean one authority rather than two will have this licensing responsibility. Thirdly, the bill will sensibly allow maritime legislation to make port regulations for dangerous goods. By way of background, New South Wales has more than five million driver licences on issue, and of its 440,000 boating licence holders, 80 per cent also have a driver licence. Therefore, the new regime makes sense. I have been advised that common licence renewal dates will be applied. New South Wales has six million registered vehicles on its roads, 800,000 of which are boat trailers. Furthermore, of an estimated 220,000 registered recreational vessels, most have a registered trailer to transport them to the State's waterways.

A recent Roads and Maritime Services publication estimated that boat ownership in New South Wales continues to grow and is forecast to increase by almost 3 per cent annually. Therefore, reducing licence duplication is welcome as it resolves an issue that would have worsened over time. At the moment, the two business systems of the former Roads and Traffic Authority and NSW Maritime manage distinct customer streams. Currently, a person who owns a trailer and boat must register those vehicles at different authorities. Therefore, combining the two systems makes sense. Of course, credit for this idea belongs less with the Minister and the Liberal-Nationals Government and more with the New South Wales boating community and its leadership.

It emanated from the 2012 Maritime Stakeholder Forum, which highlighted the need to reduce red tape. On 3 August 2012, with great fanfare at the official opening of the Sydney International Boat Show before more than 500 boating and marine industry representatives, the Minister promised to act to "reduce regulatory burden, increase efficiency and cut red tape". We finally see the bill 21 months later. Let me say that again, 21 months later. It was not exactly a speedboat performance by the Minister but at least he has an oar in the water. The Opposition does not oppose the measure but notes that it has been long overdue, like so many of the initiatives of the Liberal-Nationals. In opposition they make big promises, but in government they are slow to deliver.

The bill amends the Road Transport Act 2013 to enable the integration of driver licences and boat driving licences. The bill also amends the Marine Safety Act 1998 to note that boat driving licences may be included on combined licences as an alternative to issuing boat driving documentation. In addition, the bill facilitates the taking and using of photographs in connection with combined licences and includes safeguards concerning the purposes for which the photographs may be kept and used. The bill provides for the legal effect of the combined licence in connection with certain requirements under legislation, such as the carrying, production, delivery or surrender of driver licences and boat driving licences.

The bill amends the Marine Safety Act to enable Roads and Maritime Services to alter the period during which a boat driving licence is in force, thus aligning it with the period during which a driver licence on a combined licence is in force. The Minister's office briefing note states, "Importantly, the fees for both licences will remain the same." I ask the Minister to confirm in his reply that that will be the case. The bill also provides for the transfer of boat driving licensing and vessel registration functions to Roads and Maritime Services. Currently, under the Marine Safety Act, these functions are exercised by the Minister, creating a complicated set of delegation procedures for Roads and Maritime Services. I am advised that the amendment aligns maritime legislation with road transport legislation.

Finally, the bill amends the Ports and Maritime Administration Act 1995 to enable the regulations under that Act to make provision for the management of dangerous goods in ports. Currently regulations relating to dangerous goods in ports are found in a schedule of the Work Health and Safety Regulation 2011, which has preserved certain provisions under repealed legislation. This will be a consequential amendment. The Minister believes that the ports Act is the appropriate location for the new regulations. The bill also enables dangerous goods regulations to create offences punishable by a penalty not exceeding 300 penalty units. This is an increase from 100 penalty units. This means that the new maximum now equates to \$33,000.

If passed, the legislation will commence on a day to be proclaimed, which is likely to be 1 July 2014. These are sensible and pragmatic reforms that respond to longstanding boat users' concerns. Labor does not oppose the bill. We look forward to monitoring the implementation of the changes. I have one final question for the Minister to address: How does merging the two licences impact on workers in the bureaucracy? I thank the House for its consideration and commend the bill.

The Hon. Duncan Gay: And congratulate the Minister on being an outstanding Minister.

The Hon. WALT SECORD: We will leave it at that.

The Hon. PAUL GREEN [6.34 p.m.]: I acknowledge the interjection of the Minister.

The Hon. Duncan Gay: He wants a bridge.

The Hon. PAUL GREEN: I want a bridge over my river.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! If the member wishes to make a contribution to the debate he should commence his speech.

The Hon. PAUL GREEN: I speak in debate on the Maritime and Transport Licensing Legislation Amendment Bill 2014. The bill legislates for the granting of the combined driver and boat licence, to transfer boat driving licences and vessel registration functions to Roads and Maritime Services and to allow for the making of dangerous goods in ports regulations under maritime legislation. The Christian Democratic Party understands it is the intention of the Government to reduce red tape and harmonise government services wherever possible. The intention is to make it easier for New South Wales residents to access services from customer outlets, providing benefits by simplifying products and standardising policies and procedures for customer service officers. This bill is well within the spirit of the one-stop shop legislation that has already been passed in this place.

The Government provided figures that show there are five million driver licences on issue and 440,000 boat driving licences and that an estimated 80 per cent of boat driver licence holders also hold a driver licence. Likewise, there are six million registered vehicles of which 800,000 are boat trailers. Of an estimated 220,000 registered recreational vessels, most have a trailer registered to transport them to the State's waterways. I have never seen a bike rider towing a boat so I do not expect to see a dual-purpose bicycle boat licence. The Maritime Policy Agenda announced by the Hon. Duncan Gay included a number of boating customer reforms to reduce regulatory burden, increase efficiency and cut red tape. The principal element of the reforms was a combined driver and boat driving licence for eligible Roads and Maritime Services customers. The bill amends the Road Transport Act 2013 to enable integration of driver licences and boat driving licences. Always the optimist, I believe this will mean fewer cards in one wallet. In fact, I can only fit three in mine.

The Hon. Duncan Gay: It means you have too much money in there.

The Hon. PAUL GREEN: There is no money. The Federal Government has just taken it all away.

The Hon. Rick Colless: You're raising six kids.

The Hon. PAUL GREEN: Yes, six children, I know. That erodes the money as well. My daughters love a T-shirt I have that says, "My dad is my ATM". The bill also amends the Marine Safety Act 1988 to note that boat driving licences may be included on combined licences as an alternative to issuing separate boat driving documentation. As a driver licence is a photo licence, the bill facilitates the taking and use of photographs in connection with the combined licences and safeguards concerning the purposes for which the photographs may be kept and used.

The bill allows for the legal effect of the combined licence in connection with certain requirements under legislation such as carrying, production, delivery or surrender of driver licences and boat driving licences. It amends the Marine Safety Act to enable the Roads and Maritime Services to alter the period during which a boat driving licence is in force to align it with the period during which a driver licence on a combined licence is in force. I note that we have the assurance of the Minister in his briefing that the fees for both licences will remain the same.

The bill allows for the transfer of boat driving licensing and vessel registration functions to Roads and Maritime Services. Currently, under the Maritime Safety Act, these functions are exercised by the Minister. This creates a complicated set of delegation procedures for Roads and Maritime Services. The amendment aligns maritime legislation with road transport legislation. Lastly, the bill amends the Ports and Maritime Administration Act 1995 to enable the regulations under the Act to make provision for the management of dangerous goods in ports.

It is my understanding that if the legislation is passed it will commence on a day to be proclaimed—most likely 1 July 2014. Combined licences will be available, following application, later in 2014. The Christian Democratic Party has enjoyed helping the Government to reduce its Christmas tape—green and red tape. In this instance a lot of red tape will be removed. As a boatie and fisherman from the beautiful South Coast—the only

place in the world where you can catch black marlin off the rocks—I understand that people from New South Wales coastal areas will appreciate the common-sense approach that has been taken by the good Minister, the Hon. Duncan Gay, and his staff. It took 16 years plus 18 or 21 months for this bill to be introduced. We commend the bill to the House.

Dr MEHREEN FARUQI [6.40 p.m.]: On behalf of The Greens I speak to the Maritime and Transport Licensing Legislation Amendment Bill 2014, which appears to be a common-sense bill. I state at the outset that The Greens will not be opposing this bill. The principal aim of the Maritime and Transport Licensing Legislation Amendment Bill 2014 is to allow Roads and Maritime Services to issue combined boating and driving licences with harmonised expiry dates. The licence will be a single New South Wales driver licence combined with a boat driving or personal watercraft licence. All other conditions of the licences, such as costs, conditions, compliance, testing, et cetera, will remain as they are for the separate licences. The bill also will formally transfer boat driving licensing and vessel registration functions to the Roads and Maritime Services. As there is an overlap between roads and maritime customers, an integrated transport licence will be beneficial for these customers.

The bill also amends the Ports and Maritime Administration Act 1995 to enable the regulations under that Act to make provision for the management of dangerous goods in ports. This regulation currently sits in the Work, Health and Safety Regulation 2011. I understand that this amendment will also enable dangerous goods regulations to create offences punishable by a penalty not exceeding 300 penalty units and thus brings penalties closer to those in the work, health and safety legislation. The health and safety of all workers is of the utmost priority, so improving legislation to increase accountability and reduce the risk to their health and safety is important. I have been assured that this is a procedural matter. However, I am concerned as to how Roads and Maritime Services will administer this dangerous goods regulation, particularly in respect to WorkCover inspectors and how they will be involved in the administration of this change. I ask the Minister to respond to this concern in his speech in reply.

The Hon. DUNCAN GAY (Minister for Roads and Freight, and Vice-President of the Executive Council) [6.43 p.m.], in reply: I thank members for their contributions to debate. I thank them also for their support of the bill and, in some cases, their kind comments. The Hon. Walt Secord raised some concerns, one of which was in relation to changes to fees. I indicated in my second reading speech that there would be no change to fees and the member referred to a briefing from my office to that effect. However, as the Hon. Walt Secord asked that I address this issue in my reply, I indicate that there will be no changes to fees. I point out that I cannot guarantee that my comments today will be applied by a government in 10 years' time. As far as this budget and the next are concerned, the Government does not envisage any changes to fees.

This bill is not about raising extra revenue; it is about providing a better service. I thank the Hon. Walt Secord and the other members who acknowledged that fact. There will be no changes to employment as a result of this bill. The bill will reduce red tape and provide a benefit to our customers. Although it does not happen often enough, both Roads and Maritime Services and Transport NSW are operating to this end. As to the concerns raised by Dr Mehreen Faruqi, we are moving the regulation from work, health and safety legislation to another area. We do not envisage any weakening of the regulation. In fact, given our maritime oversight, we would not want that to occur. We are streamlining the provisions in the Act and the Government does not envisage any changes in this regard. I thank Transport NSW for its work in drafting this common-sense bill and I thank members for their support of the bill.

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 transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Freight, and Vice-President of the Executive Council) [6.48 p.m.]: I move:

That this House do now adjourn.

BLUE MOUNTAINS SEPTIC PUMP-OUT SCHEME

The Hon. PETER PRIMROSE [6.48 p.m.]: Last year without any consultation the New South Wales Liberals and Nationals decided to scrap the Blue Mountains Septic Pump-Out Scheme and betray 72 local families and businesses. Trish Doyle, Labor's candidate for the Blue Mountains, has been leading the campaign to make sure that the voices of these local residents are heard. Since 1988 Sydney Water has subsidised the cost of sewage pump-outs in the Blue Mountains, allowing customers to be charged at a rate equivalent to having a sewer service. It was an election promise made by Nick Greiner. These were the days when Liberal and National Party governments still thought it was proper to keep their election promises. Robert Webster, a National Party Minister who subsequently joined the Liberal Party, wrote to affected residents in the Blue Mountains confirming that:

The subsidy has been introduced especially for Blue Mountains residents because of the proximity of their properties to the sensitive environment of the Blue Mountains National Park. As you will appreciate, septic effluent accidentally finding its way into local streams and eventually into drinking water sources in the Mountains is a threat to water quality from both a health and an environmental point of view. This places a responsibility upon residents and on the Government to do whatever is possible to preserve the amenity of the park as a national heritage.

The pump-out subsidy was not implemented as a favour to these Blue Mountains residents. It was clearly part of a longstanding promise to eventually connect their properties to the sewer. In 2014 nothing has changed, except the now easy willingness of today's Liberals and Nationals to unilaterally breach longstanding contracts and commitments. The residents say that they originally agreed to install a subsidised pump-out septic on the understanding that when, not if, the sewer came they would be required to connect. They are gobsmacked to now be told that the sewer will never come to their homes, the subsidy will be removed and the cost of any alternative measures will be cost shifted onto them. Installing an on-site wastewater management system is hugely expensive and physically not possible on most of the properties. Sydney Water has offered to extend the sewerage system to some of these residents, but only if they pay what is labelled a "minor service extension charge".

For instance, Linden resident Donna Gammidge, who is a single parent, has been told she could avoid paying commercial pump-out rates of \$5,000 per year if she forks out a "minor charge" of \$75,000 for the sewerage extension plus a further \$15,000 for a plumber to install a tank and pump. She also cannot afford to pay \$5,000 a year for a private contractor to pump out. So what is Ms Gammidge supposed to do? Currently these families and businesses pay around \$600 a year for the subsidised service. But from July this year they will have to pay commercial rates to a private contractor, an average of around \$5,000. That is almost \$100 a week extra that they will have to find, on top of the increases to electricity and gas bills that are hitting the rest of the community.

They will receive a one-off payment of \$3,000 in August or September. Then they will be abandoned. This is just another example of Mike Baird maximising profits at Sydney Water and using it as a cash cow. Sydney Water's annual report shows it made a massive after-tax profit in 2012-13 of \$415 million—that is \$48 million higher than in 2011-12. But instead of reinvesting the money into new infrastructure, Sydney Water had to pay the Baird Liberal Government a record dividend of \$368 million in 2012-13. So 24 per cent of all the money that Sydney Water receives from its customers is now paid out as dividends and taxes.

Since the Liberal Government was elected, it has cut over 450 staff from Sydney Water, or about 15 per cent of its staff. Most of these cuts have been from front-line maintenance staff. So while it has been increasing its profits, Sydney Water has had to cut its capital expenditure and put up its domestic water prices. The axing of the Blue Mountains Septic Pump-Out Scheme is simply one of the consequences of Mike Baird ripping out dividends instead of reinvesting the money into Sydney Water. What is really flowing through Sydney Water's pipes is cash flow straight back to Mike Baird.

The New South Wales Government should maintain the current funding arrangements for the Blue Mountains Septic Pump-Out Scheme. The scheme was introduced because the Blue Mountains National Park is

a World Heritage-listed area and the pump-out scheme would protect this pristine area until residents could be connected to the sewer system. The decision to change the arrangements was made without any consultation with those who would be affected and who will now be expected to bear these huge costs.

FEDERAL BUDGET

Ms JAN BARHAM [6.53 p.m.]: Widening the gap, broadening the underclass, increasing inequality and entrenching poverty—as the Federal Treasurer Joe Hockey said last night, "It is the time to face the facts." The fact is that the Federal budget has cut enormous holes in this country's safety net and is set to put already vulnerable people at risk of poverty, homelessness and deep disadvantage. The biggest impacts in this budget will be felt by the people who are least equipped to deal with further challenges. I will note just some of the changes affecting vulnerable groups in our population. Income support payments, including the age pension and disability support pension, will be indexed to the consumer price index [CPI] and are set to fall further and further behind growth in wages.

Changes to the disability support pension conditions for people under the age of 35, with reviews of eligibility and compulsory participation requirements, will see people with disabilities subject to increased stress, at risk of reduced income support and faced with pressure to find work when there is inadequate assistance from government and insufficient efforts among employers to make reasonable accommodations that would allow them to find work. In the area of housing there are funding cuts to programs that address affordable housing and prevent homelessness: \$3.1 million will be cut from the National Homelessness Research Strategy; \$235.2 million will be cut from the National Rental Affordability Scheme; and \$173.1 million will be cut from the Housing Help for Seniors pilot.

In the area of ageing and aged care there are major funding reductions: \$1.7 billion through reduced growth in the Commonwealth Home Support Program; \$7.7 million lost in grants under the National Respite for Carers Program; and \$281.2 million cut by ending the Pensioner Education Supplement. In Aboriginal and Torres Strait Islander programs \$534 million has been stripped from the portfolio. Some 150 programs for Aboriginal and Torres Strait Islander people will be consolidated to five and it appears funding for health programs has been reduced by \$165.8 million.

For young people, the Newstart eligibility age will be raised to 24 years, leaving more young people on Youth Allowance and \$48 per week worse off. But, even worse, people under 29 will be denied any income support for up to six months. It will then commence, and the next year and each year after that there may then be another six months where payments cut out and people are left without a safety net. There are many more cuts to health and to education. These are radical, punishing changes to the fundamental framework that our society has been built on and their effects will be most strongly felt by those who have the least capacity to withstand them. This budget has been met with dismay by those who stand for and work with vulnerable groups. I will cover here just some of their statements. From the Australian Council of Social Service Dr Cassandra Goldie said:

The real pain of this budget—crushing and permanent—will be felt by people on low incomes, young people, single parents, those with illness or disability, and those struggling to keep a roof over their heads.

National Shelter Executive Officer Adrian Pisarski said:

There is a disproportionate weight being carried by the young, the old, and cuts to programs which helped. It is not an even spread of contribution by any fairness measure ...

St Vincent de Paul Society Chief Executive Officer Dr John Falzon said:

The Government would like us to believe that this Budget is tough but fair, but for the people who struggle to make ends meet it can only be described as being tough but cruel. You don't help young people or older people or people with a disability or single mums into jobs by making them poor. You don't build people up by putting them down.

Combined Pensioners and Superannuants Association Manager, Research and Advocacy, Amelia Christie said:

The message to Australians tonight is: If you get sick, you'll pay. If you get old, you'll pay. If you lose your job or acquire a disability, don't expect to get support so easily. Sharing the burden is heavily falling on the shoulders of those least able to afford it.

Anglicare Australia Executive Director Kasy Chambers said:

It is a budget without hope—leaving many vulnerable Australians behind.

It is a budget without hope—a budget where the heavy lifting is done by those already burdened by deep and persistent disadvantage. The question many people are asking is: Is this the Australia we want? It is irresponsible to claim that it is strengthening the economy if the result is that an increasing number of people are left out of the benefits that come from that. It is unfair to tell people who have begun with less opportunity and who have suffered the harms that come from intergenerational disadvantage that they must take personal responsibility. This was a cruel and unreasonable budget. We are a caring and compassionate nation and we deserve better.

EUROPE DAY

The Hon. JENNIFER GARDINER [6.58 p.m.]: Recently I have participated in several functions held to mark Europe Day. The European Union was formed with the aim of ending the frequent and bloody wars between neighbours which culminated in World War II. Europe Day is marked on 9 May each year. That is because it was on that day in 1950 that France's Minister of Foreign Affairs delivered the so-called "Schuman Declaration" in the name of the French Government. The declaration was instigated and prepared by Jean Monnet, another Frenchman. Monnet, during World War I, came up with an idea of how better to coordinate war supplies with Britain. The French President made him an economic intermediary between France and its allies.

After the war, in 1919, Monnet became the inaugural Deputy Secretary General of the League of Nations. He later became an adviser in international finance to various countries. During the Second World War he chaired a Franco-British committee that was set up to coordinate the combining of the two countries' production capacities. He convinced British Prime Minister Winston Churchill and French President Charles de Gaulle to form a complete political union between the two countries to fight Nazism, although that plan was not implemented in the end.

Later, Monnet was at the service of the British Government in the United States. There he oversaw the purchase of war supplies and came to the attention of President Roosevelt. Monnet became a trusted adviser to President Roosevelt. Monnet urged the United States to expand its production capacity for military equipment in the United States even before the United States entered the war. In 1943 Monnet became a member of the French Committee of National Liberation, which was the de facto French government in exile in Algiers. At that time his vision for a union of European nations was taking shape. In 1943 Monnet said:

There will be no peace in Europe, if the states are reconstituted on the basis of national sovereignty. The countries of Europe are too small to guarantee their peoples the necessary prosperity and social development. The European states must constitute themselves into a federation ...

In 1944 he was in charge of a national modernisation and development plan aimed at reviving the economy of France and rebuilding the country after the war. Monnet's plan was accepted, but he believed that moves towards European reconstruction and integration were too slow. He and his team began to work on the concept of a European community. The Schuman Declaration prepared by Monnet proposed to place all German and French production of coal and steel under one high authority. He believed that if the production of coal and steel was shared by the two most powerful countries on the continent it would prevent any future war. The governments of Germany, Italy, the Netherlands, Belgium and Luxembourg were supportive and so the declaration became the basis for the European Coal and Steel Community, which evolved into the European Economic Community and the European Union.

In 1954 there was an abortive attempt to create a European Defence Community. Monnet then founded the Action Committee for the United States of Europe, which aimed to revive the spirit of European integration and became one of the driving forces behind many of the developments in European integration such as the common market, the European Monetary System, the European Council summits and election to the European Parliament by universal suffrage. Last week the ambassador for the European Union Delegation to Australia, His Excellency Ambassador Sem Febrizi, visited this Parliament to mark Europe Day. He pointed out that 9 May 2014 is unique; not only does it mark Europe Day but it also marks 100 years since the outbreak of World War I and 75 years since the start of World War II. It also marks happier anniversaries such as 25 years since the fall of the Berlin Wall, which 10 years ago led to the enlargement of the European Union. The ambassador recalled that Robert Schuman had described the Coal and Steel Community as "the first concrete foundation of a European federation". He also said, though:

Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity. The coming together of the nations of Europe requires the elimination of the age-old oppositions.

Today the European Union is comprised of 28 member States, has a population of more than 500 million and is the world's largest economy. The euro crisis threatened the Eurozone, but no country left the zone. Whilst recovery from the euro crisis has been slow it is gaining ground, with growth expected to reach 2 per cent next year. The Hon. Paul Green, the member for Wallsend and I attended another function to mark Europe Day, a forum hosted by Greek Consul-General, Dr Stavros Kyrimis. At the forum we discussed the state of the European Union and its relationship with Australia with members of the diplomatic corps, academics and members of the business community. There are tensions within and surrounding the European Union and many of them have a direct relevance to Australians today. It is in the interests of Australians to ensure that our links with the European Union are constantly strengthened and so I was happy to be associated with Europe Day events in New South Wales.

HUNTER CHILD SEXUAL ABUSE SPECIAL COMMISSION OF INQUIRY

Mr DAVID SHOEBRIDGE [7.03 p.m.]: The task of any royal commission or special commission of inquiry is to uncover the truth. This should be the sole goal of the Special Commission of Inquiry Concerning the Investigation of Certain Child Sexual Abuse Allegations in the Hunter Region. However, many observers consider that the inquiry has strayed from this path and has instead become a one-sided prosecution of Detective Chief Inspector Peter Fox. When Peter Fox blew the whistle on child abuse in the Hunter region and alleged that the Catholic Church and the NSW Police Force had failed for decades to adequately protect victims or prosecute perpetrators it was inevitable his claims would be subject to rigorous examination. Fox's allegations seriously challenged two of the most powerful institutions in our society: the NSW Police Force and the Catholic Church. Anyone watching the debate on child abuse that was unfolding in this country in late 2012 could see both these institutions were bristling under the criticism that they had failed in their duties to protect and serve.

In stepped the then Premier, Barry O'Farrell, who rushed to establish the Hunter inquiry with very narrow terms of reference and Senior Crown Prosecutor Margaret Cunneen as commissioner. The Hunter inquiry is strictly limited to inquiring into the alleged failings of the church and police in regard to the criminal child abuse by just two priests, Denis McAlinden and James Fletcher. As the inquiry has unfolded it has become increasingly clear that it is not really the Catholic Church or the NSW Police Force that is being put under the microscope; it is Peter Fox. While the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse has been uncovering appalling and systematic child abuse by one institution after another, the Hunter inquiry has been focused on demolishing one man.

As a barrister I have been in trials lasting days, weeks and even months. I have represented clients during months of hearings in a royal commission and seen countless witnesses facing hours of cross-examination. In the most extreme—and rare—cases this cross-examination can last up to two or three days as issue after issue is explored in depth. Cross-examination is intended to rigorously test evidence that a witness has given. It is an unbalanced process where the barrister has all the power and the witness can be run in circles with little if any ability to fight back. At the end of two or three days of cross-examination all but the most extraordinarily robust witness is reduced to a wreck. By this stage a witness is exhausted, mentally and physically, and in danger of giving whatever answer they can to just end the barrage.

Peter Fox has spent 14 days in the witness box during the Hunter inquiry. Almost the entirety of this time has been under cross-examination from a pack of barristers representing the inquiry, the church and police. Little if any constraint has been ordered by the commissioner. The end result has been hours and hours of relentless questioning on often obscure details stretching back over decades of Fox's eventful, stressful and extensive policing career. Nobody's credibility can survive this kind of assault. Nobody's mental or physical health can withstand it either.

The final insult from this abusive inquiry came on 11 December 2013 when Fox was called to give his fourteenth day of evidence. The previous evening he had spent a sleepless night deeply distressed by news that his brother had been involved in a serious accident and had suffered potentially life-threatening injuries. Despite the impact of the continued questioning, his personal distress and lack of sleep, Fox again faced up to the inquiry. Starting at 1.30 p.m. in a courtroom in Sydney the inquiry was informed of Fox's personal situation and distress. He was advised that the commissioner understood. A senior solicitor with the inquiry told Fox that the questioning would only take a short time. When Fox asked, "What, half an hour?", he was advised, "If that." He was then cross-examined for five hours by five different barristers with sporadic additional questioning by Commissioner Cunneen. No apology was given. No break was granted save for allowing Fox five minutes out of the witness box to confer with his barrister in the middle of this final attack.

Fox is a tough old copper but he and his wife, Penny, who was present during her husband's ordeal, were both seriously shaken by this. That night, having driven halfway home to their place in the Hunter, they pulled over on the F3 freeway and together they cried. Who wouldn't? A senior counsel with long experience in commissions of inquiry informed me that it was his view that such treatment of a witness was "outrageous". He said it was evidence that the inquiry was failing in its prime duty to uncover the truth and not to attack witnesses.

A recent leak of the inquiry's draft findings to News Limited suggests that it will be deeply critical of Fox. Nobody watching it would ever have thought differently. But this narrow, one-eyed inquiry will soon come and go. The politician who set it up already has. For Fox and the countless thousands of survivors of child abuse who credit him for his courage the real inquiry is the Commonwealth royal commission into institutional child abuse. In stark contrast to the Hunter inquiry, the Commonwealth royal commission's balanced, insightful, brave and respectful approach is widely applauded. Its unambiguous aim is to uncover the truth and to hold those guilty of past abuses to account. Everyone who has not been lost in the Hunter inquiry knows we have Fox to thank for that.

LAW AND JUSTICE FOUNDATION OF NEW SOUTH WALES

The Hon. SHAOQUETT MOSELMANE [7.08 p.m.]: It has been my pleasure over the past three years to be a member of the Board of Governors of the Law and Justice Foundation of New South Wales. First established as the Law Foundation in 1967, the foundation has an impressive history of achievement in contributing to the development of a fair and equitable justice system in New South Wales. Looking back, the foundation's hand can be seen behind the establishment of many of the things that we accept as essential elements of the justice system today. The College of Law, the range of plain language legal information available to the community, the Public Interest Advocacy Centre, the Legal Information Access Centre, legal studies in schools and, of course, AustLii are but a few of the contributions of which the foundation can be proud.

Importantly, it has been the independence of the foundation while bounded by its statutory mandate and its access to at least adequate funds that has enabled it to ensure initiatives such as those could get a start. Many may not exist today but for the role of the foundation, its board of governors and staff. I take this opportunity to thank Geoff Mulherin, Director, for assisting with this speech. The innovative and mature work of the foundation continues to this day. Re-established in late 2000 by the Law and Justice Foundation Act, the foundation has been vigorous in pursuing its statutory mandate to:

... contribute to the development of a fair and equitable justice system that addresses the legal needs of the community, and to improve access to justice, particularly for socially and economically disadvantaged people.

In fulfilling those statutory objects, the foundation works through a number of programs. For example, its grants program takes innovative but realistic ideas generated by service providers and coalface organisations and, after rigorous assessment, assists those initiatives to come to fruition. Barriers to justice are overcome and lessons are learned about what works to address the legal needs of the community.

When introducing the Law and Justice Foundation Act 2000, the New South Wales Attorney General stated in his second reading speech that the foundation would "... meet the need of an independent body, having multidisciplinary expertise, not just in law but in a range of social sciences as well, which can undertake research at arm's length from the Government and commercial interests...", and that he was confident that the foundation "... will fill a gap in the provision of applied research into the practical operation of the justice system and its impact on the community". For the last decade in particular, the foundation has been at the forefront of evidence-based research that informs government and service providers about the legal needs of the community. In its 2004 report into legal aid and access to justice, the Senate Legal and Constitutional References Committee recommended that the work of the foundation be expanded to the national level.

Since then the foundation's research increasingly has been influential at State, national and even international levels. Thus through the foundation, New South Wales is having an important impact on the rest of Australia. The recent New South Wales Review of Legal Assistance Services, the Commonwealth Attorney-General's 2009 Strategic Framework for Access to Justice, and the current Productivity Commission inquiry into Access to Justice Arrangements all rely heavily on the foundation's work. This innovative and important work of the foundation needs to continue, particularly as its research focus moves more squarely into

the realm of identifying those strategies and interventions that are most effective in addressing legal need and improving access to justice. Unfortunately, the capacity of the foundation to pursue its rigorous yet innovative work increasingly is hampered by inadequate funding.

While funding for the foundation over the past 15 years has not necessarily been generous, it has at least allowed for a level of contribution in the key work areas identified in the Law and Justice Foundation Act. If I may say so, New South Wales governments of both political persuasions at least since 2000 have received exceptional value for money from the foundation. Yet despite the widespread recognition of the foundation's work, over the past four years in particular, funding for the foundation over that same period has almost halved to \$1.25 million a year from 1 July this year. After its modest reserves are eroded over the next two to three years, at that level of funding the foundation will not be able to continue to achieve its objects—objects that the Parliament gave it. I commend the work of the foundation to members of this House and encourage them to use its work wherever possible. Most importantly, I encourage those responsible for funding the foundation to ensure that the organisation receives adequate funding to undertake the important work that its legislation has entrusted it to do.

ILLAWARRA INFRASTRUCTURE FUND

The Hon. GREG PEARCE [7.13 p.m.]: I draw the attention of the House to the Government's successful delivery of the \$100 million Illawarra Infrastructure Fund as part of Restart NSW. This is a fantastic example of the Government working with the local community to take advantage of one of the hard decisions we had to make, which was the long-term lease of Port Botany and Port Kembla. The Government achieved a sensational result of \$5.07 billion for the long-term lease. As part of that, under the leadership of the Premier and former Treasurer, Mike Baird, the Government committed \$100 million to the local area of the Illawarra. A number of iconic programs and projects have been able to be commenced as a result of the Government's commitment to hypothecate funds for this project. Unusually the Government agreed to hypothecate funds because the long-term lease of the ports involved community concerns as well as iconic businesses and facilities.

As a result of that transaction, the Government was able to deliver a combination of economic development, jobs, housing development and projects that help the most disadvantaged people. Through the Illawarra Infrastructure Fund, the Government has been able to partner with local councils, the university, businesses and community groups. I will give the House a snapshot of the projects to which the Government has been able to commit. There is the integrated and co-located age and healthcare services at the Kiama hospital site, which involves 194 construction jobs consisting of 69 ongoing jobs producing 134 new residential aged care beds and community care facilities as well as outpatient facilities. At the Warrigal Care not-for-profit benevolent and community care organisation, there will be construction of its 128-bed aged care facility at Shell Cove. An early intervention family support centre for children with a disability will be constructed and run in conjunction with the university and Noah's Shoalhaven.

The South Nowra employment precinct will be created with an upgrade of Flinders Road and Princes Highway intersection, which potentially will allow the South Nowra industrial precinct to grow from 5,500 jobs currently to up to 20,000 jobs. The funding will provide assisted accommodation for disabled people at Mittagong and the Bowral town centre distributor road. There will also be a Centre of Excellence for Aged Care at the Bulli Hospital, which is incredibly important. There will be 60 beds there as well as transitional beds and the project will receive funding of \$14.4 million out of the \$100 million the Government will provide to the area. The previous Government threatened to close the Bulli Hospital. One of my favourite projects is iAccelerate at the University of Wollongong, which is a series of programs aimed at developing new technology-based business capability, which will be the subject of another speech on another day.

The Illawarra community will benefit from the care and community centre for aged people with an intellectual disability at Kanahooka. The West Dapto access road link is a very important part of what the Government has been doing to restore delivery of new housing. In West Dapto, production of up to 17,000 new dwellings will be accelerated. I understand that New South Wales is back up to constructing 55,000 new dwellings a year after the previous Government drove that rate of construction down to the lowest levels in 50 years. In relation to heritage and tourism projects, the Bald Hills improvement project will result in renewal and improvement of the reserve at Stanwell Tops. Stage one of the Grand Pacific Walk is a tourism project with fantastic potential that will eventually feature a coastline walk and cycleway from Royal National Park in the north to Lake Illawarra in the south—a distance of 60 kilometres—and the New South Wales Government will contribute \$5 million of the potential cost of \$5.7 million.

The projects I have described are examples of this Liberal-Nationals Government delivering for and with the community, delivering economic reform and delivering for the most disadvantaged people in our community. The Government is ensuring that it recycles the assets of the State that can be recycled. The result of the lease of the ports was the receipt of \$5.07 billion. It was a tough transaction, but this Government is delivering for New South Wales.

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

Motion agreed to.

The House adjourned at 7.18 p.m. until Thursday 15 May at 9.30 a.m.
